

## BUSINESS PAPER



Penrith City Council opened the Gipps Street Recreation Precinct on Saturday 31 August which was attended by over 7,500 people. Pictured at the official opening is (L to R) Councillors Ross Fowler OAM, Robin Cook, Todd Carney, Deputy Premier Prue Car, Councillor John Thain, then Councillor Mark Rusev and General Manager Andrew Moore.

## Ordinary Meeting 9 October 2024

3 October 2024

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 remotely using audio visual links, audio streamed and in the Council Chambers, Civic Centre, 601 High Street, Penrith on Wednesday 9 October 2024 at 7:00PM.

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

Yours faithfully

**Andrew Moore**  
General Manager

### ***BUSINESS***

**1. LEAVE OF ABSENCE**

**2. APOLOGIES**

**3. CONFIRMATION OF MINUTES**

*Ordinary Meeting - 26 August 2024.*

**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. URGENT BUSINESS**

**12. COMMITTEE OF THE WHOLE**

**ORDINARY MEETING**  
**WEDNESDAY 9 OCTOBER 2024**  
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## **ADVANCE AUSTRALIA FAIR**

**Australians all let us rejoice,  
For we are one 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.**



## **WEBCASTING NOTICE**

Please note that tonight's meeting other than the confidential sessions are being recorded and will be placed on Council's website. All in attendance should refrain from making defamatory statements. Council takes all care when maintaining privacy, however members of the public gallery and those addressing Council should be aware that you may be recorded.



## **Acknowledgement of Country**

We acknowledge and pay respect to the Darug and Gundungarra people who are the traditional owners in which Penrith Local Government Area is situated.

We also pay our respect to elders past, present and emerging, and to the First Nations people living in our community today.



# 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.”







## **Oath of Office**

*I swear that I will undertake the duties of the office of Councillor in the best interests of the people of Penrith and the Penrith City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.*

## **Affirmation of Office**

*I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Penrith and the Penrith City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.*

# 2024 MEETING CALENDAR

January 2024 - December 2024

(proposed to be adopted by Council – 20 November 2023)

	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>7:00pm</b>	29	12 26@	25	29 -	27 #	24*	22	26@		9^ 28✓	11	9
<b>Policy Review Committee</b>	<b>7:00pm</b>		12										2

- Meeting at which the draft corporate planning documents (Delivery Program and Operational Plan) are endorsed for exhibition
  - \* Meeting at which the draft corporate planning documents (Delivery Program and Operational Plan) are adopted
  - # Meetings at which the Operational Plan quarterly reviews (March and September) are presented
  - @ Meetings at which the Delivery Program progress reports (including the Operational Plan quarterly reviews for December and June) are presented
  - ^ Election of Mayor and/or Deputy Mayor
  - ✓ Meeting at which the 2023-24 Annual Statements are presented
  - ∞ Meeting at which any comments on the 2023-24 Annual Statements are adopted
  - + Meeting at which the Annual Report is presented
  - > Briefing to consider Budget, draft fees & charges and corporate document
- 
- Extraordinary Meetings are held as required.
  - Members of the public are invited to observe meetings of the Council (Ordinary and Policy Review Committee, Councillor Briefings are confidential sessions). Should you wish to address Council, please contact the Head of Governance, Adam Beggs on 4732 7597.

**UNCONFIRMED MINUTES OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL  
HELD REMOTELY USING AUDIO VISUAL LINKS, AUDIO STREAMED ON THE  
COUNCIL WEBSITE AND IN THE COUNCIL CHAMBERS  
ON MONDAY 26 AUGUST 2024 AT 7:00PM**

**NATIONAL ANTHEM**

The meeting opened with the National Anthem.

**WEBCASTING STATEMENT**

His Worship the Mayor, Councillor Todd Carney read a statement advising that Council Meetings are recorded and webcast.

**ACKNOWLEDGEMENT OF COUNTRY**

His Worship the Mayor, Councillor Todd Carney read an Acknowledgement of Country.

**PRAYER**

The Council Prayer was read by Rev Christine Bayliss-Kelly.

**PRESENT – IN PERSON**

His Worship the Mayor, Councillor Todd Carney, Deputy Mayor, Councillor Mark Davies and Councillors Bernard Bratusa, Robin Cook, Kevin Crameri OAM, Sue Day, Ross Fowler OAM, Glenn Gardiner, Tricia Hitchen, Mark Rusev, Marlene Shipley and John Thain.

**LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor Karen McKeown OAM for the period 12 August 2024 to 9 September 2024 inclusive.

**APOLOGIES**

213 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies that the apology received from Councillor Jonathan Pullen be accepted.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 12 August 2024**

214 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marlene Shipley that the minutes of the Ordinary Meeting of 12 August 2024 be confirmed.

**DECLARATIONS OF INTEREST**

There were no declarations of interest.

**SUSPENSION OF STANDING ORDERS**

215 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Mark Rusev that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:05pm.

**Mr Harry Thompson and Miss Chevonne Tapa**

*Item 1 - Penrith Mayoral Challenge - Monfarville Reserve*

Mr Harry Thompson and Miss Chevonne Tapa, students from St Marys South Public School spoke in support to the recommendation. Harry and Chevonne sought endorsement of the playspace design as a result of their participation in the Penrith Mayoral Challenge, involving the designing of the playspace located at Monfarville Reserve, St Marys. Harry and Chevonne discussed their participation in the project, consisting of workshops, democratic strategies, community consultation and the overall design process. Chevonne stated that they have received positive feedback in relation to their design concept, following extensive consultation with Council and the community. Chevonne then advocated for Council to consider endorsement of their design concept and also consider increasing the allocated budget to incorporate additional design features such as an accessible pathway and yarning circle.

**RESUMPTION OF STANDING ORDERS**

216 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor Mark Rusev that Standing Orders be resumed, the time being 7:11pm.

**DELIVERY PROGRAM REPORTS**

**OUTCOME 2 - WE ARE WELCOMING, HEALTHY, HAPPY AND CONNECTED**

**1 Penrith Mayoral Challenge - Monfarville Reserve**

217 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Marlene Shipley

That:

1. The information contained in the report on Penrith Mayoral Challenge – Monfarville Reserve be received.
2. Council allocate \$15,000 from each Ward's voted works to fund the entryway, accessible pathway and yarning circle.

**MAYORAL MINUTES**

**1 Passing of Barney Allam**

Councillors Mark Davies, John Thain and Ross Fowler OAM spoke in support of the Mayoral Minute.

218 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on Passing of Barney Allam be received.

**2 Recognising Penrith's Paralympians**

Councillors Mark Davies and John Thain spoke in support of the Mayoral Minute.

219 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on Recognising Penrith's Paralympians be received.

### **3 End of Term – Acknowledgment of Councillor Service**

Councillors Mark Davies, John Thain, Kevin Crameri OAM, Bernard Bratusa, Mark Rusev, Ross Fowler OAM and Robin Cook spoke in support of the Mayoral Minute.

220 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on End of Term – Acknowledgment of Councillor Service be received.

## **REPORTS OF COMMITTEES**

### **1 Report and Recommendations of the Penrith Community Safety Partnership Meeting held on 27 June 2024**

221 RESOLVED on the MOTION of Councillor Mark Rusev seconded Councillor Glenn Gardiner that the recommendations contained in the Report and Recommendations of the Penrith Community Safety Partnership meeting held on 27 June, 2024 be adopted.

### **2 Report and Recommendations of the Access Committee Meeting held on 24 July 2024**

222 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Robin Cook that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 24 July, 2024 be adopted.

## **DELIVERY PROGRAM REPORTS**

### **OUTCOME 3 - WE PLAN AND SHAPE OUR GROWING CITY**

#### **2 VPA for the delivery of road widening and upgrade works for Aldington Road, Kemps Creek**

223 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marlene Shipley

That:

1. The information contained in the report on VPA for the delivery of road widening and upgrade works for Aldington Road, Kemps Creek be received.
2. The offer provided by LOG-NE to enter into a Voluntary Planning Agreement (VPA) with Council, as listed in Attachment 1, be accepted in principle.
  - a. The in principle acceptance is on the basis that:
    - i. at least two of the developers have sought development consent for the Works.
    - ii. evidence of owners consent for the Works will be provided to Council before the VPA is executed. That delegation be provided to the General Manager to negotiate and finalise terms of a Voluntary Planning Agreement with LOG-NE, consistent with the offer being made.

3. Council request the DPHI impose a condition of consent, on the development applications which the VPA is made in connection with, that require the entering into of a planning agreement in the terms consistent with the Offer.
4. That delegation be provided to the General Manager to negotiate and finalise terms of a Voluntary Planning Agreement with LOG-NE, consistent with the offer being made.
5. Council endorse for notification the draft Voluntary Planning Agreement with LOG-NE, as prepared under the delegation of the General Manager.
6. A further report be prepared for Council following public notification of the draft VPA, if submissions that relate directly to specific matters negotiated for the VPA are received and/or amendments to the draft VPA are proposed that change the nature and terms of the draft VPA.
7. Council endorses the draft VPA for Aldington Road for execution, where no submissions are received or submissions received do not relate to specific matters negotiated in the draft VPA, during the public notification period or no amendments are proposed that change the nature and terms of the draft VPA.
8. That following the notice, and subject to there being no submissions opposing the VPA (as amended or not) that:
  - a. Council is provided with evidence that at least two developers have sought development consent for the Works with owners consent for those Works.
  - b. Council resolves that it will not invite tenders in respect of this VPA in accordance with the provisions of s 55(3)(i) of the Local Government Act by reason of extenuating circumstances namely, the requirement of the developer by virtue of the conditions of the development consents granted in respect of SSD-10479, SSD-17552047, DA22/0530, and DA24/0268 referred to therein, to carry out road works on Council land which are provided for in the Mamre Road Precinct Development Contributions Plan.
9. If the draft VPA is to be executed, Council authorise the General Manager to finalise and sign the VPA and make any minor amendments where necessary (e.g. typographic errors, incorrect clause references, dates, and the like), subject to the above items being satisfied.
10. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

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

**For**

Councillor Todd Carney  
Councillor Tricia Hitchen  
Councillor Robin Cook  
Councillor John Thain

**Against**

Councillor Kevin Crameri OAM  
Councillor Sue Day  
Councillor Marlene Shipley  
Councillor Glenn Gardiner  
Councillor Mark Rusev  
Councillor Mark Davies  
Councillor Bernard Bratusa  
Councillor Ross Fowler OAM

**3 Re-setting of Road Levels Under Roads Act for Abbots Road and Aldington Road, Kemps Creek**

224 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Mark Rusev

That:

1. The information contained in the report on Re-setting of Road Levels Under Roads Act for Abbots Road and Aldington Road, Kemps Creek be received.
2. Council undertake a public exhibition process of the setting of road levels for a period of 28 days.
3. Council advise all adjoining property owners along Abbots Road and Aldington Road of the proposal and of the associated exhibition period.
4. Subject to no objections regarding the centreline levels as they relate to the road's vertical alignment, Council place a notice in the Government Gazette in accordance with the Roads Act which will fix revised levels for Abbots Road and Aldington Road, Kemps Creek.

**OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT**

**4 PCC2024-137 Kingsway Field Resurfacing**

225 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on PCC2024-137 Kingsway Field Resurfacing be received.
2. The tender from Romba Civil & Landscape, for \$260,114.50 (excluding GST) be accepted for Kingsway Field Resurfacing, Werrington.
3. Variations and amendments that do not materially alter the original scope of the contract be managed under the existing Penrith City Council financial delegations within the approved budgets.
4. The General Manager be authorised to sign all necessary legal documents in relation to this matter.

**5 Australian Government Black Spot Program 2024/25 Funding Acceptance**

226 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Mark Davies



That:

1. The information contained in the report on Australian Government Black Spot Program 2024/25 Funding Acceptance be received.
2. Council acknowledge acceptance of grant funding of \$422,500 under the 2024/25 Black Spot Program for the projects listed in Table 1.
3. Council write to the Local Federal and State Members thanking them for their ongoing support and continued funding of road safety initiatives.

## **6 Status report - Gipps Street Recreation Precinct**

227 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Status report - Gipps Street Recreation Precinct be received.
2. Council allocates \$735,000 to the Gipps Street Recreation Precinct project budget in accordance with the information contained in the body of the report.

## **OUTCOME 5 - WE HAVE OPEN AND COLLABORATIVE LEADERSHIP**

## **7 Organisational Performance and Financial Review - June 2024**

228 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Organisational Performance and Financial Review - June 2024 be received.
2. The Organisational and Financial Review as at 30 June 2024, including the revised estimates outlined in this report and detailed in the *Organisational Report – June 2024*, be adopted.
3. Council revoke the works as detailed in the Recommended Revoted Works Lists, detailed in the *Organisational Report – June 2024* for inclusion in the 2024-25 Operational Plan.
4. The fourth quarter surplus of \$2,588,190 be transferred to the Financial Management Reserve as detailed in the *Organisational Report – June 2024*.

## **8 Summary of Investments & Banking for the period 1 July 2024 - 31 July 2024**

229 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 July 2024 - 31 July 2024 be received.
2. The Council's Cash Book and Bank Statements have been reconciled as

at 31 July 2024.

**URGENT BUSINESS**

**UB 1 Annual Indian Cultural Dance Program**

Councillor Marlene Shipley requested that the amount of \$1,000 from each Ward's voted works be donated to support the Annual Indian Cultural Dance Program.

230 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor John Thain that the matter be brought forward and dealt with as a matter of urgency.

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

231 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor John Thain that the amount of \$1,000 from each Ward's voted works be donated to support the Annual Indian Cultural Dance Program.

**UB 2 Western Sydney Celebration Lunch for the Fox Family**

Councillor Todd Carney requested that the amount of \$8,000 in total from all voted works (shared equally) be donated to support the Western Sydney Celebration Lunch for the Fox Family.

232 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor John Thain that the matter be brought forward and dealt with as a matter of urgency.

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

233 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor John Thain that the amount of \$8,000 in total from all voted works (shared equally) be donated to support the Western Sydney Celebration Lunch for the Fox Family.

**UB 3 Parker Street Fields**

Councillor Ross Fowler OAM requested an urgent memorandum to all Councillors concerning a number of matters in relation to Parker Street Fields including the deferral of any potential legal matters that may eventuate subject to a further review and resolution.

234 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that the matter be brought forward and dealt with as a matter of urgency.

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

235 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that an urgent memorandum be provided to all Councillors concerning a number of matters in relation to Parker Street Fields including the deferral of any potential legal matters that may eventuate subject to a further review and resolution

There being no further business the Chairperson declared the meeting closed the time being 8:11pm.



# **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 6.45pm.

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.

Adam Beggs  
**Public Officer**  
02 4732 7597

## DELIVERY PROGRAM REPORTS

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## OUTCOME 5 - WE HAVE OPEN AND COLLABORATIVE LEADERSHIP

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**1 Election of Mayor**

**Compiled by:** **Avanthi Fernando, Governance Officer**  
**Stuart Benzie, Governance Coordinator**  
**Cathy Krimmer, Governance Advisor**

**Authorised by:** **Adam Beggs, Head of Governance**

<b>Outcome</b>	<i>We have open and collaborative leadership</i>
<b>Strategy</b>	<i>Corporate Enablers</i>
<b>Principal Activity</b>	<i>Manage Council’s meeting calendar, meeting process and business papers to ensure open and fair decision making</i>

**Executive Summary**

This report details the process for the election of a mayor and the voting methods that a council can resolve on for the process. The report recommends that Council determine the method for the election of mayor, if more than one nomination is received, to be open voting. Open voting allows for any councillors who are not in-person at the meeting to participate in voting.

**Background**

Under Section 291A of the Local Government Act, 1993 (the Act), the civic office of a mayor elected by councillors expires on the day of the ordinary election. Section 290 of the Act requires councils to elect a mayor within three weeks of an ordinary election result being declared. As such, the mayoral election must be held at this meeting.

**Returning Officer**

The Local Government (General) Regulation 2021 (the Regulation) – Schedule 7 provides that the General Manager or a person appointed by the General Manager is the returning officer for the election of a mayor by the Councillors.

**Nominations for Mayor**

Nominations must be in writing by two or more councillors, one of whom can be the nominee. Nominees must give written consent to the nomination. The nomination is to be delivered to the Returning Officer (General Manager) and can be received until the time of the election being conducted.

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

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

**Term of Office of Mayor**

Section 230 of the Act provides that the term of office for a mayor elected by councillors is two years. Mid-term mayoral elections will therefore be held in September 2026. The Mayor elected at the mid-term mayoral elections will then hold their office until the next ordinary elections in September 2028.

**Ballot**

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

In the Regulation the term 'open voting' means voting by a show of hands or similar means, and 'ballot' means a secret ballot. The ordinary and preferential ballots are therefore to be secret ballots.

Should all councillors be in attendance or be an apology, ballot or open voting allows for all Councillors to participate. If a Councillor is unable to attend in person, it is recommended that the election is conducted by open voting.

**Ordinary Ballot or Open Voting**

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

**Count in the case of two candidates**

1. If there are only two candidates, the candidate with the higher number of votes is elected.
2. If there are only two candidates and they are tied, the one elected is to be chosen by lot (more information is provided on this process later in the report).

**Count in the case of there being three or more candidates**

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

**Preferential Ballot**

1. The ballot papers are to contain the names of all the candidates. Councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
2. The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 of the Regulation.

3. If a candidate has an absolute majority of first preference votes, that candidate is elected.
4. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to that candidate are transferred to the candidates with second preferences on those ballot-papers.
5. A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of that candidate's unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. At that stage the Councillor is elected as Mayor.
6. An "absolute majority", in relation to votes, means a number which is more than one-half of the number of unexhausted formal ballot-papers.

**Tied Candidates**

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

**Choosing by Lot**

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

**Result**

The result of the election, including the name of the candidate elected as mayor is:

1. to be declared to the Councillors at the Council meeting at which the election is held by the Returning Officer, and
2. to be delivered or sent to the Departmental Chief Executive and to the Chief Executive of Local Government New South Wales.

**Financial Implications**

There are no financial implications for Council associated with this report.

**Risk Implications**

There are no risk implications for Council associated with this report.

**RECOMMENDATION**

That:

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

**ATTACHMENTS/APPENDICES**

There are no attachments for this report.

## 2 Election of Deputy Mayor

**Compiled by:** Avanthi Fernando, Governance Officer  
Cathy Krimmer, Executive Officer

**Authorised by:** Adam Beggs, Head of Governance

<b>Outcome</b>	<i>We have open and collaborative leadership</i>
<b>Strategy</b>	<i>Corporate Enablers</i>
<b>Principal Activity</b>	<i>Manage Council’s meeting calendar, meeting process and business papers to ensure open and fair decision making</i>

### Executive Summary

This report explains the procedure for the election of a deputy mayor by councillors. The report recommends that Council consider the election of a deputy mayor and determine the method for the election and term of office of the deputy mayor.

### Background

Section 231 of the Local Government Act 1993 (the Act) makes the following provision for the election of a deputy mayor:

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

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

This report assumes the continuation of Council’s tradition and practice of electing a deputy mayor.

### Current Situation

The civic office of a mayor elected by councillors expires on the day of the ordinary election and Section 290 of the Local Government Act requires Councils elect a mayor within three weeks of an ordinary election result being declared. As such, the mayoral election must be held at this meeting and it is suggested that the election of the deputy mayor occurs on the same day.

### Nominations for Deputy Mayor

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

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

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

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

### **Term of Office of Deputy Mayor**

Council must resolve the term of deputy mayor. The term can be for the same period as the mayoral term (up until September 2026) or a lesser period.

### **Method of Voting**

The methods of voting available for the election of a deputy mayor are the same as for the election of a mayor and are described in the Election of Mayor report. Council could resolve to use a different method of voting for a deputy mayor, however it has been Council's practice to use the same method of voting for the election of both a mayor and deputy mayor.

### ***Financial Implications***

There are no financial implications for Council associated with this report.

### **Risk Implications**

There are no risk implications for Council associated with this report.

### **RECOMMENDATION**

That:

1. The information contained in the report on Election of Deputy Mayor be received.
2. Council consider the election of a deputy mayor.
3. In the event of more than one councillor being nominated, Council determine the method of election for the office of deputy mayor.
4. In accordance with Section 231 (2) of the Local Government Act 1993, the term of office of the deputy mayor be determined.

### **ATTACHMENTS/APPENDICES**

There are no attachments for this report.

### 3 Councillor Fees

Compiled by: **Avanthi Fernando, Governance Officer**

Authorised by: **Adam Beggs, Head of Governance**

<b>Outcome</b>	<i>We have open and collaborative leadership</i>
<b>Strategy</b>	<i>Corporate Enablers</i>
<b>Principal Activity</b>	<i>Manage Council’s meeting calendar, meeting process and business papers to ensure open and fair decision making</i>

#### Executive Summary

This report provides information on fees for the mayor and councillors as prescribed under the *Local Government Act 1993 (the Act)*, annual determinations set by the Local Government Remuneration Tribunal (the Tribunal), and by Council’s past practice.

#### Background

Under *section 248 of the Act*, a council must pay each councillor an annual fee. A council can either fix this annual fee as determined in accordance with the appropriate determination of the Tribunal or pay the appropriate minimum fee determined by the Tribunal. The *Act* further prescribes that the annual fee determined must be the same for each councillor.

*As prescribed under section 249 of the Act*, a council must pay the mayor an annual fee, which is paid in addition to the fee paid to the mayor as councillor. A council can either fix this fee itself in accordance with the appropriate determination of the Local Government Remuneration Tribunal, or pay the appropriate minimum fee determined by the Tribunal.

*Section 249 of the Act* grants discretion to council to pay a fee to the deputy mayor acting in the office of mayor. The amount of the fee paid to a deputy mayor must be deducted from the mayor’s annual fee.

#### Local Government Remuneration Tribunal

*The Local Government Act 1993* requires the Tribunal to make a determination and report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors and councillors.

Main functions of the Tribunal are to:

- a) determine categories for councils and mayoral offices,
- b) place each council and mayoral office into one of the categories it has determined, and
- c) determine the minimum and maximum amounts of fees to be paid to mayors and councillors in each of the categories.

#### Fees Payable from 1 July 2024

A report presented to Council on 27 May 2024 advised the Tribunal’s determinations of annual fees payable from 1 July 2024 to mayors and councillors. According to the determination, Penrith City Council is classified as Metropolitan Large Council and fees for this category were to be set within the range of:



<b>Category – Metropolitan Large</b>	<b>Councillor - Annual Fee</b> \$20,500 - \$33,810	<b>Mayor - Additional Fee</b> \$43,530 - \$98,510
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Council has previously resolved that the maximum of the range be paid to the mayor and councillors. Therefore, the fees that apply for 2024/2025 are as follows:

1. Councillor – Annual Fee	\$33,810
2. Mayor – Additional Fee	\$78,808 being 80% of the maximum Mayoral fee
3. Deputy Mayor – Additional Fee	\$19,702 being 20% of the maximum Mayoral fee

The fee for the mayor and deputy mayor is in addition to the annual councillor fee, so the total fee paid to the mayor and deputy mayor for 2024/2025 is as follows:

1. Mayor - \$112,618
2. Deputy Mayor - \$53,512

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

**Councillor Superannuation for Mayor and Councillors**

Legislation was passed by NSW Parliament in May 2021 to introduce superannuation payments for mayors and councillors. *The Local Government Amendment Act 2021* offers councils the discretion to make superannuation payments to mayors and councillors in addition to their annual fees commencing 1 July 2022.

At the Ordinary Meeting held on 30 May 2022, Council resolved that superannuation payments be made to the mayor and councillors commencing 1 July 2022 in line with the superannuation guarantee levy.

**Financial Implications**

Funding for councillor fees in accordance with *section 248 of the Act* is available within the 2024-25 Operational Budget.

**Risk Implications**

There are no risk implications associated within the actions proposed in this report.

**RECOMMENDATION**

That:

1. The information contained in the report on Councillor Fees be received.
2. Mayor, Deputy Mayor and Councillors fees be set at the maximum level as outlined in this report.

**ATTACHMENTS/APPENDICES**

There are no attachments for this report.

**4 Optional Countback Election to Fill a Casual Vacancy**

**Compiled by:** Cathy Krimmer, Governance Advisor

**Authorised by:** Adam Beggs, Head of Governance

<b>Outcome</b>	<i>We have open and collaborative leadership</i>
<b>Strategy</b>	<i>Corporate Enablers</i>
<b>Principal Activity</b>	<i>Promote ethical behaviour through awareness and advice, and manage investigations of alleged corruption, maladministration or breaches of the Code of Conduct</i>

**Executive Summary**

This report seeks Council’s consideration of the countback election option, should a casual vacancy occur in North and/or South Wards Council within 18 months of the recent election. If a casual vacancy occurs in the office of a councillor in the 18 months following an election, Councils have the option of using a countback of votes rather than a by-election. The countback option can only be used if this has been a resolution of Council in the first meeting following an election.

The countback method will not be possible for East Ward, due to that Ward having an uncontested election.

**Background**

If a casual vacancy occurs in the office of councillor, Section 291 of the Local Government Act 1993 (the Act) requires the vacancy be filled by a by-election. Council has the option, through the enactment of Section 291A of the Act, to decide to fill a casual vacancy by a countback election rather than a by-election. The decision to use the countback option must be made at the first meeting following an ordinary election and is effective for 18 months. If a casual vacancy occurs after 18 months, Council will have the option of either proceeding to fill the casual vacancy by a by-election or requesting the Minister to order that the vacancy not be filled.

A countback election is used to elect a councillor to fill a casual vacancy, where the vacating councillor was elected under the proportional representation method, that is, where two or more candidates were elected at a local government (ordinary) election. If there are multiple vacancies, a separate countback election is held for each vacancy.

A countback election has no impact on sitting councillors. Potential candidates are those unelected from the last ordinary election.

At the 10 January 2022 Ordinary Meeting Council resolved to use the countback provisions in the event of a casual vacancy occurring within 18 months of the previous ordinary election.

**Procedure for countback elections**

The returning officer contacts all unelected candidates who may still be eligible to be elected. Interested candidates must submit a formal application. Any candidates that do not apply to participate in the countback election (non-participating) cannot be elected.

If there are no eligible candidates, a by-election must be held. If there is only one eligible candidate, that candidate is elected. If there are multiple eligible candidates, a countback election is conducted.

Schedule 9A of the Local Government (General) Regulation 2021 (the Regulation) sets out the procedures for conducting a countback election. Broadly, this includes determining the eligible candidates, disregarding the preferential voting for the vacating councillor and any non-participating candidates, and recounting the ballot papers from the election.

If on the recount under subsection (1) a non-participating candidate is elected, that election has no effect and the returning officer is to terminate that recount and repeat the procedure of recounting the votes on the ballot-papers until an eligible candidate is elected.

The result of the election is ascertained in accordance with Schedule 5 – Counting of votes under the proportional system. If the countback election does not result in successfully filling a casual vacancy, a by-election must be held to fill the casual vacancy.

### **Current Situation**

Council could resolve to use the countback option for North and South Wards to fill a casual vacancy in the office of councillor, if a vacancy or vacancies occurred within 18 months of the 14 September 2024 ordinary election of councillors, that is, up to 14 March 2026. The option to use a countback is not available in the East Ward as that Ward was not contested. Accordingly there is no resolution required and in the event a casual vacancy occurs in the East Ward, either a by-election would be required or if a vacancy occurred within 18 months of the next election, Council could consider writing to the Minister to seek an exemption on the requirement to hold a by-election.

Countback elections are beneficial for the community by being cost effective (estimated figures below) and time-efficient as the result can be determined quickly, as compared with a by-election. Countbacks are also less disruptive to the community and noting a federal election is expected in the next 12 months, reduce the potential for voter fatigue. Countbacks reflect the intent from the original election by maintaining the use of previous votes.

Holding a by-election, however, while more time consuming and costly, allows the community a fresh opportunity to engage and reflect current community sentiment, including an opportunity to consider new candidates. It also allows new or previous candidates to campaign for votes.

The decision of how to proceed in the event of a casual vacancy is ultimately for Council.

### **Financial Implications**

Should a vacancy occur within 18 months of the election and Council has not resolved to use a countback election, a by-election will likely be required.

Council election costs are funded from General Revenue with an annual transfer to an Election Reserve occurring based on the estimated future cost of the next election. Recent advice from the NSW Electoral Commission is that a by-election for Penrith Wards is likely to be between \$500,000 and \$750,000.

Further advice is that Council will receive a reduced invoice for the recently held election, due to savings associated with the uncontested election in the East Ward, but these savings are not likely to match the cost to hold a by-election in the event one was required.

The cost of a countback election would include a fee to be determined by the Election Manager at the time of the countback election. Council officers have sought indicative costs for a countback election from the NSW Electoral Commission, which indicated an estimated cost of \$10,000 for filling a vacancy by countback election.

### **Risk Implications**

There are no strategic risks associated with this matter.

### **Conclusion**

While there are advantages with both options available to Council, Council's practice has been to resolve to use the countback provisions, as the advantages associated with this provision in terms of both cost and time efficiency are considered on balance to outweigh the alternative option.

### **RECOMMENDATION**

That:

1. The information contained in the report on Optional Countback Election to Fill a Casual Vacancy be received.
2. Council, pursuant to section 291A(1)(b) of the Local Government Act 1993, declare that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024 for North and South Wards, are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the Electoral Commissioner for NSW of Council's decision within 7 days of this decision.

### **ATTACHMENTS/APPENDICES**

There are no attachments for this report.

**5 Hawkesbury River County Council Election**

**Compiled by:** Cathy Krimmer, Governance Advisor

**Authorised by:** Adam Beggs, Head of Governance

<b>Outcome</b>	<i>We have open and collaborative leadership</i>
<b>Strategy</b>	<i>Corporate Enablers</i>
<b>Principal Activity</b>	<i>Participate in reviews and forums and make submissions that affect the community in respect to local government governance</i>

**Executive Summary**

Council is required to appoint two voting delegates to the Hawkesbury River County Council within two months of a general election of Councillors. It is proposed that a nomination process and/or preferential ballot be held at this meeting to determine Council’s delegates.

**Background**

Hawkesbury River County Council is a separate local control authority (weeds) in which Penrith City Council is a constituent. The Hawkesbury River County Council’s goal is to administer the Biosecurity Act 2015 in the local government areas of Blacktown, Hawkesbury, Penrith and the Hills Shire. The Council is Constituted under section 387, part 5 of chapter 12 of the Local Government Act 1993.

Council’s delegates to the Hawkesbury River County Council prior to the 2024 Local Government election were Councillors Marlene Shipley and Karen McKeown OAM.

**Current Situation**

It is proposed that Council appoint two Councillors to represent Council on the Hawkesbury River County Council for the term in which the Councillors hold public office. If more than two Councillors are seeking appointment to the County Council, under the Regulation, the matter will need to be referred to the General Manager to conduct a preferential ballot.

The term of office for Hawkesbury River County Council will be until the next ordinary election of Councillors in September 2028.

If more than two Councillors are nominated, the method of election is by preferential ballot as per the instructions in Schedule 9 of the Local Government (General) Regulation 2005 (NSW).

An attendance fee of \$12,300 per annum is paid to the Chairperson and a fee of \$6,730 per annum is paid to members.

The Hawkesbury River County Council meet at least six times a year with meetings held approximately every two months at 6 Walker Street (Corner Dowling Place) South Windsor on the second Thursday of the month at 6.00pm. The next meeting is scheduled for 14 November 2024. A Hawkesbury River County Council Councillor Induction Workshop will be held on Thursday 12 December 2024.

**Financial Implications**

There are no financial implications to Council to consider in this matter.

**Risk Implications**

There are no specific risk implications associated with this report.

**Conclusion**

It is recommended Council appoint two Councillors to represent Council on the Hawkesbury River County Council.

**RECOMMENDATION**

That:

1. The information contained in the report on Hawkesbury River County Council Election be received.
2. Council appoint two Councillors to represent Council on the Hawkesbury River County Council.

**ATTACHMENTS/APPENDICES**

There are no attachments for this report.

**6 CivicRisk Mutual Limited - Council Representatives**

**Compiled by:** Avanthi Fernando, Governance Officer

**Authorised by:** Adam Beggs, Head of Governance

<b>Outcome</b>	<i>We have open and collaborative leadership</i>
<b>Strategy</b>	<i>Corporate Enablers</i>
<b>Principal Activity</b>	<i>Promote ethical behaviour through awareness and advice, and manage investigations of alleged corruption, maladministration or breaches of the Code of Conduct</i>

**Executive Summary**

CivicRisk Mutual has been set up to implement risk management solutions with its members. CivicRisk Mutual membership consists of 26 councils representing metropolitan Sydney, regional NSW, and the Illawarra.

Westpool and United Independent Pool were amalgamated into CivicRisk Mutual Ltd on 1 July 2020.

The objectives of the CivicRisk Mutual include:

1. implementing risk management solutions with their members and encouraging business growth, and
2. working with its members to deliver tailored, self-managed and excellent risk management solutions.

Delegates to the CivicRisk Mutual are appointed by Council at the first Council meeting of the newly elected Council. This is required to occur before the AGM of CivicRisk Mutual which is scheduled before the next Ordinary meeting of Council.

**Current Situation**

Councillor Ross Fowler OAM was appointed as the Council representative to CivicRisk Mutual at the Ordinary meeting on 10 January 2022. Councillor Fowler was also elected as Chairperson of CivicRisk and has remained Chairperson on CivicRisk since its inception.

CivicRisk Mutual meet once every two months from 9.00am – 2.00pm

It is recommended that Council appoint one Councillor as its Member Representative to exercise Council's privileges of membership to CivicRisk Mutual Limited for the term in which the Councillor holds public office.

If Council resolved to appoint someone other than Councillor Ross Fowler OAM, then Councillor Ross Fowler OAM ceases to be a Director on the Board of CivicRisk (source: CivicRisk Constitution). The Board will need to then appoint a new Board Member and Chairperson. That may not necessarily be a representative from Penrith Council.

**Financial Implications**

There are no financial implications for Council associated with this report.

**Risk Implications**

There are no risk implications for Council associated with this report.

**Conclusion**

It is recommended that Council appoint one Councillor as its Member Representative to exercise Council's privileges of membership to CivicRisk Mutual Limited for the term in which the Councillor holds public office.

**RECOMMENDATION**

That:

1. The information contained in the report on CivicRisk Mutual Limited - Council Representatives be received.
2. Council appoint one Councillor as its Member Representative of CivicRisk Mutual Limited and the General Manager or their nominee.

**ATTACHMENTS/APPENDICES**

There are no attachments for this report.



**7 Local Government NSW Annual Conference 2024**

**Compiled by:** Avanthi Fernando, Governance Officer  
 Stuart Benzie, Governance Coordinator

**Authorised by:** Adam Beggs, Head of Governance

<b>Outcome</b>	<i>We have open and collaborative leadership</i>
<b>Strategy</b>	<i>Corporate Enablers</i>
<b>Principal Activity</b>	<i>Participate in reviews and forums and make submissions that affect the community in respect to local government governance</i>

**Executive Summary**

This report provides information on the Local Government NSW Annual Conference to be held from 17 - 19 November 2024 and recommends that Council name its ten voting delegates to attend the conference.

**Background**

Local Government NSW (LGNSW) will hold its Annual Conference at Tamworth Regional Entertainment and Conference Centre from 17 - 19 November 2024.

The Conference is an annual policy-making event for all NSW councils and associate members where councillors and mayors come together to share ideas and debate issues that shape the way LGNSW is governed.

Council is entitled to nominate up to ten councillors as voting delegates on motions to attend the conference, as well as other councillors as observers. Council is required to advise LGNSW of the names of voting delegates by 6 November 2024.

Over the years, councils have been successful at influencing the development of state-wide local government policy, economic stability, infrastructure, particularly in the areas of planning, the environment, social and community, governance and accountability.

Councils put forward motions for consideration at the Annual Conference. Where a majority of voting delegates vote in support of the motion, it is adopted as a resolution of LGNSW and will be reviewed against Fundamental Principles and Position Statements.

The previous Council has already considered and forwarded motions (detailed below) for consideration at the Conference, Council further resolved to send 10 delegates to the conference previously, however tonight it is required to name those 10 Councillors.

**Submission of Motions**

Council’s motions and any accompanying notes for consideration at the conference were submitted in August 2024 and are provided for information below.

**Motion 1**

**Subject: Equitable provision of infrastructure to support delivery of housing target commitments.**

Motion Wording:

*That Local Government NSW call on the NSW State Government to use an ‘equitable access lens’ to inform funding and delivery of infrastructure and enable local councils to deliver on housing targets, by:*

1. *Setting evidence-based and infrastructure-supported housing targets, together with coordinated delivery of jobs and infrastructure.*
2. *Implementing a coordinated approach to infrastructure identification, prioritisation, funding and delivery of infrastructure in line with housing targets.*
3. *Ensuring equitable access to funding to alleviate infrastructure lag in outer-metropolitan growth areas, unlocking capacity in greenfield areas.*

Motion Details:

*Outer metropolitan growth areas are expected to experience population growth rates at double the national average. However, they have long encountered lack of timely provision and under-investment in vital infrastructure that is critical to community liveability and productivity outcomes.*

*The NSW Government's housing targets for the next 5 years are significant. Yet, at the same time there is also significant transport and other enabling infrastructure lags adversely impacting residents' and workers' ability to connect within and outside of their area to employment and education and other critical social infrastructure.*

*Residents in new communities should expect the same standard of living and quality of life outcomes as elsewhere. It is often accepted that growth areas will be car dependent, lacking in infrastructure such as open space and community facilities, exacerbated by disconnected transport links – at least until long after those areas establish. There is a need to provide more equitable, timely infrastructure delivery support and funding to local councils to enable a place based approach to development and new housing supply in line with the housing targets. Planning for housing needs to be inextricably linked with infrastructure funding and provision, particularly in outer growth areas.*

*Compounding the impacts of limited transport options for growth area residents is the significant financial cost that comes with living in an area not serviced by the necessary enabling infrastructure. The cost of the daily average commute by private car for growth area workers is \$36.28 (running costs, tolls and parking) per return trip, and this increases to \$58.35 when standing costs (insurance, registration etc) are included. This equates to \$8380 annually for full-time workers, which represents 17 percent of the average income for growth areas (\$49,250). While public transport is an affordable alternative, for people in outer growth areas public transport options are limited, overly complex, incompatible with routine, or non-existent compelling more people to drive to work. It is no longer fair or equitable that growth area residents have substandard or lagging infrastructure, often an afterthought after the housing is constructed.*

*There is a need for a coordinated approach to infrastructure identification, prioritisation, funding and delivery in line with development staging. We call on the NSW Government for a coordinated governance framework for both the preparation of infrastructure lists and the delivery of infrastructure in line with the housing targets. It is critical that such a framework has the buy-in of all relevant agencies and councils.*

*Looking at the funding and delivery of infrastructure through the lens of 'equitable access' will ensure state and local infrastructure can be delivered effectively to serve the most rapidly growing areas and the most vulnerable people.*

**Motion 2**

**Subject: Certainty and clarity on the determination of flood planning policies including flood evacuation solutions and flood planning levels**

Motion Wording:

That Local Government NSW call on the NSW Government to strategically plan and consult with local councils to:

1. Provide clarity regarding flood planning policies including redetermination of flood planning levels that reflect an acceptable level of risk.
2. Provide clarity on bespoke flood evacuation solutions, including increased warning times, to address the current flood and safety risks to communities living in specific catchments and facilitate responsible development.

Motion Details:

Flood planning has become increasingly complex, with a myriad of recent policies and recommendations being released. The lack of clarity around flood planning policies by the NSW Government, and the ever-changing policy framework, has made it difficult for Councils to plan for the future of cities, centres and neighbourhoods that fall within river catchments.

The Fuller /O’Kane Inquiry (2022) made recommendations into the preparation for, causes of, response to and recovery from the 2022 catastrophic flood event across the state of NSW. Recommendation 18 called on the NSW Government to adopt a risk-based approach to calculating the Flood Planning Level for planning purposes and, immediately start a process of revising all Flood Planning Level calculations in the State’s high-risk catchments. It also recommended that Flood Planning Level redeterminations for all high-risk catchments be completed within 3 years. In anticipation of the NSW Government redetermining the flood planning level (FPL) for high-risk catchment areas, planning for future growth has been made difficult by the many NSW Government policies and recommendations relating to floodplain management.

The inquiry also called on the NSW Government to develop Disaster Adaptation Plans (DAP) for high risk regions to be completed within 3 years. We support the progression of the development of two high priority Disaster Adaptation Plans by NSWRA in consultation with Councils for the Hawkesbury Nepean Valley and Northern Rivers. To ensure certainty for development and support future planning of cities and centres subject to flood impact, the DAP must include clear flood planning levels that reflect an acceptable level of risk, thereby balancing the aspirations of river communities with the realities of living in a floodplain.

It is noted that not all river flooding is the same. Rather than potentially stagnating growth and prosperity through a one size fits all approach to flood planning and unbalanced constraints, a bespoke approach is needed to support growing and prosperous communities built on the banks of rivers throughout NSW.

We call on the NSW Government to implement bespoke flood evacuation solutions that addresses the current flood and safety risks to communities living in river catchments and facilitates future growth and responsible development. Further, the redetermination of flood planning levels should be subject to a process equivalent to the NSW floodplain risk management merit-based process, which ensures economic considerations are comprehensively factored into the process. This could mean, for example, the adoption of more than one flood planning level in recognition of the vulnerability of different land uses (e.g. residential versus commercial) and building elements (e.g. habitable versus non-habitable or the use of flood compatible materials and construction methods), which could have a significant impact on the economic feasibility of development in the cities and centres.

### **Financial Implications**

Funding participation to the Local Government NSW Annual Conference 2024 has been incorporated into the 2024-25 Operational Budget.

### **Risk Implications**

There are no specific risks associated with attendance at the Local Government NSW Annual Conference.

### **Conclusion**

Council has been successful in influencing State Association policy through its involvement in past conferences. Council has an important role for its community in monitoring the impact of emerging policies and seeking to influence State and Federal Governments through advocacy. The Draft Program of the Conference is attached to this report for Councillor reference. Council's attendance and involvement at the Local Government NSW Annual Conference is one of the activities that contribute to achieving this action.

### **RECOMMENDATION**

That:

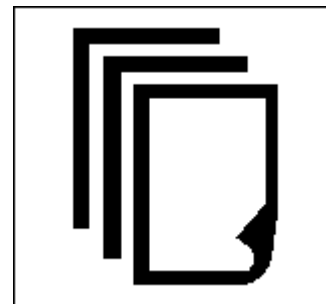
1. The information contained in the report on Local Government NSW Annual Conference 2024 be received.
2. Council name ten Councillors as its voting delegates for motions to attend the 2024 LGNSW Conference being held at Tamworth Regional Entertainment and Conference Centre from 17 - 19 November 2024.
3. Council name any observers to attend the 2024 LGNSW Annual Conference (in the event more than 10 delegates wish to attend).
4. Leave of absence be granted as appropriate for those Councillors attending the conference.
5. Council note the motions as outlined in the report that have been previously endorsed and forwarded to LGNSW.

### **ATTACHMENTS/APPENDICES**

1. LGNSW Annual Conference 2024 - Draft Program 3 Pages Attachments Included



# ATTACHMENTS



Date of Meeting: Wednesday 9 October 2024

Report Title: Local Government NSW Annual  
Conference 2024

Attachments: LGNSW Annual Conference 2024 -  
Draft Program





# Draft Program

## Sunday, 17 November 2024

Time TBC	Bus transfers from selected hotels to TRECC
<b>REGISTRATION</b>	
12.30pm	Registration operational - TRECC foyer
1.00pm	Trade Exhibition Open
<b>PLENARY &amp; BREAKOUT SESSIONS</b>	
1.30pm-2.30pm	Breakout Session: Professional Development Session for new Councillors A Day in the Life of a councillor Location: STAR Room (off TRECC Foyer)
1.30pm-2.30pm	Plenary session: PANEL WITH Q&A SESSION SPEAKERS: Brett Whitworth, OLG / Helen Murrell, ICAC / Bola Oyetunji, Auditor General
2.30pm-3.00pm	Refreshment break Location: Trade Exhibition
3.00pm-5.00pm	Plenary sessions   AR Bluett memorial Awards   President's Welcome Reception address   Ministerial Speakers
5.00pm	Bus transfers to Tamworth Town Hall (CBD Tamworth)
<b>WELCOME RECEPTION</b>	
5.30pm-7.30pm	President's Welcome Reception partnered by Landcom Location: Tamworth Town Hall
7.30pm	Bus transfers to selected hotels



## Monday, 18 November 2024

Time TBC Bus transfers from selected hotels to TRECC

### REGISTRATION

7.30am Registration operational - TRECC foyer  
Light refreshments  
Location: Trade Exhibition

### BREAKFAST

7.30am-8.45am ALGWA NSW Breakfast partnered by Maddocks  
Location: TRECC

Time TBC Bus transfers from selected hotels to TRECC

### CONFERENCE

9.00am Conference introduction, Conference Welcome | Opening address

- Opening of the Federal & State Conferences adoption of standing orders, business sessions and consideration of motions and conference business.
- LGNSW Treasurer presentation of financial reports
- Commencement of consideration of motions and conference business

Morning refreshments  
Location: Trade Exhibition, by Distinguished partner, Active Super

9.25am-5.00pm - Consideration of Conference Business continued  
- Delegate lunch in Exhibition area  
- General Managers' Lunch partners with StateCover  
- Consideration of Conference Business continued

Afternoon refreshments  
Location: Trade Exhibition

Consideration of Conference Business continued

Networking with refreshments  
Location: Trade Exhibition

5.00pm - Time TBC Bus transfers to selected hotels and return to TRECC

### CONFERENCE DINNER

6.30pm-10.30pm LGNSW Conference Dinner, elite partner Statewide Mutual.  
Presentation LG Service Awards.  
Location: TRECC

Times TBC Bus transfers to selected hotels

## Tuesday, 19 November 2024

Time TBC Bus transfers from selected hotels to TRECC

### INFORMATION DESK and REGISTRATION

7.30am LGNSW Information Desk and Exhibition  
Light refreshments in exhibition area available

### PLENARY SESSIONS

9.00am-9.05am Introduction, housekeeping – Peter Evans MC

9.05am-9.50am Keynote Address followed by Q&A  
SESSION TITLE: Local government finance: challenges and opportunities  
SESSION SPEAKER: Andy Johnston - LGUI

9.50am-10.35am Keynote Address followed by Q&A  
SESSION TITLE: Countering cyber threats - Protecting Your Council and Community  
SESSION SPEAKERS: Arjun Ramacandran and Jonathan Topham - elevenM

10.35am-11.05am Refreshment Break  
Location: Trade Exhibition

11.05am-11.50am Keynote Address followed by Q&A  
SESSION TITLE: TBC  
SESSION SPEAKER: Infrastructure Australia

11.50am-12.50pm CLOSING KEYNOTE ADDRESS

12.50pm-1.00pm Final remarks & announcement of location for Annual Conference 2025

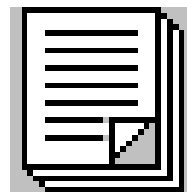
1.00pm-1.45pm Lunch  
Location: Trade Exhibition

**2.00pm Conference concludes**

2.00pm Bus transfers to selected hotels



# ATTACHMENT



Date of Meeting: 9 October 2024

Delivery Program: Outcome 5

Service: Financial Services

Report Title: 2022-2023 Voted Works

**2024-25 VOTED WORKS**  
as at 09 October 2024

Meeting Approved	Ref	Description of Allocation	Amount \$	Expenditure	Manager Responsible
<b>SOUTH WARD</b>					
<b>Amount Available for 2024-25</b>					
Funds brought forward from 2023-24*			229,600		
2024-25 Funds			53,000		
<b>Total Vote for 2024-25</b>			<u>282,600</u>		
<b>Amounts Allocated</b>					
27-Jun-22	7	Disability Inclusion Action Plan Stretch Events**	8,333	694	CACP
11-Dec-23	UB1	Nepean Potter's Society Inc**	5,000	5,000	CACP
29-Apr-24	2	Nighttime Live Performance Partnerships	5,000	-	CACP
22-Jul-24	UB1	Royces Big Walk	1,000	1,000	CACP
22-Jul-24	UB4	Memorial Plaque in Honour of John Boccanfuso	800	-	CACP
22-Jul-24	UB2	Thornton Community Centre	577	577	CACP
12-Aug-24	UB1	One Community Many Abilities Voice Over Video	1,430		CACP
12-Aug-24	13	Acceptance of Grant Funding - Natural Disaster Relief Assistance	25,000		CACP
26-Aug-24	1	Penrith Mayoral Challenge - Monfarville Reserve	15,000		D&P
26-Aug-24	UB1	Annual Indian Cultural Dance Program	1,000	1,000	CACP
26-Aug-24	UB2	Western Sydney Celebration Lunch for the Fox Family	2,667		CACP
<b>Total Vote Committed</b>			<u>65,806</u>		
<b>TOTAL VOTE UNCOMMITTED FOR SOUTH WARD</b>			<b>216,794</b>		
<b>NORTH WARD</b>					
<b>Amount Available for 2024-25</b>					
Funds brought forward from 2023-24*			318,606		
2024-25 Funds			53,000		
<b>Total Vote for 2024-25</b>			<u>371,606</u>		
<b>Amounts Allocated</b>					
27-Jun-22	7	Disability Inclusion Action Plan Stretch Events**	8,333	694	CACP
11-Dec-23	UB1	Nepean Potter's Society Inc**	5,000	5,000	CACP
29-Apr-24	2	Nighttime Live Performance Partnerships	5,000	-	CACP
22-Jul-24	UB1	Royces Big Walk	1,000	1,000	CACP
22-Jul-24	UB4	Memorial Plaque in Honour of John Boccanfuso	800	-	CACP
22-Jul-24	UB2	Thornton Community Centre	577	577	CACP
12-Aug-24	UB1	One Community Many Abilities Voice Over Video	1,430		CACP
12-Aug-24	13	Acceptance of Grant Funding - Natural Disaster Relief Assistance	25,000		CACP
26-Aug-24	1	Penrith Mayoral Challenge - Monfarville Reserve	15,000		D&P
26-Aug-24	UB1	Annual Indian Cultural Dance Program	1,000	1,000	CACP
26-Aug-24	UB2	Western Sydney Celebration Lunch for the Fox Family	2,667		CACP
<b>Total Vote Committed</b>			<u>65,806</u>		
<b>TOTAL VOTE UNCOMMITTED FOR NORTH WARD</b>			<b>305,800</b>		
<b>EAST WARD</b>					
<b>Amount Available for 2024-25</b>					
Funds brought forward from 2023-24*			227,812		
2024-25 Funds			53,000		
<b>Total Vote for 2023-24</b>			<u>280,812</u>		
<b>Amounts Allocated</b>					
27-Jun-22	7	Disability Inclusion Action Plan Stretch Events**	8,334	694	CACP
11-Dec-23	UB1	Nepean Potter's Society Inc**	5,000	5,000	CACP
29-Apr-24	2	Nighttime Live Performance Partnerships	5,000	-	CACP
22-Jul-24	UB1	Royces Big Walk	1,000	1,000	CACP
22-Jul-24	UB4	Memorial Plaque in Honour of John Boccanfuso	800	-	CACP
22-Jul-24	UB2	Thornton Community Centre	577	577	CACP
12-Aug-24	UB1	One Community Many Abilities Voice Over Video	1,430		CACP
12-Aug-24	13	Acceptance of Grant Funding - Natural Disaster Relief Assistance	25,000		CACP
26-Aug-24	1	Penrith Mayoral Challenge - Monfarville Reserve	15,000		D&P
26-Aug-24	UB1	Annual Indian Cultural Dance Program	1,000	1,000	CACP
26-Aug-24	UB2	Western Sydney Celebration Lunch for the Fox Family	2,667		CACP
<b>Total Vote Committed</b>			<u>65,807</u>		
<b>TOTAL VOTE UNCOMMITTED FOR EAST WARD</b>			<b>215,005</b>		
<b>SUMMARY</b>					
<b>Total Vote for 2024-25</b>			<b>935,018</b>		
<b>Less Total Vote Committed</b>			<b>197,420</b>		
<b>TOTAL VOTE UNCOMMITTED</b>			<b>737,598</b>		
* Funds bought forward from 2023-24 are subject to finalisation of accounts for 2023-24					
** Proposed June Quarter Revote					