BUSINESS PAPER



Penrith Mayor Todd Carney was joined by Cr Robin Cook at the launch of the new service desk at Penrith City Library.

The Service Desk and foyer have been redesigned to create a more modern, accessible and welcoming space. The new design is easier to navigate and more inclusive for all visitors.

Ordinary Meeting

25 August 2025

PENRITH CITY COUNCIL

19 August 2025

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, video streamed and in the Council Chambers, Civic Centre, 601 High Street, Penrith on Monday 25 August 2025 at 7:00 PM.

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 - 21 July 2025.

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
Passing of David Trist OAM.
Proud Penrith Local Earns International Praise.

7. NOTICES OF MOTION TO RESCIND A RESOLUTION

8. NOTICES OF MOTION AND QUESTIONS ON NOTICE
Business Connect Program Funding.
Briefing on Penrith City Council's Commitments to the Global Covenant of Mayors for Climate & Energy and the Cities Power Partnership.
Vegetation Clearing - Communications Plan.

9. ADOPTION OF REPORTS AND RECOMMENDATION OF COMMITTEES
Local Traffic Committee Meeting - 4 August 2025.
Policy Review Committee Meeting - 11 August 2025.

10. DELIVERY PROGRAM REPORTS

11. URGENT BUSINESS

12. COMMITTEE OF THE WHOLE

ORDINARY MEETING

MONDAY 25 AUGUST 2025

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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.

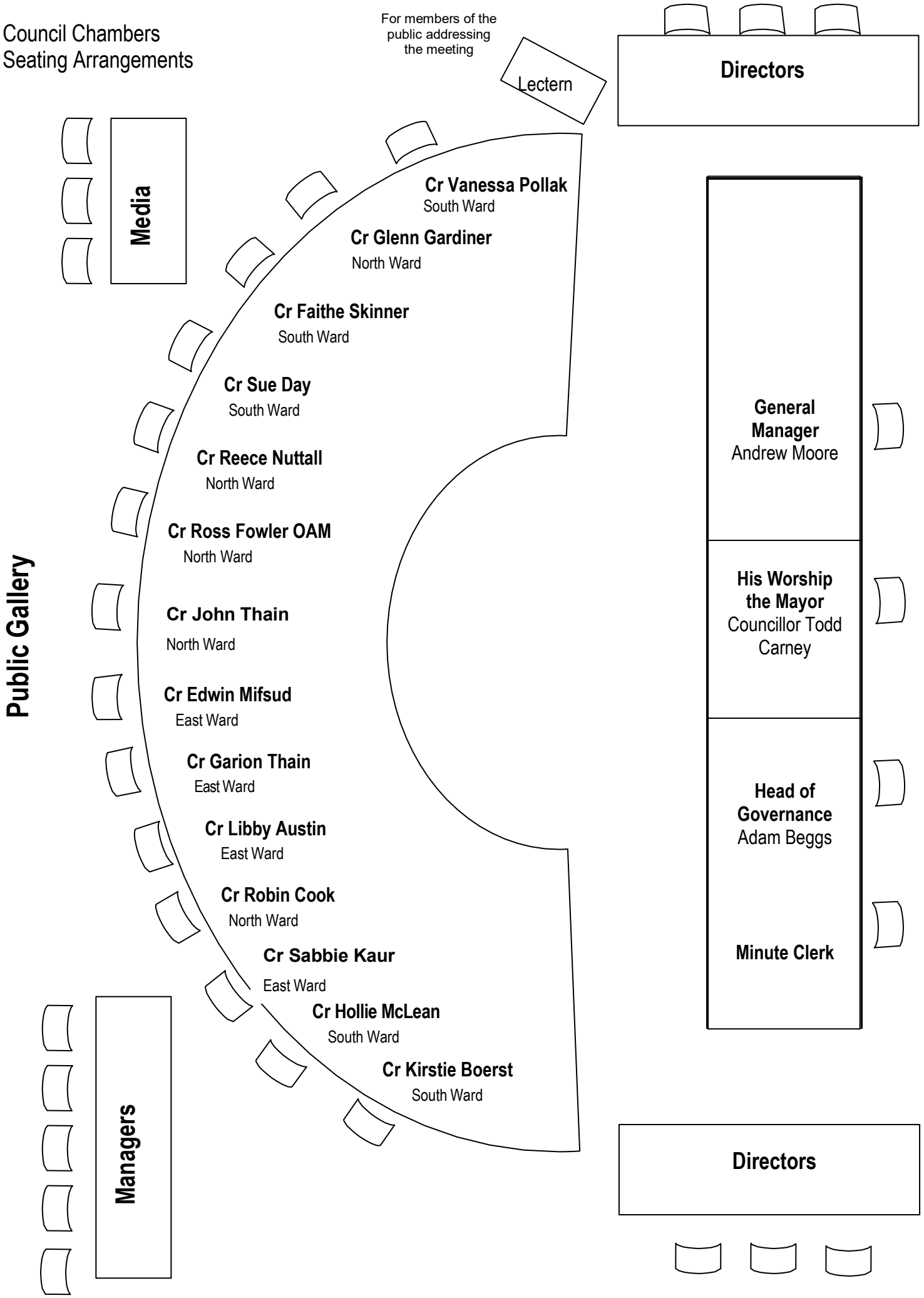
We come not in a spirit of competition, not as adversaries, but as colleagues. Help us to treat each other with respect, with dignity, with interest and with honesty. Help us not just to hear the words we say, but also to hear each others hearts. We seek to be wise in all that we say and do.

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.”



Council Chambers
Seating Arrangements



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.

Local Government Act 1993, Section 233A

PENRITH CITY COUNCIL

2025 MEETING CALENDAR

January 2025 - December 2025

(proposed to be adopted by Council – 28 April 2025)

	TIME	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
		Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon
Ordinary Council Meeting	**7:00pm**		10@	3 31	28 -	26 #	30*	21	25@	22^	27✓	17∞#+	8
Policy Review Committee	**7:00pm**		17		14		23		11		13		1

- 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 2024-25 Annual Statements are presented

∞ Meeting at which any comments on the 2024-25 Annual Statements are adopted

+ Meeting at which the Annual Report is presented

- 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, VIDEO STREAMED ON THE COUNCIL WEBSITE AND IN THE COUNCIL CHAMBERS
ON MONDAY 21 JULY 2025 AT 7:00 PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

WEBCASTING STATEMENT

Deputy Mayor, Councillor Ross Fowler OAM read a statement advising that Council Meetings are recorded and webcast.

ACKNOWLEDGEMENT OF COUNTRY

Deputy Mayor, Councillor Ross Fowler OAM read an Acknowledgement of Country.

PRAYER

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

LEAVE OF ABSENCE

172 RESOLVED on the MOTION of Councillor Faithe Skinner seconded Councillor John Thain that Councillor Sue Day be granted leave of absence for the 11 August Policy Review Committee Meeting.

PRESENT

Deputy Mayor, Councillor Ross Fowler OAM and Councillors Libby Austin, Kirstie Boerst, Robin Cook, Sue Day, Glenn Gardiner, Sabbie Kaur, Hollie McLean, Edwin Mifsud, Reece Nuttall, Vanessa Pollak, Faithe Skinner, Garion Thain and John Thain.

APOLOGIES

173 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Garion Thain that the apologies for Councillor Todd Carney be accepted.

CONFIRMATION OF MINUTES - Ordinary Meeting - 30 June 2025

174 RESOLVED on the MOTION of Councillor Hollie McLean seconded Councillor Sabbie Kaur that the minutes of the Ordinary Meeting of 30 June 2025 be confirmed.

DECLARATIONS OF INTEREST

Councillor Ross Fowler OAM declared a Non-Pecuniary Conflict of Interest – Significant in *Item 1 - PP&VA Annual Report 2023-24 and Update,* as he is on the Penrith Performing & Visual Arts Board as Council's Representative. Councillor Ross Fowler OAM stated that he would leave the meeting during consideration of this item and would not take part in voting or discussion on this item.

Councillor Robin Cook declared a Non-Pecuniary Conflict of Interest – Significant in *Item 1 - PP&VA Annual Report 2023-24 and Update,* as she is on the Penrith Performing & Visual Arts Board as Council's Representative. Councillor Robin Cook stated that she would leave the meeting during consideration of this item and would not take part in voting or discussion on this item.

Councillor Kirstie Boerst declared a Non-Pecuniary Conflict of Interest – Significant in *Item 1 - PP&VA Annual Report 2023-24 and Update,* as she is on the Penrith Performing & Visual Arts Board as Council's Representative. Councillor Kirstie Boerst stated that she would leave the meeting during consideration of this item and would not take part in voting or discussion on this item.

MAYORAL MINUTES

1 Passing of Greg Evans

Deputy Mayor Ross Fowler OAM and Councillor John Thain spoke in support of this Mayoral Minute.

175 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that the Mayoral Minute on Passing of Greg Evans be received.

SUSPENSION OF STANDING ORDERS

176 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Garion Thain that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:10pm.

Mr Bernard Bratusa

Mayoral Minute Item 1 - Passing of Greg Evans

Former Councillor Bernard Bratusa responded to the Mayoral Minute.

RESUMPTION OF STANDING ORDERS

177 RESOLVED on the MOTION of Councillor Glenn Gardiner seconded Councillor Sue Day that Standing Orders be resumed, the time being 7:14pm.

2 Resignation of Lachlan Shire Council's General Manager, Greg Tory

Deputy Mayor Ross Fowler OAM and Councillor John Thain spoke in support of this Mayoral Minute.

178 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that the Mayoral Minute on Resignation of Lachlan Shire Council's General Manager, Greg Tory be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Policy Review Committee held on 23 June 2025

179 RESOLVED on the MOTION of Councillor Hollie McLean seconded Councillor Sue Day that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 23 June, 2025 be adopted.

2 Report and Recommendations of the Local Traffic Committee Meeting held on 7 July 2025

180 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Sabbie Kaur that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 7 July, 2025 be adopted.

3 Report and Recommendations of the Heritage Advisory Committee Meeting held on 18 June 2025

181 RESOLVED on the MOTION of Councillor Libby Austin seconded Councillor Garion Thain that the recommendations contained in the Report and Recommendations of the Heritage Advisory Committee meeting held on 18 June, 2025 be adopted.

DELIVERY PROGRAM REPORTS

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

Having previously declared a Non-Pecuniary Conflict of Interest – Significant in Item 1, Councillors Robin Cook and Kirstie Boerst left the meeting, the time being 7:20pm.

Having previously declared a Non-Pecuniary Conflict of Interest – Significant in Item 1, Deputy Mayor Ross Fowler OAM called for nominations for a Chairperson.

Councillor John Thain was nominated to Chair the meeting for consideration of Item 1.

Procedural Motion

182 RESOLVED on the MOTION of Councillor Sue Day seconded Councillor Hollie McLean that Councillor John Thain take the Chair for consideration of Item 1.

Deputy Mayor, Councillor Ross Fowler OAM vacated the Chair and left the meeting, the time being 7:20pm.

Councillor John Thain took the Chair, the time being 7:20pm.

1 PP&VA Constitution

183 RESOLVED on the MOTION of Councillor Faithe Skinner seconded Councillor Libby Austin

That:

1. The information contained in the report on PP&VA Constitution be received.
2. Council resolves to approve the PP&VA Constitution in Attachment 1, subject to any minor editorial amendments.
3. Council delegates responsibility to the General Manager to finalise amendments to the PP&VA Constitution.
4. Council resolves to accept the transfer of title of all artwork in the Penrith Regional Gallery and the Lewers Bequest Collection acquired by the PP&VA.
5. The General Manager be authorised to finalise the terms of and execute

a deed for the transfer of the artwork referred to in the body of this report.

Councillors Robin Cook and Kirstie Boerst returned to the meeting, the time being 7:21pm.

Councillor John Thain then vacated the Chair and Deputy Mayor, Councillor Ross Fowler OAM returned to the meeting and retook Chair, the time being 7:21pm.

2 Works on Private Land - Lot 2 DP 30354 - 66-76 Tench Avenue, Jamisontown

184 RESOLVED on the MOTION of Councillor Hollie McLean seconded Councillor Reece Nuttall

That:

1. The information contained in the report on Works on Private Land - Lot 2 DP 30354 - 66-76 Tench Avenue, Jamisontown be received.
2. Council agree to the work to be undertaken on private property in accordance with the terms in the report, and that no charge be made to the owners of Lot 2 DP30354, 66-76 Tench Avenue, Jamisontown.
3. Council endorse a licence agreement between the landowners of Lot 2 DP30354, 66-76 Tench Avenue, Jamisontown and Council for the use of private land and associated works in accordance with the terms in the report, and the General Manager be delegated authority to enter into the licence agreement.

OUTCOME 3 - WE PLAN AND SHAPE OUR GROWING CITY

3 Results of Public Exhibition - Amendment to Penrith Development Control Plan 2014 - 5.2 Child Care Centres and other Housekeeping Matters

185 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Reece Nuttall

That:

1. The information contained in this report on Results of Public Exhibition - Amendment to Penrith Development Control Plan 2014 - 5.2 Child Care Centres and other Housekeeping Matters be received.
2. That Council adopt the draft DCP amendments to child care centres (Attachment 1), and housekeeping amendments to Chapter E7 Glenmore Park Stage 3 (Attachment 2) and Chapter E17 Orchard Hills North (Attachment 3).
3. Notice of Council's decision will be published on Council's website
4. A date for commencement of the draft amendments and specified savings provision be published on Council's website and within Part A, Section 1.8 of Penrith DCP 2024 (Attachment 4).
5. Council notifies submitters of Council's decision.
6. The General Manager be granted delegation to make any minor changes to the draft amendments to fix any errors or to make typographical corrections.

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

For	Against
Councillor Ross Fowler OAM	
Councillors Kirstie Boerst	
Councillor Robin Cook	
Councillor Sue Day	
Councillor Libby Austin	
Councillor Glenn Gardiner	
Councillor Sabbie Kaur	
Councillor Hollie McLean	
Councillor John Thain	
Councillor Edwin Mifsud	
Councillor Reece Nuttall	
Councillor Vanessa Pollak	
Councillor Faithe Skinner	
Councillor Garion Thain	

4 Planning Proposal Employment Zones Review - Results of Public Exhibition

186 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Reece Nuttall

That:

1. The information contained in the report on Planning Proposal Employment Zones Review - Results of Public Exhibition be received.
2. Council endorse the Planning Proposal and its supporting Appendices attached to this report as Attachment 1 and Attachment 2.
3. Council adopts the relevant amendments to Penrith Local Environmental Plan 2010 as discussed in this report and the attached Planning Proposal.
4. Council forwards the Planning Proposal and its supporting Appendices to the Minster for Planning and Public Spaces and Parliamentary Counsel's Office with a request to make the LEP amendment in accordance with the Gateway determination and under s 3.34(6) of the Act.
5. The General Manager is granted delegation to:
    a. make any necessary minor changes to the Planning Proposal
    b. execute all necessary documents and actions to give effect to Council's decision to make the LEP amendment.

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

For	Against
Councillor Ross Fowler OAM	
Councillors Kirstie Boerst	
Councillor Robin Cook	
Councillor Sue Day	
Councillor Libby Austin	

Councillor Glenn Gardiner
Councillor Sabbie Kaur
Councillor Hollie McLean
Councillor John Thain
Councillor Edwin Mifsud
Councillor Reece Nuttall
Councillor Vanessa Pollak
Councillor Faithe Skinner
Councillor Garion Thain

5 Affordable Rental Housing Contributions Scheme for St Marys Town Centre

188 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Reece Nuttall

That:

1. The information contained in the report on Affordable Rental Housing Contributions Scheme for St Marys Town Centre be received
2. That Council adopt the amended Affordable Housing Contribution Scheme at Attachment 1 and that it comes into effect when it is published on Council's website.

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

For	Against
Councillor Ross Fowler OAM	
Councillors Kirstie Boerst	
Councillor Robin Cook	
Councillor Sue Day	
Councillor Libby Austin	
Councillor Glenn Gardiner	
Councillor Sabbie Kaur	
Councillor Hollie McLean	
Councillor John Thain	
Councillor Edwin Mifsud	
Councillor Reece Nuttall	
Councillor Vanessa Pollak	
Councillor Faithe Skinner	
Councillor Garion Thain	

OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT

6 PCC2025-268 Blaxland Crossing Reserve

189 RESOLVED on the MOTION of Councillor Faithe Skinner seconded Councillor Libby Austin

That:

1. The information contained in the report on PCC2025-268 Blaxland Crossing Reserve be received
2. The tender from Axial Construction Pty Ltd for $272,217.60 (excluding

GST), be accepted to undertake the Blaxland Crossing Reserve Rehabilitation, Wallacia.

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.

7 Update - Indoor Multi-Sport Arena Project

190 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Garion Thain

That:

1. The information contained in the report on Update - Indoor Multi-Sport Arena Project be received.
2. Council resolves the engagement of NSW Public Works Advisory as the strategic delivery partner under Section 55(3)(b) of the Local Government Act 1993 for Stage 1 with the option to engage stage 2 delivery model.
3. The Contract be funded through professional Services Fees in accordance with the WSIG Funding Deed.
4. Council delegate authority to the General Manager, or their representative, to enter into the Major Consultancy Contract with NSW Public Works.

OUTCOME 5 - WE HAVE OPEN AND COLLABORATIVE LEADERSHIP

8 Summary of Investments and Banking for the period 1 June 2025 - 30 June 2025

191 RESOLVED on the MOTION of Councillor Glenn Gardiner seconded Councillor Sue Day

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 June 2025 - 30 June 2025 be received.
2. The Council's Cash Book and Bank Statements have been reconciled as at 30 June 2025.

URGENT BUSINESS

There was no Urgent Business.

COMMITTEE OF THE WHOLE

192 RESOLVED on the MOTION of Councillor Hollie McLean seconded Councillor Libby Austin that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:41pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Hollie McLean seconded Councillor Libby Austin that the press and public be excluded from Committee of the Whole to deal with the following matters:

Outcome 5

2 Proposed Property Acquisition - 1

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 Proposed Property Acquisition - 2

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.

Outcome 4

4 St Marys Central Park - Funding and Delivery Strategy

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.

Outcome 5

5 Determination of Organisational Structure

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

6 General Manager's Annual Performance Review 2024-25 and Performance Measures 2025-26

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

The meeting resumed at 8:05pm and the General Manager reported that the Committee of the Whole met at 7:41pm on Monday 21 July 2025, the following being present

Deputy Mayor, Councillor Ross Fowler OAM and Councillors Libby Austin, Kirstie Boerst, Robin Cook, Sue Day, Glenn Gardiner, Sabbie Kaur, Hollie McLean, Edwin Mifsud, Reece Nuttall, Vanessa Pollak, Faithe Skinner, Garion Thain 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 Proposed Property Acquisition - 1

193 RESOLVED on the MOTION of Councillor Glenn Gardiner seconded Councillor Hollie McLean

CW2 That:

1. The information contained in the report on Proposed Property Acquisition - 1 be received.
2. Council resolves to adopt the recommendations as listed within the body of this report.

3 Proposed Property Acquisition - 2

194 RESOLVED on the MOTION of Councillor Faithe Skinner seconded Councillor Libby Austin

CW3 That:

1. The information contained in the report on Proposed Property Acquisition - 2 be received
2. Council resolve to adopt the recommendations as listed within the body of this report.

4 St Marys Central Park - Funding and Delivery Strategy

195 RESOLVED on the MOTION of Councillor Libby Austin seconded Councillor Sabbie Kaur

CW4 That:

1. The information contained in the report on St Marys Central Park - Funding and Delivery Strategy be received.
2. The recommendations in the body of this report be adopted.

5 Determination of Organisational Structure

196 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Glenn Gardiner

CW5 That

1. The information contained in the report on Determination of Organisational

Structure be received.

2. Council endorses the organisational structure attached as Appendix 1 to this report.

6 General Manager's Annual Performance Review 2024-25 and Performance Measures 2025-26

197 RESOLVED on the MOTION of Councillor Sue Day seconded Councillor Hollie McLean

CW6 That:

1. The information contained in the report on General Manager's Annual Performance Review 2024-25 and Performance Measures 2025-26 be received.
2. The outcomes of the General Manager's Annual Performance Review conducted on 19 June 2025 by the Recruitment and Performance Review Panel be endorsed, noting that the Panel rated the performance of the General Manager for the 2024-25 period 8 out of 10.
3. For the reasons in the preceding paragraph and in accordance with the Recruitment and Performance Review Panel's determination, the General Manager's Total Remuneration Package (TRP) be increased, pursuant to clause 8.3 of the General Manager's contract of employment, by 5% ongoing from 24 April 2025, inclusive of any 2025-26 SOORT determination (up to 5%) that would otherwise apply.

ADOPTION OF COMMITTEE OF THE WHOLE

198 RESOLVED on the MOTION of Councillor Glenn Gardiner seconded Reece Nuttall that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5 and CW6 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:10pm.

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 if 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

MAYORAL MINUTES

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2	Proud Penrith Local Earns International Praise	3



Mayoral Minute

Passing of David Trist OAM

This evening, I would like to recognise a war veteran and long-time resident of St Marys, who sadly passed away last month.

David Ernest Trist OAM was a local legend – a man who was passionate about his community, particularly the transformation of St Marys, and the delivery of key projects in the area.

Following his father, a First World War veteran, Mr Trist enlisted in the Australian Imperial Force at just 18 years old. He served in the Second World War in New Guinea, from 1944 to 1946.

When Mr Trist came home, he returned to his career in banking and was transferred from Parramatta to St Marys, where he managed the local Commonwealth Bank branch and met the love of his life, Betty.

The couple got married in 1950 and had 3 children - Elizabeth, Les and Richard. The family moved around for Mr Trist's banking career, and in 1968 moved back to St Marys for good, building a beautiful life in this City for their family, which has grown to include 8 grandchildren and 6 great- grandchildren. This year, the pair celebrated their 75th wedding anniversary.

Mr Trist was an active member of the St Marys RSL sub-branch, a Legatee of the Sydney Legacy Nepean Division, and a volunteer member for Wounded Heroes Australia, an organisation that supports Australian Defence members, veterans and their families.

Mr Trist was a founding Director of Ripples Leisure Centre and served on the board from 1995 to 2003. During that time, he was instrumental in the planning and delivery of the Hydrotherapy Centre which opened in 2001 and continues to be an important asset for the community of St Marys and residents in the wider Penrith Local Government Area.

Council had many more interactions with Mr Trist over the years. Proud of the area's history, he donated images of the old St Marys Munitions Factory to Penrith City Library. Mr Trist also looked to the future and was a fierce advocate for affordable housing and improvements in the community. He was a member of numerous local clubs and committees, most recently serving as Secretary of the Dunheved Business Park Development Committee.

Mr Trist was a long-term Chair of the Penrith Valley Co-op Housing Society. This Society was focused on providing loans that allowed home loan approvals to individuals who could not get loans by traditional methods.

Mr Trist was particularly passionate about ensuring that St Marys and the industrial lands at Dunheved Industrial Estate in the suburb were integral to the social and economic growth of the City.

For decades, he advocated for the establishment of Western Sydney Airport and the opportunities it would bring to Penrith and surrounding areas.

In 2016, Mr Trist received the Medal of the Order of Australia for his service to the community.

Mr Trist sadly passed away a few weeks shy of his 100th birthday. He certainly made an enormous impact and lived a full life that will be remembered by many in our community.

On behalf of Council, I thank Mr Trist for his service to this country and the City of Penrith. My heartfelt condolences go out to Mrs Betty Trist, the rest of the Trist family, and their loved ones.



Cr Todd Carney
Mayor of Penrith

RECOMMENDATION

That the Mayoral Minute on Passing of David Trist OAM be received.

Mayoral Minute

Proud Penrith Local Earns International Praise

Our City is home to many quiet achievers who are leading positive change in and beyond the community. One of Penrith's own, Bruce Turner AM, deserves a special mention this evening as he has received international praise for his remarkable contribution to the field of internal auditing.

Mr Turner has won the prestigious Global Internal Audit Legacy Award for 2025 – the first of its kind in the world. The award was conferred by the Institute of Internal Auditors - a global association of professionals with a network of more than 260,000 members.

This is a lifetime achievement award for Mr Turner, celebrating exceptional dedication and accomplishments that have profoundly influenced and advanced the internal auditing profession on a global scale.

Born at Nepean Hospital in 1955, Mr Turner started his career in banking and quickly climbed the corporate ladder. He moved into the internal auditing field mid-career and has worked on boards and chaired audit committees for around 40 entities across the public, private and not-for-profit sectors.

In 2015, Mr Turner was appointed a Member of the Order of Australia in the Queen's Birthday Honours in recognition of his significant service to public administration through governance and risk management practices and to the profession of internal auditing.

He is always eager to promote good governance through honest, authentic and efficient work. His lasting impact has been felt within the organisation and the City of Penrith, with Mr Turner serving as chair of Penrith City Council's Audit, Risk, and Improvement Committee (ARIC) for five years, from 2017 to 2022 – contributing to the efficient operation of council. He continues to contribute to positive progress in Penrith and made a presentation to Council's ARIC earlier this year.
He continues to serve on the Wentworth Healthcare board and informs the Bradfield Development Authority.

A lifelong Penrith resident, Mr Turner is also passionate about our area's history and has just published the third book in his 'Banks of the Nepean' trilogy.

Mr Turner will tell you that above all he is a proud family man, who shares this huge achievement with his adoring wife of almost 50 years, Bea, their three children, and their six grandchildren.

On behalf of Council, my councillor colleagues and the community, I extend huge congratulations to Mr Turner. This is a fantastic, well-earned award to many decades of success and progress in his field.



Cr Todd Carney
Mayor of Penrith

RECOMMENDATION

That the Mayoral Minute on Proud Penrith Local Earns International Praise be received.

NOTICES OF MOTION

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3	Vegetation Clearing - Communications Plan	3



1 Business Connect Program Funding

Councillor Reece Nuttall TO MOVE:

That Council writes to the NSW Minister for Small Business and Treasurer seeking a reversal of the decision to cease funding of the Business Connect Program, which delivers valuable business support program in Penrith Local Government Area.

Note from Council:

The Western Sydney Business Centre (WSBC), also known as the Penrith City & District Business Advisory Ltd, is a non-for-profit agency that has provided business support and advice since 1988. WSBC provides over 6,500 hours of advice on business strategy, finance, technology and marketing to small and medium sized businesses in Western Sydney.

Training and advisory services provided by WSBC are primarily funded by the Service NSW Business Connect Program, which began in 2017. An estimated 60,000 businesses across NSW have received free and practical advice since the program began. The Service NSW Business Connect Program was discontinued in the NSW Government 2025-26 budget, and the program is scheduled to end on 30 September 2025.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

2 Briefing on Penrith City Council's Commitments to the Global Covenant of Mayors for Climate & Energy and the Cities Power Partnership

Councillor Vanessa Pollak TO MOVE:

Executive Summary:

This motion seeks a consolidated briefing to Councillors on Council's involvement in the Global Covenant of Mayors for Climate & Energy and the Cities Power Partnership, covering their purpose, governance, costs, obligations, strategic impacts, and any withdrawal provisions.

Motion:

That Council prepare a comprehensive briefing for all Councillors on Penrith City Council's commitments to the Global Covenant of Mayors for Climate & Energy (GCM) and the Cities Power Partnership (CPP). The briefing should outline for each program:

- Purpose and objectives;
- The organisation(s) administering them;
- Date and method of Council's enrolment, including whether a Council resolution was passed;
- Strategic impacts on Council policies and operations;
- Initial and ongoing financial commitments;
- Any obligations, limitations, or exit provisions should Council choose to withdraw.

Background:

Penrith City Council is a participant in both the Global Covenant of Mayors for Climate & Energy (since 2015) and the Cities Power Partnership. Providing a consolidated briefing on their purpose, governance, costs, obligations, and strategic impacts will ensure Councillors have clear and up-to-date information to support future decision-making.

Note from Council:
The Global Covenant of Mayors (GCOM) aims to bring together cities committed to climate mitigation and adaptation.

Council became a signatory to the GCOM in May 2016 at no cost. In 2017, $16,514.40 was spent on a GCOM project to measure emissions in the City. This was the only funding expended in association with Council's GCOM membership.

In 2020, Council decided not to renew its membership, and ended its affiliation with the GCOM.

The Cities Power Partnership is a network of councils committed to reducing greenhouse gas emissions and transitioning to renewable energy. It was established by the Climate Council for local governments in Australia.

Council joined the CPP in July 2017, at no cost. In July 2024, Council ceased participation in the program. No funding has been expended in membership or activities associated with CPP.

ATTACHMENTS/APPENDICES
There are no attachments for this report.

3 Vegetation Clearing - Communications Plan

Councillor Glenn Gardiner TO MOVE:

That a suitable communications plan be developed and implemented to communicate to Residents of Penrith City, in Bush Fire Prone Land, the available options for clearing vegetation for the purposes of mitigating bush fire danger and other imminent threats to life and property.

Note from Council:

Council officers would need to investigate the scale and complexity of any communications plan and how the development and implementation can be funded, in addition to any impact on current programs. This information could be developed and presented to a planned Councillor Briefing on Biodiversity matters in September.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

REPORTS OF COMMITTEES

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2	Report and Recommendations of the Policy Review Committee Meeting held on 11 August 2025	9



REPORT AND RECOMMENDATIONS OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON 4 AUGUST, 2025

PRESENT

Councillor Reece Nuttall (Council Representative), Councillor Robin Cook (Representative for the Member for Penrith), Angela Maltese (Representative for the Member for Badgerys Creek), Siva Balasubramaniam – Transport for NSW (TfNSW) and Sergeant Stephen Page - Nepean Police Area Command (PAC).

IN ATTENDANCE

Joshua Hull – Head of Engineering Services (Chair), Kablan Mowad – Traffic and Transport Engineering Coordinator, Phil Saverimuttu – Senior Traffic Engineer, Caitlin Bailey – Senior Traffic Engineer, Daniel Davidson – Senior Traffic Engineer, Lalaine Malaluan – Senior Transport Engineer, Dennis Anthonysamy – Senior Transport Engineer, Michael Meijer – Transport Engineer, Josh Creamer – Trainee Engineer, Suzan Mehmet – Road Safety Officer, Chloe Lammers – Engineering Services Secretary, Kylie Thornley – Traffic Administration Officer, Ashleigh Markowski – Business Administration Trainee (Engineering), Ben Cantor – Busways and Paul Bottomley – Blue Mountains Transit (CDC NSW).

APOLOGIES

Councillor Garion Thain (Representative for the Member for Londonderry).

OPENING

Joshua Hull – Head of Engineering Services (Chair) advised due to the introduction of the 2025 Authorisation and Delegation Instrument which took effect on 1 August 2025, today's Local Traffic Committee Meeting will not be a voting meeting.

CONFIRMATION OF MINUTES - Local Traffic Committee Meeting - 7 July 2025

That the minutes of the Local Traffic Committee Meeting of 7 July 2025 be confirmed.

LEAVE OF ABSENCE

Mark Rusev (Representative for the Member for Badgerys Creek).

DELIVERY PROGRAM REPORTS

OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT

1 REAL Festival - Friday 12 September 2025 to Sunday 14 September 2025 - Tench Avenue, Jamisontown

RECOMMENDED

That:

1. The information contained in the report on REAL Festival - Friday 12 September 2025 to Sunday 14 September 2025 - Tench Avenue, Jamisontown be received.
2. The event applicant be advised that this is a Class 2 Event under the *"Guide to Traffic and Transport Management for Special Events"*, and that all conditions and requirements specified must be complied with prior to the

event.

3. As per Attachment 1, approval be given for the temporary closure of the northbound lane of Tench Avenue, between Cross Street and Jamison Road, from 2:00pm to 11:00pm on Friday 12 September 2025, 2:00pm to 11:00pm on Saturday 13 September 2025 and 9:00am to 7:00pm on Sunday 14 September 2025, or in the event of postponement, for the same times on Friday 10 October 2025 to Sunday 12 October 2025.
4. The Traffic Management Plan for the REAL Festival from Friday 12 September 2025 to Sunday 14 September 2025, or in the event of postponement Friday 10 October 2025 to Sunday 12 October 2025, be endorsed, subject to the following conditions:
    a) A Traffic Management Plan including a Risk Management Plan be lodged by the event applicant with Transport for NSW and Traffic Management Centre for approval, prior to the event.
    b) The event applicant liaise with NSW Police and obtain any approvals if required.
    c) The event applicant arranges an information letterbox drop and personal communication to all business proprietors, property owners/tenants, residents and other occupants in the affected streets two weeks prior to the event. Any concerns or requirements must be resolved by the applicant.
    d) The event applicant maintain a Certificate of Currency for Public Liability Insurance of minimum $20 million.
    e) A detailed Traffic Guidance Scheme be prepared by a qualified and certified professional and submitted to Transport for NSW and NSW Police prior to the event. The Traffic Guidance Scheme shall detail how a minimum 4.0m emergency lane is maintained at all times during the event.
    f) The event applicant arranges to place barricades and provide Transport for NSW accredited Traffic Controllers where required by the approved Traffic Management Plan. Where the Traffic Management and Traffic Guidance Schemes indicate Traffic Controllers are to be used, all Traffic Controllers must have current Transport for NSW certification.
    g) The event applicant ensures the event complies with the NSW Work Health and Safety Act 2011 and Work Health and Safety Regulations 2017.
    h) The event applicant advertises the proposed temporary road closures in local newspapers a minimum of two weeks prior to the event and provide variable message signs (VMS) in appropriate locations a minimum of two weeks prior to the event, with the locations of the VMS boards submitted to Council for endorsement prior to their erection. VMS boards should be located in accordance with the Transport for NSW Technical Direction TDT2002/11c.
    i) The event applicant notifies the Ambulance Service of NSW, fire brigades (Fire & Rescue NSW and NSW Rural Fire Service) and NSW State Emergency Service of the proposed event.
    j) The event applicant notifies bus companies of the proposed event.

Bus companies shall be requested to advertise any changed route for affected buses at least four weeks prior to, and during, the event.

k) Should the consultation process resolve to temporarily relocate bus stops or bus routes that were not indicated in the original Traffic Management Plan, a further report be required to be submitted to the next available Local Traffic Committee meeting.

l) The event applicant ensures that noise control measures are in place as required by the Protection of the Environment Operations (Noise Control) Regulations 2017.

5. Any proposed speed limit reductions are subject to the separate approval of Transport for NSW.
6. As a requirement of the TfNSW "*Guide to Traffic and Transport Management for Special Events 2024*" this approval endorsing the Traffic Management Plan be considered as Council's authorisation to regulate traffic on Council's roads.
7. Council's Traffic section enter the road closures associated with the event into the Live Traffic NSW system.
8. The applicant be advised of Council's resolution.

2 94-100 Explorers Way, St Clair - Endorsement of Signage and Line Marking Plan

RECOMMENDED

That:

1. The information contained in the report on 94-100 Explorers Way, St Clair - Endorsement of Signage and Line Marking Plan be received.
2. The signage plans prepared by Henry & Hymas (Drawing No. 19755_CC_C600, Revision No. 08, dated 18 July 2025) be endorsed for installation, as shown in the separate enclosure
3. All works associated with the installation of the signage and the line marking shall be undertaken by the applicant at no cost to Council.
4. Council's Development Engineers and the applicant be advised of Council's resolution.
5. Council's Asset Management section be advised of Council's resolution for updating of Council's asset register.
6. Council's Ranger Services department be advised of Council's resolution.

3 Penrith Christmas Tree Lighting Event - Friday 14 November 2025

RECOMMENDED

That:

1. The information contained in the report on Penrith Christmas Tree Lighting Event - Friday 14 November 2025 be received.
2. The event applicant be advised that this is a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events", and that all conditions and requirements specified must be complied with prior to the

event.

3. As per Attachment 1, approval be given for the temporary closure of the following streets between 1:00pm and 11:00pm on Friday 14 November 2025:
   - High Street, between Station Street and Castlereagh Street;
   - Woodriff Street, between High Street and Memory Park (allowing access to Judges Place car park and Astina); and
   - Masters Place car park exit to Woodriff Street, between 6:00am and 11:00pm.
4. The Traffic Management Plan for the Christmas Tree Lighting Event on 14 November 2025 be endorsed, subject to the following conditions:
   a. A Traffic Management Plan including a Risk Management Plan be lodged by the event applicant with Transport for NSW and Traffic Management Centre for approval, prior to the event. A copy of the Transport for NSW approval must be submitted to Council prior to the event.
   b. The event applicant liaise with NSW Police and obtain any approvals if required.
   c. The event applicant arranges an information letterbox drop and personal communication to all business proprietors, property owners/tenants, residents and other occupants in the affected streets two weeks prior to the event. Any concerns or requirements must be resolved by the applicant.
   d. The event applicant submits to Council a copy of Public Liability Insurance (usually a Certificate of Currency) of minimum $20 million, 30 days prior to the event. In addition, the event applicant indemnifies Council, in writing, against all claims for damage and injury which may result from the proposed event.
   e. A detailed Traffic Guidance Scheme be prepared by a qualified and certified professional and submitted to Council, Transport for NSW and NSW Police prior to the event. The Traffic Guidance Scheme shall detail how a minimum 4.0m emergency lane is maintained at all times during the event.
   f. The event applicant arranges to place barricades and provide Transport for NSW accredited Traffic Controllers where required by the approved Traffic Management Plan. Where the Traffic Management and Traffic Guidance Schemes indicate Traffic Controllers are to be used, all Traffic Controllers must have current Transport for NSW certification.
   g. The event applicant provides advice to Council prior to the event that the event complies with the NSW Work Health and Safety Act 2011 and Work Health and Safety Regulations 2015.
   h. The event applicant advertises the proposed temporary road closures in local newspapers a minimum of two weeks prior to the event and provide variable message signs (VMS) in appropriate locations a minimum of two weeks prior to the event, with the locations of the VMS boards submitted to Council for endorsement prior to their erection. VMS boards should be located in accordance

with the Transport for NSW Technical Direction TDT2002/11c.

i. The event applicant notifies the Ambulance Service of NSW, fire brigades (Fire & Rescue NSW and NSW Rural Fire Service) and NSW State Emergency Service of the proposed event and submits a copy of the notification to Council prior to the event.

j. The event applicant notifies bus companies of the proposed event and submits a copy of the notification to Council prior to the event. Bus companies shall be requested to advertise any changed route for affected buses at least four weeks prior to, and during, the event.

k. Should the consultation process resolve to temporarily relocate bus stops or bus routes that were not indicated in the original Traffic Management Plan, a further report be required to be submitted to the next available Local Traffic Committee meeting.

l. The event applicant ensures that noise control measures are in place as required by the Protection of the Environment Operations (Noise Control) Regulations 2017.

5. Any proposed speed limit reductions are subject to the separate approval of Transport for NSW.
6. All works as part of this approval be conducted at no cost to Council.
7. As a requirement of the TfNSW “Guide to Traffic and Transport Management for Special Events 2024” this approval endorsing the Traffic Management Plan be considered as Council’s authorisation to regulate traffic on Council’s roads.
8. Council’s Traffic section enter the road closures associated with the event into the Live Traffic NSW system.
9. The applicant be advised of Council’s resolution.

4 Victoria Street and Lethbridge Avenue, Werrington - Proposed 'Bus Zone' and 'No Stopping' Signage

RECOMMENDED

LTC 45 That:

1. The information contained in the report on Victoria Street and Lethbridge Avenue, Werrington - Proposed 'Bus Zone' and 'No Stopping' Signage be received.
2. Notification be provided to affected properties regarding the two (2) proposed ‘Bus Zone’ restrictions and associated ‘No Stopping’ signage at the intersection of Victoria Street and Lethbridge Avenue, Werrington.
3. Following notification to affected properties, ‘Bus Zone’ and ‘No Stopping’ signage be installed at the proposed locations at the intersection of Victoria Street and Lethbridge Avenue, Werrington, as shown in Appendix 1.
4. Council’s Asset Management section be advised of Council’s resolution for updating Council’s assets register.
5. Council’s Ranger Services department, Busways and the customers that raised the matter be advised of Council’s resolution.

5 Run Western Sydney - Sydney International Regatta Centre - Sunday 28 September 2025

RECOMMENDED

That:

1. The information contained in the report on Run Western Sydney - Sydney International Regatta Centre - Sunday 28 September 2025 be received
2. The event applicant be advised that this is a Class 3 Event under the "*Guide to Traffic and Transport Management for Special Events*", and that all conditions and requirements specified must be complied with prior to the event.
3. Approval be given for the temporary closure of Old Castlereagh Road, between the SIRC Gate A and the termination of Old Castlereagh Road, Castlereagh from 9:00am to 12:30pm on Sunday 28 September 2025.
4. The Traffic Management Plan for the "Run Western Sydney" event at the Sydney International Regatta Centre on Sunday 28 September 2025 be endorsed, subject to the following conditions:

    (a) The event applicant obtains separate approval from the NSW Police with a copy of the NSW Police approval must be submitted to Council prior to the event.

    (b) The event applicant arranges an information letterbox drop and personal communication to all business proprietors, property owners/tenants, residents and other occupants in the affected streets two weeks prior to the event. Any concerns or requirements must be resolved by the applicant.

    (c) The event applicant submits to Council a copy of Public Liability Insurance (usually a Certificate of Currency) of minimum $20 million, 30 days prior to the event. In addition, the event applicant indemnifies Council, in writing, against all claims for damage and injury which may result from the proposed event.

    (d) A detailed Traffic Guidance Scheme be prepared by a qualified and certified professional and submitted to Council and NSW Police prior to the event. The Traffic Guidance Scheme shall detail how a minimum 4.0m emergency lane is maintained at all times during the event.

    (e) The event applicant arranges to place barricades and provide Transport for NSW accredited Traffic Controllers where required by the approved Traffic Management Plan. Where the Traffic Management and Traffic Guidance Schemes indicate Traffic Controllers are to be used, all Traffic Controllers must have current Transport for NSW certification

    (f) The event applicant provides advice to Council prior to the event that the event complies with the NSW Work Health and Safety Act 2011

and Work Health and Safety Regulations 2017.

(g) The event applicant advertise the proposed temporary road closure in local newspapers a minimum of two weeks prior to the event. If variable message signs (VMS) are proposed, appropriate locations will be submitted to submitted to Council, a minimum of two weeks prior to the event, for endorsement prior to their erection. VMS boards should be located in accordance with the Roads and Maritime Services Technical Direction TDT2002/11c.

(h) The event applicant notifies the Ambulance Service of NSW, fire brigades (Fire & Rescue NSW and NSW Rural Fire Service) and NSW State Emergency Service of the proposed event and submits a copy of the notification to Council prior to the event.

(i) The event applicant notifies bus companies of the proposed event and submits a copy of the notification to Council prior to the event. Bus companies shall be requested to advertise the changed route for affected buses at least four weeks prior to, and during, the event.

(j) Should the consultation process resolve to temporarily relocate bus stops or bus routes that were not indicated in the original Traffic Management Plan, a further report be required to be submitted to the next available Local Traffic Committee meeting.

(k) The event applicant ensures that noise control measures are in place as required by the Protection of the Environment Operations (Noise Control) Regulations 2017.

(l) The event applicant ensures that competitors are advised to obey road rules and Police directions during the event.

5. Any proposed speed limit reductions are subject to the separate approval of the Transport for NSW.
6. All works as part of this approval be conducted at no cost to Council.
7. As a requirement of the TfNSW "*Guide to Traffic and Transport Management for Special Events 2024*" this approval endorsing the Traffic Management Plan is to be considered as Council's authorisation to regulate traffic on Council's roads.
8. Council's Traffic section enter the road closures associated with the event into the Live Traffic NSW system.
9. The applicant be advised of Council's resolution.

GENERAL BUSINESS

GB 1 Worth Street, Penrith

Councillor Reece Nuttall (Council Representative) raised concerns on Worth Street, Penrith as currently it allows for parking on the western side of the street but this is causing traffic congestion and he would like Council to investigate if it is more practical to having no parking particularly on weekends.

Joshua Hull – Head of Engineering Services (Chair) advised we recently had this issue raised and Council's Traffic and Transport Engineering Officers have completed an investigation. The matter will be reviewed and a response will be arranged.

RECOMMENDED

That Council's Traffic and Transport Engineering Officers investigate the matter and provide a response to Councillor Reece Nuttall.

GB 2 Bradley Street, Glenmore Park

Angela Maltese (Representative for the Member for Badgerys Creek) raised concerns again about speeding on Bradley Street, Glenmore Park. Constituents have been reminded to record details of times and days and report to the Police as they occur.

Joshua Hull – Head of Engineering Services (Chair) advised Council and the Police are aware of the behavioural issues occurring at this location. Council has previously collected speed data, had our Speed Advisory Message (SAM) trailer out, requested Transport for NSW to install gateway speed limit signage and Police to conduct patrols.

Sergeant Stephen Page - Nepean Police Area Command (PAC) strongly recommends residents to report the speeding so targeted patrols can be carried out.

RECOMMENDED

That the information be noted.

There being no further business the Chairperson declared the meeting closed the time being 9:25am.

RECOMMENDATION

That the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 4 August, 2025 be adopted.

REPORT AND RECOMMENDATIONS OF THE POLICY REVIEW COMMITTEE MEETING HELD ON 11 AUGUST, 2025

WEBCASTING STATEMENT

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

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Sue Day for the period 11 August 2025 to 22 August 2025 inclusive.

PRESENT – IN PERSON

His Worship the Mayor, Councillor Todd Carney, Deputy Mayor, Councillor Ross Fowler OAM and Councillors Libby Austin, Kirstie Boerst, Robin Cook, Glenn Gardiner, Sabbie Kaur, Hollie McLean, Edwin Mifsud, Reece Nuttall, Vanessa Pollak, Faithe Skinner, Garion Thain and John Thain.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 23 June 2025

That the minutes of the Policy Review Committee Meeting of 23 June 2025 were confirmed.

DECLARATIONS OF INTEREST

There were no Declarations of Interest.

DELIVERY PROGRAM REPORTS

OUTCOME 1 - WE PROTECT AND ENHANCE AN ECOLOGICALLY SUSTAINABLE ENVIRONMENT

1 Review and update of Councils Onsite Waste Water Management Policy

RECOMMENDED

That:

1. The information contained in the report on Review and update of Councils Onsite Waste Water Management Policy be received.
2. The draft ‘On-Site Wastewater Management Policy’ be placed on public exhibition for 30 days.

OUTCOME 5 - WE HAVE OPEN AND COLLABORATIVE LEADERSHIP

2 Redundant Policies

RECOMMENDED

That:

1. The information contained in the report on Redundant Policies be

received.

2. The Organisational Communication Policy be made redundant.
3. The redundant policy be removed from the policy register and Council website.

3 Financial Reserves Policy

RECOMMENDED

That:

1. The information contained in the report on Financial Reserves Policy and Guidelines be received.
2. The Financial Reserves Policy be adopted.

URGENT BUSINESS

There was no Urgent Business.

There being no further business the Chairperson declared the meeting closed the time being 7:10pm.

RECOMMENDATION

That the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 11 August, 2025 be adopted.

DELIVERY PROGRAM REPORTS

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OUTCOME 1 - WE PROTECT AND ENHANCE AN ECOLOGICALLY SUSTAINABLE ENVIRONMENT

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1 Variation - Waste Collection Contract RFT17/18-07

Compiled by: **Aisha Poole, Head of Waste and Resource Recovery**

Authorised by: **Stephen Britten, Director Business Operations**

Outcome	*We protect and enhance an ecologically sustainable environment*
Strategy	*Minimise the impacts of waste and pollution*
Principal Activity	*Manage resource recovery and waste collection services*

Previous Items: **Variation - Waste Collection Contract RFT17/18-07 - Councillor Briefing - 11 Aug 2025 at the conclusion of the Policy Review Committee Meeting**

Executive Summary

This report details a request for variations in the Waste Collection Contract RFT17/18-07, commenced 1 July 2019. These variations are prices for new or altered bin collection services provided to households in high density development:

1. The per lift price for 360L recycling bins serviced from Multi Unit Dwellings (MUDs) by way of the "Collect & Return" (C&R) Service.
2. The per lift price for 80L, 140L, 240L and 660L Food Organics Garden Organics (FOGO) bins provided to MUDs and Residential Flat Buildings (RFBs) by way of the C&R Service.

Council instigated changes to the recycling bin configurations to introduce FOGO services to all MUDs and RFBs. To allow physical space to store 240L Food Organics Garden Organics (FOGO) bins in most MUD bin storage areas, every three 240L yellow lidded recycling bins were exchanged for two 360L bins. As such, the ratio of 360L bins to 240L bins and number of bins has changed substantially from that in the 2017 tender specifications.

The program of rolling out FOGO bins to all MUDs and RFBs has required additional servicing, monitoring and performance reporting by Veolia's truck driver and Supervisor.

As there have been changes in the service under the contracts entered into a number of years ago, Veolia is entitled to seek a variation in pricing under the contract. Veolia have discussed prices with Council staff since March 2023 and there have been several proposals provided by Veolia during the monthly contract meetings. The prices proposed in this report have been reviewed and analysed by staff within the Waste & Resource Recovery Department and Finance Business Partner and are considered reasonable.

Background - Residential

Council introduced FOGO to Single Unit Dwellings (SUDs) in 2009. Smaller MUDs, where kerbside servicing was possible, were transitioned to a 3-bin service with FOGO in 2018-2019. In July 2019, FOGO was introduced to the rural properties in Penrith City leaving 12,351 units in 750 complexes in the City without access to FOGO services**.**

Results of audits of MUDs and RFB generated waste, community interest, new State Government Strategic Direction and being awarded a grant from the EPA, led to Council trialling the FOGO service in MUDs and RFBs. Shortly after, the rollout of FOGO services to all MUD and RFB households in LGA was undertaken and is expected to be completed by the end of 2025.

Veolia were most accommodating throughout the trial, in the changeover/provision of bins as well as the servicing of the new waste stream from MUDs and RFBs. The success of the trial and continued rollout has led to an additional FOGO service at each complex as well as significant changes in the ratio structure of bins at MUDs and RFBs since March 2023.

Trialling the FOGO Service in MUDs and RFBs

Council's Resource Recovery Education Team in collaboration with Veolia, Australian Native Landscapes (ANL) and the Environment Protection Authority (EPA) embarked on a "FOGO in MUDs" project with the support of EPA Grant funding. From March to December 2023, partnering with Veolia, a trial of FOGO in MUDs was undertaken whereby 160-unit complexes (including 1 RFB) with 1,893 households were provided with a weekly FOGO service. Four different types of communications and engagement combinations were trialled to determine the best way to maximise participation and minimise contamination in the FOGO bins. At the FOGO processing facility, ANL monitored the incoming FOGO waste stream from the MUDs service for contamination.

To provide the FOGO service, each individual bin storage area of the 160-unit complexes needed to be assessed. Space had to be created to accommodate the FOGO bin. This was achieved by exchanging every 3 x 240L recycling bins with 2 x 360L recycling bins. In this way, at least one additional bin space was created to place the FOGO bin, while the capacity for recycling was maintained. No changes were made to residual garbage bin numbers in order to prevent contamination.

Veolia ran a separate truck to service the trial FOGO bins weekly with the driver required to check each FOGO bin, take photos of the contents and send details to Council. If the bin contained correct contents, the bin was emptied into the truck. If contaminated, the bin was not emptied and instead a sticker was placed across the lid of the bin to indicate to the garbage collection crew to empty that bin the next time they were servicing that complex.

The FOGO bin was placed at the very rear of the bin storage area to discourage dumping of mixed waste or recyclables. The aim of this placement was to only have those residents who are keen to participate to take the extra few steps to place their FOGO waste into the FOGO bin and avoid contamination. As such, the driver servicing the FOGO bin was responsible for ensuring the bin was replaced in this specific location. Where possible a ground sticker was affixed to this specific location within the bin storage area to indicate the space for the FOGO bin.

Audits of the bin contents were conducted at two stages within the trial to measure contamination rates and both sets of results were extremely positive, being under 2% for each audit. ANL were most pleased with the low contamination levels and expressed that they were more than happy to continue to accept the FOGO product from Penrith's MUDs and RFBs.

In addition, Council received feedback from residents wanting to continue with their trial FOGO bin and neighbouring residents to the trial properties wishing to take part in the trial.

The success of this program has been shared with our regional waste groups and at the Keep Australia Beautiful Awards event held in Penrith in 2024 where the "We Give a FUD-FOGO in MUDs Rollout" program was announced the winner of the Resource Recovery Category.

Full Roll Out of FOGO in MUDs and RFBs

Throughout 2023 and 2024, the EPA were discussing targets to have NSW Councils provide FOGO services to all households by 2030.

Following the success of the trial, the Waste Team continued to roll out the FOGO service to remaining MUDs throughout 2024 to stay ahead of the targets. In February 2025, the

legislation was introduced mandating Councils to provide FOGO service by 2030 to every residential property with a garbage service. Penrith City has almost met the State Government Target set for 2030 with only a small number of RFBs to have the FOGO service provided.

The large RFB complexes are challenging due to many more stakeholders involved, specifically Strata Management, Strata Committees, Building Managers and Cleaning Staff in addition to the residents, be they owners or tenants. It is expected that the FOGO rollout to RFBs will be completed by the end of December 2025.

FOGO Collection and Contamination Management Services in MUDs and RFBs

When Council tendered for the Waste Collection Services contract in 2017, it included specifications for introducing FOGO to approximately 4,000 rural properties and a complete bin replacement program for all kerbside presented bins was a focus for contract commencement in July 2019. Provision of Collect and Return FOGO bin collections and associated Contamination Management requirements for MUDs and RFBs was not part of the specification. As such, no lift rate for FOGO from MUDs and RFBs in a C&R service was provided.

At present, servicing of FOGO bins from MUDs and RFBs is considerably less efficient than servicing Recycling bins and Garbage bins. This is because most MUDs and RFBs have one or two FOGO bins rather than several bins. As such, the truck can service less bins per hour due to the higher ratio of travel to bin lifts within the run. In addition, a comprehensive contamination monitoring process is being undertaken in concert with the FOGO collection service in MUDs and RFBs to identify contamination if present in the FOGO bin, photograph and liaise with Councils Resource Recovery Field Team to provide feedback to the units within the complex.

Recycling Collection Services in MUDs and RFBs

To accommodate the additional one or two FOGO bins in any MUD Complex, the WARR Team had to work with the existing waste infrastructure to make space for the FOGO bin/s. By consolidating every 3 x 240L recycling bins down to 2 x 360L recycling bins, the team were able to maintain the recycling capacity while reducing the space required for recycling bin storage. In this way, the bins could be shuffled down to accommodate the FOGO bin service.

Ratio Comparison of Recycling bins in Collect & Return Complexes

In 2017, when Council tendered for the contract, the ratio of 360L to 240L recycling bins was not anticipated to change and only thirteen 360L recycling bins were in use. Tenderers provided prices based on 13 bins and on 1 July 2019, services commenced with the following bin numbers for collect and return recycling bins:

- 3,313 x 240L recycling bins
- 13 x 360L recycling bins

This provided a ratio of 1:255 for 360L bins to 240L bins and the tenderer provided the same lift rate for both 240L and 360L bins given the insignificant number of 360L bins.

In 2024-2025, the growth in high density development combined with the changes to the service structure to accommodate FOGO in MUDs, has significantly changed those numbers:

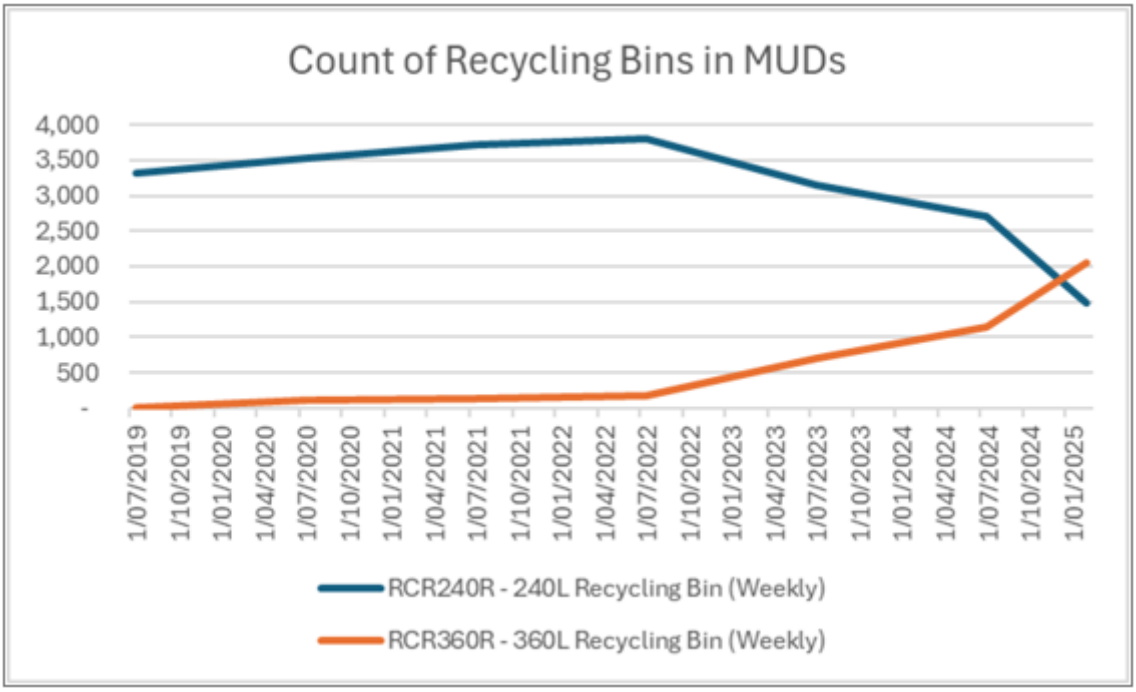
- 1,489 x 240L recycling bins
- 2,060 x 360L recycling bins

The ratio has changed as per the table below:

At 31 July 2019, 3,326 Recycling bins		Currently, 3,549 Recycling bins	
360L bins : 240L bins		360L bins : 240L bins	
1:255		11:8	
13 x 360L bins	3,313 x 240L bins	2,060 x 360L bins	1,489 x 240L bins

*note that the number of Unit Complexes has increased in the past 6 years, so there is a difference in total bin numbers from 2019 to current.

The graph below shows the change in recycling bin sizes as the FOGO service was introduced to MUDs and RFBs.



Proposed Variations for Servicing of MUDs and RFBs

Since commencing the initial FOGO in MUDs trial in March 2023, Veolia have provided services in good will and are yet to be paid for the additional bin lifts, contamination monitoring and communication requirements for the provision of FOGO in MUDs. Veolia have also been providing servicing of recycling in MUDs and RFBs being paid essentially two thirds of what they were previously paid.

Veolia initially proposed rates for both 360L C&R recycling bins and C&R FOGO bins at contract meetings in 2023. The rationale for the basis of rates have been discussed at length and in July 2025 they proposed a price that was considered reasonable for weekly FOGO services in MUDs and RFBs using the C&R service, taking into consideration the additional contamination monitoring tasks and the truck utilisation.

Veolia Proposed Variations

Collect & Return Bin Lift Rate excluding GST	*Tendered rate in $ per lift (adjusted for 2024-25 rise & fall)*	*Requested Variation from 1 July 2024 - $ per lift*	*Adjusted for rise and fall from 1 July 2019 - $ per lift*

240L Recycling	*4.0789*	*4.0789*	***3.3483***
360L Recycling	*4.0789*	***4.6801***	***3.8074***
80L FOGO	*Not provided*	***6.5000***	***5.2880***
140L FOGO	*Not provided*	***6.5000***	***5.2880***
240L FOGO	*Not provided*	***6.5000***	***5.2880***
660L FOGO	*Not provided*	***6.5000***	***5.2880***

*Note: The prices proposed by Veolia are as of 1 July 2024. For ease of administration, with regard to rise and fall, the proposed prices have been recalculated as at 1 July 2019 for transparent adjustments for rise and fall.

With the changes from 240L to 360L Recycling bins, under the Tendered pricing Veolia is essentially receiving two thirds of the income to provide the same service when using 240L bins. For the Recycling Service MUDs and RFBs, Veolia's proposal to maintain the 240L recycling bin lift rate and increase the 360L recycling bin lift to cover the capacity being collected is considered reasonable.

Since March 2023, Council has not paid Veolia for FOGO C&R services during the trial and subsequent rollout. The rate proposed by Veolia is considered reasonable given the considerable reduced utilisation of the collection vehicle and the additional tasks required to monitor, record and communicate contamination to Council.

The annual cost of these variations to Council is **$353,548.**

Given all factors explained and analysis of the services, the proposed variation is considered reasonable.

Financial Implications

The lift rates proposed by Veolia is reasonable given two factors:

- The change of bin numbers from the time of tendering to the time of bin changeover.
- The addition of a FOGO bin and collection service.

Over time, there will be savings with diversion of FOGO material that would otherwise be disposed of at landfill sites. The Domestic Waste Budget will be adjusted in the September review and funds will be transferred from the Domestic Waste Reserve.

Conclusion

Council's expansion of FOGO to MUDs and RFBs was not included in specifications for the Waste Collection Contract RFT17/18-07. Veolia have acted in good faith supporting the trial of FOGO in MUDs/RFBs through provision of bins, collection services, contamination monitoring and exchange of 360L bins for 240L bins to accommodate the FOGO bins in existing waste infrastructure at MUD and RFB complexes.

Reasonable rates for FOGO collect and return bin services and 360L recycling collect and return bin services have been proposed for this service, pro rata to 1 July 2024. It is proposed to back date the compensation to Veolia till July 2024.

RECOMMENDATION

That:

1. The information contained in the report on Variation - Waste Collection Contract RFT17/18-07 be received.

2. That the proposed variation in lift rates as set out in the report are agreed to by Council and applied on an ongoing basis from 1 July 2024.



ATTACHMENTS/APPENDICES

There are no attachments for this report.

2 Waste and Resource Recovery Strategy: Review and Update

Compiled by: **Aisha Poole, Head of Waste and Resource Recovery**
Tracy Chalk, Head of Aquatics and Leisure

Authorised by: **Stephen Britten, Director Business Operations**

Outcome	*We protect and enhance an ecologically sustainable environment*
Strategy	*Minimise the impacts of waste and pollution*
Principal Activity	*Manage resource recovery and waste collection services*

Previous Items: **Waste Strategy Objectives- Waste Strategy Working Party - 19 May 2025**
Draft Waste Strategy - progress update (presentation only)- Waste Strategy Working Party - 16 Jun 2025
Review of Draft Waste Strategy - Waste Strategy Working Party - 04 Aug 2025
Waste And Resource Recovery Strategy: Review and Update - Councillor Briefing - 11 Aug 2025 at the conclusion of the Policy Review Committee Meeting

Executive Summary

Modern waste management is a dynamic state looking to suit community growth and consumption patterns. To ensure best practice methods can be considered, the Waste and Resource Recovery Strategy review sets the course for Council's continued effective management of waste and resource recovery streams and outlines future directions that Council may consider.

Contemporary and relevant objectives, targets and outcomes are key to maintaining the Strategy's success.

The recent NSW Government mandate of reaching 80% diversion from landfill by 2030 is a challenging target. The Draft Waste and Resource Recovery Strategy has been prepared with this challenge in mind. Though Council is in a good position due to the establishment of FOGO in Penrith over 10 years ago, a number of broader actions will be required to reach the 80% diversion target. Some actions are already identified under the Strategy with capacity to consider further opportunities as they arise in the next decade.

Background

Council's Waste Strategy Working Party has met on the following dates:

- 29 March 2025 (all-day workshop)
- 19 May 2025
- 16 June 2025
- 4 August 2025

Over the previous meetings, the Waste Strategy Working Party has provided feedback and input into:

- the continued retention and adoption of the long-standing objectives and/or
- amendment and/or proposing new objectives
- updating current targets and/or

- proposing any new targets

The Draft Waste and Resource Recovery Strategy is attached.

Current Situation

Current Waste Strategy

Penrith's Original (Domestic) Waste Strategy, adopted in 2005 and reviewed in 2010 and 2017 has guided Penrith City into a position of leadership in Resource Recovery and Waste Management.

The implementation of this strategy, together with community participation, resulted in Penrith reaching the State Government requirements of 66% diversion of domestic waste from landfill by 2014. This was a most ambitious undertaking at the time, establishing Penrith as a leader in municipal resource recovery. Due to the fluctuating nature of waste processing options and availability, this percentage has and may vary over time. Presently Penrith Household/kerbside waste is at 61% diversion.

Review of Current Waste Strategy

The Waste and Resource Recovery Strategy has evolved into a broader document going beyond household/domestic waste to incorporate the opportunity to better manage all waste streams under Council control.

The Strategy objectives are used to evaluate the services offered by Council and form a basis of the evaluation criteria to be applied to future opportunities. The objectives set the direction for the next decade and inform the specifications for future waste tenders including domestic and Council managed waste services.

Each previous review offered Council the opportunity to assess the current status of the waste and resource recovery sector and evaluate the objectives. This realignment maintains currency and supports Council to maintain leading economic and environmentally sustainable practice.

The proposed strategy will look to provide further direction for:

- Ensuring the aims and objectives of the Strategy are achievable
- Setting a path for Council to meet the State and Regional resource recovery targets
- Propose optimal paths for contracting of council managed waste streams.
- Increase the capacity for resource recovery within the LGA commercial sector
- Equity of service and collection
- Impact of Container Deposit Legislation
- Residents expecting increased levels of service
- Bulky household waste collection services
- Hazardous waste disposal services
- Electronic waste recycling services
- Illegal dumping
- Education, Communication and Marketing
- Contamination management and resident feedback
- Potential increased cost for transport, processing and disposal of waste

The proposed Waste and Resource Recovery Strategy is the guiding document for all resource recovery planning and actions over the next 5 years. Consultation undertaken in the review and preparation of this proposed strategy has included:

- Material Flows Assessment (Cross Council Waste Streams) - report
- Education and Promotion program review 2019-24
- Education Team Planning workshop
- Data compilation of all collection and processing-included in Strategy
- EPA Consultation
- Community consultation
- Local Government current and comparison of systems
- Councillor Engagement – Waste Strategy Preparation Day
- Site Tours
- Council's and the Community's FOGO journey
- The Sydney Metropolitan Waste and Resource Recovery Ecosystem
- Establishment of a Waste Strategy Working Party

Contracts

Council delivers waste management services to the community through a number of agreements. Initially the collection of waste materials from households and businesses is designed to ensure optimal resource recovery. Once collected, all waste materials need to be managed through disposal or processing services.

A number of waste streams are generated and then are managed by PCC on behalf of residents. Council does not have internal current capability to collect kerbside waste materials or provide the disposal or processing services and so procures waste management services through tender processes. Commercial operators offer services to local councils for their waste and resource recovery management services and assist with risk management in the service delivery. The services are typically sought through tendering processes. Section 55 of the NSW Local Government Act 1993 requires that a council invite tenders before entering into specified contracts.

As the current agreement expiry dates approach, new services need to be procured. If this proposed strategy is adopted. The services to be procured include:

i. Waste Collection Services;
ii. Garbage Disposal/Processing Services
iii. Recycling Processing Services
iv. Organics Processing Services
v. Bulky Waste Disposal/Processing Services.

Each of these services will require a separate request for tender process, to be established and implemented. The procurement process for these services is a significant undertaking and a range of preliminary steps will support management of this program of work.

Council should plan to procure services well in advance of the current agreement expiry dates, to ensure continuity of services. The priority will be meeting legislative, and community demands in our contract extensions and/or tendering of all waste stream collection and processing contracts.

To ensure the most viable and sustainable outcomes in this current environment, the lead times are critical. It is proposed to commence tender preparation in September 2025, for certainty of these disposal and processing contracts.

Financial Implications

A budget has been included in the 2025-2026 Operational Plan. This will cover expenses relating to the development of the waste strategy and will be funded by the Domestic Waste Reserve. Actions to be implemented as part of the plan will be funded by the Domestic Waste Reserve where they relate to domestic waste management and will be built into the Domestic Waste Model in the annual program.

RECOMMENDATION

That:

1. The information contained in the report on Waste and Resource Recovery Strategy: Review and Update be received.

2. That the draft Waste and Resource Recovery Strategy be endorsed.



ATTACHMENTS/APPENDICES

1. Draft Waste and Resource Recovery Strategy 75 Pages Attachments Included

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OUTCOME 3 - WE PLAN AND SHAPE OUR GROWING CITY

Item		Page
3	Submission on 2025–2045 Preliminary Draft Master Plan for Western Sydney International Airport	14
4	Request for Major Event Sponsorship - Music Trolley Pty Ltd	23
5	Works In Kind Agreement - 884-928 Mamre Road, Kemps Creek **Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.**	27
6	Finalisation of Glenmore Park Stage 3 Development Contributions Plan 2022 Amendment 1 **Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.**	33
7	Amendment to the Mamre Road Precinct Development Contributions Plan 2022 **Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.**	37



3 Submission on 2025–2045 Preliminary Draft Master Plan for Western Sydney International Airport

Compiled by: **Natalie White, Planner**
Ian Stendara, Executive Planner
Natalie Stanowski, City Planning Coordinator

Authorised by: **Christine Gough, Head of City Planning**
Andrew Jackson, Director Planning and Regulatory Services

Outcome	*We plan and shape our growing City*
Strategy	*Undertake strategic planning that will ensure balanced growth and liveability*
Principal Activity	*Influence state planning policies and legislation to ensure it responds to our land use vision and the needs of our community*

Executive Summary

This report seeks Council's endorsement of a submission to the *2025–2045 Preliminary Draft Master Plan for Western Sydney International (Nancy-Bird Walton) Airport* (the draft Masterplan) which is currently being exhibited by Western Sydney International Airport (WSIA) until 2 September 2025. The preparation of a Masterplan is a requirement under Part 5 of the *Airports Act 1996 (Commonwealth)* (the Airports Act).

The draft Masterplan builds upon the WSIA's Airport Plan, which was adopted in 2016, to provide a vision for the Western Sydney International (Nancy-Bird Walton) Airport's (the Airport's) development over the next 20 years and beyond.

Councillors were briefed on the WSIA Masterplan at the Councillor Briefing on Monday 4 August 2025, highlighting the key concerns, considerations and impacts for the Penrith community and surrounding development within the Western Sydney Aerotropolis Precinct. At this same briefing, representatives from WSI provided Councillors with a presentation on the Masterplan which was followed by an opportunity for questions and discussion.

Whilst the Airport itself is located outside of Penrith's Local Government Area (LGA), and is wholly within the Liverpool LGA, it is essential to consider both the immediate and long-term impacts the Airport will have on the Penrith community. This includes how the Masterplan will operate alongside adjacent land uses including the broader Western Sydney Aerotropolis Precinct, any direct impacts to Penrith residents (such as noise), and indirect impacts, including transport connections and alignment with our employment lands planning. Although the draft Masterplan's vision is clear and detailed in some regards, it does not provide clarity on several local issues, such as connectivity with existing local plans and strategies and prioritisation of key infrastructure.

Council officers have reviewed the draft Masterplan and prepared a submission, provided at Attachment 1, which includes feedback received at the Councillor Briefing on 4 August 2025. Upon Council endorsement, the submission will be sent to WSI by the exhibition deadline of 2 September 2025.

Background

Council has consistently shown its broad support for the WSIA on the basis and understanding that it will benefit Penrith and the broader region.

The WSIA site is located on Commonwealth land and falls under the jurisdiction of Commonwealth legislation. However, aspects of the NSW legislation will apply including the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulations 2014*.

The Airport Plan, as adopted under the Airports Act on 5 December 2016 by the Minister for Infrastructure, commenced the construction and operation of the Stage 1 development of WSIA. The Minister may refuse or approve the Masterplan if it is inconsistent with the Airport Plan. In addition, the Western Sydney Airport Environmental Impact Statement (EIS) and the first Major Development Plan for Business Precinct Stage One were released in 2023, and the EIS for airspace and flight path design in 2024.

Current Situation

The WSIA Masterplan is required to provide a blueprint for the Airport's development for the next 20 years and beyond. It is a requirement under Division 3, Part 5 of the Airports Act that a Masterplan is prepared and contain the following:

- Development objectives,
- Future aviation needs,
- Future land uses and land-use planning/zoning,
- Proposed developments not related to airport services,
- Flight paths and noise impacts,
- Impacts on the local and regional economy and community,
- Environmental issues and their management,
- Proposed 'sensitive developments',
- Ground transport plan, and
- Airport Environment Strategy.

The draft Masterplan sets out WSI's vision and operation for the next 20 years and predominantly focuses on the first 5 years of operation (up to 2030), however there is also detail of the medium-term development plan (up to 2045) as well as a longer-term development plan (up to 2063). WSI, in line with obligations under the Act, have indicated that they will review the Masterplan every 5 years, and have committed to engaging with Council and other key stakeholders throughout that process. As the Airport is yet to open the Masterplan relies upon educated assumptions and focuses on initial airport operations and early expansion. It is envisaged that more detail regarding the medium-longer term development plan will be provided in future reviews.

The draft Masterplan has been structured into five different sections comprising:

- Part A: Introduction - describing airport facilities, infrastructure, stakeholder process and engagement to date.
- Part B: Planning context – providing an overview of the strategic planning context and envisaged airport growth over time.
- Part C: Sustainability – outlining how sustainably goals will be achieved over 20 years.
- Part D: Forward plans – setting out the long-term planning for land use, airside development, aviation, ground transport, utilities and airport safeguarding.

- Part E: Appendices – containing supporting documents, maps and legislative references.

WSI have advised that the overall vision and framework of the Masterplan has taken local government plans and strategies into consideration. The local strategic planning framework relevant to the Masterplan review includes the Penrith Aerotropolis Development Contributions Plan 2023, Penrith's Advocacy Strategy, Economic Development Strategy, Local Strategic Planning Statement (LSPS), Places of Penrith suite of city-shaping strategies, and the Western City District Plan.

In addition, the impacts to Penrith residents along with the Masterplan's relationship with surrounding development within the broader Western Sydney Aerotropolis Precinct has been taken into consideration.

Council officers have reviewed the Masterplan to consider any key concerns to inform our submission. A summary of the key concerns included within our submission are provided below:

1. Transport network and supporting infrastructure

It is critical that the Penrith LGA has adequate infrastructure to provide a range of transport options to access the Airport. The transport network must provide connectivity and ease of access for residents travelling to and from the Airport and beyond, including both public and active transport facilities. The Masterplan should also investigate mechanisms to incentivise and further facilitate alternative transport modes.

The Masterplan outlines the Airport's development strategy along with plans for ground transport, transport connections, and the broader road network. However, it lacks detail regarding the transport connections to the Airport for residents, workers and travellers, in particular bus routes and connections to major surrounding centres, including Penrith.

The Masterplan does not provide a clear timeframe on the construction of the **Western Sydney Fuel Pipeline** which has been identified as an essential project by Infrastructure NSW in the recently released Aerotropolis Sector Plan. Whilst WSI have committed to engaging with TfNSW and the NSW Government for a future fuel pipeline, it is indicated that this won't be economically feasible until the mid-2030s. It is considered that a fuel pipeline should be prioritised as a key enabling infrastructure project and align with the opening and operation of WSIA to ensure the impact of fuel trucks on the local road network, including safety risks, is minimised.

WSI has also identified that certain existing roads and intersections will perform poorly upon opening, as planned upgrades to the traffic network are not expected to be completed until after 2030, resulting in increased congestion on the current transport network. Therefore, the below matters will be raised within our submission:

- **Bus and rail connections**: the Masterplan acknowledges engagement with TfNSW on planned extensions to the Airport; however, it does not go into detail on what bus connections will be provided, what areas they will be servicing, and when they will commence 24 hour operations in line with the airport. Bus connections are crucial in providing 30-minute transport access to travellers and workers in line with Councils strategic direction within Penrith Local Strategic Planning Statement (LSPS) and Penrith's Advocacy Strategy 2025, which identifies the Western Sydney rapid bus service as a key priority.

More detailed planning and coordinated services will also have broader benefits beyond the Airport's needs, particularly for residents that are not within proximity to the rail line. A coordinated bus interchange at the Airport would improve access for Penrith residents to other destinations such as Campbelltown, Liverpool, and Leppington, including destinations along those routes.

There are also several rail connections servicing the broader region (outside of Penrith LGA) which have no estimated completion date. Councils Advocacy Strategy 2025 identifies the importance of extending the Sydney Metro rail line to Tallawong in the north and Macarthur in the south to reduce car reliance, and connect Western Sydney residents to key employment hubs, other services and facilities.

- **Personal transport:** The current transport mode share projections for WSIA indicate a heavy reliance on personal transport modes, with 90% of passengers expected to travel by car, taxi, or rideshare between 2027 and 2030. This mode-share poses significant risks to road network performance, including increased congestion, reduced travel reliability, and elevated greenhouse gas emissions. Accepting a high private vehicle mode-share is also contrary to WSIA's broader net zero goals, if such emissions fall outside of scope. While a gradual shift is anticipated by 2045, with personal transport dropping to 69%, the pace of change is insufficient to meet broader sustainability and liveability goals. A more aggressive strategy is needed to reduce car dependency and promote public and active transport alternatives from the outset.

- **Penrith Aerotropolis Development Contributions Plan 2023:** the Masterplan does not appear to recognise the Penrith Aerotropolis Development Contributions Plan 2023 (Penrith Aerotropolis CP). The Penrith Aerotropolis CP is a key document within the strategic planning framework for the Aerotropolis precinct as it outlines the provision and timing of local infrastructure (such as local roads) within the precincts north of the Airport.

- **Road upgrades:** There are several external road upgrades which WSI have indicated have a timeline for construction or planning beyond 2030. This includes upgrades to Stage 2 of Luddenham Road which has no funding source allocated and a business case by 2040 along with upgrades to Elizabeth Drive. This is considered unacceptable in terms of timing and the uncertainty of delivery, noting that Council's Advocacy Strategy identifies Luddenham Road and Elizabeth Drive upgrades as key infrastructure projects to support growth surrounding the WSIA as well as improving safety and reducing traffic congestion. The Northern Road has also been identified for widening to three lanes in each direction however has no planned timeline, funding source, or detail should these roads be overwhelmed by the Airport's traffic. Considering the timeframe for planning and identifying a funding source typically takes a considerable amount of time, these projects should be fast tracked.

- **Freight and heavy vehicle traffic pressures**: The airport's 24/7 freight operations and projected growth in cargo volumes, from 293,800 tonnes in 2030 to over 1.8 million tonnes annually in the long term, will significantly increase heavy vehicle movements. This includes up to 50 fuel tanker deliveries per day by 2034. However, key local roads such as Luddenham Rd have not been upgraded to accommodate this growth and are currently built to a rural standard. Without timely investment in freight corridors and supporting infrastructure, there is a high risk of congestion, road safety issues, and negative impacts on surrounding communities. Early delivery of the Western Sydney Fuel Pipeline (currently planning for mid-2030s) and strategic freight planning are essential to mitigate these risks.

- **Strategic importance of Freight infrastructure and Mamre and Erskine Park Precincts:** The success of WSIA's freight operations and the broader economic potential of the Western Sydney Aerotropolis relies heavily on the timely delivery of the Western Sydney Freight Line and the intermodal terminal at Mamre Precinct. However, current planning in the Masterplan lacks clear commitments to funding, land acquisition, and delivery timeframes for these critical projects.

  This is a key concern for Council, as delays will limit the Airport's freight capacity, place greater strain on local roads through increased truck movements and undermine job creation opportunities within the Mamre Road and Erskine Park industrial precincts. Without early and coordinated delivery of this infrastructure, Penrith risks missing out on significant economic and employment benefits associated with the freight and logistics sector.

  Strategic advocacy is needed to ensure state and federal government prioritisation and investment in these enabling projects to support both WSIA's success and Penrith's long-term economic development.

2. Employment lands

Penrith's Employment Lands Strategy (October 2021) identifies that the Western Sydney Airport and Aerotropolis precincts have been estimated to add a further 52,000 jobs within the Penrith LGA by 2056. The broader Aerotropolis precinct includes approximately 3,900 hectares of employment land within the Penrith LGA boundary, providing competitive advantages to attract investment. Council recognises that the Airport Business Park will serve a key role in the economic landscape of the broader Aerotropolis precinct. The proposed land uses are broadly supported, provided a balanced and complementary approach is used to determine the suitability of tenancies on-site vs the broader Aerotropolis precincts. It is critical that the WSIA and supporting infrastructure network facilitates job growth and the access to those jobs for Penrith residents, both within the Airport and beyond into the Aerotropolis.

The Masterplan includes employment projections which identify that the Airport is set to provide direct employment for up to 8,500 people by 2036, contributing to a net job growth across Greater Sydney of 817,000 people in the same period. The Business Development precinct, encompassing 253 hectares of land on the WSIA site, has a proposed land use zone to provide for a mix of commercial, retail, and industrial development with opportunities for other employment generating development. The Masterplan estimates that 180,000m^2 of this land will be planned, or developed within the first 5 years of operation (by 2030). This is equivalent to the floorspace of almost 3 Penrith Homemaker Centres, although noting that the Airport Business Park would include uses such as hotel and light industrial uses, not just retail.

The Masterplan also provides a long-term vision that the Airport Business Park, serviced by a metro station, can become a compact, walkable, employment centre, with high-rise offerings.

This vision is broadly supported if the lease arrangements and tenancies attract businesses that require proximity to the Airport rather than those who would best be located closer to population centres such as Penrith or Bradfield. Given the primacy and maturity of the Sydney and Parramatta office markets there are already significant barriers to attracting office jobs to other Western Sydney centres, which makes achieving Sydney's 30-minute city vision challenging. The Airport Business Park site offers a competitive advantage in having direct access to the airport and should focus on attracting key industries and tenants that

require such access. This would have complimentary benefits to the region; attracting a critical mass of similar companies could build the precinct's reputation as a specialised centre thereby attracting further interest and investment, whilst allowing other office and commercial businesses to locate closer to other Western Sydney population centres, such as Penrith. The Masterplan would benefit from a more focussed commercial attraction strategy which details how the Airport Business Park could compliment, rather than compete with surrounding centres and employment precincts.

3. Environmental impacts

The Masterplan includes several environmental action plans (EAP's) and strategies to manage and mitigate measures from the Environmental Impact Statement for the Western Sydney International (Nancy-Bird Walton) Airport 2016 (EIS 2016). The EIS 2016 assessed several potential environmental and social impacts and outlined mitigation measures. The Masterplan reflects the findings and requirements within the EIS and conditions of the Airport Plan, with the EAP's and strategies focus on the below environmental issues:

- Air quality,
- Noise management,
- Energy and carbon,
- Biodiversity,
- Ground transport,
- Soil and water management, which includes stormwater treatment, run-off and pollution,
- Land and safety management, and
- Waste and resource management.

The actions and targets within the EAP's have a five-year timeframe, with WSI indicating that most actions are expected to be completed prior to, or upon operation and opening of the Airport. The completion and implementation of the actions and targets upon operation of the Airport are crucial in providing Council with certainty that the environmental issues are being effectively managed and mitigated in line with requirements under the Environmental Management Systems (EMS).

Water quality and Stormwater management

The Masterplan includes a 5-year action plan with requirements for WSA Co as the Airport Lessee Company to develop and implement a Soil and Water Operation Environmental Management Plan (OEMP) along with an operational water quality monitoring program to ensure compliance with Schedule 2 of the *Airports (Environment Protection) Regulations 1997*. Council officers are broadly supportive of this approach provided all commitments are implemented. However, in developing local standards for water quality management, WSI are to have regard to the waterway health objectives and controls contained within Wianamatta South Creek catchment, which are also included within *Technical guidance for achieving Wianamatta South Creek stormwater management targets* (Department of Planning, 2022). This is important to ensure that the Airport is not eroding the waterway health outcomes or gaining a competitive advantage over surrounding land.

WSI have also indicated that they have an agreement with Sydney Water for the servicing of early wastewater flows for airport terminals and related works and will continue to work with them until Sydney Water commissions the Upper South Creek Advanced Water Recycling Centre in Kemps Creek.

4. Sustainability outcomes

Part C of the Masterplan describes WSI's approach to sustainable development through the design, construction and operation of the Airport. Included in this part are environmental strategies, WSI's commitment to achieving net-zero carbon emissions, acknowledgement to the cultural significance of the land to First Nations peoples along with the Airport's economic and social impacts. Overall, Council officers are supportive of WSI's design and approach to sustainability. However, there are some matters requiring further refinement, which include the below:

- The Masterplan includes a 5-year action plan within the Environment Strategy however it appears it only focuses on environmental management and protection and does not address all sustainability actions to achieve their 6 sustainability pillars.
- The United Nations Sustainable Development Goals that WSI are committing to meet by creating several targets for the Airport's development, appear to be misaligned with the Environment Strategy and therefore further clarification is sought on alignment between them to understand how they will interact.
- Although the Masterplan states its intention to achieve net-zero emissions, it does not go into detail to explain how this target will be achieved over the life of the plan.
- As part of WSIA's net zero ambitions, ground transport emissions should be considered. Whilst acknowledged WSIA is unable to influence the fleet of private vehicles accessing the airport, inclusion of these emissions may provide more incentive to improve public and active transport infrastructure, which could subsequently reduce the provision and cost of parking and road upgrades.

The submission will advocate for the above matters to be clarified further by WSI, by requesting that more detail is required to describe how the targets will be achieved in the short- and long-term operation of the Airport.

5. Other matters

Land use planning

The Masterplan considers the surrounding land-use zones under *State Environmental Planning Policy (Western Parkland City) 2021* (SEPP) however the Airport site itself is divided into five tailored zones, consistent with the Airport Plan, in place prior to the SEPP taking effect. The five land use zones include:

- AD1 Aviation Activity (699 ha)
- AD2 Terminal and Support Services (323 ha)
- AD3 Aviation Logistics and Support (373 ha)
- BD1 Business Development (253 ha)
- EC1 Environmental Conservation (117 ha).

The above zones contain several permitted and prohibited uses. In accordance with Commonwealth legislation the Airport can introduce its own zoning as long as consistency between NSW legislation can be demonstrated. Council officers have reviewed the land uses within the above zones to ensure that the proposed objectives and land-uses are consistent and complimentary with surrounding land use zones under the SEPP, including Agribusiness, Enterprise, and the Environment and Recreation zone.

The proposed land uses within the Business Development zone broadly align with land uses within the Enterprise Zone, focusing on the promotion of employment-generating activities. As described previously, the WSIA has the locational advantage of being in proximity to

major transport infrastructure and reducing our employment potential in neighbouring precincts is not supported. Therefore, it is Council's intention to encourage commercial and retail opportunities that will directly benefit from being located on WSIA but ensure the Airport does not have an unfair competitive advantage over nearby land and centres with similar development potential or aspirations.

It should also be noted that the Masterplan appears to lack detailed strategies for integration with agricultural activities permissible within the surrounding Agribusiness zone, which may limit opportunities for synergies between urban development and agricultural enterprises.

There are also some matters which are inconsistent with the NSW planning framework (e.g. use of outdated or misdescribed land-use terminology). This is important to ensure that the Airport development does not create land use conflict with surrounding land uses. This feedback is reflected in our submission provided at Attachment 1.

Waste management

Whilst the proposed waste management processes for WSIA include broad objectives to reduce landfill waste, the Masterplan does not recognise that local waste facilities are nearing capacity. This highlights the urgent need for reducing waste production, re-using or recycling materials on-site, alternative disposal methods, and a long-term waste management strategy.

There is an opportunity to enhance the Masterplan through more detailed planning surrounding waste management. Key areas for improvement include the need for innovative and efficient waste collection methods, modern technologies to reduce environmental and operational impacts, and consideration of local landfill capacity constraints. The Masterplan would also benefit from clearer strategies for managing internal waste transport and waste vehicle movements, to minimise disruption and maintain user amenity. Addressing these aspects will support a more sustainable and future-focused waste management approach.

Public Art

The proposed 'Art and Place Framework' is supported in principle, however the importance of engaging experienced local public art curators to develop integrated artworks throughout the Airport has been identified.

Financial Implications

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

Risk Implications

The draft submission at Attachment 1 outlines potential risks associated with the draft Masterplan, particularly surrounding the undeveloped transport network and lack of funding sources for critical transport projects.

Next Steps

Should Council endorse the draft submission at Attachment 1, it will be submitted to the Department for their consideration and a copy provided to key state agencies.

Conclusion

Western Sydney International (WSI) are publicly exhibiting a draft Masterplan for Western Sydney International (Nancy-Bird Walton) Airport as required under Part 5 of the Airports Act 1996 (Commonwealth). Council has consistently supported the ongoing development of the

Western Sydney International (Nancy-Bird Walton) Airport and acknowledges its role as a catalyst for economic growth, connectivity, and job creation across the Western Sydney region.

Whilst the masterplan is acknowledged for excelling in transparency and going above and beyond it's regulatory requirements, our review of the Masterplan has identified some concerns and areas requiring greater clarity and commitment from WSI to ensure that the Airport's development does not result in unintended adverse outcomes for the broader Penrith community, infrastructure, and environment.

A primary concern is the lack of a detailed, comprehensive, and integrated public transport network to support the airport precinct. Without this, the airport risks becoming a car-centric precinct, undermining its potential as a catalyst for sustainable urban development. It is crucial that the *WSIA Preliminary Draft Masterplan 2025-2045* provides Council, as a key stakeholder, with certainty that existing key strategies and plans, environmental issues, transport modes, and traffic requirements have been carefully considered and addressed, ensuring successful operation of the WSIA upon opening. Furthermore, Council is seeking assurance that the development of the Airport will not result in an unintended competitive advantage over Penrith's strategically designated employment lands, which are critical to our long-term economic resilience and diversification.

Council welcomes ongoing collaboration with WSI and relevant state and federal agencies to address these matters and deliver a balanced and connected outcome.

It is recommended that Council endorse the submission provided at Attachment 1. Should Council endorse the submission, it will be submitted to WSI by 2 September 2025. A copy of the submission will also be provided to key state agencies, consistent with feedback provided during the Councillor Briefing on 4 August 2025.

RECOMMENDATION

That:

1. The information contained in the report on Submission on 2025–2045 Preliminary Draft Master Plan for Western Sydney International Airport be received.
2. Council endorse the draft Submission on the *2025–2045 Preliminary Draft Master Plan for Western Sydney International (Nancy-Bird Walton) Airport* at Attachment 1 to submit to WSI for their consideration.
3. A copy of the endorsed submission is provided to key state agencies including the NSW Department of Planning, Housing and Infrastructure.

ATTACHMENTS/APPENDICES

1.	Attachment 1 - Draft Submission - 2025-2045 Preliminary Draft Masterplan for Western Sydney International Airport	25 Pages	Attachments Included

4 Request for Major Event Sponsorship - Music Trolley Pty Ltd

Compiled by: **Stacey Rossetto, City Marketing Coordinator**

Authorised by: **Kevin Brennan, Head of Economy and Marketing**
Kylie Powell, Director Futures and Strategy

Outcome	*We plan and shape our growing City*
Strategy	*Grow and support a thriving local economy*
Principal Activity	*Promote Penrith as a place to live, visit and work in through city marketing and economic development initiatives*

Executive Summary

The purpose of this report is to present to Council an event sponsorship proposal received from Music Trolley Pty Ltd to support the delivery of the Sunset Bash country music festival on Saturday 20 September 2025. The event is to be held at Penrith Panthers Leagues Club, Penrith.

This report provides Council with details of the sponsorship proposal received, including the proposed sponsorship benefits and an assessment of the proposal.

Music Trolley Pty Ltd has sought Council sponsorship of $10,000 (exc. GST). Council officers estimate the event could deliver approximately $598,113 in local economic benefit.

This report recommends that Council provides sponsorship of $10,000 (exc. GST) for the Sunset Bash country music festival to be held on Saturday 20 September 2025.

Background

Penrith City Council (Council) was approached by Music Trolley Pty Ltd to consider a sponsorship proposal for the Sunset Bash country music festival to be held on 20 September 2025 at Penrith Panthers Leagues Club, Penrith.

This event sponsorship request is governed in accordance with the Events Sponsorship Policy ('the Policy'). The Penrith Events Partnership Program provides up to $200,000 annually to fund major and community events in the Penrith Local Government Area.

Current Situation

The sponsorship proposal received from Music Trolley Pty Ltd ('Music Trolley') for the Sunset Bash event requests Council funds of $10,000 (exc. GST) to assist with growing the Sunset Bash brand and marketing the event to out of area visitors to Penrith.

Further details on the event are provided below.

2025 Sunset Bash

Sunset Bash in an initiative of Music Trolley, an independent music and event promotions business located in Emu Plains, with over 30 years of experience in the Australian live music industry. Music Trolley is not only passionate about country music but ensuring that Western Sydney and the Penrith region in particular has access to well produced, safe and affordable music festivals.

Sunset Bash is a one day music festival held in Penrith featuring an all Australian line up of country music acts, food trucks and fashion stalls. The event typically runs from 2pm - 10pm and costs between $59-95 to attend.

Sunset Bash has been delivered in 2023 and 2024 to very positive reviews on social media and obtained via post event surveys.

The sponsorship proposal from Music Trolley seeks $10,000 (exc. GST) investment from Council to provide improved and enhanced event infrastructure and support out-of-home marketing campaigns to drive event attendance from outside of the region in 2025. The out-of-home marketing campaign is managed directly by Music Trolley, distinct from the Penrith Panthers Leagues Club.

The event is estimated to attract 2,000 participants (1280 local, 20 interstate, and 700 other NSW). It is anticipated that approximately 22% of participants will stay within the Penrith Local Government Area (LGA) for approximately 1 to 2 nights, based on previous overnight visitation data obtained for the Sunset Bash event held in 2024.

Previous sponsorship or funding support to Music Trolley Pty Ltd

Council has previously provided $10,000 financial support to Music Trolley Pty Ltd to support the 2024 Sunset Bash held on 21 September 2024 at Penrith Panthers Leagues Club, Penrith.

Proposed Sponsorship Benefits

The sponsorship opportunities presented by Music Trolley Pty Ltd for the 2025 September Festival would provide Council and the community of Penrith City with several benefits including:

- Council logo inclusions on all outdoor signage
- Council logo on video end board (used for Facebook/Instagram advertising)
- Council logo on event website linking to visitpenrith.com.au advertising Penrith as a destination
- Council logo on Electronic direct mail (EDM) sent weekly to database of 2000 previous ticketholders
- 2 x Facebook Posts suggesting Penrith destinations to visit
- All social posts advertising the event to include the ‘Visit Penrith’ hashtag.

Assessment of sponsorship proposal

The sponsorship proposal has been assessed against Council’s Events Sponsorship Policy criteria for Major Event Sponsorship. The event is eligible for funding from Council.

The event encourages community involvement and partnership, overnight visitation to the Penrith Local Government Area and is expected to have positive economic benefits to the local Penrith economy that exceed the total cost of running the event. Increasing visitation to Penrith aligns with the Penrith Visitor Economy Strategy 2023-2030.

Based on the projected event visitation, Council officers have estimated the economic benefit of the scheduled event to the local economy is approximately $598,113.

This estimate is calculated using data provided by the applicant including participant numbers and type of participation expected during the event (e.g. overnight or day stay). The Tourism Research Australia tool is then used to input the data provided by the applicants. This tool is used by Destination NSW to set the standard rates of economic impact per visitor per event. This information is then inputted into the Profile ID Event Impact Calculator to determine the return on investment for each event.

The applicant has applied for $10,000 (exc GST) of sponsorship from Council in support of the event. Council officers have considered the proposed benefits, economic benefits and the strategic benefit to Council in sponsoring the event. As a return event regularly held in Penrith, sponsorship of the event does not present a new event acquisition opportunity.

Sponsorship of $10,000 (exc GST) is considered appropriate to support this event. This level of funding reflects the nature of the proposed sponsorship benefits to Council, including the opportunity to promote Penrith as a destination to over 2000 attendees. This level of funding is also consistent with Council's approach to levels of sponsorship for events with comparable benefit returns.

It is recommended that sponsorship of $10,000 (exc GST) to Music Trolley Pty Ltd be endorsed. This level of funding reflects the nature of the proposed sponsorship benefits to Council, and the estimated economic benefits.

Council officers will work with Music Trolley Pty Ltd to further understand the future strategic direction of their event, and to communicate that Council is reviewing its Events Sponsorship Policy and approaches to multiyear agreements.

Financial Implications

The Penrith Events Partnership Program provides up to $200,000 annually to fund major and community events in the Penrith Local Government Area. This funding is available within existing budgets included in Council's Operational Plans.

To date for this financial year, Council has endorsed a total of $0 (exc GST) worth of major and community event sponsorships. In addition, $86,450 of sponsorships were adopted by Council in the 2024-25 financial year which will be paid in 2025-26 financial year after the events have occurred, and conditions of the Sponsorship funding have been met. As a result, there is currently $113,550 remaining in the 2025-26 Event Sponsorship Program budget.

As the event is to be held this financial year the Sponsorship will be funded out of the 2025-26 Events Sponsorship Program Budget.

Should this proposal progress as recommended, the resulting funds available in the sponsorship budget would be $103,550 for 2025-26.

Risk Implications

If the sponsorship is endorsed, Council will enter into a sponsorship agreement with Music Trolley Pty Ltd to detail the expected sponsorship benefits to be delivered to Council and the community in exchange for Council's investment.

To minimise commercial risk, funds will be paid to Music Trolley Pty Ltd in instalments upon delivery of agreed deliverables and meeting agreed milestones.

Conclusion

A request for sponsorship has been received from Music Trolley Pty Ltd. The request seeks a total of $10,000 (exc. GST) in support of the Sunset Bash country music festival to be held on 20 September 2025 at the Penrith Panthers Leagues Club, Penrith.

It is estimated that the return to the community of Penrith City from the event could be in the order of $598,113 in economic benefit.

Should Council resolve to endorse the sponsorship proposal, Council will enter into a sponsorship agreement with Music Trolley Pty Ltd detailing the expected sponsorship benefits to be delivered to Council in exchange for its investment.

RECOMMENDATION

That:

1. The information contained in the report on Request for Major Event Sponsorship - Music Trolley Pty Ltd be received.
2. Council endorse sponsorship funding of $10,000 (exc. GST) to Music Trolley Pty Ltd in support of the 2025 Sunset Bash event.



ATTACHMENTS/APPENDICES

There are no attachments for this report.

5 Works In Kind Agreement - 884-928 Mamre Road, Kemps Creek

Compiled by: **Kathryn Sprang, Senior Planner**
Natalie Stanowski, City Planning Coordinator

Authorised by: **Andrew Jackson, Director Planning and Regulatory Services**

Outcome	*We plan and shape our growing City*
Strategy	*Undertake strategic planning that will ensure balanced growth and liveability*
Principal Activity	*Ensure services, facilities and infrastructure meet the needs of a growing population through the contributions framework*

Previous Items: **Upcoming Mamre Precinct Voluntary Planning Agreements and Works in Kind Agreements - Councillor Briefing - 18 Aug 2025**
Amendment to Mamre Road Development Contributions Plan 2022 - Councillor Briefing - 18 Aug 2025

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

Landowner and Developer: The Trust Company (Australia) Limited and Barings.

Executive Summary

This report presents a Works in Kind Agreement (WIKA) for the delivery of industrial collector roads and a roundabout at 884-928 Mamre Road, Kemp Creek for Councils endorsement.

The collector roads, roundabout and associated land acquisition are identified within the Mamre Road Precinct Development Contributions Plan 2022 (Mamre Precinct CP) and the Mamre Road Precinct Development Control Plan (2021). Barings have adjusted the location of a collector road to be entirely situated on their site (as per the State Significant Development (SSD) approval) to unlock the development potential of their site. The development of the site is contingent on the delivery of the collector roads.

The draft WIKA is associated with State Significant Development SSD- 17647189 approved by the Department of Planning Housing and Infrastructure (DPHI) on 18 December 2023. Appropriate conditions are contained within the SSD approval consent to facilitate a WIKA.

Barings is the developer of 884-928 Mamre Road. Under the proposed WIKA, Barings will deliver collector roads and a roundabout on the subject site. The total value of these works and land in the Mamre Road Precinct Development Contributions Plan (Mamre CP) is $15.8 million. However, the development contribution liability for the proposed development is only $10.9 million. With the value of credits based on the costs identified in the Mamre CP, this means that Barings will have a $4.9 million surplus credit once it has met its liability for this development. Barings has requested the ability to trade the surplus credits to be able to realise the value of the works and land that it is providing to Council. Therefore, the subject WIKA proposes a variation to the template, to facilitate the developer (Barings) to be able to trade surplus development contributions. There are also proposed other minor changes to the template.

The trading of surplus credits is not an arrangement currently facilitated by the Mamre CP nor Council's Penrith Developer Infrastructure Agreements Policy (PDIAP), as such a Council decision is required on this matter.

Otherwise, the draft WIKA has been reviewed against the Mamre CP and PDIAP and found to be generally consistent and acceptable. The draft WIKA will facilitate the delivery of this transport infrastructure and will unlock employment land on the subject site.

Background

Barings (formerly Altis) submitted a draft letter of offer to enter into a planning agreement on 1 March 2022. Council Officers and Barings negotiated and collaborated on matters including, road tie in works with adjoining landowners and staging of works. The letter of offer was reviewed by Council's Local Infrastructure Contributions Working Group (LICWG) at its meeting on 1 December 2022. The LICWG recommended that the preparation of a WIKA may proceed. In-principal support was provided to Barings to progress the draft WIKA on 27 January 2023.

Barings submitted their first draft WIKA in May 2023 which contained unassessed provisions that would facilitate surplus contribution credit trade to another developer. Under the proposed WIKA, Barings will deliver collector roads and a roundabout on the subject site. Barings has sought the ability to trade the surplus credits to be able to realise the value of the works and land that it is providing to Council.

The reason Barings will be in credit surplus is because the location of collector road CR5 (via their SSD approval) was located entirely onto their lot, where before it straddled the property boundary. This resulted in Barings being able to unlock the development potential on their lot.

Barings have sought a way to progress the trading of surplus credits and progressing their development, ahead of a full assessment and required policy amendments. The proposed clause in the WIKA does not commit Council to the credit trade, but enables this to occur subject to Council approval and subject to an amendment to the Mamre CP.

Council has not yet entered into a planning agreement that facilitates the trade of surplus credit to an unrelated entity, and the Mamre CP and the Penrith Developer Infrastructure Agreements Policy (PDIAP) are silent on surplus credit trading.

The Surplus Credit trade and the draft WIKA were reported to LICWG on the 30 April 2024. LICWG deferred this matter pending legal advice. The matter was re-reported to LICWG on the 24 June 2025, LICWG resolved to support the inclusion of provisions in the WIKA to consider trade of surplus credits and provide in principal support for the WIKA to proceed to a Council meeting recommending endorsement, pending risk management provisions.

Proposed trading of contributions credits

It is proposed that the WIKA include the ability for credits to be traded at the sole discretion of Council. Additional conditions are also proposed to minimise the risk and administrative burden for Council. These include:

- The credit can only be traded within the area subject to the Mamre CP
- The traded credit can only be used to offset contributions liabilities related to road works
- Once issued, the value of the credit will not be indexed
- A credit can only be traded once; and
- That only a maximum of 3 trades may occur

To enable the proposed arrangements, an amendment will need to be made to the Mamre CP. The amendment will specifically allow for traded credits to be used to meet a contribution liability. In addition, a tripartite Deed of Assignment will need to be executed to formalise a trade.

Legal Review

The trading of surplus credits is not dealt with by the Environmental Planning and Assessment Act 1979 (EP&A Act) or by any decision of the Court. An applicant for development consent may not use surplus credits obtained from another developer to discharge an obligation to make development contributions unless the relevant s7.11 condition and contributions plan allowed it to do so. As drafted, the Mamre Precinct CP does not provide for a s7.11 condition to be satisfied by retiring contributions credits. Therefore, an amendment to the CP is required.

The draft WIKA enables Barings to apply to Council to use surplus credit to discharge the liability of itself, or one other person nominated by Barings, to make a development contribution in the Mamre Road Precinct. The Council may approve or refuse a transfer at its sole discretion, and the decision is not subject to dispute resolution under the WIKA. Council must act reasonably when exercising that discretion.

Proposed Clause

The draft Clause for inclusion in the WIKA, which has been reviewed by Councils Legal team is provided below:

The Developer may apply to Council to utilise any Surplus Credit to discharge, in whole or part:

(i) the Developer's liability; or

(ii) the liability of a Related Body Corporate of the Developer; or

(iii) the liability of up to three (3) persons nominated by the Developer,

to make a development contribution toward Transport works and Transport land acquisition pursuant to the Contributions Plan.

If the Developer wishes to apply the Surplus Credits as set out in clause 6.3(b) (iii), the Developer and any person nominated by the Developer are to make a joint application in writing to the Council.

The Council may refuse or conditionally approve an application made under this clause at its sole discretion and any dispute arising from a decision of the Council under this clause is not subject to clause 8 of this agreement.

The above clause leaves the possibility open to consider the trade of surplus credits to an unrelated entity in the Mamre Precinct upon written application. However, the acceptance of the application/trade of credits is at the sole discretion of Council.

Assessment of draft WIKA

In the assessment it was determined that the draft WIKA will:

- facilitate the delivery of infrastructure ahead of any future Council works program, at the cost identified in the Mamre CP;
- provide sufficient security to the developer that, subject to Council's agreement and satisfaction, they can transfer of credits to another party
- Enable Council sufficient discretion to refuse the credit transfer.

The proposed WIKA facilities future consideration of surplus credit trading by enabling Barings to apply for Council's permission to trade. Council would have sole discretion in the assessment, with no further avenues for dispute on the matter.

Timing of infrastructure delivery

The timing for delivery in the draft WIKA has regard to the SSD approval. To ensure timely delivery of the infrastructure, the draft WIKA has trigger events that require the roads to be delivered to Council prior to the issue of an Occupation Certificate for the development or prior to 1 July 2027, whichever occurs later.

Road Connections

Council officers have negotiated between parties to facilitate road connection works through executed VPAs and the draft WIKA. There are suitable mechanisms in the existing Mirvac VPA, executed on 11 March 2024, that facilitate land dedication by Mirvac to enable Barings to undertake future road connection works. In respect to the road connections with Frasers to the East, the Barings SSD approval requires that a right of carriage way is created to facilitate the future road connection by Frasers.

Security

The draft WIKA ensures that security is to be provided for each component of the works in an amount equivalent to 125% of the agreed value of works. This ensures adequate security provisions that Council can call on if works are not delivered and is in accordance with the PDIAP.

Changes to the WIKA Template

As per the PDIAP a WIKA does not require public notification nor report to Council if the WIKA template (attached to the PDIAP) is used and unchanged. Barings is proposing a number of minor changes in addition to the insertion of a clause to consider credit trading. As such the WIKA requires resolution from Council to proceed to execution.

Financial Implications

The draft WIKA seeks to deliver the road infrastructure on the subject site as identified within the Mamre CP. Barings will be responsible for the cost of the works associated with the WIKA.

If surplus credit trading is to be facilitated, there is a financial risk that this could result in a deficit to the contribution plan – noting that this is also a risk when applying surplus credits to any other site the developer may own in the precinct.

However, this WIKA is considered to be an accelerated way to deliver road infrastructure on the subject site.

Risk Implications

An overview of the risk analysis that has been undertaken is provided below.

Risk considerations	Management of Risk
Delivery	By entering into the WIKA, Barings assumes the risks associated with delivering the infrastructure and therefore relieves Council of this risk. This includes the scenario of Council having to find funding to deliver the works ahead of contribution revenue being available if this was not developer led.

Risk considerations	Management of Risk
Facilitating arrangements	The WIKA will clearly outline the conditions that Council will consider when assessing a request to trade surplus credits. This includes explicitly identifying that a trade is at the sole direction of Council. The use of traded credits to satisfy a developer contribution liability is reliant upon an amendment to the Mamre Road CP. A Deed of Assignment, executed by Council, Barings and a third party, will be required to facilitate a trade
Cash flow and available capital in the CP	Transferring a credit would suggest that a third party, rather than pay a cash development contribution, will utilise a credit to meet its liabilities. This means that cash flow will be lower than otherwise. This, however, is offset by the value of the assets delivered earlier than otherwise by Council and, if the trade was not available, the need to repay Barings at some stage for the additional contribution that it has made. When assessing a request to trade, Council will assess whether the non-realisation of cash will adversely impact its delivery of other assets. The risk of this is managed in part by only allowing the traded credit to be used for road infrastructure. Not applying indexation to the credit once generated will slightly reduce cashflow impacts. It is considered unlikely that significant cashflow is required for road construction in the Mamre Precinct, due to the high rate of planning agreements. There is a risk that another party could use the credit and avoid construction, however, this risk is considered low given that much of the infrastructure identified in the CP, particularly for roads, enables delivery of development sites.
Availability of other surplus credit recognition options	Other avenues are available to the developer, such as private arrangements with other entities, crediting other developments in their ownership, or receiving payment at the end of the CP. These were not accepted by the developer.
Reputational	Acceptance of trading is at Council's discretion, where it is not found acceptable to trade, this may impact Council reputation. Due to the timing of the WIKA, progression of development and outstanding VPA negotiations, a full assessment of the projected cashflow of the CP has not been finalised. The developer has sought to progress the WIKA with this clause, ahead of the certainty of an assessment and Council resolution Council would face reputational risk if it were not to acknowledge and repay the over and above contribution made by Barings, given that Council is collecting from other developers for that value.

Risk considerations	Management of Risk
Governance, administration and resourcing	There will be administrative associated with assessing and executing the trading of credits. In large part, existing administrative arrangements, including the use of Novoplan, for the management of credits will apply. The number of trades is limited by the requirement for a minimum value of a trade and that "secondary trading" is not supported.

Conclusion

The draft WIKA for the delivery of collector roads and a roundabout represents a benefit to Council, as Council would be unable to fund the land acquisition and delivery of the road works until funds from the Mamre Precinct CP became available. The draft WIKA is reasonable and seeks to deliver works as identified in the Mamre Precinct CP. It also allows Barings to receive credits to satisfy their obligations under S7.11 of the EP&A Act. The draft WIKA has been drafted to ensure suitable mechanisms and securities around key matters such as road design and credits. However, there are potential risks if Council decides to allow inclusion of the surplus credit trade consideration clause.

It is recommended that Council make a decision on the inclusion of the surplus credit trade consideration clause and then endorse the draft WIKA to proceed to execution.

RECOMMENDATION

That:

1. The information contained in the report on Works In Kind Agreement - 884-928 Mamre Road, Kemps Creek be received.
2. Council endorses the draft Works In Kind Agreement for 884-928 Mamre Road, Kemps Creek for execution as attached.
3. Council authorises the General Manager (or their delegate) to finalise and sign the Works In Kind Agreement and make any minor amendments where necessary (e.g. typographic errors, incorrect clause references, dates, and the like).

ATTACHMENTS/APPENDICES

1. Final Draft Works In Kind Agreement 47 Pages Attachments Included

6 Finalisation of Glenmore Park Stage 3 Development Contributions Plan 2022 Amendment 1

Compiled by: **Ian Stendara, Executive Planner**
Natalie Stanowski, City Planning Coordinator

Authorised by: **Christine Gough, Head of City Planning**
Andrew Jackson, Director Planning and Regulatory Services

Outcome	*We plan and shape our growing City*
Strategy	*Undertake strategic planning that will ensure balanced growth and liveability*
Principal Activity	*Ensure services, facilities and infrastructure meet the needs of a growing population through the contributions framework*

Previous Items: **Finalisation of Section 7.11 Development Contributions Plan for Glenmore Park Stage 3 - Councillor Briefing - 19 May 2025**
5 - Finalisation of S.7.11 Development Contributions Plan for Glenmore Park Stage 3 - Ordinary Meeting - 26 May 2025

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

Executive Summary

The purpose of this report is to seek the adoption of the draft amendment to the Glenmore Park Stage 3 (GP3) Section 7.11 Contributions Plan (CP) (Separate Enclosure 1).

At the Ordinary Meeting of 26 May 2025 Council adopted the CP for GP3. Local infrastructure included in the CP includes local roads, water cycle management works and open space (such as local parks and active open space). A draft amendment to the GP3 CP to introduce a contribution for non-residential development in GP3 was also endorsed for exhibition at Council's Ordinary Meeting of 26 May 2025.

The draft amendment was required as a result of recommendations made by the Independent Pricing and Regulatory Tribunal (IPART) and the Minister for Planning and Public Spaces (the Minister) when the original draft GP3 CP was reviewed. The reviews both recommended that the CP be amended to distribute costs of providing infrastructure between residential and non-residential development. This required the amendment of the plan to introduce a new non-residential rate, which had not previously been publicly exhibited.

The draft amendment to GP3 CP (Amendment 1) was placed on public exhibition between 5 June 2025 and 2 July 2025.

No submissions were received during the exhibition period. However, during a post-exhibition review of exhibited materials it was found that there were some minor calculation errors in the plan's works, land acquisitions, and costs schedules. Correction of these errors results in a marginal reduction in the cost of residential and non-residential development. The base indexation rate is also being updated to align with the current (June 2025) quarter. It is recommended that Amendment 1 to the CP be adopted as at Separate Enclosure 1.

Background

Glenmore Park Stage 3 Rezoning

The rezoning of GP3 was considered through a Planning Proposal (PP). The preparation of the CP and negotiation of a Voluntary Planning Agreement (VPA) began throughout the PP process. At its Ordinary Meeting of 27 June 2022, Council considered a report on the GP3 PP, draft Development Control Plan (DCP), draft CP and draft VPA Offer and resolved that the PP and associated documents be placed on public exhibition. The PP and supporting information were placed on notification from 19 August 2022 July to 16 September 2022.

An amendment to Penrith Local Environment Plan 2010 (PLEP 2010) to facilitate the rezoning was gazetted on 30 June 2023.

Preparation of the CP, IPART, and DPHI Review

A draft CP was prepared to support the rezoning of GP3. A Ministerial Direction is in place which requires Council to send a CP to IPART for review and receive ministerial approval prior to charging more than $20,000 for a standard residential lot.

Council resolved at the Ordinary Meeting of 12 December 2022 that the CP be forwarded to IPART to conduct a formal review of the documents. IPART released their final report in October 2024, which provided the final recommendations for the Minister's consideration. The Minister then directed Council to amend the CP in relation to matters such as contingency allowances, indexation and other minor changes. These recommendations were considered reasonable, and an amended CP was adopted by Council on 26 May 2025.

The IPART review and Ministerial direction sought for transport and stormwater costs be apportioned between residential and non-residential development. Given the original GP3 CP was not exhibited with a rate for non-residential development, this required preparation of an amended CP, which is the subject of this report.

Public Exhibition and Submissions

Summary of the Amendment

Council endorsed exhibition of draft GP3 CP Amendment 1 at its Ordinary Meeting of 26 May 2025. The draft CP contained only one change, being the introduction of a new rate for non-residential development. This includes an update to text, tables and Appendices. Updates include new definitions, a description of demand and nexus, apportionment, indexation, summary of costs and the like to describe how and why non-residential development will contribute towards the costs of local infrastructure. New sections were also inserted in Part 1 (Administration) and Part 2 (Technical Background) as follows:

- Part 1: 1.3.2 Summary of Contribution Rates – Non-Residential
- Part 1: 2.2.2 Calculating the Contribution– Contributions for Non-Residential Development
- Part 2: 1.3.3 Expected Development – Non-Residential Development.

The non-residential rate will be calculated per hectare (ha) of net developable area (NDA). The total amount apportioned to non-residential development (including a school site) is $4,181,881 (March 2025 quarter), this equates to a rate of $879,840 per ha. No other changes to the plan were proposed by this amendment, including no changes to the residential rate.

Endorsement and Details of Exhibition

The draft CP was placed on public exhibition between 2 June 2025 and 2 July 2025. The exhibition included:

- An advertisement on Your Say Penrith from 2 June 2025 – 2 July 2025

- A notification in the Western Weekended on 2 June 2025 and 16 June 2025, and
- An online notice on Council's notification page, published on 2 June 2025.

Council officers also made direct contact via phone call and email with the landowner with holdings that include the E1 Local Centre zone, which is impacted by the proposed non-residential rate

No submissions were received.

Post-Exhibition changes

As part of reviewing material in the post-exhibition process, a handful of anomalies were discovered in the costing tables at appendix A of the plan. These errors included incorrect residential to non-residential land ratios, and incorrect indexation rates being applied to some items. These errors were inconsistent with the wording and intent of the written plan, and correction is considered critical in not over-charging development, and ensuring items are costed as per the approach described in the written plan.

Correcting these errors results in a reduction in the cost of a standard residential lot from $109,518 to $109,065. Similarly, the cost of developing 1 ha of non-residential land has been reduced from $879,840 to $871,426.

However, it is also proposed that the plan's base indexation rate be changed from March 2025 to June 2025, reflecting the current CPI rate. This results in a standard residential lot being $109,629 and 1 ha of non-residential land being $875,088. This change is inconsequential, as payments are to be made in accordance with the indexation rate at the time of payment.

Financial Implications

A shortfall exists in the current CP as a result of IPART and DPHI's direction to introduce a non-residential rate and its associated reduction in the residential rate. By adopting the GP3 CP Amendment 1, the GP3 precinct will recover a $4,159,294 shortfall for local infrastructure, this amount being the amount anticipated to be levied from non-residential development.

It is anticipated that Council will not recover the entirety of the $4.16 million shortfall, as Council has limited capacity to levy certain development. Where development by the Crown (such as for an expanded primary school) occurs, development contributions will not be paid, and this will create a shortfall in the CP. A public school site of approximately 2.35Ha is identified in GP3, which represents a foregone contribution of approximately $2,056,457.

This shortfall will be managed as best as possible through entering into VPAs, to focus on achieving infrastructure delivery as works in kind. Given there is a lead developer in this Precinct, it is considered that this can be managed as the majority of works will be carried out as works in kind.

Risk Implications

If the GP3 CP Amendment 1 is not adopted, the CP will have a shortfall of approximately $4 million, and known errors will remain present in the plan.

There is also an on-going risk to Council, which cannot be ameliorated by the GP3 CP, in relation to exemption of contributions payable by the public-school site. In the Minister's directions, Council was required to levy contributions for all non-residential development (including the school site) with the knowledge that Contributions Practice Notes exempt Public Schools from paying contributions. As above, Council Officers will manage this risk as best as possible via VPAs and Work-in-Kind agreements.

There are no other risks associated with this report.

Conclusion

The finalisation of GP3 CP Amendment 1 (Separate Enclosure) is essential to the successful development of the GP3 precinct, and Council's ability to recoup a portion of the costs apportioned to non-residential development. The CP will serve as the means for Council to collect the funds to deliver the enabling infrastructure.

RECOMMENDATION

That:

1. The information contained in the report on Finalisation of Glenmore Park Stage 3 Development Contributions Plan 2022 Amendment 1 be received.
2. Council adopts the *Glenmore Park Stage 3 Development Contributions Plan 2022 Amendment 1*, at Separate Enclosure 1 of this report.
3. Council provide the General Manager delegation to amend minor typographic or mapping errors in the Plan, should they exist.
4. A notice is to be published on Council's website within 28 days after the *Glenmore Park Stage 3 Development Contributions Plan 2022 Amendment 1* has been adopted by Council, in accordance with legislative requirements under the *Environmental Planning and Assessment Regulation 2021*.
5. The Department of Planning, Housing and Infrastructure are informed of Council's decision.



ATTACHMENTS/APPENDICES

There are no attachments for this report

7 Amendment to the Mamre Road Precinct Development Contributions Plan 2022

Compiled by: **Ian Stendara, Executive Planner**
Caroline Ayling, Planner - Contributions
Natalie Stanowski, City Planning Coordinator

Authorised by: **Christine Gough, Head of City Planning**
Andrew Jackson, Director Planning and Regulatory Services

Outcome	*We plan and shape our growing City*
Strategy	*Undertake strategic planning that will ensure balanced growth and liveability*
Principal Activity	*Ensure services, facilities and infrastructure meet the needs of a growing population through the contributions framework*

Previous Items: **Draft Mamre Precinct Development Contributions Plan- Ordinary Meeting - 28 Mar 2022**
Amendments to Mamre Road Section 7.11 Development Contributions Plan- Ordinary Meeting - 28 Apr 2025
Draft Mamre Road Development Contributions Plan - Ordinary Meeting - 26 Oct 2020
Re-exhibition of Draft Mamre Precinct Development Contributions Plan - Ordinary Meeting - 22 Nov 2021

Current References: **Amendment to the Mamre Road Precinct Development Contributions Plan 2022**
Works In Kind Agreement - 884-928 Mamre Road, Kemps Creek

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

Executive Summary

Council resolved at its Ordinary Meeting of 28 April 2025 to publicly exhibit a draft amendment to the Mamre Road Precinct Development Contributions Plan (the CP). Having conducted a review of the submissions, Council officers recommend the adoption of the draft amendment as exhibited, with minor corrections.

The amendment sought to ensure the CP remains up to date, fit for purpose, and reduce any potential financial risks for Council. In particular, the amendments set out to:

- Respond to legislative changes resulting from recent amendments to *State Environmental Planning Policy (Industry and Employment) 2021* (I&E SEPP).
- Respond to the finalisation of Sydney Water's Integrated Stormwater Scheme Plan.
- Provide clarification to the definition of Net Developable Area (NDA), which quantifies the area for which development contributions must be paid.
- Update the indexation method for land to be acquired, and
- Correct minor housekeeping matters.

The amended CP was publicly exhibited between 5 May 2025 to 2 June 2025. Five submissions were received in response to the exhibition. Matters raised in the submissions related to changes to the definition of NDA, lands identified as NDA, request to amend the

plan boundary, request to provide additional exemptions, and a request to provide transitional arrangements.
Other agencies, including the Department of Planning, Housing and Infrastructure and Transport for NSW, are yet to finalise key documents which will potentially create the need for future amendments to the CP. A Works-in-Kind Agreement, also reported to Council at this meeting, also has the potential to generate contributions credits. Currently there are no mechanisms under the plan to allow the proponent to trade credits and as such, a future amendment will be required to facilitate this.

In the interim, implementing the amended CP will support continued development in the Mamre Road Precinct. Council officers will continue to work with state agencies and proponents to prepare further amendments to the CP as zoning, transport, and stormwater infrastructure plans are developed and finalised.

Two minor errors are proposed to be corrected, with no material change to the plan costs. The first correcting the date in the Plan's name being 2022, rather than 2021, as exhibited. The second change relates to the savings provision which has been clarified to state that the new plan applies to any DA or CDC not yet issued or determined, rather than the new plan "should" apply, which provided ambiguity.

With no other post-exhibition changes to the plan, the infrastructure and development costs will remain as per the exhibited amounts. This means the cost of developing 1ha of land, at present is $599,225 (September 2021 dollars), with the new rate being $710,556 (December 2024 dollars).

Background

The Mamre Road Precinct is located within the Western Sydney Employment Area (WSEA), which was established to provide land for employment purposes close to major road transport and to provide jobs for Western Sydney. There are approximately 850 hectares of industrial land in the Precinct, with the capacity to accommodate approximately 17,000 jobs.

The key planning documents for the Mamre Road Precinct are the I&E SEPP, which zones the land, and the Mamre Road Precinct Development Control Plan. Planning for the Precinct has been led by the Department of Planning, Housing and Infrastructure, which is responsible for any amendments required to these documents. The key document that Council is responsible for in the Precinct is the CP.

Mamre Precinct Development Contributions Plan (The CP)

The CP was adopted by Council on 28 March 2022. The CP identifies the local infrastructure required to support future development in the Precinct and the contributions required to meet the cost of that infrastructure. This includes new and upgraded roads, open space embellishments and associated land acquisitions.

To secure the delivery of infrastructure identified in the CP, Council has formally entered into three Voluntary Planning Agreements (VPA), and officers are currently negotiating six Works in Kind Agreements (WIKAs).

Public Exhibition and Submissions

At its Ordinary Meeting of 28 April 2025, Council resolved to publicly exhibit the draft amendment. The amended CP was publicly exhibited between 5 May 2025 to 2 June 2025. The public exhibition was undertaken in accordance with the requirements of the *Environmental Planning & Assessment Act 1979.* The draft amendment was made available

for the public to view on the NSW Planning Portal and on Council's YourSay page, accessed via Council's website. The draft amendment was also advertised in the Western Weekender newspaper.

Summary of Changes as Exhibited

Amendment	**Effect**
Remove 20 Aldington Road, Kemps Creek from the works schedule and cost of works and land acquisition. The associated CP maps will also be updated.	• Slightly reduce the cost of the CP • Consistency with I&E SEPP • Ensured no double charging of costs
Update the NDA calculation to reflect land that has been rezoned from C2 Environmental Conservation to IN1 General Industrial and vice versa.	• Consistency with the I&E SEPP • Slightly reduce cost of the CP
Remove certain RE1 Public Recreation-zoned land which will be rezoned to SP2 Infrastructure (Stormwater) and acquired by Sydney Water from the schedule and costs of works. The associated CP maps will also be updated. Approximately 3.2 Ha of RE1 land has been removed from the plan.	• Consistency with the Mamre Road Precinct Stormwater Scheme Plan • Consistency with the I&E SEPP • Reduced cost of the CP • Ensure no double charging
Update NDA calculations to exclude IN1 General Industrial-zoned land which will be rezoned to SP2 Infrastructure (Stormwater) and acquired by Sydney Water. The associated CP maps will also be updated.	• Consistency with Sydney Water Stormwater Scheme Plan • Consistency with I&E SEPP
Update the indexation method for land costs from the no longer updated EHPI (Existing House Price Index) to CPI (Consumer Price Index). The base CPI will be updated for works costs as well to ensure consistency between both calculations.	• Increase to land values, reflecting true cost of the plan • Contributions will reflect what Council would be collecting, if the EHPI had not ceased • Indexation consistent with negotiated Voluntary Planning Agreements • Developers have access to higher land contribution offsets for works in kind
Simplify the definition of NDA by making clear it includes all land zoned IN1 General Industrial except for land that is: a) An existing road at the time development consent is granted, b) Land required for the provision or upgrade of any road to be provided under the CP, and c) An arterial road or land for the widening of an arterial road.	• Consistency with Council's previously reported position • Clarity on the application of contributions to land
A specific clause for exempt development will be introduced for clarity. Land uses and public infrastructure which are currently exempt from paying a contribution will continue to be exempt (e.g. emergency services facilities, public open space, drainage reserves).	• CP is up to date and fit for purpose

Amendment	Effect
Undertake minor housekeeping amendments, such as updating legislative references and zoning changes, updating maps, removing duplication and making typographical corrections.	

Submissions

Five submissions were made in response to the public exhibition. One submission came from Sydney Water, while four were also made by or on behalf of the landowners and developers in the Precinct.

A summary of the issues raised by the submissions is provided in the table below.

Matter	Response
The future Southern Link Road area is included in NDA The Southern Link Road is a proposed new east-west corridor which will connect Mamre Road to Kemps Creek and Wallgrove Road, Horsley Park. This corridor is not yet rezoned for road purposes, and is counted towards the NDA of some sites, impacting the total amount of contributions impacted developers are required to pay.	• Currently the Southern Link Road is not zoned for a road purposes. • Council supports the development of the Southern Link Road, as per the Advocacy Strategy. • Once there is certainty on the extent of road through its rezoning, removing this land from the calculation of NDA is supported. • Officers are in discussions with Transport for NSW and the Department of Planning, Housing & Infrastructure on this matter. • Proceed with the draft CP as exhibited and facilitate a future amendment when this corridor extent is confirmed and land is rezoned.
Inclusion of Trunk Drainage in NDA Submissions opposed the inclusion of trunk drainage in NDA on the grounds that trunk drainage areas are not developable.	• Council has demonstrated a consistent policy position on this matter, which is that drainage land is not excluded from NDA as it is necessary to support the development and will be privately owned and maintained. • Drainage land facilitates landscaped area, which is required by the Mamre Road Precinct Development Control Plan. • Landscaped area in drainage reserves can offset requirements in non-drainage lands, allowing for more intense development on remaining land. • The exclusion of this land would have significant implications on the financial position of the CP. • No changes proposed.

Matter	Response
Inclusion of Transgrid Easement in NDA The submission opposed the inclusion of Transgrid easements on the grounds that this land is not developable and should be excluded.	• Council has demonstrated a consistent policy position on this matter that transmission easements are not to be excluded from NDA as development can still occur within this land, such as parking. • No changes proposed.
Inclusion of Dedicated Freight Network in NDA The submission noted that areas of land where a dedicated freight network is planned, as identified in the Mamre Road Precinct Development Control Plan, is now included in NDA. This impacts the total amount of contributions to be paid by the affected developer.	• Dedicated freight network areas are not to be excluded from NDA as development can still occur on this land. • No changes proposed.
Consistency With the Mamre Road Precinct Stormwater Scheme Plan The submission noted that mapping in the amended CP is not consistent with the next version of the Mamre Road Precinct Stormwater Scheme Plan, which has not yet been finalised.	• It is unclear when amendments will be made to the I&E SEPP to facilitate the Mamre Road Stormwater Scheme Plan. The CP is consistent with the May 2024 adopted Plan. • It is proposed to proceed with the CP as exhibited and facilitate a future amendment to the CP when an updated version of the Mamre Road Precinct Stormwater Scheme Plan is finalised. • No changes proposed.
Precinct Boundary The precinct boundary shown in the amended CP is not consistent with the draft amended I&E SEPP, which is not yet on public exhibition and is not finalised.	• An expansion to the Mamre Precinct area occurred after the CP was adopted by Council, into the south-west corner. • This land is not required to deliver any local infrastructure in the CP. • Clause 66A of the EP&A Act Regulations 2021 requires a CP to be in place prior to consent or other arrangements made. • As there is no CP in place, this land will be required to enter a VPA with Council when development is proposed on the land. This provides the ability to assess infrastructure needs. • No changes proposed.
Exemptions under Section 1.8 of the CP The submission requested that where a site is disproportionately affected by public utilities requests, exemptions from paying contributions should be available to developers.	• The site subject to the submission is still developable, and constraints such as utilities and topography were present prior to precinct planning. • No changes proposed.

Matter	Response
Transitional Arrangements A submission requested grandfathered arrangements, whereby existing applicants could continue developing under the previous CP, and the amended CP would only apply to new applicants.	• The amended CP reflects the actual cost to Council to service development. • Any transition arrangements would impact the financial position of the CP to deliver infrastructure. • No changes proposed.

Current Situation

Post-exhibition Amendments

Two minor errors are proposed to be corrected, with no material change to the plan costs. The first correcting the date in the Plan's name being 2022, rather than 2021, as exhibited. The second change relates to the savings provision which has been clarified to state that the new plan applies to any DA or CDC not yet issued or determined, rather than the new plan "should" apply, which provided ambiguity.

Future Amendments

Council officers understand that a package of draft amendments to the I&E SEPP will be put on public exhibition in the near future. Changes to the I&E SEPP are likely to alter the maps of Sydney Water basins in the Precinct. This means that the location and size of the basins, formally identified in the Mamre Road Precinct Stormwater Scheme Plan, are likely to be refined.

Similarly, the zoning of the Southern Link Road is yet to be finalised. Council officers understand that Transport for NSW is currently considering the rezoning and this will be implemented by the Department of Planning, Housing and Infrastructure at the appropriate time.

Council must align the CP with the current planning controls applying to the Precinct; however, if and when controls are updated, the CP will require further amendments.

A proponent has also lodged a WIKA with Council which is expected to generate contribution credits. At present, the plan specifies that Council can only pay credits to a developer when the plan is at the end of its life. This ensures all infrastructure works are delivered prior to monies being returned. However, this restriction impacts developers cash flow, and disincentivises the early delivery of infrastructure. Council officers will explore options to amend the plan to facilitate credit trading, in a manner that addresses challenges for developers whilst minimising risks to Council.

Costs

There are no further proposed changes to the exhibited costs in the CP, with the exception of any changes due to updated quarterly indexation. This means the cost of developing 1ha of land, at present is $599,225 (September 2021 dollars), with the new rate being $710,556 (December 2024 dollars).

Financial Implications

The amended plan, as exhibited, incorporates changes in costs when compared to the current plan in force, as described below.

Part of 20 Aldington Road, Kemps Creek is impacted by an extension of Aldington Road to connect to the future Southern Link Road (SLR). It was formally assumed to be delivered by Council, but a planning proposal gazetted in November 2024 identified this section as being part of the SLR. This will result in a small decrease to the land acquisition costs and works costs in the CP. As the nominated acquisition authority, Transport for NSW will be obliged to pay just compensation to the landowner at the time of acquisition.

The exhibited amendments to the definition of NDA reinforce Council's current position and approach to calculating contributions. If this definition is amended to exclude lands such as drainage corridors, this would result in a funding shortfall as costs were calculated and apportioned in line with the amended definition. Should the revised definition of NDA not be accepted by Council, a further CP amendment will be required to adjust the total NDA calculation in the CP, which would result in an increase to the costs per hectare as well as further delays in implementing the plan.

The land costs within the CP have not been indexed since EHPI was discontinued in December 2021, and as such, indexation is currently managed through Voluntary Planning Agreement negotiations. Updating the indexation method to CPI will enable the contribution rates to be adjusted in accordance with increases in land values, mitigating financial risk to Council. The cost rate for land and works will both be set a new base CPI, for consistency and clarity.

The CP must be amended to align with the current Mamre Road Precinct Stormwater Scheme Plan and I&E SEPP to prevent the doubling up of charges for land acquisition and embellishment in the CP. Sydney Water has published a new plan in May 2025 and is working with the Department of Planning, Housing and Infrastructure to update zoning as part of an upcoming I&E SEPP amendment. These changes are anticipated to be minor and can be appropriately dealt with in a future amendment.

With no substantial post-exhibition changes to the plan, the infrastructure and development costs will remain as per the exhibited amounts. This means the cost of developing 1ha of land, at present is $599,225 (September 2021 dollars), with the new rate being $710,556 (December 2024 dollars).

There are no financial implications associated with the other housekeeping amendments (e.g. updating legislative references, making typographical corrections, and updated maps) as these changes are administrative in nature.

If adopted, income from the amended CP will be factored into the current operational budgets and made available to fund the implementation of infrastructure as set out in the CP.

Risk Implications

The exhibited amendments to the definition of NDA clarify what land is included or excluded from NDA calculations. There is a risk that if additional lands are excluded from NDA, this would result in either a significant funding shortfall or a need to increase the rate per hectare. This would impact Council's ability to deliver critical infrastructure or necessitate a CP

amendment to adjust the overall NDA calculations for the Precinct, which would result in an increase to costs per hectare of NDA.

The exhibited amendment to indexation will enable the contribution rates to be indexed and to respond in changes in land values. EHPI has been discontinued and the indexation has not been updated since December 2021. If the change to CPI is not adopted and land costs are not indexed, there is a risk of creating a growing funding deficit for land that Council must acquire.

The CP must also be amended, as exhibited, to ensure consistency with the currently endorsed Sydney Water Mamre Road Precinct Stormwater Scheme Plan and the I&E SEPP, in order to avoid the doubling up of charges. Council officers will continue working with the appropriate agencies to ensure consistency with these documents given another upcoming amendment.

There are no risk implications associated with the amendments to 20 Aldington Road, Kemps Creek, nor with the housekeeping amendments.

Conclusion

To support development in the Mamre Precinct, Council requires a contributions framework which reflects the costs of delivering local infrastructure and distributes those costs equitably. The current plan is outdated and these amendments ensure the CP is fit for purpose.

Future amendments will likely be required, as and when other agencies, and proponents progress and finalise key planning documents. Council officers will continue to work closely with state agencies and developers towards the resolution of such issues. But given that the timings of such changes are unconfirmed, it is reasonable to adopt the suite of changes which has already been publicly exhibited, while acknowledging that future amendments will be likely when appropriate.

It is recommended that Council adopt the amended draft CP, in order to the secure funding and development of critical infrastructure, enable the approval of development within the Precinct, and to provide jobs close to home.

RECOMMENDATION

That:

1. The information contained in the report on Amendment to the Mamre Road Precinct Development Contributions Plan 2022 be received.
2. Council adopt the *Mamre Road Precinct Development Contributions Plan 2022 Amendment 1* in Attachment 1 of this report.
3. Council provide the General Manager delegation to amend minor typographic or mapping errors in the Plan, should they exist.
4. A notice is to be published on Council's website within 28 days after the *Mamre Road Precinct Development Contributions Plan 2022 Amendment 1* has been adopted by Council, in accordance with legislative requirements under the *Environmental Planning and Assessment Regulation 2021*.
5. The Department of Planning, Housing and Infrastructure and submitters are informed of Council's decision.



ATTACHMENTS/APPENDICES

1.	Mamre Road Precinct Development Contributions Plan 2022 (Amendment 1) Plan and Attachment 1	54 Pages	Attachments Included

OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT

Item		Page
8	PCC2425-65 Parker Street Sports Fields Drainage Improvements	48
9	PCC2425-79 Mulgoa Rise Sports Ground Construction	53
10	PCC24/25-66 Joan Sutherland Performing Arts Centre Internal Building Air Con Replacement Works	58
11	PCC24/25-94 Ripples St Marys Leisure Centre Heat Pump Supply and Install	62
12	Lots 17–20, DP 238495 - Samuel Marsden Road Riding Facility - Lease Termination	67
13	PCC2025-240 - Water Catchment Management	71
14	PCC2025-287 - Rural Mowing, Parks, Bus Stops & Street Corners	76



8 PCC2425-65 Parker Street Sports Fields Drainage Improvements

Compiled by: **Mitchell Sammut, Project Lead**

Authorised by: **Tariq Rasheed, Head of Projects**
Adam Wilkinson, Director Asset Services

Outcome	*We manage and improve our built environment*
Strategy	*Plan for and maintain accessible, safe and high quality infrastructure*
Principal Activity	*Design and deliver Council's major capital projects*

Executive Summary

A tender for Parker Street Sports Fields Drainage Improvements, Penrith was advertised on 13 May 2025 on the Vendor Panel website and closed on Wednesday 04 June 2025.

This report advises Council of the outcome of the tender process and recommends that the tender from Romba Civil & Landscape for $182,792.00 (excluding GST), be accepted to undertake Parker Street Sports Fields Drainage Improvements, Penrith.

Background

Parker Street Southern Fields are high quality Rugby League sporting level fields. Council requires the drainage upgrade to match the standards appropriate for a semi-professional sporting games. In 2020 both fields undertook full reconstruction along with the installation of a new irrigation system.

A tender was called for services of an experienced contractor to carry out a sand slit drainage installation project at Parker Street Southern (Upper) Fields, Penrith. The project aims to enhance the drainage properties of the southern fields to improve the return to play timeframes following wet weather events.

The scope of works required as part of the tender is;

- Erect temporary site fencing, sediment control and other site controls as required to secure the work area.
- Install a sand slit drainage system using the specified sand.
- Connect to existing mainlines
- Lawful disposal of excavated spoil.
- Protection of surrounding fields, trees and infrastructure during works.
- Minimum of four (4) top-ups of subsided trenches.
- Make good of impacted slits with turf recovery and/or top dressing and watering for establishment.
- Ensuring the field is playable at the end of February 2026 with the Brothers Rugby league start of season requirements

The project is funded under Council's Telecommunication Access Fund (TAF).

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Council Officers - Project Supervisor James Craig, Parks Asset Coordinator Adam Lowe, Manager - Community Facilities and Recreation Project Officer Ryan Dowling and was chaired by Project Lead Mitchell Sammut. Julie Stanshall from Council's Procurement team performed the role of tender administration and probity officer for this tender.

Evaluation Criteria

Tenderers were required to submit their tender using the VendorPanel tendering software, which clearly defined the response required against each of the evaluation criteria.

The quotes received were assessed using the tender evaluation criteria of:

- Company Profile
- Conformance, Acceptance and Declaration
- Business References
- Completion of Forms Tender Price submitted
- Compliance Statement
- Demonstrated Ability
- Works Method and Program
- Local Business Preference
- Quality Assurance Systems
- Environmental Management Systems
- Employment Policies
- Work Health and Safety
- Financials

Summary of Tenders Received

A total of Ten (10) tenders were received by the closing date of the advertised tender and are listed below in price order, excl GST (lowest to highest based) based on connection to existing mainlines.

Company	Lump Sum for Price	Company Address	Owners/Directors
Turf Drain Australia	$171,013.38	6 / 12 Yatala Rd Mount Kuring-gai, NSW 2080	Bob Paddison
Romba Civil &	$182,792.00	100 Old Bathurst Rd	Luke Burgmann

Landscape		Emu Heights, NSW 2750	
The Green Horticultural Group Pty Limited	$203,902.11	182 Annangrove Rd Annangrove, NSW 2156	Geoffrey Green
Mcmahons Pty. Ltd	$259,532.76	9 Holland Dr Melton, Vic 3337	Michael McMahon
Global Turf Projects Pty Ltd	$315,734.41	5 Pioneer Way, New Gisborne Vic 3438	Garry Colins
Landscape Solutions Australia	$321,087.56	16 Distribution Pl, Seven Hills NSW 2147	Timothy Buckle
Lamond Contracting Pty Ltd	$348,094.99	120 Wilton Rd Wilton, NSW 2571	Steve Lamond
Neverstop Water Group	$348,136.18	U10 32-34 Campbell Avenue, Cromer, NSW, 2099	Renni Pitkanen Blair Taylor
Axial Construction Pty Ltd	$512,777.05	78 Belmore Road, Bringelly, NSW 2556	Jay Stanford
SC Comms & Utilities	$689,640.00	5 Clerke Pl Kurnell, NSW 2231	Andrew Smith

Evaluation of the Preferred Tender

All 10 tenders were assessed against the assessment criteria to determine the tender submission that, having regard to all the criteria and scope, appears to be the most advantageous to Council. Pricing used was based on connection to existing mainlines. The following provides key information on the outcomes of that assessment.

Turf Drain Australia provided a lower submitted tender than Romba Civil & Landscape however, scored lower overall factoring in price and responses. Specifically Turf Drain Australia scored lower in the areas of Key Personnel, Subcontractors, Previous Experience, Construction Methodology and Programme, than Romba Civil & Landscape.

The panel determined that Romba Civil & Landscape provided the best overall value to Council based on price and responses to the assessment criteria, clearly demonstrating their suitability to undertake the project.

Romba Civil & Landscape have completed similar projects including.

- Bathurst Regional Council - Construction of two Sports Fields, Construction of two additional sports fields to sporting precinct. Works comprised of earthworks, stormwater drainage, concrete footpaths and dish drains, sports field lighting,

irrigation system, furniture and fencing, complete field profile build including turfing., total project cost $2,000,000.

- Penrith City Council - The Kingsway, Werrington, Construction of 9 acre multi-use sports fields including; Carpark upgrade, LED flood lights to field and carpark, automated Wi Fi irrigation system, sandstone block work, subsoil drainage, landscaping, total project cost $1,700,000

- Bathurst Regional Council, Redevelopment of Sportsground including; new stormwater drainage, footpath and dish drain surrounding perimeter of oval, irrigation system, construction of new cricket wicket table and complete field profile build including turfing, total project cost $1,200,000.

The recommended company, Romba Civil & Landscape was selected based on their:

1. Compliance with the tender evaluation criteria,

2. Demonstrated ability to meet Council's requirements; and

3. Competitive price for the services offered.

The pricing from Romba Civil & Landscape is in a range consistent with opinion of probable costs when factoring in escalation of market prices in recent tenders.

Financial Implications

Assessment of the tenderers was commissioned; this included independent reference checks, financial analysis, and performance analysis on Romba Civil & Landscape. These checks were completed by Equifax Australasia Credit Ratings Pty Ltd. Financial Services have reviewed the financial information provided by the tenderer and have not identified any reason why the contract should not be awarded.

The recommended tender cost is within budget and is funded under Council's Telecommunication Access Fund (TAF).

The estimated maintenance and operational cost requirements for the project starts at $10,338 per annum. Council's future asset maintenance budgets and asset renewal programs will be adjusted as per Council's Budget Guidelines at completion of the project.

Tender Advisory Group Comments

The objective of the Tender Advisory Group (TAG) is to support the Council to achieve fair and equitable tender processes. The TAG, consisting of Adam Wilkinson- Director Asset Services, Adam Beggs – Head of Governance and Neil Farquharson – Chief Financial Officer were briefed by the Design and Projects team about the background and the process followed.

The TAG considered the recommendations in relation to the tender PCC24/25-65 Parker Street Sports Fields Drainage Improvements noting that the recommended tender was not the lowest price, however, the company (Romba Civil) has demonstrated their ability to meet Council's requirements, and their proposal was considered to be the most advantageous to Council for the scale of this project. The TAG reviewed the evaluation process outlined within the report and is satisfied that the selection criteria has been correctly applied in making the recommendations.

Importantly, Romba Civil and Landscape can undertake the work within the prescribed timeframe.

Risk Implications

The tender process outlined in this report includes controls regarding probity and ensuring value for Council, overseen by the Tender Advisory Group. The works will be undertaken in accordance with Work Health & Safety systems. This project will install the drainage on the southern playing fields at Parker Street with public safety a key part of the construction methodology and project plan. As part of the tender requirements. the delivery of the fields is to playable at the end of February 2026 with the Brothers Rugby League start of season requirements.

Conclusion

Ten tenders were assessed against the evaluation criteria Romba Civil & Landscape provided the best overall submission and also met the tender evaluation criteria to undertake the project. It is recommended that the tender from Romba Civil & Landscape for $182,792.00 (excluding GST), be accepted to undertake Parker St Sports Fields Drainage Improvements, Penrith.

RECOMMENDATION

That:

1. The information contained in the report on PCC2425-65 Parker Street Sports Fields Drainage Improvements be received.
2. The tender from Romba Civil & Landscape for $182,792.00 (excluding GST), be accepted to undertake Parker Street Sports Fields Drainage Improvements, Penrith.
3. The General Manager be authorised to sign all necessary legal documents in relation to this matter.
4. 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.



ATTACHMENTS/APPENDICES

There are no attachments for this report.

9 PCC2425-79 Mulgoa Rise Sports Ground Construction

Compiled by: **Mitchell Sammut, Project Lead**

Authorised by: **Tariq Rasheed, Head of Projects**
Adam Wilkinson, Director Asset Services

Outcome	*We manage and improve our built environment*
Strategy	*Plan for and maintain accessible, safe and high quality infrastructure*
Principal Activity	*Design and deliver Council's major capital projects*

Executive Summary

A tender for Mulgoa Rise Sports Ground Reconstruction, Glenmore Park was advertised on 12 June 2025 on the Vendor Panel website and closed on Thursday 10 July 2025.

This report advises Council of the outcome of the tender process and recommends that the tender from Elite Turf Projects Pty Ltd for $183,355.03 (excluding GST), be accepted to undertake Mulgoa Rise Sports Ground Reconstruction, Glenmore Park.

Background

In 2016 the Northern Mulgoa Rise Playing fields, Glenmore Park were constructed. However, since completion they have not performed as expected and suffered from a poor soil profile. This is due to the soil profile having higher than ideal sand properties. This creates issue with the soil being able to retain enough water and nutrients to enable healthy turf coverage.

Soil testing was conducted on the growing medium and a scope of works was formulated for the project for suitable reconstruction to the fields.

The project aims to enhance the overall quality, playability, and longevity of the fields through surface reconstruction, in line with best-practice sports turf management and Australian Standards. A tender was called for, inviting suitable contractors with experience in sport field reconstruction.

The scope of works required as part of the tender is

- Implement and manage site controls for the duration of the project including maintenance of areas immediately surround the site confines.
- Poison the existing turf in preparation for returfing.
- Minor plumbing works for the protection and operation of existing irrigation system.
- Earthworks and soil amendments to improve soil profile and achieve desirable levels and complete laser grading to industry-standard sports field tolerances.
- Installation and successful establishment of rolled turf (Kikuyu).
- 3-months establishment maintenance.

The project is funded under Council's Parks Asset Renewal Programme and New South Wales Government's Local Small Commitments Allocation.

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Council Officers - Project Supervisor James Craig, Parks Asset Coordinator Adam Lowe, Manager - Community Facilities and Recreation Project Officer Ryan Dowling and was chaired by Project Lead Mitchell Sammut. Julie Stanshall from Council's Procurement team performed the role of tender administration and probity officer for this tender.

Evaluation Criteria

Tenderers were required to submit their tender using the Vendor Panel tendering software, which clearly defined the response required against each of the evaluation criteria.

The quotes received were assessed using the tender evaluation criteria of:

- Company Profile
- Conformance, Acceptance and Declaration
- Business References
- Completion of Forms Tender Price submitted
- Compliance Statement
- Demonstrated Ability
- Works Method and Program
- Local Business Preference
- Quality Assurance Systems
- Environmental Management Systems
- Employment Policies
- Work Health and Safety
- Financials

Summary of Tenders Received

A total of thirteen (13) tenders were received by the closing date of the advertised tender and are listed below in price order, excl GST (lowest to highest based).

Company	Lump Sum for Price	Company Address	Owners/Directors
Elite Turf Projects Pty Ltd	$183,355.03	4 Harford St, Jamisontown NSW 2750	Jason Roberts
Gilba Solutions Pty Ltd	$224,715.00	21 Thompson Street, Bowral, NSW 2576	Jerry Spencer
Sports Turf Services	$243,879.00	8 Court Ave N Brightview, QLD 4311	Michael Mundey

The Green Horticultural Group Pty Limited	$253,729.22	182 Annangrove Rd. Annangrove NSW 2156	Geoffrey Green
Lamond Contracting Pty Ltd	$279,494.47	120 Wilton Rd Wilton, NSW 2571	Steve Lamond
Romba Civil & Landscape	$279,907.00	100 Old Bathurst Rd Emu Heights, NSW 2750	Luke Burgmann
Gauci Civil Contracting Pty Limited	$284,357.10	70 Colonel Pye Dr Cobbitty NSW 2570	Chris Gauci
Green By Nature Specialty Services Pty Ltd	$291,105.50	30 Cranbrook Street, Botany NSW 2019	Gino Sorrentio
Musturf Pty Ltd	$308,842.00	112 Freemans Reach Rd, Freemans Reach, NSW 2756	Patrick Muscat
Greater West Landscapes Pty Ltd	$310,320.45	100 Martin Rd, Badgerys Creek NSW 2555	Simon Coco
The Landscape Team Australia	$316,767.77	33 Anne Street St Mary's 2760 NSW	Greg Fitzgerald
Neverstop Water Group	$332,641.00	U10 32-34 Campbell Avenue, Cromer, NSW, 2099	Renni Pitkanen
Global Turf Projects Pty Ltd	$380,996.46	5 Pioneer Way, New Gisborne Vic 3438	Garry Colins

Evaluation of the Preferred Tender

All 13 tenders were assessed against the assessment criteria to determine the tender submission that, having regard to all the criteria and scope, appears to be the most advantageous to Council. The following provides key information on the outcomes of that assessment.

The panel determined that Elite Turf Projects Pty Ltd provided the best overall value to Council based on price and responses to the assessment criteria, clearly demonstrating their suitability to undertake the project.

Elite Turf Projects Pty Ltd have completed similar projects including.

- Mulwaree Council - Eastgrove Sports Field - sports field reconstruction including stormwater drainage installation, irrigation upgrade, soil profiling, and stolonised turf establishment., total project cost $1,600,000.

- Mid-Western Regional Council - Design and construction of full sports field including cricket wicket, subsoil drainage, irrigation installation, laser grading, and Kikuyu turf establishment, total project cost $4,000,000

- St Mary's Leagues Club - St Mary's Rugby League Sports Field - Full drainage and irrigation upgrade, surface correction, laser grading, and reconstruction of an NRL-compliant Kikuyu turf field, total project cost $1,000,000.

The recommended company, Elite Turf Projects Pty Ltd, was selected based on their:

1. Compliance with the tender evaluation criteria,

2. Demonstrated ability to meet Council's requirements; and

3. Competitive price for the services offered.

The pricing from Elite Turf Projects Pty Ltd is in a range consistent with opinion of probable costs when factoring in escalation of market prices in recent tenders.

Financial Implications

Assessment of the tenderers was commissioned; this included independent reference checks, financial analysis, and performance analysis on Elite Turf Projects Pty Ltd. These checks were completed by Equifax Australasia Credit Ratings Pty Ltd. Financial Services have reviewed the financial information provided by the tenderer and have not identified any reason why the contract should not be awarded.

The recommended tender cost is within budget and is funded under Council's Parks Asset Renewal Programme and New South Wales Government's Local Small Commitments Allocation.

The estimated maintenance and operational cost requirements for the project starts at $8,746 per annum. Council's future asset maintenance budgets and asset renewal programs will be adjusted as per Council's Budget Guidelines at completion of the project.

Tender Advisory Group Comments

The objective of the Tender Advisory Group (TAG) is to support the Council to achieve fair and equitable tender processes. The TAG, consisting of Adam Wilkinson- Director Asset Services, Adam Beggs – Head of Governance and Neil Farquharson – Chief Financial Officer were briefed by the Design and Projects team about the background and the process followed.

The TAG considered the recommendations in relation to the tender PCC2425-79 Mulgoa Rise Sports Field Surface Reconstruction noting that the recommended tender was the lowest price, however, the company has demonstrated their ability to meet Council's requirements, and their proposal was considered to be the most advantageous to Council for the scale of this project. The TAG reviewed the evaluation process outlined within the report and is satisfied that the selection criteria has been correctly applied in making the recommendations.

Risk Implications

The tender process outlined in this report includes controls regarding probity and ensuring value for Council, overseen by the Tender Advisory Group. The works will be undertaken in accordance with Work Health & Safety systems. This project will reconstruction the northern playing fields with public safety a key part of the construction methodology and project plan**.**

Conclusion

Thirteen tenders were assessed against the evaluation criteria. Elite Turf Projects Pty Ltd provided the best overall submission and also met the tender evaluation criteria to undertake the project. It is recommended that the tender from Elite Turf Projects Pty Ltd for $183,355.03 (excluding GST), be accepted to undertake Mulgoa Rise Sports Ground Reconstruction, Glenmore Park.

RECOMMENDATION

That:

1. The information contained in the report on PCC2425-79 Mulgoa Rise Sports Ground Construction be received.
2. The tender from Elite Turf Projects Pty Ltd for $183,355.03 (excluding GST), be accepted to undertake Mulgoa Rise Sports Ground Reconstruction, Glenmore Park.
3. The General Manager be authorised to sign all necessary legal documents in relation to this matter.
4. 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.



ATTACHMENTS/APPENDICES

There are no attachments for this report.

10 PCC24/25-66 Joan Sutherland Performing Arts Centre Internal Building Air Con Replacement Works

Compiled by: **Mitchell Sammut, Project Lead**

Authorised by: **Tariq Rasheed, Head of Projects**
Adam Wilkinson, Director Asset Services

Outcome	*We manage and improve our built environment*
Strategy	*Plan for and maintain accessible, safe and high quality infrastructure*
Principal Activity	*Design and deliver Council's major capital projects*

Executive Summary

A tender for Joan Sutherland Performing Arts Centre Internal Building Air Con Replacement Works, Penrith was advertised on 21 May 2025 on the Vendor Panel website and closed on Wednesday 10 June 2025.

This report advises Council of the outcome of the tender process and recommends that the tender from C.B.D. Mechanical Electrical for $215,776.30 (excluding GST), be accepted to undertake Joan Sutherland Performing Arts Centre Internal Building Air Con Replacement Works, Penrith.

Background

Council requires works to upgrade the Joan Sutherland Performing Arts Centre existing Heating, Ventilation, and Air Conditioning (HVAC) systems throughout areas of the building. Specifically, the areas of the works are the level 1 and 2 conservatorium rooms and associated offices and meeting rooms, the green room on ground floor and the bio box/control room of the main concert hall.

The scope of works required as part of the tender are

- The level 1 and conservatorium rooms and associated offices – replace existing multi head split system units and the condenser motors
- The level 1 and 2 meeting rooms and orchestral rooms- replace the existing in ceiling ducted units and condenser motor
- The ground floor green room -replace the in ceiling ducted unit and condenser motor
- Main concert hall control box – replace the existing in ceiling ducted unit with a new split system unit
- All replacement work is to be inclusive of removal of existing equipment and disposal

The project is funded under Council's Building Assets Renewal Programme.

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Council Officers - Project Supervisor Greg Bretherton, Building Asset Coordinator Christopher Hill, and was chaired by Project Lead Mitchell Sammut. Nicole Fahy from Council's Procurement team performed the role of tender administration and probity officer for this tender.

Evaluation Criteria

Tenderers were required to submit their tender using the Vendor Panel tendering software, which clearly defined the response required against each of the evaluation criteria.

The quotes received were assessed using the tender evaluation criteria of:

- Company Profile
- Conformance, Acceptance and Declaration
- Business References
- Completion of Forms Tender Price submitted
- Compliance Statement
- Demonstrated Ability
- Works Method and Program
- Local Business Preference
- Quality Assurance Systems
- Environmental Management Systems
- Employment Policies
- Work Health and Safety
- Financials

Summary of Tenders Received

A total of three (3) tenders were received by the closing date of the advertised tender and are listed below in price order, excl GST (lowest to highest based).

Company	Lump Sum for Price	Company Address	Owners/Directors
C.B.D. Mechanical Electrical	$215,776.30	Unit 14 - 148 James Ruse Drive Rosehill NSW 2142	Chris Green Robert Galvin Alan Dixon
Hirotec Maintenance Pty Ltd	$232,000.00	Unit 15 4 Avenue of the Americas Newington NSW 2127	Mark Sicari Paul Sicari
Premier Hvac NSW Pty Ltd	$276,900.00	14 Holbeche Rd Arndell Park, NSW 2148	Brad Vaughan

Evaluation of the Preferred Tender

All 3 tenders were assessed against the assessment criteria to determine the tender submission that, having regard to all the criteria and scope, would to be the most

advantageous to Council. The following provides key information on the outcomes of that assessment.

The panel determined that C.B.D. Mechanical Electrical provided the best overall value to Council based on price and responses to the assessment criteria, clearly demonstrating their suitability to undertake the project.

C.B.D. Mechanical Electrical have completed similar projects including.

- City of Sydney - HVAC Project Installation – Decommission and removal of existing HVAC systems which serve the Woolahra Council Library. Total Project Cost $90,000.
- Advantaged Care (Nursing Home) - HVAC Project- Installation of Outdoor Variable Refrigerant Flow (VRF) Condensers & Decommission of old outdoor Multi-Split Type Air Conditioners (VRC) systems (23 of) and replace with new. Total Project Cost $490,000.
- Unilever Australia - HVAC Project- Installation of a Computer Room Air Conditioning (CRAC) Unit into Data Room. Total Project Cost $80,000.

The recommended company, C.B.D. Mechanical Electrical was selected based on their:

1. Compliance with the tender evaluation criteria,
2. Demonstrated ability to meet Council's requirements; and
3. Competitive price for the services offered.

The pricing from C.B.D. Mechanical Electrical is in a range consistent with opinion of probable costs when factoring in escalation of market prices in recent tenders.

Financial Implications

Assessment of the tenderers was commissioned; this included independent reference checks, financial analysis, and performance analysis on C.B.D. Mechanical Electrical. These checks were completed by Equifax Australasia Credit Ratings Pty Ltd. Financial Services have reviewed the financial information provided by the tenderer and have not identified any reason why the contract should not be awarded.

The recommended tender cost is within budget and is funded under Council's Building Asset Renewal Programme.

The estimated maintenance and operational cost requirements for the project starts at $6,833 per annum. Council's future asset maintenance budgets and asset renewal programs will be adjusted as per Council's Budget Guidelines at completion of the project.

Tender Advisory Group Comments

The objective of the Tender Advisory Group (TAG) is to support the Council to achieve fair and equitable tender processes. The TAG, consisting of Adam Wilkinson- Director Asset Services, Adam Beggs – Head of Governance and Neil Farquharson – Chief Financial Officer were briefed by the Design and Projects team about the background and the process followed.

The TAG considered the recommendations in relation to the tender PCC24/25-66 JSPAC Internal Building AC Replacement Works noting that the recommended tender was the lowest price, the company has demonstrated their ability to meet Council's requirements, and their proposal was considered to be the most advantageous to Council for the scale of this project. The TAG reviewed the evaluation process outlined within the report and is satisfied that the selection criteria has been correctly applied in making the recommendations.

Risk Implications

The tender process outlined in this report includes controls regarding probity and ensuring value for Council, overseen by the Tender Advisory Group. The works will be undertaken in accordance with Work Health & Safety systems. his project will replace the existing HVAC systems throughout areas of the building with public safety a key part of the construction methodology and project plan. The project has been scheduled around the existing operations of the Joan Sutherland Performing Arts Centre to minimise impacts to users of the venue.

Conclusion

Three tenders were assessed against the evaluation criteria. C.B.D. Mechanical Electrical provided the best overall submission and also met the tender evaluation criteria to undertake the project. It is recommended that the tender from C.B.D. Mechanical Electrical for $215,776.30 (excluding GST), be accepted to undertake Joan Sutherland Performing Arts Centre Internal Building Aircon Replacement Works, Penrith.

RECOMMENDATION

That:

1. The information contained in the report on PCC24/25-66 Joan Sutherland Performing Arts Centre Internal Building Air Con Replacement Works be received.
2. The tender from C.B.D. Mechanical Electrical for $215,776.30 (excluding GST), be accepted to undertake Joan Sutherland Performing Arts Centre Internal Building Aircon Replacement Works, Penrith.
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.



ATTACHMENTS/APPENDICES

There are no attachments for this report.

11 PCC24/25-94 Ripples St Marys Leisure Centre Heat Pump Supply and Install

Compiled by: **Mitchell Sammut, Project Lead**

Authorised by: **Tariq Rasheed, Head of Projects**
Adam Wilkinson, Director Asset Services

Outcome	*We manage and improve our built environment*
Strategy	*Plan for and maintain accessible, safe and high quality infrastructure*
Principal Activity	*Design and deliver Council's major capital projects*

Executive Summary

A tender for Ripples St Marys Leisure Centre Heat Pump Supply and Install Works, St Marys was advertised on 5 June 2025 on the Vendor Panel website and closed on Thursday 26 June 2025.

This report advises Council of the outcome of the tender process and recommends that the tender from J.G Greentree & M.W Greentree for $248,984.00 (excluding GST), be accepted to undertake Ripples St Marys Leisure Centre Heat Pump Supply and Install Works, St Marys.

Background

The existing heat pumps at the Ripples St Marys Leisure Centre (for the outdoor pool) had come to the end of their useful life. Council called for tenders to remove and replace the existing outdoor pool heater pumps. The existing heating units are to be replaced with two more efficient and lower carbon footprint heat pump units.

The scope of works required as part of the tender is

- Connect and remove existing pool heaters, associated pipework, valves, and electrical connections.
- Dispose of all removed equipment in accordance with environmental and waste management regulations.
- Supply and install two new heaters, including connection to existing plumbing and electrical infrastructure.
- Install any necessary support components (e.g., valves, thermostats, control panels).
- Testing & Commissioning

The project is funded under Council's Building Assets Renewal Programme.

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Council Officers - Project Supervisor Peter Foster, Building Asset Coordinator Christopher Hill, Manager - Member Experience Aquatics and Leisure Simone Egan and was chaired by Project Lead Mitchell Sammut. Nicole Fahy from Council's Procurement team performed the role of tender administration and probity officer for this tender.

Evaluation Criteria

Tenderers were required to submit their tender using the Vendor Panel tendering software, which clearly defined the response required against each of the evaluation criteria.

The quotes received were assessed using the tender evaluation criteria of:

- Company Profile
- Conformance, Acceptance and Declaration
- Business References
- Completion of Forms Tender Price submitted
- Compliance Statement
- Demonstrated Ability
- Works Method and Program
- Local Business Preference
- Quality Assurance Systems
- Environmental Management Systems
- Employment Policies
- Work Health and Safety
- Financials

Summary of Tenders Received

A total of six (6) tenders were received by the closing date of the advertised tender and are listed below in price order, excl GST (lowest to highest based).

Company	Lump Sum for Price	Company Address	Owners/Directors
Inter-Chillers Pty Limited	$194,000.00	50 Stanley Street Peakhurst NSW 2210	Deborah Blackman
Hirotec Maintenance Pty Ltd	$233,000.00	Unit 15 4 Avenue of the Americas Newington NSW 2127	Mark Sicari Paul Sicari
Optimal Aquatics Pty Ltd	$234,190.00	19 Street Lawrence Street, Greenwich NSW 2065	Barney Haslett Stewart Morris
Premier Hvac NSW Pty Ltd	$241,000.00	14 Holbeche Rd Arndell Park, NSW 2148	Brad Vaughan
J.G Greentree & M.W Greentree	$248,984.00	75 Braddocks Rd Orangeville, NSW 2570	Mark Greentree

Goldman Energy Pty Limited	$263,096.00	1/10 Anella Ave Castle Hill, NSW 2154	Mark Barlow

Evaluation of the Preferred Tender

All 6 tenders were assessed against the assessment criteria to determine the tender submission that, having regard to all the criteria and scope, appears to be the most advantageous to Council. The following provides key information on the outcomes of that assessment.

Inter-Chillers Pty Limited, Hirotec Maintenance Pty Ltd, Optimal Aquatics Pty Ltd and Premier Hvac NSW Pty Ltd all provided a lower submitted tender than J.G Greentree & M.W Greentree however, these tenderers scored lower overall factoring in price and responses.

All lower price tenders in the scored evaluation criteria (Inter-Chillers Pty Limited, Hirotec Maintenance Pty Ltd, Optimal Aquatics Pty Ltd and Premier Hvac NSW Pty Ltd) scored lower in the areas of Key Personnel, Subcontractors, Previous Experience, Construction Methodology and Programme, than J.G Greentree & M.W Greentree.

As such, the panel determined that J.G Greentree & M.W Greentree provided the best overall value to Council based on price and responses to the assessment criteria, clearly demonstrating their suitability to undertake the project.

J.G Greentree & M.W Greentree have completed similar projects including.

- City of Sydney - Victoria Park Pool Heating System Electrification Project - a major heating system upgrade at Victoria Park Pool, a high-profile aquatic facility operated by the City of Sydney. The project involved replacing a failing legacy heating setup with a modern, high efficiency solution that delivers reliable temperature control across two public-use pools, total project cost $760,000
- Cumberland City Council - Ruth Everuss Aquatic Centre Heating System Upgrade- a major heating system upgrade at Ruth Everuss Aquatic Centre, a flagship aquatic venue operated by the City of Cumberland. The project involved decommissioning and replacement of eight aging heat pump systems with high-efficiency equipment and a new building management system, total project cost $790,000
- Broken Hill City Council - Broken Hill Regional Aquatic Centre Upgrade - replacement of four end-of life heat pump systems with five new Evoheat heat pump systems at the Broken Hill Regional Aquatic Centre, total project cost $210,000

The recommended company, J.G Greentree & M.W Greentree was selected based on their:

1. Compliance with the tender evaluation criteria,
2. Demonstrated ability to meet Council’s requirements; and
3. Competitive price for the services offered.

The pricing from J.G Greentree & M.W Greentree is in a range consistent with opinion of probable costs when factoring in escalation of market prices in recent tenders.

Financial Implications

Assessment of the tenderers was commissioned; this included independent reference checks, financial analysis, and performance analysis on J.G Greentree & M.W Greentree.

These checks were completed by Equifax Australasia Credit Ratings Pty Ltd. Financial Services have reviewed the financial information provided by the tenderer and have not identified any reason why the contract should not be awarded.

The recommended tender cost is within budget and is funded under Council's Building Asset Renewal Programme.

The estimated maintenance and operational cost requirements for the project starts at $6,750 per annum. Council's future asset maintenance budgets and asset renewal programs will be adjusted as per Council's Budget Guidelines at completion of the project.

Tender Advisory Group Comments

The objective of the Tender Advisory Group (TAG) is to support the Council to achieve fair and equitable tender processes. The TAG, consisting of Adam Wilkinson- Director Asset Services, Adam Beggs – Head of Governance and Neil Farquharson – Chief Financial Officer were briefed by the Design and Projects team about the background and the process followed.

The TAG considered the recommendations in relation to the tender PCC24/25-94 Ripples St Marys Leisure Centre Heat Pump Supply and Install noting that the recommended tender was not the lowest price, however, the company (J.G Greentree and M.W Greentree) has demonstrated their ability to meet Council's requirements, and their proposal was considered to be the most advantageous to Council for the scale of this project. The TAG reviewed the evaluation process outlined within the report and is satisfied that the selection criteria has been correctly applied in making the recommendations.

Risk Implications

The tender process outlined in this report includes controls regarding probity and ensuring value for Council, overseen by the Tender Advisory Group. The works will be undertaken in accordance with Work Health & Safety systems. This project replaces the existing heating units with two more efficient and lower carbon footprint heat pump units with public safety a key part of the construction methodology and project plan.

Conclusion

Six tenders were assessed against the evaluation criteria and the panel concluded that J.G Greentree & M.W Greentree provided the best overall submission and also met the tender evaluation criteria to undertake the project. It is recommended that the tender from J.G Greentree & M.W Greentree for $248,984.00 (excluding GST), be accepted to undertake Ripples St Marys Leisure Centre Heat Pump Supply and Install Works, St Marys.

RECOMMENDATION

That:

1. The information contained in the report on PCC24/25-94 Ripples St Marys Leisure Centre Heat Pump Supply and Install be received.
2. The tender from J.G Greentree & M.W Greentree for $248,984.00 (excluding GST), be accepted to undertake Ripples St Marys Leisure Centre Heat Pump Supply and Install Works, St Marys.
3. The General Manager be authorised to sign all necessary legal documents in relation to this matter.

4. 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.



ATTACHMENTS/APPENDICES

There are no attachments for this report.

12 Lots 17–20, DP 238495 - Samuel Marsden Road Riding Facility - Lease Termination

Compiled by: **Andrew Robinson, Head of Community Facilities and Recreation**
Michael Alderton, Head of Strategic Asset Management

Authorised by: **Sandy Davies, Director Community Connection**

Outcome	*We manage and improve our built environment*
Strategy	*Plan for, maintain and provide spaces and facilities that support opportunities for people to participate in recreational activities*
Principal Activity	*Plan for community facility, sport, recreation, play, open space infrastructure provision and support project delivery*

Executive Summary

Council currently manages Lots 17–20, DP 238495 at Samuel Marsden Road, Orchard Hills under a lease agreement with the Department of Planning, Housing and Infrastructure (DPHI). The site accommodates the Samuel Marsden Road Riding Facility formerly used by Riding for the Disabled (NSW), Nepean (RDA) and the Nepean & District Pony Club (NPC).

A request has been received from the landowners, being DPHI, on behalf of Parklife Metro to occupy Lot 17 for urgent construction activity for the Metro project. As a result of receiving this request, Council Officers reviewed the need for Lot 17, as well as the current use and condition of the existing facilities on Lots 18 -20 DP 238495. The review identified that;

- Lot 17 is currently a vacant parcel of land that is compromised by a significant transmission easement and, like the rest of the site, is flood prone;
- there is no current user group hiring the facilities on Lots 17-20;
- the Lots and associated facilities present ongoing challenges for Council's maintenance and insurance due to flood risk, and vandalism; and
- the Lots and associated facilities incur both maintenance and renewal costs.

The lease agreement with DPHI has been in existence since 1988 and is currently held on a four-week periodic lease. There is an opportunity under the existing lease agreement for termination, if Council provide four-weeks written notice and 'make good' the site.

DPHI has agreed that a one-off make good payment to the sum of $80,000 would relieve Council of its obligations on the site. This would be included in a Deed of Surrender.

To accommodate the request from DPHI on behalf of Parklife Metro, and based on there being no hirer groups, as well as an assessment of the asset, this report recommends that;

- Written advice is provided to DPHI confirming that Council are terminating the lease agreement for Lots 17–20, DP 238495 at Samuel Marsden Road, Orchard Hills, transferring the management back to the property owners being DPHI.

- Council enters into a Deed of Surrender with DPHI which will release Council of its lease requirements and liabilities on Lots 17-20, DP 238495 at Samuel Marsden Road, Orchard Hills, from the date of signing.

- That Council make payment of $80,000 as a one-off make good payment to DPHI as part of the Deed of Surrender to relieve Council of its obligations on the site under the current agreement.

Background

Lots 17–20, DP 238495 accommodating the Samuel Marsden Road Riding Facility have historically been leased by Council from DPHI. The original lease commenced in 1988 and transitioned into a four-week periodic lease post-1998.

The site comprises indoor and outdoor horse-riding facilities (including an indoor arena), associated amenities, club rooms and stores, a house, and paddock areas including Lot 17 which was previously used by RDA to accommodate its horses. Key user groups at the site have been RDA and the NPC, and there has also been some use historically by individual community members.

Lots 17 -20 are impacted by flooding from South Creek. The extent of flooding is identified in the Wianamatta South Creek Flood Study 2022. In a 1% AEP (1 in 100 year) flood event the Lots can expect to have water across the site with a flood depth of approximately 2m to 8m. Further the site starts to become inundated with water in more frequent flood events such as 20%AEP (1 in 5 year) flood event and the depth of water increases as flood conditions worsen.

The impact of flood waters across the site has been significant and has had a major impact upon the infrastructure and users of the site. The site flooded in 2005, 2016, February and June 2020, March 2021, March and July 2022. The total cost to Council to restore the facilities at this site after these flood events was $385,000, not including costs covered by insurance.

A caretaker, responsible for general grounds maintenance, occupied the house on the site until 2016 and was required to vacate as a result of a significant flood event and flood damage. The house has not been occupied since and will be required to be demolished should Council maintain the current lease.

RDA provided advice in 2021*, 'that given the losses and damage that has resulted from two recent floods, it is not considered to be appropriate for any RDA (NSW)-related activities to be conducted at the site.'* At that time the Board of RDA (NSW) expressed that '*it would greatly appreciate working with Council and Centre volunteers to find a new location within the same LGA so that the Centre can resume'.*

Notification was received from NPC, on 4 August 2025, that it is looking to merge with another club and has no further interest in operating at Samuel Marsden Road Riding Facility.

In addition to being flood prone, there are other constraints (e.g. transmission easement, environmental considerations) affecting Lots 17 – 20, and into the future there is the potential that the land could be significantly impacted should any plans for transport infrastructure, such as the Outer Sydney Orbital, progress.

Current Situation

A recent request has been received from Parklife Metro to occupy Lot 17, DP 238495, for urgent construction activity for the Metro project. As a result of receiving this request, Council Officers reviewed the need for Lot 17, as well as current use and condition of the

existing facilities on Lots 18 -20 DP 238495. The review assessed strategic need and asset condition.

Council's Sport and Recreation Strategy (adopted April 2020) recognised that high population growth is expected in the Orchard Hills precinct and provision of open space will be a requirement to service the new population, however it does not recognise Lots 17 -20 for this. The Lots are significantly compromised in terms of being suitable for community recreation into the future, particularly recreation that requires built and other infrastructure, due to the significant flood prone nature of the site.

In terms of strategic asset management, Council has incurred substantial costs including $385,000 in flood repairs and key infrastructure currently requires a further expenditure estimated at $289,000 for renewal to a useable condition. Ongoing maintenance and repair costs incur $7,650 annually. There is also the additional cost of demolishing the house should Council continue to hold a lease for the Lots.

The lease agreement includes Clause 10 (b) that states:

'*Where the lease has become a four weekly periodic lease from period to period, either party may terminate it by giving four weeks written notice'*

The lease also highlights that Council:

'Must maintain and leave the premises in good repair (having regard to the condition thereof at the commencement of the lease) reasonable wear and tear only excepted'.

In regard to these clauses, Council Officers have indicated to DPHI that terminating the lease is a desired outcome. DPHI have advised that should Council agree to terminating the lease a Deed of Surrender will be required which will include the need for Council to pay a one-off make good payment, to the sum of $80,000. This would relieve Council from all obligations and liabilities for Lots 17-20, DP 238495 at Samuel Marsden Road, Orchard Hills. Council Officers have reviewed the offer, and the proposed payment amount appears fair and equitable.

Terminating the lease would result in future users of the site approaching DPHI for access rather than Council entering into agreements.

Financial Implications

Council has already incurred substantial costs at the Samuel Marsden Road Riding Facility, including $385,000 for flood repairs, with ongoing maintenance and repairs incurring $7,650 annually.

Additionally, key infrastructure, is at end-of-life and would require a capital outlay of approximately $289,000 for renewal to maintain the site in a useable condition. Other facilities will require renewal over time.

Should the lease be terminated, Council would be liable for a one-off make good payment of $80,000, which would release Council from future maintenance and repair obligations for Lots 17-20. This approach would limit Council's ongoing financial exposure related to the site and provide a clear, finite financial resolution moving forward.

Funding of the 'make good' payment is to be facilitated from within the existing budgets during the September Quarterly Review.

Risk Implications

Lots 17-20 present ongoing challenges for Council's maintenance and insurance due to flood risk, and vandalism, the site incurs high maintenance and renewal costs. There are currently no user groups at the site, and continued investment in the site presents the risk of Council not providing appropriate value to the community in terms of resource allocation.

Conclusion

In summary, the proposed termination of the lease for Lots 17-20 at the Samuel Marsden Road Riding Facility presents Council with an opportunity to address ongoing financial and operational challenges. Accepting the one-off make good payment of $80,000 would provide a practical resolution, removing the burden of continued maintenance, costly repairs, and exposure to risks associated with flood and vandalism.

Termination would also allow Parklife Metro to access the site, Lot 17, and ensure critical work can be undertaken in line with the project program for the delivery of the Metro.

In terms of community outcomes, RDA has accommodated its participants at other riding centres, and the NPC are seeking to merge with another club confirming that it has relinquished its interest in Samuel Marsden Road Riding Facility.

RECOMMENDATION

That:

1. The information contained in the report on Lots 17–20, DP 238495 - Samuel Marsden Road Riding Facility - Lease Termination be received.
2. Written advice is provided to Department of Planning, Housing and Infrastructure confirming that Council are terminating the lease agreement for Lots 17–20, DP 238495 at Samuel Marsden Road, Orchard Hills, transferring the management back to the property owners being Department of Planning, Housing and Infrastructure.
3. Council enters into a Deed of Surrender with Department of Planning, Housing and Infrastructure which will release Council of its lease requirements and liabilities on Lots 17-20, DP 238495 at Samuel Marsden Road, Orchard Hills, from the date of signing.
4. That Council make payment of $80,000 as a one-off make good payment to Department of Planning, Housing and Infrastructure as part of the Deed of Surrender to relieve Council of its obligations on Lots 17-20 DP 238495.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

13 PCC2025-240 - Water Catchment Management

Compiled by: **Haydn Simmons, Operations Coordinator - Public Spaces Maintenance**

Authorised by: **Linda Ross, Head of City Presentation**
Adam Wilkinson, Director Asset Services

Outcome	*We manage and improve our built environment*
Strategy	*Plan for, maintain and provide spaces and facilities that support opportunities for people to participate in recreational activities*
Principal Activity	*Improve the amenity of the City's sportsgrounds, parks and open spaces*

Executive Summary

Council invited tenderers for the provision of maintenance services associated with water catchment elements. The Tender requested works be carried out on behalf of Penrith City Council (PCC) for the express purpose of preserving the ecological balance while maintaining the aesthetic and functional aspects of the waterbodies under Penrith City Council's care.

This report outlines the Water Catchment Management Tender process. The successful tenderer has demonstrated capacity, value for money, and alignment with Council's service standards and sustainability goals.

The outcome of the tender process and recommends that the tender from Urban Asset Solutions Pty Ltd for $119,700.00 (excluding GST) per annum, be accepted to undertake.

By undertaking these works, a primary aim is to provide an adequate level of water quality, a neat appearance, functioning waterbodies while protecting flora and fauna.

This contract is for an initial three (3) year period, with the option (by mutual agreement) to extend by a further two (2) x one (1) year extension options.

Background

Council initiated a tender process for Water Catchment Management, to ensure consistent maintenance and management of various waterbodies, aimed to improve service delivery, cost efficiency, and environmental outcomes.

Council invited tenders from suitably qualified contractors to complete the cleaning and maintenance of waterbodies aimed at preserving the ecological balance while maintaining the aesthetic and functional aspects of the waterbodies under Penrith City Council's care.

Asset No	Location	Address
L2350	Fire Museum	2226-2256 Castlereagh Rd Penrith
L7350	Nindi Cres Reserve	Narrabeen Pl Glenmore Park
L3050	Werrington Lake	35-41 Burton St Werrington County
L8312	Village Lake Jordan Springs	74 Lakeside Pde Jordan Springs
L1300	Glenmore Loch	1-2 Floribunda Dr Glenmore Park

L1310	Ched Towns Reserve	Between Glenmore Parkway & Telopea Cl Glenmore Park
L1410	Surveyors Creek	Garswood Rd Glenmore Park
L1440	Laguna Dr reserve	Laguna Dr Glenmore Park
L7320	Blue Hills Reserve	10-48 Blue Hills Dr Glenmore Park
L8314	Melaleuca Lake	186 Lakeside Pde, Jordan Springs
L8695	Thornton Canal	8 Thornton Dr, Penrith

Current Situation

This service currently operates under a quoted schedule of rates, with works carried out by Australian Catchment Management Pty Ltd, upon request by Council.

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Haydn Simmons (Operations Coordinator Public Spaces), Murray Halls (Business Development Coordinator City Presentation), Justine Vella (Bushland Management Coordinator City Presentation).

Allyce Langton from Council's Procurement team performed the role of tender administration and probity officer for this tender.

Tender Evaluation Criteria

The Tender evaluation criteria, listed below, was advertised and used in assessing the tenders received:

Compliance Criteria

- Statement of Conformance
- Compliance and Conflicts of Interest
- Tenderer's Workplace Relations Information
- Current Insurance Polices
- WHS Management System
- Quality Management System
- Environment Management System

Weighted Qualitative Criteria

- Capacity to Perform the Services
- History of the Organisation
- Local Government Experience
- Local Supplier
- Previous similar work by the tenderer
- Plant and Equipment
- Schedule of Rates

Summary of Tenders Received

A total of three (3) submissions were received by the closing date of the advertised tender and are listed below in alphabetical order.

Tenderer's Name	Location of the Business	Owners/Directors/Secretary
Australian Catchment Management Pty Ltd	80 Lamrock Ave Glossodia, New South Wales 2756	Gregory Ryman
The Bush Doctor (NSW) Pty Ltd	29 Raymond Rd Springwood, New South Wales 2777	Shane Grundy
Urban Asset Solutions Pty Ltd.	19 Research Rd Pooraka, South Australia 5095	Andrew Macklin

Criteria Evaluation

All three (3) tenderers satisfied the compliance criteria as outlined in the tender. As a result, each progressed to the qualitative evaluation stage. The submissions were assessed against the following weighted qualitative criteria:

- Capacity to perform the services
- Schedule of Rates

The Tender Evaluation Panel scored each submission in accordance with the evaluation methodology to determine the overall value for money offered by each tenderer.

The two weighted qualitative criteria scores were combined to determine the preferred panel that represents the best overall value for money to Council for the provision of Water Catchment Management.

Each tenderer was required to provide hourly rates for various specialised plant for hire, with an operator (wet hire), including float charges and unit rate for the disposal of waste.

To enable a full comparison of the unit rates submitted, a total annualised cost for each tenderer has been calculated, based on the estimated annual quantities and the maintenance program specified in the tender. These estimated annualised costs are provided below;

Tenderer's Name	Estimated Annualised Cost
Urban Asset Solutions Pty Ltd	$119,700.00
Australian Catchment Management Pty Ltd	$221,760.00
The Bush Doctor (Nsw) Pty Ltd	$330,301.44

Following the price evaluation, **Urban Asset Solutions Pty Ltd** offer represents the best overall value for Council in relation to the Water Catchment Management services.

Based on the effectiveness and price evaluation, the Tender Evaluation Panel are of the opinion that Urban Asset Solutions Pty Ltd have demonstrated their capability in providing the specified services and has provided the best value for this contract. Therefore, Urban Asset Solutions Pty Ltd is recommended as the preferred contractor to provide the service for a period of three (3) years with an option to extend for a further two (2) by one (1) year periods, by mutual agreement and subject to satisfactory performance.

Australian Catchment Management Pty Ltd is recommended as a secondary contractor in the event that the preferred contractor is unable to provide the service.

Financial Implications

Included in the assessment of tenders was the commissioning of independent reference checks, financial analysis, and performance analysis Urban Asset Solutions Pty Ltd.

These checks were completed by Equifax Australasia Credit Ratings Pty Ltd. Financial Services have reviewed the financial information provided by the tenderer and have not identified any reason why the contract should not be awarded.

Funding of the recommended tender cost of $119,700 is available within existing City Presentation Asset Maintenance budgets.

Tender Advisory Group Comments

The objective of the Tender Advisory Group (TAG) is to support the Council to achieve fair and equitable tender processes. The TAG, consisting of Adam Wilkinson- Director Asset Services, Adam Beggs – Head of Governance and Neil Farquharson – Chief Financial Officer were briefed by the City Presentation team about the background and the process followed.

The TAG considered the recommendations in relation to the tender noting that the recommended tender was the lowest price, however, the company has demonstrated their ability to meet Council's requirements, and their proposal was considered to be the most advantageous to Council. The TAG reviewed the evaluation process outlined within the report and is satisfied that the selection criteria has been correctly applied in making the recommendations.

Risk Implications

The tender process was conducted in accordance with Council's procurement policy, mitigating risks related to compliance, Modern Slavery Act 2018 (NSW), service delivery, and financial exposure. Ongoing contract management will ensure performance standards are met, and risks are monitored.

Conclusion

Awarding the water catchment management tender to Urban Asset Solutions Pty Ltd Supports Council's strategic goals of maintaining public assets and enhancing community amenity. The decision reflects a commitment to quality, sustainability, and financial responsibility.

RECOMMENDATION

That:

1. The information contained in the report on the Water Catchment Tender be received.
2. Council endorses the appointment of Urban Asset Solutions Pty Ltd as the successful tenderer for Water Catchment Management.
3. Council endorses Australian Catchment Management Pty Ltd as a secondary contractor in the event that the preferred contractor is unable to provide the service.
4. 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.
5. The General Manager be authorised to sign all necessary legal documents in relation to this matter.



ATTACHMENTS/APPENDICES

There are no attachments for this report.

14 PCC2025-287 - Rural Mowing, Parks, Bus Stops & Street Corners

Compiled by: **Haydn Simmons, Operations Coordinator - Public Spaces Maintenance**

Authorised by: **Linda Ross, Head of City Presentation**
Adam Wilkinson, Director Asset Services

Outcome	*We manage and improve our built environment*
Strategy	*Plan for, maintain and provide spaces and facilities that support opportunities for people to participate in recreational activities*
Principal Activity	*Improve the amenity of the City's sportsgrounds, parks and open spaces*

Executive Summary

Council invited tenders for works associated with rural mowing, parks, bus stops and street corners. The Tender requested works be carried out on behalf of Penrith City Council (PCC) for the express purpose of maintaining the minimum standard of natural elements of rural areas; specifically, parks, roads, street corners & bus stops.

This report outlines the outcome of the Rural Mowing Tender process, including the recommendation, anticipated benefits, and projected outcomes. The successful tenderer has demonstrated capacity, value for money, and alignment with Council's service standards and sustainability goals.

The outcome of the tender process and recommends that the tender from **AB Maintenance Solutions Pty Ltd for $129,090.00** (excluding GST), be accepted to undertake Rural Mowing, Parks, Bus Stops & Street Corners.

By undertaking these works, a primary aim is to provide an adequate sight distance for rural road users, a neat appearance to the road asset, parks and bushfires protection.

This contract is for an initial three (3) year period, with the option (by mutual agreement) to extend by a further two (2) x one (1) year extension options.

Background

Council initiated a tender process for rural mowing services to ensure consistent maintenance of rural public transport corridors, parks, sporting fields and adjacent green spaces.

The tender aimed to improve service delivery, cost efficiency, and environmental outcomes. Council called for responses from suitably experienced and qualified contractors to provide rural mowing of parks, bus stops and street corners & roadsides within PCC.

Current Situation

This service currently operates under a quoted schedule of rates, with works carried out upon request by Council. The works are currently undertaken by AB Maintenance Solution Pty Ltd.

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Haydn Simmons (Operations Coordinator Public Spaces), Murray Halls (Business Development Coordinator City Presentation), Warren Grech (Field Coordinator Public Spaces).

Allyce Langton from Council's Procurement team performed the role of tender administration and probity officer for this tender.

Tender Evaluation Criteria

The Tender evaluation criteria, listed below, was advertised and used in assessing the tenders received:

Compliance Criteria

- Statement of Conformance
- Compliance and Conflicts of Interest
- Tenderer's Workplace Relations Information
- Current Insurance Polices
- WHS Management System
- Quality Management System
- Environment Management System

Weighted Qualitative Criteria

- Capacity to Perform the Services
- History of the Organisation
- Local Government Experience
- Local Supplier
- Previous similar work by the tenderer
- Plant and Equipment
- Schedule of Rates

Summary of Tenders Received

A total of fourteen (14) submissions were received by the closing date of the advertised tender and are listed below in alphabetical order.

Tenderer's Name	**Location of the Business**	**Owners/Directors/Secretary**
AB Maintenance Solutions Pty Ltd	65a Riverside Road, Emu Heights NSW 2750	Neil Gibson
Asplundh Tree Expert (Australia) Pty Ltd T/A Summit Open Space Services	547 Great Western Hwy Werrington, NSW 2747	Greg Fitzgerald Bradley Howell
Australian Facilities Landscapes	2/2 Jindalee Place Riverwood NSW 2210	Peter McDonnell Guy Considine
Bloom Maintenance Services Pty Ltd	1345 The Horsley Dr Wetherill Park, NSW 2164	Nabil Boutros
Dragonfly Environmental Pty Ltd	Unit 31/15 Valediction Road Kings Park NSW 2148	Aandrendre Olson
Envirocivil NSW Pty Ltd	46 & 50 Tattersall Road Kings Park NSW 2148	Peter Day Gabi Day
Marsupial Landscape Management	Level 1, 7-9 Orion Road Lane Cove NSW 2066	Matt Glasscott
Mb Landscaping Pty Ltd	75 Avoca Rd, Grose Wold NSW 2753	Mitchell Bell
Muru Mittigar Limited	111-113 Henry St, Penrith NSW 2750	Aunty Cheryl Goh Rob Ewin
Pinnacle Mowing Pty Ltd	51 Cawley Cct Ropes Crossing, NSW 2760	Wellington Digwa
Polished Open Space Management Pty Ltd	5 Box Ave Wilberforce, New South Wales 2756	Kirk Mitchell

Rcc Facility Management Pty Ltd	8/133 McEvoy St, Alexandria NSW 2015	Bernadette Holloway
Waratah Lawncare and Garden Management Pty Ltd	Unit 1, 3 Bosci Road Ingleburn NSW 2565	Geoff Timpson
Yourtown	3 Warrior Place, St Marys NSW	Nansy McCarthy

Criteria Evaluation

All fourteen (14) tenderers satisfied the compliance criteria as outlined in the tender. As a result, each tenderer progressed to the qualitative evaluation stage. The submissions were further assessed against the following weighted qualitative criteria:

- Capacity to perform the services
- Schedule of Rates

The Tender Evaluation Panel scored each submission in accordance with the evaluation methodology to determine the overall value for money offered by each tenderer.

The two weighted qualitative criteria scores were combined to determine the preferred panel that represents the best overall value for money to Council for the provision of rural mowing service.

Each tenderer was required to provide hourly rates for various specialised plant for hire, with an operator (wet hire), including float charges and unit rate for the disposal of waste.

To enable a full comparison of the unit rates submitted, a total annualised cost for each tenderer has been calculated, based on the estimated annual quantities and the maintenance program specified in the tender.

The calculated (estimated) annualised costs are presented below;

Tenderer's Name	**Estimated Annualised Cost (Excl GST)**
AB Maintenance Solutions Pty Ltd	$129,090.00
Waratah Lawncare and Garden Management Pty Ltd	$138,112.38
Pinnacle Mowing Pty Ltd	$206,705.82
Polished Open Space Management Pty Ltd	$233,160.00
Marsupial Landscape Management	$303,408.06

Muru Mittigar Limited	$312,046.66
Asplundh Tree Expert (Australia) Pty Ltd T/A Summit Open Space Services	$319,006.40
Australian Facilities Landscapes	$373,156.50
Yourtown	$381,474.84
Rcc Facility Management Pty Ltd	$436,025.10
Dragonfly Environmental Pty Ltd	$478,233.81
Envirocivil NSW Pty Ltd	$515,220.00
Bloom Maintenance Services Pty Ltd	$539,019.00
Mb Landscaping Pty Ltd	$1,415,342.04

Following the price evaluation, **AB Maintenance Solutions Pty Ltd** offer represents the best value for Council in relation to the rural mowing services.

AB Maintenance Solutions Pty Ltd is also our current contractor and has successfully delivered our maintenance program over the past five years.

Based on the effectiveness and price evaluation, the Tender Evaluation Panel are of the opinion that AB Maintenance Solutions Pty Ltd have demonstrated their capability in providing the specified services and has provided the best value for this contract. Therefore, AB Maintenance Solutions Pty Ltd is recommended as the preferred contractor to provide the service for a period of three (3) years with an option to extend for a further two (2) by one (1) year periods, by mutual agreement and subject to satisfactory performance.

Waratah Group Services is recommended as a secondary contractor in the event that the preferred contractor is unable to provide the service.

Financial Implications

Included in the assessment of tenders was the commissioning of independent reference checks, financial analysis, and performance analysis AB Maintenance Solutions Pty Ltd.

These checks were completed by Equifax Australasia Credit Ratings Pty Ltd. Financial Services have reviewed the financial information provided by the tenderer and have not identified any reason why the contract should not be awarded.

Funding of the recommended tender cost of $129,090 is available within existing Rural Intersection Mowing Program and City Presentation Asset Maintenance budgets.

Tender Advisory Group Comments

The objective of the Tender Advisory Group (TAG) is to support the Council to achieve fair and equitable tender processes.

The TAG, consisting of Adam Wilkinson- Director Asset Services, Adam Beggs – Head of Governance and Neil Farquharson – Chief Financial Officer were briefed by the City Presentation team about the background and the process followed.

The TAG considered the recommendations in relation to the tender noting that the recommended tender was the lowest price, however, the company has demonstrated their ability to meet Council's requirements, and their proposal was considered to be the most advantageous to Council. The TAG reviewed the evaluation process outlined within the report and is satisfied that the selection criteria has been correctly applied in making the recommendations.

Risk Implications

The tender process was conducted in accordance with Council's procurement policy, mitigating risks related to compliance, Modern Slavery Act 2018 (NSW), service delivery, and financial exposure. Ongoing contract management will ensure performance standards are met, and risks are monitored.

Conclusion

Awarding the rural mowing tender to AB Maintenance Solutions Pty Ltd supports Council's strategic goals of maintaining public assets and enhancing community amenity. The decision reflects a commitment to quality, sustainability, and financial responsibility.

RECOMMENDATION

That:

1. The information contained in the report on the PCC2025-287 - Rural Mowing, Parks, Bus Stops & Street Corners Tender be received.
2. Council endorses the appointment of AB Maintenance Solutions Pty Ltd as the successful tenderer for rural mowing services.
3. Council endorses Waratah Lawncare and Garden Management Pty Ltd as a secondary contractor in the event that the preferred contractor is unable to provide the service.
4. 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.
5. The General Manager be authorised to sign all necessary legal documents in relation to this matter.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

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OUTCOME 5 - WE HAVE OPEN AND COLLABORATIVE LEADERSHIP

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15 June 2025 Organisational Performance Report

Compiled by: **Ben Collins, Strategic Finance Manager**
Craig Shepherd, Corporate Planning and Performance Lead

Authorised by: **Jeni Pollard, Head of Future Directions and Resilience**
Neil Farquharson, Chief Financial Officer
Matthew Bullivant, Director Corporate Services
Kylie Powell, Director Futures and Strategy

Outcome	*We have open and collaborative leadership*
Strategy	*Deliver an efficient, transparent and accountable service to the community*
Principal Activity	*Ensure our Integrated Planning and Reporting responsibilities are met*

Executive Summary

This report outlines Council's progress towards implementing its four-year Delivery Program 2022-26 and annual 2024-25 Operational Plan. The report should be read in conjunction with the *Organisational Report – June 2025* (separately enclosed), which records significant Variations, Reserve Movements, proposed Revotes, Contracts, Consultancies and Legal Expenses, Cash and Investments position, Income and Expenses by Program and our progress in completing the organisation's Operating and Capital projects for the final quarter of 2024-25.

Council projected a balanced Budget in the adoption of the original 2024-25 Operational Plan. The year-end result for the 30 June 2025 Quarter Review is a net balanced position after a proposed allocation to the Financial Management Reserve of $4.1m (which is around 1% of 2024-25 total Cash Budget Expenditure) to provide Council with the capacity to respond to emerging priorities in 2025-26 and onwards (note: Council achieved a gross surplus position of $7.7m prior to transfers to the Financial Management Reserve and other specific Reserves outlined further in this report). The most notable variations in this Review that impact upon the Budget position include: Salary Savings ($3.0m Favourable) Aquatic Centres Net Income ($1.6m Unfavourable), Movement in Employee Leave Entitlement provisions ($1.5m Favourable), Allocations to reserves ($3.6m Transfers into Financial Reserves) and interest income ($1.4m Favourable).

Details of all proposed major variations are provided in the *Organisational Report – June 2025.*

All actual figures are subject to end-of-year adjustment, external audit checking and confirmation. Once finalised the Draft 2024-25 Financial Statements will be presented to the Ordinary Meeting of the Council on 27 October 2025 for signing and forwarding to the Audit Office of NSW auditors. The audited Financial Statements will then be presented on the 17 November 2025 Ordinary Meeting of the Council, which will include a detailed explanation of Council's audited financial position.

This report recommends that the Organisational Performance and Financial Review Report – June 2025 be received, and that the revised Budget estimates identified in the report and detailed in the *Organisational Report – June 2025* be adopted.

Longer term (beyond 2024-25) financial challenges

Our community entrusts Council to deliver our shared vision for Penrith – a vision that embraces aspiration and prosperity.

That means we must plan responsibly to maintain the current over $4 billion facilities, infrastructure and services and significant future infrastructure and service needs that our City and our people expect and deserve – now and as our City grows and changes in the years ahead.

We have heard from our community that they want to continue and improve the lifestyle they currently enjoy, and that Council services currently support. However, with Penrith in a period of transformative growth that brings many benefits for current and future residents this also puts significant pressure on Council resources.

We are challenged by the maintenance of our ageing assets, many of which are approaching the end of their life cycle, coupled with increased community expectations for modern, high-quality and well-connected facilities — evident in the popularity of recently delivered recreational and lifestyle offerings such as Gipps Street Recreation Precinct and Regatta Park. Providing this level of service across the many ageing assets is difficult given rising costs which impacts everything from maintenance to new construction, service delivery and workforce sustainability.

Consistent with what many across our community are experiencing, Council is not immune from the challenges of rising costs. This has been apparent in our Long-Term Financial Plan (LTFP) for some time and Council has managed our finances, making prudent and strategic decisions regarding the development of our assets and services within the available resources.

With a current draft Operating Result deficit of over $17m in 2024-25 and a $2.9m cash Budget deficit forecast in the original 2025-26 adopted Budget (indicatively increasing to $5.3m cash Budget deficit due to increased Workers Compensation premium cost estimates), and deficit budgets identified by our current and previous LTFP, it is now clear that to maintain existing assets and service levels and respond to increasing community expectations we will need to continue to evolve our organisational sustainability including our financial strategy. Our strategy looks at all aspects of our operations including service levels, a range of alternative or increased revenue streams and ongoing productivity and efficiency savings through new technology and process improvements.

For example, Council generated cost savings by sending organics to FOGO processing rather than to landfill. Starting this practice in 2009, it has resulted in savings of $46.5m to June 2024. Our Domestic Waste Charge remained low as we did not have to charge our residents for this.

Council is actively assessing its capacity to meet the city's future needs and community aspirations. While improvements in productivity and efficiency will help, they alone won't be enough to achieve financial sustainability without reducing or stopping some services.

Organisational Performance Summary

The *Organisational Report – June 2025* provides information on Council's progress against its 2024-25 Operational Plan and Projects for the six-month period between 1 January 2025 to 30 June 2025. As at 30 June 2025:

- 91% of 131 reportable Operational Plan Actions were 'On Track' or 'Completed'
- 57% of 14 tier one Capital Projects were 'On Track' or 'Completed'

Table 1 provides a performance summary, which overall demonstrates that Council is successfully delivering its services and programs.

Table 1	Completed		On Track		At Risk or Off Schedule		Not Proceeding		Total
	No.	%	No.	%	No.	%	No.	%	
Actions	112	85%	8	6%	10	8%	1	1%	131
Projects	3	21%	5	36%	6	43%	-	-	14

Summary of At Risk, Off Schedule or Not Proceeding Operational Plan Actions

The above table notes that one actions from the Operational Plan will not be proceeding, and 10 actions area At Risk or Off Schedule. Further details are shown in the table below.

Not Proceeding	
Action: 2.3.2c - Complete building works to Strauss Road Children's Centre	The building works quoted through the tender was significantly higher than the budgeted amount the Board had allocated.
At Risk or Off Schedule	
Action: 4.2.3b - Progress the Dunheved Road Upgrade Project	Scope of project has been revised minimise commercial and liability risks following from public consultation.
Action: 5.5.2c - Deliver a comprehensive update of Council's Business Continuity Framework	Most of the updates have been completed; however, the project was not finalised as targeted as resources were diverted due to other emerging matters. It will be completed this year.
Action: 1.1.1c - Develop a new Biodiversity Strategy to help residents comply with biodiversity and environmental legislation, protect the biodiversity values of Penrith for our community and minimise unlawful impact on biodiversity and the environment	The completion of the Biodiversity Strategy did not meet target as there were delays in collating comments and feedback from key stakeholders in relation to the Action Plan. The Action Plan identifies specific actions, lead teams, and supporting collaborators. These comments have now been collated, and the strategy will be completed at 100% in mid-August 2025.
Action: 2.1.2c - Update the Events Strategy to support a vibrant and connected community and respond to new opportunities	Due to resource constraints, the program for this action had to be amended, therefore this action is on track to be delivered during 2025-26.
Action: 2.5.1a - Develop a Reflect Reconciliation Action Plan to support Council's reconciliation journey and strengthen relationships with our First Nations community	Council Officers have undertaken additional benchmarking of other Western Sydney Councils with regards to reconciliation. The project is now on track to be considered by Council in 2025-26.
Action: 3.2.7a - Assess and determine Development Applications (DA) in a timely manner to meet statutory requirements	Determination of some applications with lengthy timeframes early in the financial year, in particular associated with resolving subsidence on land to be dedicated to Council in Jordan Springs East, significantly affected our average determination timeframe. While this improved throughout the year, the cumulative average was not able to achieve the target. Our average assessment timeframe has improved into this financial year to 104 days, just 1 day over the 103 day average target.

Action: 4.3.1b - Implement new Venue Booking management system to help ensure a more efficient method of managing venue hire *And* **Action: 5.3.2b** - Implement the Customer Experience Transformation Technology Project - Booking and Venue Management to transform how the community engages and accesses Penrith City Councils (PCC) venues, facilities, and services	Implementation of the Optimo project has exceeded timelines due to extensive testing and data validation and is currently off-track as a result. The project is due for completion by the end of October.
Action: 5.2.1a - Maintain Council's engagement guidelines and toolkit to ensure best practice when engaging the community	This action will be carried forward to 2025-26 with the recruitment of a currently vacant position.
Action: 5.5.2b - Deliver a comprehensive review of Council's Risk Management Framework	This action will be carried forward to 2025-26. The focus of 2024-25 required allocation of resources to be applied to the completion of the Audit program.

Organisational Highlights

Council's programs and services delivered a number of significant achievements during the past six months. These include:

- 99% of illegal dumping incidents responded to within 5 business days (Target 95%)
- Delivering the Adopt-A-Tree Program, with 250 native trees adopted by Penrith residents during the collection event on 25 May 2025
- Expanding Village Café community sessions across Kingswood, North St Marys and Llandilo, delivering a total of 15 sessions with an average attendance of around 30 to 35 participants per location.
- Holding 24 activations (almost 1 per week) in both Penrith and St Marys including Penrith Producers, Mini Makers, Lunchtime Tunes, St Marys Cinema and Winter Solstice.
- Publicly exhibiting the draft Penrith and St Marys 24-Hour Economy Strategy in May to June 2025.
- Completing the draft Accommodation Diversity Short stay Accommodation and Hotel Investment Demand and Feasibility Study.
- Developing an Infrastructure Growth Strategy and Delivery Framework to guide infrastructure planning across key growth precincts
- Endorsement of the Advocacy Strategy 2025 at the 3 March 2025 Ordinary Meeting.
- Renewing 80,305m² of road pavement under the 2024-25 Road Asset Renewal Program.
- Constructing of 10 traffic facilities to improve road safety.
- Completion of the Nepean Avenue Pathway project.
- Completion of The Kingsway Sporting Complex upgrades, including field upgrades, amenities building and carpark drainage.
- Completion of the Andrews Road Baseball playing surface upgrades with improved drainage.
- Being awarded a Gold Award from the Australasian Reporting Awards for the 10th consecutive year for our 2023–24 Annual Report.
- Adoption of a new suite of IP&R documents on 30 June 2025. The suite includes the Penrith 2041+ Community Strategic Plan, 2025-29 Delivery Program incorporating

the 2025-26 Operational Plan, 2025-35 Resource Strategy and 2025-26 Fees and Charges.
- Exceeding our Customer Experience targets for the six-month period, with:
    - 89% of incoming calls answered within 2 minutes (target 80%)
    - 97% Customer Satisfaction (CSAT) after-call survey score (target 85%)

Financial Position for the June 2025 Quarter

The financial position of Council for the quarter is expressed by providing information in compliance with Quarterly Budget Review Statement (QBRS) requirements on:

- Budget position (whether balanced/surplus/deficit)
- Significant Variations
- Identified Revotes
- Funding summary
- Reserve movements for the Quarter
- Capital and Operating Budget Projects list for the quarter
- Key Performance Indicators
- Income and Expenses
- Capital Budget
- Cash and Investments
- Contracts and Other Expenses
- Consultancy and Legal expenses

Budget Position

	$'000s
Original Budget Position	0
September 2024 Quarter Variations Adopted by Council	0
December 202 Quarter Variations Adopted by Council	0
March 2025 Quarter Variations Adopted by Council	0
June 2025 Quarter Review Proposed Variations	4,137
Sub-total year-end Budget surplus	**4,137**
Less: Transfer to Financial Management Reserve	(4,137)
Revised balanced Budget Position June 2025	**0**

The predicted cumulative result for the year as at June 2025 is a balanced Budget after the recommended variations for the quarter, and the proposed allocation to Financial Management Reserve. Further details including significant proposed variations, variations with no impact on available funds, and reserve movements, are detailed in the separately enclosed *Organisational Report – June 2025.*

Other variations with no impact on Available Funds and Proposed Revotes

A number of other variations, proposed as part of this review, do not have an impact on the available funds. Details of these adjustments are provided in the *Organisational Report – June 2025*.

In addition to the aforementioned variations, a total of $27.7 m of planned Capital and Operating projects are proposed for revote this quarter. The total value of revotes for the year to date is $44.1m (including the proposed June Quarter revotes) compared to $47.0m for the same period in 2023-24. A full list of Revotes is included in the *Organisational Report – June 2025*. The most significant revotes for 2024-25 include Developer Contributions Income ($3.9m Favourable), Domestic Waste operational expenditure ($3.5m Favourable), and Interest on Reserves ($1.6m Favourable).

New Grants

In accordance with Council's Grant Applications Policy, Appendix 1 highlights a list of grants that have been incorporated into the budget as part of the June 2025 Quarterly Review. As per the Policy, these grants have a value below $250,000, do not require matching funding from Council, have no ongoing costs, and as such did not require a separate Council report.

Financial Implications

Adopting the recommendations within this report will result in Council's presenting a balanced position for 2024-25. Further details of the financial implications are contained within the separately enclosed *Organisational Report – June 2025*.

Risk Implications

Clause 203 of the Local Government Regulation requires that the Budget Review Statements and a revision of estimates must be reported to the Council within two months after the end of each quarter (except the June quarter). This Quarterly Review incorporates a comprehensive analysis of Actuals vs Budgets across all areas of the organisation, and also proposes variations to the annual budget to be approved by the Council.

The Long-Term Financial Plan is updated on a regular basis in line with the reviews to ensure that forward projections reflect the most current assumptions. This review process, and long-term forecasting, minimise financial risk by supporting financial sustainability, transparency, and accountability.

Conclusion

This report, and the more detailed *Organisational Performance Report – June 2025,* demonstrates that Council has made significant progress over the past six months. The pre-audit end of year result is a good outcome and Council's financial position remains sound with a surplus achieved in 2024-25 that has allowed Council the ability to transfer funds into Reserve to assist with addressing emerging priorities and future challenges identified in our Long-Term Financial Plan, resulting in a balanced Budget position for June 2025. This Review, and the proposed allocations, continue to demonstrate Council's commitment to strong financial management.

It should be noted that the Council does (as with most councils) have a longer term financial challenge in managing its adopted Long Term Financial Plan that projects Operating Result deficits before capital grants and contributions. The challenge is predominantly due to depreciation of Council's significant asset portfolio's asset maintenance and renewal requirements.

The *Organisational Report – June 2025* will be placed on Council's website and will be available in hard copy on request.

RECOMMENDATION

That:

1. The information contained in the report on June 2025 Organisational Performance Report be received.
2. The Organisational and Financial Review as at 30 June 2025, including the revised estimates outlined in this report and detailed in the *Organisational Report – June 2025,* be adopted.
3. Council revote the works as detailed in the Recommended Revoted Works Lists, detailed in the *Organisational Report – June 2025* for inclusion in the 2025-26 Operational Plan.
4. The fourth quarter surplus of $4,136,718 be transferred to the Financial Management Reserve as detailed in the *Organisational Report – June 2025.*



ATTACHMENTS/APPENDICES

1. Grant Funding applications accepted June quarter 1 Page Appendix

GRANT FUNDING APPLICATIONS ACCEPTED

as at June 2025

Description	Funding Authority	Capital or Operational	Total Grant Funding ($)	Council Contribution ($)	Total Project ($)
CITY ACTIVATION COMMUNITY & PLACE					
2025 NAIDOC Grants Program	Aboriginal Affairs NSW	Op	2,000	-	2,000
Council was successful in obtaining grant funding to deliver a specific workshop at the 2025 Penrith NAIDOC event. Curated and designed by Indigenise, the workshop is a collaborative art project facilitated by Aboriginal youth and guided by Aboriginal Elders. It aims to promote cultural kinship, and will be focused on traditional values of understanding how we connect to country and community.					
Caring for Country	WSROC	Op	130,000	-	130,000
This grant funding will enable Council to facilitate a number of Caring for Country projects through Council's suppliers and partner agencies. This grant includes but is not limited to: Muru Murak Junior Rangers Program, Cultural Fire project at Teresa James Reserve and a Water Country project.					
TOTAL CITY ACTIVATION COMMUNITY & PLACE			132,000	-	132,000
WASTE & RESOURCE RECOVERY					
Scrap Together Round 3	Environment Protection Authority	Op	15,000	1,500	16,500
"FOGO All In" will promote FOGO across the LGA, using innovative promotional spaces like electronic billboards and social media to display Scrap Together messaging. In conjunction to the broad digital campaign, a targeted letter box drop will focus on engaging the CALD community.					
TOTAL WASTE & RESOURCE RECOVERY			15,000	1,500	16,500
TOTAL GRANTS			**147,000**	**1,500**	**148,500**

16 Councillor Expenses and Facilities Policy

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

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

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

Executive Summary

Council staff have undertaken a review of the current Councillor Expenses and Facilities Policy (Expenses Policy) and in accordance with legislative requirements and guidelines, prepared the attached draft Expenses Policy. The Policy must be adopted within 12 months of the commencement of the current Council term.

In developing the draft Expenses Policy, Council staff conducted a comprehensive review of the relevant provisions of the *Local Government Act 1993 NSW (*the *Act)*, the *Local Government (General) Regulation 2021 NSW (*the *Regulation)*, the Office of Local Government's recommended Councillor Expenses and Facilities Policy template, and *Section 23A* Guidelines titled "Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW (2009)". Benchmarking was also undertaken against comparable councils, with consideration given to factors deemed pertinent to the needs of Penrith City Council and community.

The draft Expenses Policy was reported to the Ordinary Meeting held on 30 June 2025, where the Council resolved to publish the draft policy in accordance with *section 253(1)* of the *Act*. The draft Expenses Policy was exhibited on Council's website from 2 July 2025 for a period of 28 days. No public submissions were received during this time.

This report recommends that the Council adopt the draft Expenses Policy as exhibited, with minor proofing edits.

Background

Under *Section 252* of the *Act*, councils are required to adopt a policy concerning the payment of expenses and the provision of facilities to the mayor, the deputy mayor, and councillors in relation to discharging the functions of civic office. This policy must be adopted within 12 months of the commencement of each Council term.

When drafting an Expenses Policy, councils must ensure compliance with the *Act*, the *Regulation*, and any guidelines issued under *section 23A* of the *Act*, which confers authority to the Departmental Chief Executive to prepare, adopt or vary guidelines relating to any of its functions exercised by a council.

In accordance with *section 253(1)* of the Act, Council must give public notice of its intention to adopt or amend the Expenses Policy, allowing at least 28-day exhibition period for public submissions.

Current Situation

The notification period for advertising the draft Expenses Policy has now concluded and no submissions were received from the public.

Council staff are of the view that the draft Expenses Policy, which was placed on public exhibition as resolved at the Ordinary Meeting on 30 June 2025, is consistent with the legislative requirements and applicable guidelines.

Financial Implications

The draft Councillor Expenses Policy has no direct financial implications for 2025-26 operational budget. However, the proposed approach to manage Councillor expenses over the full term of service, rather than on a year-to-year basis, allows unspent allocations to be carried forward. This ensures that all Councillors have adequate resources available throughout their term.

This approach aligns with industry standards adopted by other councils and promotes greater flexibility in expenditure planning. It accommodates variations in demand, such as increased training requirements at the beginning of a term, thereby optimising resource allocation without compromising financial accountability. Overall, this model enhances transparency and efficiency in the management of Councillor expenses, consistent with best practice in local government financial management.

Risk Implications

There are no risk implications associated with the adoption of this policy.

Conclusion

The Councillor Expenses and Facilities policy must be reviewed within 12 months of each term of a council.

Given that there were no public submissions received during the exhibition period of the draft Expenses Policy it is recommended that the Council adopt the draft Councillor Expenses and Facilities Policy as exhibited, with minor proofing edits.

RECOMMENDATION

That:

1. The information contained in the report on Councillor Expenses and Facilities Policy be received.
2. The Council adopt the Councillor Expenses and Facilities Policy.



ATTACHMENTS/APPENDICES

1. Draft Councillor Expenses and Faicilities Policy 16 Pages Attachments Included

17 Model Code of Meeting Practice

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

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

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

Executive Summary

Councils are required to adopt a Code of Meeting Practice (Meeting Code) within 12-months of an ordinary election of councillors. At its meeting of 23 June 2025, Council's Policy Review Committee resolved to place the attached Draft Meeting Code on public exhibition for 28 days and provide members of the community at least 42 days to comment. The Draft Meeting Code was publicly exhibited on Council's website from 25 June 2025, and the consultation period has now finished. No feedback on the Draft Meeting Code was received. The report recommends Council adopt the attached Code of Meeting Practice.

Background

The *Local Government Act* 1993 (NSW) (the Act) requires that councils are to adopt a Meeting Code within 12-months of an ordinary election of councillors. A Meeting Code must incorporate the mandatory provisions of the Model Code of Meeting Practice (Model Code) prescribed by the *Local Government (General) Regulation 2021 (NSW)*. Councils are permitted to include provisions within its Meeting Code that supplement the Model Code, provided they are not inconsistent with the Model Code.

Council's existing Meeting Code was last updated in August 2024 and there have been no changes made to the Model Code since that time. It includes non-mandatory provisions to support the effective functioning of Council's meetings and is compliant with the Model Code. Consequently, Council's Policy Review Committee determined on 23 June 2025 to publicly exhibit its existing Meeting Code as its Draft Meeting Code for the purposes of receiving public comment.

Current Situation

The Draft Meeting Code was publicly exhibited on Council's website from 25 June 2025, and the community was provided with 42 days to submit comments in response to the proposed Meeting Code. The consultation period has now finished, and no feedback was received. Given that there were no public submissions received during the exhibition period it is recommended that the Council adopt the Meeting Code as exhibited.

Financial Implications

There are no financial implications associated with the adoption of this Code

Risk Implications

There are no risk implications associated with the adoption of this Code.

Conclusion

Before adopting a Meeting Code, councils are required to exhibit a draft of the Code for at least 28 days and provide members of the community at least 42 days to comment. Council's Draft Meeting Code has been publicly exhibited. Given that there were no public submissions received during the exhibition period it is recommended that the Council adopt the Code of Meeting Practice as exhibited.

RECOMMENDATION

That:

1. The information contained in the report on Model Code of Meeting Practice be received.
2. The Council adopt the attached Code of Meeting Practice.



ATTACHMENTS/APPENDICES

1. Code of Meeting Practice 42 Pages Attachments Included

18 Review of Delegations

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

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

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

Executive Summary

In accordance with *section 380* of the Local Government Act 1993 (NSW) Council is required to review all its delegations within the first 12 months of its term.

This report details the background of delegations and highlights the need to have appropriate delegations of authority to ensure that Council officers can properly and efficiently discharge their responsibilities under Council's Operational Plan.

The proposed delegations by the Council to the General Manager, Committees and other entities have been reviewed by the Governance team and are shown in the appendices to this report for Council consideration.

Background

The *Local Government Act 1993 (NSW) (the Act)* and various other legislation authorises the Council to undertake a range of functions. Delegations of authority are the formal mechanisms by which the Council enables its officers to act on behalf of the Council. Delegations are constructed to maximise the effectiveness and efficiency of Council's operations, and administrative functions and processes. Council employees who are responsible for a particular area of Council's operation need relevant authority to manage that responsibility. Without delegations of authority, all decisions currently made by Council employees would need to be made by the Council itself, which would have a significant impact on Council's ability to meet its statutory obligations and its objectives under the Operational Plan.

The conferring of management and administrative authority to appropriate officers enables the Council to properly discharge its responsibilities under Council's Operational Plan, and it allows the formal, public decision-making structures of the Council to focus on other key decision makings.

Under *Section 377* of the *Act*, the Council may, by resolution, delegate certain functions to the General Manager to facilitate the efficient operation of Council. Established practice at Penrith City Council has been to delegate broadly to the General Manager. This delegation excludes specific functions that must be exercised directly by the Council. Under *section 378* of the *Act*, the General Manager may sub-delegate those functions to Council employees or a body as necessary, enabling them to carry out day-to-day functions effectively and in alignment with Council's strategic and operational objectives.

The Operation of Delegations

Delegations are assigned to positions within Council, not to individual employees. This allows newly appointed employees to immediately exercise the delegated authority associated with their role, without the Council or the General Manager needing to authorise another set of duplicate delegations when staff changes occur.

It is also important to note that delegations are not transferable between officers. However, when an officer is formally acting in another position, they automatically assume the delegations attached to that position for the duration of their acting appointment.

Delegations can be general or conditional, must be exercised subject to any limitations imposed by a delegation, and cannot authorise officers to do anything which the Council itself cannot do. All delegated authority must also be exercised within the provisions of:

- the *Act* and other relevant legislation,
- any relevant Council policies and procedures,
- budget limitations, and
- the responsibilities and job description of the delegate's position.

The Delegations Review Process

Delegations are reviewed by Heads of Departments within Council in consultation with Governance. When there are significant legislative changes or changes to Council responsibilities this will often result in a review of specific delegations. Furthermore, when a restructure occurs or a new position title is created the delegations are again reviewed. All proposed delegations are reviewed by the Head of Governance before being recommended to the General Manager to consider for assignment.

In accordance with *section 380* of the *Act* Council is required to review its delegations within the first 12 months of its term.

Delegations and the Role of the General Manager

The functions of the General Manager are listed in *section 335* of the *Act* which include responsibility for the efficient and effective operation of Council. The General Manager must manage the day-to-day affairs of Council, appoint staff in accordance with the organisational structure and resources approved by the Council, and has authority to appoint, direct and dismiss staff.

The Council is expressly prevented from delegating authority directly to Council employees under *section 377* of the *Act*. Instead, the Council delegate the functions and authority necessary for the day-to-day management of the organisation to the General Manager (except for those that are specifically reserved for the Council under the *Act*).

The General Manager, under *section 378* of the *Act*, has authority to sub-delegate those functions to Council employees or a body as necessary, enabling them to carry out day-to-day functions effectively and in alignment with Council's strategic and operational objectives.

Proposed delegations of authority by the Council to the General Manager are contained in Appendix 1 (Proposed Delegations of Authority to the General Manager).

Delegation to Committees and Other Entities

Section 355 of the *Act* allows the Council to set up committees or other bodies to exercise its functions on its behalf. Appendix 2 (Proposed Delegations of Authority to Committees) lists

the proposed delegations to Council's committees to exercise its functions. The proposed delegations to most committees are general in nature, to allow for the fact that each Council facility or function managed by a committee has unique qualities that must be adequately accommodated by that committee in the exercise of its delegation. The intent of a general delegation, referring to the exercise of "care, control and management" over a facility, is quite clear and easy to interpret, but still provides the flexibility required for managing committees to function effectively.

As well as using committees, Council also makes use of other bodies to exercise its functions. Such as the Penrith City Children's Services Co-operative Ltd and Penrith Performing and Visual Arts Limited (PP&VA). Appendix 3 (Proposed Delegations to Other Entities) lists the delegations required by these other entities to exercise their functions on behalf of the Council.

Council's Seal of Authority for issuing Certificates of Identification to Council Officers

In accordance with various legislative requirements, certain Council officers are authorised to enter premises as part of their official duties. To facilitate this, officers must carry an appropriate authority card that clearly identifies them and outlines their delegated authority.

Specifically, Council staff with authority to enter premises under the *Swimming Pools Act 1992* also require a 'Certificate of Identification' as outlined in the *Swimming Pools Regulation 1998*. This certificate which serves as formal proof of the officer's authority must bear the Council's 'Seal of Authority' to be valid.

Delegations Register

Council maintains a register of Delegations that is available for inspection by the public and councillors at any time, which contains position delegations under the *Act* and any other *Act* under which Council employees are required to perform duties. The delegations register is maintained by Governance staff within the Office of the General Manager and is under constant review.

Financial Implications

There are no financial implications associated with this report.

Risk Implications

Effective delegations allow the organisation to conduct its operations efficiently and ensures sound decisions are made. Restricting delegations or unclear delegations can have a negative impact on the capacity of the organisation to respond in a timely manner.

Conclusion

Under *section 380* of the *Local Government Act 1993 (NSW)*, Council is required to review all its delegations within the first 12 months of its term. This report presents proposed delegations to the General Manager, Committees, and other entities to be considered by the Council.

RECOMMENDATION

That:

1. The information contained in the report on Review of Delegations be received.
2. Council, in accordance with Section 377 of the Local Government Act 1993, approve the delegation of its functions and responsibilities under the Act and other Acts to the General Manager as listed in "Schedule 1 – Proposed Delegations of Authority to the General Manager" that is appended to this report.
3. Council, in accordance with Section 377 of the Local government Act 1993, delegate authority to Council's committees, as shown in "Schedule 2 – Delegations of Authority to Committees" that is appended to this report.
4. Council, in accordance with Section 377 of the Local Government Act 1993, delegate authority to the entities as listed in "Schedule 3 – Delegations of Authority to Other Entities" that is appended to this report.
5. Council's Seal of Authority when required be placed on the Certificate of Identification for Officers with delegated authority under the *Swimming Pools Act 1992*.



ATTACHMENTS/APPENDICES

1.	Proposed Delegations to the General Manager	1 Page	Appendix
2.	Proposed Delegations to Committees	2 Pages	Appendix
3.	Proposed Delegations to Entities	1 Page	Appendix

2025 Review of Delegated Authority

Appendix 1

Proposed Delegations of Authority to the General Manager

Local Government Act 1993 (NSW) - Executive

The powers and authorities used by the Council under the Local Government Act 1993 (NSW), as amended, in accordance with the responsibilities of the General Manager under *Section 335*, including those specified in the Operational Plan or the Council strategic documents generally, but without limiting the above these shall include the following:

Delegation

The service, regulatory, ancillary, administrative and enforcement functions of Council under the Local Government Act 1993 (NSW), including any functions listed under Chapter 4 of the Local Government Act specifically Section 22 and 23 but specifically excluding those functions reserved to the Council under Section 377 of the Act, without limiting the generality.

Any function not elsewhere authorised but included in the Operational Plan and adopted budget.

Environmental Planning and Assessment Act 1979 (NSW)

The provisions of the Environmental Planning and Assessment Act 1979 (NSW), as amended, generally, but in particular the powers and authorities used by the Council under the Environmental Planning and Assessment Act 1979 (NSW) in accordance with the position description and accountabilities of this position. In particular the following:

Delegation

All functions of the Council under the Environmental Planning and Assessment Act 1979 (NSW) and under any Regulation made pursuant to that Act other than any function not permitted to be delegated by section 377 of the Local Government Act 1993 (NSW).

Food Act 2003 (NSW)

The provisions of the Food Act, 2003 (NSW), as amended, generally, but in particular the powers and authorities used by the Council under the Food Act, 2003 (NSW), in accordance with the position description and accountabilities of this position. In particular the following:

Delegation

The authority to exercise and perform each of the powers, authorities, duties and functions conferred on Council (the Enforcement Agency) under the Food Act 2003 (NSW) and under any Regulation made pursuant to that Act, (other than any function not permitted to be delegated by Section 377 of the Local Government Act 1993 (NSW)), including the authority to:

- Appoint a person to be an authorised officer under section 114 of the Food Act 2003 (NSW)
- Issue Prohibition Notices in accordance with the provisions of Part 5 and section 60 of the Food Act 2003 (NSW).

All Other Acts Conferring Authority on Council

The powers and authorities used by the Council under any act and delegated under Section 377 of the Local Government Act 1993 (NSW), including:

Delegation

Any other function conferred or imposed on Council by any other Acts, and under any Regulation made pursuant to those Acts, other than any function not permitted to be delegated by Section 377 of the Local Government Act 1993 (NSW).

2025 Review of Delegated Authority

Appendix 2

Proposed Delegations of Authority to Committees

Committee Name	Responsibility Delegated to Committee
Access Committee	The objectives and strategies of the Access Committee are: • to advise on Council policies and procedures to ensure that legislative requirements on access are considered in Council decisions and its operations • to promote an inclusive design approach as a means to contribute to social inclusion • to provide a link between Council and people in the community with disabilities • to assist Council in identifying strategies to improve access and social inclusion for people with a disability • to support Council in providing leadership for the broader community to achieve social inclusion of people with a disability
Arms of Australia Inn Management Committee	Management and Operation of the Arms of Australia Inn.
Heritage Advisory Committee	The Heritage Advisory Committee was established in 1999 to conserve and promote the heritage of the City of Penrith, and to provide advice to Council on Heritage matters.
Jamison Park Netball Complex Management Committee	Management and operation of the Jamison Park Netball Amenity building.
Penrith Community Safety Partnership	Main objectives of the Partnership Committee are to: • identify Community Safety issues, and develop and prioritise strategies to combat these issues • integrate the concept of community safety throughout the member organisations and the City and • monitor the implementation of, and review on a regular basis, the Penrith Community Safety Plan.
Penrith International Friendship Committee	The objectives of the Committee are to: • Develop strategies to effectively reach the aims of International Friends • Support established international links undertaken by the Council • Raise funds to support strategies developed.
Penrith Schools Boatshed Management Committee	The function of care, control and management of the Penrith Schools Boatshed.
Penrith Senior's Centre Management Committee	The function of care, control and management of the Penrith Valley Senior Citizens Centre
Property Development Advisory Panel	Property Development Consultancy, advice to the Council in managing property activities to deliver a range of strategic development outcome.
Ray Morphett Pavilion Management Committee	The function of care, control and management of the Ray Morphett Pavilion.

2025 Review of Delegated Authority

Appendix 2

Proposed Delegations of Authority to Committees

Resilience Committee	To provide advice to Council on opportunities to improve the resilience of Penrith City.
Western Parkland Councils	• Endorse a Delivery Program outlining strategies, principles activities, projects etc. for the term of local government • Monitor implementation of the Delivery Program and performance of the Agreement • Adopt an Operational Plan, including budgets estimates, annually, and • Make broad policy decisions within the strategic framework.
Western Sydney Regional Illegal Dumping Squad - Management Committee	Make policy decisions relating to the operation of the RID Squad Project Agreement, to guide the Employees and Host Council, approve the Contributions Budget, approve the Operations Budget, report to the Parties on the Project as required and review the Service Specification for the Host Council.

2025 Review of Delegated Authority

Appendix 3 - Proposed Delegations to Other Entities

Committee Name	Responsibility Delegated to Committee
Penrith City Children's Services Co-operative Ltd	Main function of the Penrith City Children's Services Co-operative Ltd is to manage the direct operation of Children's Services.
Penrith Performing and Visual Arts Limited (PP&VA)	Penrith performing and visual arts limited (PP&VA) provides facilities to deliver cultural programs and recreation to the residents of Penrith LGA and Western Sydney as well as promoting access to its programs and facilities to the community and artists.

19 Local Government NSW Annual Conference 2025

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

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

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

Executive Summary

Local Government NSW (LGNSW) will hold its Annual Conference at Panthers Penrith, Western Sydney Conference Centre from 23-25 November 2025.

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.

The Council is also entitled to nominate up to ten voting delegates for the LGNSW Board election.

This report recommends that Council nominate ten voting delegates to attend the Annual Conference and ten voting delegates for the LGNSW Board election in addition to a number of motions. Council is required to advise LGNSW of the names of the voting delegates for both by Friday 7 November 2025.

Background

Local Government NSW (LGNSW) will hold its Annual Conference at Panthers Penrith, Western Sydney Conference Centre from 23-25 November 2025.

The Annual 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.

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.

Submission of Motions

Councils have been advised that for a motion to be included in the Business Paper that they must meet the following guidelines:

1. are consistent with the objects of the LGNSW,
2. demonstrate that the issue concerns or is likely to concern a substantial number of local governments in NSW,
3. seek to establish or change a policy position of LGNSW and/or improve governance of the association (noting that the LGNSW Board is responsible for any decisions around resourcing and campaigns or operational activities, and any necessary resource allocations will be subject to the LGNSW budgetary process),

4. be strategic,
5. be concise, clearly worded, and unambiguous,
6. not be focussed on just a small specific part of NSW,
7. not encourage violation of prevailing laws,
8. not seek to advantage one or several members at the expense of other members,
   Motions of a similar objective:
9. may be consolidated by LGNSW as a single item.
   Motions reflecting existing LGNSW policy:
10. remain part of LGNSW's Policy Platform but will not be included for debate as they have already been considered by Conference.

Accordingly, Council's motions should relate to issues which are causing concern to the Council and/or the community. Motions should also suggest an appropriate solution by including either a motion which could be considered by the Conference or notes which might guide delegates to an agreed position.

Local Government NSW has advised that the submission of Council's motions and any accompanying notes or motions for consideration at the Conference must be completed and submitted by 30 September 2025.

The following motions have been prepared by staff. Councillors are welcome to suggest any proposed motions for development at tonight's meeting. A further report will be brought to the next Ordinary Meeting on 22 September to adopt any additional council motions for consideration by the LGNSW Board if required.

Motion 1
Subject: Strengthening Strategic Governance and Funding Advocacy for Aquatic Infrastructure

Motion Wording:

That LGNSW advocate for the establishment of a statewide governance and funding framework to support the strategic planning, delivery, and renewal of local aquatic infrastructure across NSW.

Motion Details:

Aquatic infrastructure is critical to the social fabric, health, and resilience of communities across NSW. These facilities deliver far-reaching benefits—from drowning prevention and inclusive recreation to physical and mental wellbeing, youth engagement, and support for ageing populations. Councils are grappling with ageing assets, escalating operational costs, and limited access to sustainable funding models.

Despite their significance, there is no dedicated state-level strategy, funding framework, or governance model to guide the renewal, delivery, and long-term sustainability of local aquatic facilities. This absence places increasing pressure on councils to meet growing community expectations without adequate support.

This motion calls on LGNSW to lead urgent advocacy for a coordinated state-wide approach—one that secures equitable investment, strengthens governance, and embeds aquatics within broader strategic infrastructure planning to ensure every community has access to safe, inclusive, and future-ready aquatic spaces.

Motion 2
Subject: Delivering Regional Connectivity and Flood Evacuation

Motion Wording:

That Local Government NSW call on the NSW Government to match the Commonwealth's $50 million commitment and publish a delivery timeline for the Castlereagh Connection as a regional connecting piece of infrastructure and flood evacuation route.

Motion Details:

Castlereagh Connection is a vital transport artery that can support regional connectivity including evacuation during flooding events within the Hawkesbury-Nepean valley. The Castlereagh Connection is acknowledged as critical infrastructure across all levels of government. The Western Sydney Transport Infrastructure Panel - Independent Panel Report 2023 recommended continued investigation of Castlereagh Connection as a priority.

The corridor, reserved since 1951 and being 90% government owned, has been shown through modelling using the Flood Evacuation Model version 2 (FEM2) to reduce the population exposed to major-flood risk by 71%. In addition to its role in emergency management, the project also offers improved freight connectivity, supporting long-term economic growth and regional productivity.

In October 2022, Minister King announced the Federal Government had allocated $50 million for planning of the Castlereagh Connection, contingent upon a matched contribution from the NSW Government. We are concerned that this matched commitment is again not reflected in the 2025 – 26 NSW State Budget.

The Castlereagh Connection project is at risk without this commitment from the NSW Government and requires immediate prioritisation to secure the funding from the Federal Government to deliver for our future community. Funding from the NSW Government for this significant piece of infrastructure is essential to strengthen the region's resilience to future flood events.

We call on the NSW Government to commit to matched funding to provide the community and stakeholders with a clear timetable for staged delivery. The delivery of the Castlereagh Connection will support evacuation during extreme flood events and enables sustainable future growth and economic resilience of the region.

Motion 3
Subject: Maximising the benefits that the new International Airport will bring through enhanced network connectivity

Motion Wording:

That Local Government NSW urge the Australian and NSW Governments to:

- jointly fund and fast-track the completion of the business case and construction of the full length of the Sydney Metro – Western Sydney Airport line, connecting the broader Greater Sydney region, and
- identify and commence a continuous funding stream to support the ongoing allocation of funds for delivery over the long term.

Motion Details:

Western Sydney is a growing economic powerhouse and the nation's third-largest economy. Home to over 2.8 million people and 32% (almost a third) of the State's workforce, the region's 260,000 local businesses play a crucial role in national productivity. With Western

Sydney projected to support 34% of Sydney's population growth by 2041, continued infrastructure investment is essential to ensure sustainable growth and economic resilience. As part of this growth, the new Western Sydney International Airport (WSIA) is going to accommodate 10 million passengers per year from day one, gradually increasing to 37 million passengers a year by around the 2050s.

The Sydney Metro – Western Sydney Airport Line full length from Tallawong in the north to Macarthur in the south is more than a transport project, it is a catalyst for regional transformation, economic growth, and generational opportunity. The north – south extension will strengthen economic resilience by improving connectivity to major transport and employment hubs, including the WSIA and Aerotropolis. It will increase equitability of public transport options, enhance workforce participation, and reduce congestion, supporting broader productivity and climate goals. It also maximises the return on the massive investment made by the NSW government to date in the region.

We call on the Australian and NSW Governments to jointly fund and fast-track the business case and staged construction of the Tallawong-to-Macarthur extension of the Sydney Metro – Western Sydney Airport line. Failure to realise the full extension north – south of the Sydney Metro: Western Sydney Airport line risks underutilising nationally significant infrastructure, will increase inequality, and will hinder economic growth. A future-ready NSW is critical to Australia's long-term prosperity and ensuring equitable access to public transport options is key to that vision.

Motion 4
Subject: Unlock employment lands through an enabling-infrastructure fund

Motion Wording:

That Local Government NSW call for a dedicated Federal-State "Employment Lands Enabling Infrastructure Fund" to deliver trunk roads, water, power and digital services in growth precincts. This will accelerate the creation of high-value jobs located in proximity to nationally significant infrastructure such as within the Western Sydney Aerotropolis that adjoins the new Western Sydney International Airport.

Motion Details:

Employment lands are essential to the economic vitality of New South Wales (NSW) by providing the physical space for manufacturing, logistics, warehousing, technology hubs, and other job-generating industries. The Western Sydney Aerotropolis, for example, wrapped around the nationally significant new Western Sydney International Airport, is projected to be one of Australia's major economic centres supplying new jobs for NSW.

As NSW continues to grow, the demand for well-serviced employment lands is increasing rapidly.

However, many of these zoned employment lands remain underutilised or inaccessible due to a lack of enabling infrastructure such as trunk roads, water, power, and digital services. Without targeted investment, these areas cannot be activated to their full potential, limiting opportunities for business expansion, innovation and regional employment.

It is important that strategic and growth plans highlight the provision for associated local infrastructure to ensure these employment precincts are viable and attractive for investment from the outset.

We call on Local Government NSW to advocate for the establishment of a dedicated Federal-State 'Employment Lands Enabling Infrastructure Fund'. The establishment of a dedicated infrastructure fund to unlock employment lands is a forward-looking investment in the future of New South Wales. It will enable the delivery of infrastructure needed to activate

high-potential sites particularly in growth areas, like the Western Sydney Aerotropolis that is located adjacent to the nationally significant new Western Sydney International Airport.

Motion 5
Subject: Reinvest Housing & Productivity Contribution (HPC) revenue where it is raised

Motion Wording:

That Local Government NSW call on the NSW Government to:

- equitably allocate the HPC to infrastructure within the growth LGAs that generate the charge, and
- enable forward funding of infrastructure against the HPC.

This will ensure communities receive timely transport, community and utility upgrades aligned with accelerated housing targets.

Motion Details:

Outer-metropolitan LGAs are growing faster than the national average and are expected to take the share of new housing, yet these rapidly expanding communities continue to wait for the roads, public transport, water, power and social infrastructure that make new neighbourhoods functional and liveable. Current policy assumes that growth should fund the services it needs, but in practice the Housing and Productivity Contribution (HPC) pools levies statewide. Contributions raised in growing LGAs can therefore be redirected to projects outside these growth areas, disconnecting local growth from local delivery and leaving councils to manage the delays in provision of infrastructure necessary for liveable communities, just as housing targets escalate.

A more place-based, need-responsive approach would see the majority of HPC revenue returned to the LGAs that generate it. Designating majority of receipts to those growth areas would restore the link between development and timely service provision, ensuring infrastructure funding keeps pace with population increases and upholds the wider planning principle that no council or community should be disadvantaged by contributions reform. Further to this, the ability to forward fund infrastructure against the HPC would enable timely delivery of infrastructure that gives new communities the best start possible.

Overall these steps would also strengthen investor confidence: developers and homebuyers could see a clear path from payment of the levy to the timely delivery of the transport links, utilities and community facilities that support property values and long-term liveability.

By reinvesting where growth is occurring and enabling forward funding of infrastructure against the HPC, NSW can deliver housing supply supported by infrastructure and safeguard community outcomes, aligning the HPC with the sector's long-standing expectation that infrastructure contributions remain equitable and relevant and responsive to local needs.

Motion 6
Subject: Provide clarity to local government, industry and community on flood policy and management by finalising risk-based flood planning levels and updating evacuation modelling.

Motion Wording:

We call on the NSW Government to provide clarity to local government, industry and community on flood planning policy and management. This will provide councils and industry with the certainty needed to support future land use outcomes.

This can be achieved by finalising risk-based Flood Planning Levels and releasing updated,

risk-based evacuation modelling for all catchments to be covered by Disaster Adaptation Plans (DAPs), giving councils and industry confidence to progress housing and employment projects in flood-affected LGAs.

Motion Details:

Following a series of significant flood events across the state, the NSW Government O'Kane/Fuller Inquiry (2022) made recommendations about the preparation for, causes of, and response to flood events. The inquiry called on the NSW Government to redetermine flood planning levels through Disaster Adaptation Plans (DAP) for high-risk regions, including the Hawkesbury-Nepean Catchment. This was to be completed within 3 years, however, to date, these have yet to be finalised, delaying the implementation of reforms which enable a responsive approach to areas with high flood risks.

While work by the NSW Government to redetermine flood planning levels is ongoing, planning for future growth has been made increasingly difficult by the lack of clarity and changeable flood planning policy environment. Further, current assumptions underpinning the latest flood evacuation modelling (known as FEM2) are extremely conservative and dated. This means the flood modelling outputs being used to inform planning decisions are unreasonable and have unnecessary far-reaching economic implications.

As the date for the finalisation of the DAPs for high-risk areas is overdue, we urgently call on the NSW Government to complete the DAPs as soon as possible, which includes finalising risk-based Flood Planning Levels and updated, risk-based evacuation modelling. With well-defined flood planning policies, local councils and industry can make informed decisions on development, which can support long-term economic resilience and sustainable population growth.

If there is to be a change to the long-held position of planning of a 1 in 100-year flood planning level, this must be undertaken transparently with the wide ranging social and economic impacts fully considered and understood.

Motion 7
Subject: Financial Sustainability of Local Government

Motion Wording:

That Local Government NSW call on the Australian and NSW Governments to:

- Bring the Federal Government Review into Financial Sustainability to its conclusion by setting a timeline for the Government's response to the recommendations of the Standing Committee
- Consider incorporating the recommendations from the NSW Government's review into the ability of local governments to fund infrastructure and services, as they relate to the Federal Government, in the finalisation of the Federal Government's report and response.
- Consideration of any recommendations of the Federal Government's review through a further response from the NSW Government.

Motion Details:

The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport also commenced a new inquiry into local government sustainability. Submissions to the inquiry closed 31 May 2024. An interim report was released in February 2025.

As part of the inquiry, the Committee examined financial sustainability and funding frameworks of local governments alongside changing infrastructure requirements and service delivery obligations.

The Committee sought to understand the challenges faced by local governments in servicing infrastructure requirements across regional, rural, and remote locations.

Workforce shortages across Australia relating to infrastructure and other service areas more broadly, particularly in regional, rural, and remote areas, was also a focus of the inquiry. The Committee also inquired into issues relating to skills development and job security, along with labour hire and retention trends and practices to identify barriers and opportunities to support job security and local government service delivery obligations.

Penrith Council's submission addressed our financial sustainability challenges and Council's ability to fund essential infrastructure and services to Council's community as outlined below:

- Seeking the Federal Government to pursue the State Government to remove rate capping, and instead implement a model that enables the Council to engage with its community
- Impact of Cost Shifting, particularly in relation to the delivery and maintenance of infrastructure
- Infrastructure challenges driven by growth, but also increased property values and the impact of depreciation on ageing assets
- Increased support required through grant funding. In particular, the Federal Assistance Grant not having been reflective of the population growth in the Penrith LGA
- Review of the cap on developer contributions and an expansion of the IPART essential works list.

These barriers to Council's capability to continue to meet the needs of the community have been exacerbated by the:

- Inflationary pressures on our core operational costs
- Process of successive infrastructure asset revaluations
- Decline in the Financial Assistance Grant funding
- Natural Disaster Recovery costs and resilience building efforts borne by Council
- Constraints of State and Federal Government grant programs
- Developer and other agency asset dedications
- Inadequately funded growth burdens from the Aerotropolis and population increases
- Challenges experienced across the industry to attract relevant skilled staff in disciplines relating to planning, engineering, and environmental health.

Financial Implications

Funding participation to the Local Government NSW Annual Conference 2025 has been established into the 2025-2026 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. 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 2025 be received.
2. Council nominate ten Councillors as its voting delegates for motions to attend the 2025 LGNSW Conference being held at Panthers Penrith, Western Sydney Conference Centre from 23-25 November 2025.
3. Council nominate ten Councillors as its voting delegates for the LGNSW Board election to attend the 2025 LGNSW Conference being held at Panthers Penrith, Western Sydney Conference Centre from 23-25 November 2025.
4. Council consider the nomination of observers to attend the 2025 LGNSW Annual Conference.
5. Leave of absence be granted as appropriate for those Councillors attending the conference.
6. Council motions as outlined in the report be endorsed and forwarded to LGNSW.



ATTACHMENTS/APPENDICES

There are no attachments for this report

20 PCC2025-314 ERP Data Migration Partner

Compiled by: **Danny Banyer, Data and Visualisation Analyst**
Jane Howard, Chief Information Officer

Authorised by: **Matthew Bullivant, Director Corporate Services**

Outcome	*We have open and collaborative leadership*
Strategy	*Deliver an efficient, transparent and accountable service to the community*
Principal Activity	*Ensure Council's information technology is contemporary and meets the needs of the organisation and the community*

Executive Summary

The Data Migration Partner tender sits within Council's Core Business Systems Transformation project. It follows earlier procurement activities that resulted in the selection of TechnologyOne to implement a core set of Enterprise Resource Planning (ERP) system modules, including Finance, Property & Rating, and Asset Management.

As data migration is not within TechnologyOne's implementation scope, it was anticipated that Council would require the expertise of a specialist data migration partner with demonstrated experience in large-scale ERP implementations to support this critical aspect of the project. The data migration partner tender was therefore advertised via VendorPanel on 16 May 2025 and closed on 17 June 2025.

This report presents the outcome of the evaluation process and recommends that Data Migration Consultants Pty Ltd (DataMC) be appointed as the provider of data migration services. The recommended vendor specialises in data migration to the TechnologyOne platform and provided a clear and robust data migration methodology. They demonstrated strong experience with similar local government ERP implementations, positioning them to support a smooth and successful migration.

Background

Penrith City Council is undertaking a major transformation to modernise its core business systems through the implementation of a contemporary Enterprise Resource Planning (ERP) solution. This project will replace legacy business systems that support core functions such as finance, HR, payroll, procurement, regulatory compliance, property and development, rates, asset management, and work health & safety.

The Core Business Systems Transformation project involves a comprehensive reimplementation of the ERP platform, rather than a simple upgrade or "lift and shift" approach. Following a previous select tender process (PCC2024-86 Business Systems Transformation: Finance Procurement, Property & Rating and Asset Management, adopted at the Ordinary Meeting 12 August 2024), subsequent negotiations resulted in the appointment of TechnologyOne to deliver a core set of ERP modules, covering Financials, Asset Management, and Property and Rating. Another tender (PCC2024-78 Human Resources and Payroll Systems Transformation, adopted at the Ordinary Meeting 11 November 2024) resulted in Gulanga Group Pty Ltd being appointed to deliver Human Resources & Payroll systems.

The migration of historical and operational data is a complex task that is critical to ensuring continuity of service, compliance, and reporting integrity throughout the ERP implementation.

The primary function of a data migration partner will be the migration of data from the current on-premises TechnologyOne systems to the new cloud-based platform. The data migration tender evaluation process was designed to ensure a fair and robust assessment of vendor capabilities. A cross-functional panel was established, comprising representatives from the ICT Data and Visualisation team and the ERP project team within the Business Excellence department. This structure ensured that both technical and business perspectives were considered.

Submissions were assessed against a combination of compliance and qualitative criteria. Compliance criteria included the provision of mandatory schedules, insurances, declarations, and conformance statements. Qualitative criteria focused on the vendor's capacity to perform the work, relevant experience, methodology, innovation, and alignment with Council's operational needs.

Current Situation

The tender received responses from eight (8) vendors, including:

Company Name	Headquarters	Directors
Sentient Dynamics Pty Ltd T/A Accelerate Tech	Level 22, 8 Chifley Square, Sydney NSW 2000	James Diekman, Martin Wildsmith
ANATAS PTY LTD T/A Atturra Data & Integration	Kanji Group Pty Ltd, 'Aurora Pl' Level 33 , 88 Phillip Street Sydney Nsw 2000	Jason Frost (Director), Stephen Kowal (Director), Kunal Shah (Secretary)
Avec Global Pty Limited	Level 12, 2 Park Street, Sydney, NSW 2000	Paul Batchelor (Global Non-Executive Chairman), Mark Nielsen (Global Chief Executive Officer), Megan Woodbury (Global Chief Financial Officer), Richard Earl (Founder and Non-Executive Director)
Data Migration Consultants Pty Ltd (DataMC)	Burnett House, Level 1, 99 Burnett street, Buderim QLD 4556	John Lowe
KPMG Australia Technology Solutions Pty Limited	KPMG Sydney, Level 38, Tower Three, International Towers Sydney, 300 Barangaroo Avenue	Richard Marrison, Mark Tims, Brad Miller, Tim Robinson, Mick Ryan (Company Secretary), and Cassie Olver (Company Secretary)
Reticmanager Pty Ltd (non-conforming)	Non-conforming	Non-conforming
Tango Information Technology Pty Ltd	Suite 2, 137 Burswood Road, Burswood, WA 6100	Mark Birkinshaw – CEO & Director, Ian Douglas Sloan

		– Managing Director
Xaana Pty Ltd	7 Mort St, Canberra, ACT 2601	Dan Saldi, Director

Respondents were required to submit their tender using the VendorPanel tendering software, which defined the response required against each of the evaluation criteria. The tender was advertised online through VendorPanel on 16 May 2025 with an original closure date of 10 June 2025. This was extended one week to 17 June 2025 to allow additional time for responses to requests for information.

One tender response was non-conforming (Reticmanager Pty Ltd) due to insufficient responses to key criteria and lack of documentation supplied.

Evaluation Criteria

Respondents were required to submit responses to the following criteria.

Compliance Criteria

- Tender Offer
- Returnable tender schedules:
    - Key Information
    - Schedule of Fees
    - Statement of Conformance
    - Insurance Details
    - Quality Assurance
    - WHS Management Capability
    - Company Information
        - Modern Slavery Laws
        - Local Supplier
    - Declaration of Compliance and Conflicts of Interest

Qualitative Criteria

- Schedule of Fees
- Capacity to Perform the Works
    - History of the organisation
    - Local government experience
    - Previous Similar Work by the Tenderer
    - References
    - Subcontractors and Consultants
    - Communication
    - Security
    - Innovation
    - Provision of Services and Program
- Quality Assurance
- WHS Management Capability
- Local Supplier

Cost Comparison

Respondents were asked to complete a Schedule of Fees rate card detailing hourly, daily and weekly pricing for the resources to be used in the project. While some submissions also provided lump sums, this contract will be structured on a time and materials basis, rather than a fixed total price. Scope assumptions for lump sums varied considerably between vendors, and some submissions provided detailed breakdowns, while others only provided lump sums and/or rate cards. To assist with making a comparison, a scenario was modelled based on a set number of days work at the average daily rate of the vendors. Details of the estimates, inclusions and assumptions of this modelling are provided in explanatory notes below the table.

Company	Average Daily Rate	Average Weekly Rate	Procurement Panel Modelled Scenario (450 days)*	Software licensing & infrastructure costs#
Avec Global Pty Limited	$1,516	$7,583	$682,200	None specified
Xaana Pty Ltd	$1,600	$8,000	$720,000	None specified
Atturra Data & Integration	$1,625	$8,125	$731,250	$225,000 ($75,000 per phase – vendor assumes 3 phases)
Tango Information Technology Pty Ltd	$1,686	$8,428	$758,700	None specified
Data Migration Consultants Pty Ltd (DataMC)	$1,700	$8,500	$765,000	$137,280 ($2,860 per month vendor assumes 48 months)
Accelerate Tech	$1,957	$10,247	$880,650	None specified
KPMG	Not provided	Not provided	See notes below	None specified

Prices Exclude GST. "Average" daily and weekly rates are the average rate of all resources that the vendor would be assigning to the project.

*** Procurement Panel Modelled Scenario** – An estimated scenario to provide a comparison of 450 days of work for in-scope modules at each vendor's average daily rate. The number of days is based on an average of the breakdown provided by 2 vendors for relevant modules. The actual number of days required will depend on detailed scoping to be undertaken with the successful vendor. The average daily rate is used for comparison purposes – the number of days required for each project resource (e.g. data analyst, project

manager) will vary.

KPMG provided a lump sum broken down by three project phases only. A rate card with hourly/daily/weekly rates was not provided, and so it was not possible to model this vendor using the scenario applied to other vendors using their average daily rates. KPMG's lump sum pricing was provided in two delivery model options. On-shore delivery model uses all Australia based staff and was $1,725,934, whereas their hybrid delivery model utilises Australian-based leadership with offshore Data Migration Engineers, and was $1,513,768.

 # Software licensing & infrastructure costs – Two vendors (DataMC and Attura) included software licensing and/or infrastructure costs. While it is not clear whether vendors who did not specify these costs would charge them separately or do not charge them at all, the panel does not believe this would change the outcome of the tender evaluation and the recommended vendor.

The panel's recommended vendor, Data Migration Consultants Pty Ltd (DataMC), provided a pricing schedule that was competitive within the range of submissions. Where other vendors provided lower pricing or may not charge software licensing/infrastructure costs, DataMC's specialisation in data migration services, experience in similar projects for local government, thorough responses to the evaluation criteria, and detailed methodology provided confidence in their ability to execute this critical component of the ERP implementation. Other responses from vendors with lower rates fell short of providing the same level of confidence.

Consensus Meeting and Panel Members

The tender evaluation panel undertook individual assessments of each tenderer's submission against the established criteria prior to convening for a consensus meeting on July 2, 2025. The panel was comprised of the following members:

- Jane Howard – Chief Information Officer (ICT)
- Chris Weir – ERP Functional Lead (Business Excellence)
- Adam Worthington – Data & Visualisation Manager (ICT)
- Danny Banyer – Data & Visualisation Analyst (ICT)

The panel concentrated on evaluating how effectively each tenderer addressed the detailed questions outlined in the criteria, with particular attention paid to demonstrated experience in managing local government ERP transitions of comparable system complexity and scope to the Penrith City Council project.

Summary of Panel's Assessment of Each Vendor

Accelerate Tech – Emphasised significant experience with local government clients and TechnologyOne integrations, but the panel found their response difficult to follow, and some criteria were not well addressed. They seem to specialise more in integration, rather than data migration.

Atturra Data & Integration - Extensive experience with local government TechnologyOne ERP implementations and a reasonably detailed data migration methodology. Their response could have been better tailored to the tender, and some qualitative criteria could have been better addressed.

Avec Global Pty Limited – Provided a clear and direct response with a strong focus on project management and broader ERP implementation experience, possibly at the expense

of communicating their data migration experience. Their data migration methodology was not as detailed as some others.

Data Migration Consultants Pty Ltd (DataMC) – Provided a thorough and well-tailored response showcasing their specialisation in data migration and local government ERP transformations, specifically for TechnologyOne. They provided a detailed data migration methodology and a structured approach to project phases.

KPMG Australia Technology Solutions Pty Limited - Extensive application indicating experience in similar projects, but the volume and presentation of information was at the expense of clarity. Concerns were noted about their size and potential use of offshore resources to achieve value for money. They did not provide a schedule of rates as requested for this tender.

Tango Information Technology Pty Ltd - Minimal response with limited information. Their data migration process and methodology were not detailed, and they did not satisfactorily answer all qualitative criteria.

Xaana Pty Ltd – Provided a clear and to the point response, highlighting their experience in integration work with federal government and private organisations. However, their experience with local government data migrations seemed more limited than other tenderers.

Key Factors in Consensus

Although several tenderers submitted strong proposals, analysis of individual evaluation scores and subsequent discussion at the consensus meeting indicated that Data Migration Consultants Pty Ltd emerged as the recommended vendor.

Key factors influencing the selection of Data Migration Consultants Pty Ltd included:

- Specialisation in data migration services, particularly with respect to TechnologyOne data migrations, directly relevant to the Council's current ERP program.
- Significant experience providing data migration solutions to local government clients, along with a comprehensive understanding of local government systems and regulatory frameworks.
- A clearly articulated data migration methodology, project staging approach, and robust communication protocols, all of which reflected a thorough understanding of the technical requirements involved.

Reference Checks

Following consensus, the panel contacted three (3) referees that had used Data Migration Consultants Pty Ltd for similar local government ERP data migration projects. Responses from these reference checks emphasised several of the vendor's strengths including:

- The vendor's knowledge of TechnologyOne and prior experience means they have preconfigured tools, scripts and workflows and a strong technical skillset
- The vendor's proprietary data migration software provides a powerful platform for data extraction, cleansing, transformation and validation for business stakeholders and subject matter experts

- The vendor's ability to adapt their resource allocation to the project depending on the project's requirements at any given time
- The vendor provides audit-ready documentation covering the data migration steps, definitions and processes
- The vendor's willingness to help with requests within their area of expertise
- The vendor's communication and regular reporting of project status

Referees also shared key learnings with the panel, including which aspects of the data migration process presented challenges. The majority of these were related to internal resourcing or project management issues, while some related to technical challenges encountered by either the organisation or the vendor. It was reassuring to learn that where challenges did occur, the vendor responded by ramping up or changing project resourcing and that the referees were able to escalate any concerns quickly and at the appropriate level.

Financial Implications

The cost of data migration has been integrated into the total approved budget for the Core System Transformation Project. Based on current estimates from the recommended vendor and the endorsed scenario modelling by the Procurement Panel, the projected expenditure remains within the existing funding allocation. This ensures that both core system delivery and critical data migration activities can proceed within the previously endorsed funding.

Included in the assessment of tenders was the commissioning of independent reference checks, financial analysis, and performance analysis of Data Migration Consultants Pty Ltd. These checks were completed by Equifax Australasia Credit Ratings Pty Ltd. Financial Services have reviewed the financial information provided by the tenderer and have not identified any reason why the contract should not be awarded.

Risk Implications

The primary risks associated with this tender relate to delays in the overall ERP Program schedule if a data migration partner is not engaged in a timely manner, which could impact the achievement of critical project milestones and deliverables. Proceeding without the expertise of a specialised data migration partner would pose significant risks to the quality and integrity of data, as well as the continuity of key Council operations during the transition process. In addition, if data migration is not adequately planned and executed, business processes may be disrupted, leading to operational inefficiencies and higher costs to address any resulting issues.

Tender Advisory Group Comments

The objective of the Tender Advisory Group (TAG) is to support the Council to achieve fair and equitable tender processes. The TAG, consisting of Matthew Bullivant- Director Corporate Services, Adam Beggs – Head of Governance and Neil Farquharson – Chief Financial Officer were briefed by the ICT team about the background and the process followed.

The TAG considered the recommendations in relation to the tender noting that the company has demonstrated their ability to meet Council's requirements, and their proposal was considered to be the most advantageous to Council. The TAG reviewed the evaluation process outlined within the report and is satisfied that the selection criteria has been correctly applied in making the recommendations.

Conclusion

The successful implementation of a modern ERP system is a pivotal step in achieving Penrith City Council's strategic ambitions for operational excellence and enhanced service delivery. The migration of critical data into the new platform is central to this transformation, demanding specialised expertise to safeguard data integrity, continuity, and compliance throughout the process. The evaluation of tender responses underscored the importance of engaging a partner with a proven data migration methodology and experience with local government projects of similar scope. Failure to secure such expertise would introduce unacceptable risks to project timelines, business continuity, and the quality of Council operations.

Based on a thorough assessment of the tender submissions it is recommended that Data Migration Consultants Pty Ltd (DataMC) be appointed as the provider of Data Migration services for the ERP Program. Engaging this vendor will enable Council to leverage specialist capabilities and industry experience, ensuring a smooth, efficient, and secure data migration that supports the successful delivery of the ERP Program and broader organisational objectives.

RECOMMENDATION

That:

1. The information contained in the report on PCC2025-314 ERP Data Migration Partner be received.
2. The tender from Data Migration Consultants Pty Ltd be accepted and the tenderer be appointed.
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.



ATTACHMENTS/APPENDICES

There are no attachments for this report.

21 PCC2025-329 Integration Architecture Implementation Partner

Compiled by: **Jane Howard, Chief Information Officer**
Bhavik Bhatt, ICT Integration Specialist

Authorised by: **Matthew Bullivant, Director Corporate Services**

Outcome	*We have open and collaborative leadership*
Strategy	*Deliver an efficient, transparent and accountable service to the community*
Principal Activity	*Ensure Council's information technology is contemporary and meets the needs of the organisation and the community*

Executive Summary

The Integration Architecture Implementation Partner tender sits within Council's Core Business Systems Transformation project. It follows earlier procurement activities that resulted in the selection of TechnologyOne to implement a core set of Enterprise Resource Planning (ERP) system modules, including Finance, Property & Rating, and Asset Management.

As system integration is not within TechnologyOne's implementation scope, it was anticipated that Council would require the expertise of a specialist system integration partner with demonstrated experience in large-scale ERP implementations to support this critical aspect of the project. The integration architecture implementation partner tender was therefore advertised via VendorPanel on 16 May 2025 and closed on 17 June 2025.

This report presents the outcome of the evaluation process and recommends that KPMG Australia Technology Solutions Pty Limited be appointed as the provider integration implementation partner services. The recommended vendor specialises in system integration to the TechnologyOne platform and provided a clear and robust system integration architecture methodology. They demonstrated strong experience with similar local government ERP implementations, positioning them to support a smooth and successful migration.

Background

Penrith City Council is undertaking a major transformation to modernise its core business systems through the implementation of a contemporary Enterprise Resource Planning (ERP) solution. This project will replace legacy business systems that support core functions such as finance, HR, payroll, procurement, regulatory compliance, property and development, rates, asset management, and work health & safety.

The Core Business Systems Transformation project involves a comprehensive reimplementation of the ERP platform, rather than a simple upgrade or "lift and shift" approach. Following a previous select tender process (PCC2024-86 Business Systems Transformation: Finance Procurement, Property & Rating and Asset Management, adopted at the Ordinary Meeting 12 August 2024), subsequent negotiations resulted in the appointment of TechnologyOne to deliver a core set of ERP modules, covering Financials, Asset Management, and Property and Rating. Another tender (PCC2024-78 Human Resources and Payroll Systems Transformation, adopted at the Ordinary Meeting 11

November 2024) resulted in Gulanga Group Pty Ltd being appointed to deliver UKG- Human Resources & Payroll systems.

With the appointment of TechnologyOne and UKG, the next critical priority is the integration of these systems into the broader Penrith Council system landscape. A unified integration framework is essential to ensure seamless data exchange, eliminate duplication, and maintain a single source of truth. Without it, the organisation risks operational inefficiencies, fragmented processes, and diminished realisation of the benefits intended from the new ERP platforms. To address this, it is both timely and strategically important to engage an experienced integration partner through a competitive tender process that connects these ERP systems with other core applications, enabling efficiency gains, informed decision-making, and improved service delivery.

As part of the competitive tender process, the council received submissions from a range of qualified vendors with demonstrated capability and relevant experience. The tender was publicly advertised in accordance with the council's procurement policy and the Local Government Act, ensuring open and transparent market engagement.

Submissions were assessed against a combination of compliance and qualitative criteria. Compliance criteria included the provision of mandatory schedules, insurances, declarations, and conformance statements. Qualitative criteria focused on the vendor's capacity to perform the work, relevant experience, methodology, innovation, and alignment with Council's operational needs.

Current Situation

A total of 8 tender submissions were received by the closing date. These tenderers represented a mix of local, regional, and national providers, each offering a diverse range of approaches, methodologies, and commercial offerings. Details of these tenderers are as as follows:

Company Name	**Headquarters**	**Directors**
Sentient Dynamics Pty Ltd T/A Accelerate Tech	Level 22, 8 Chifley Square, Sydney NSW 2000	James Diekman, Martin Wildsmith
ANATAS PTY LTD T/A Atturra Data & Integration	Kanji Group Pty Ltd, 'Aurora Pl' Level 33 , 88 Phillip Street Sydney Nsw 2000	Jason Frost (Director), Stephen Kowal (Director), Kunal Shah (Secretary)
Fusion5 Pty Ltd	Level 43, 360 Elizabeth Street, Melbourne, VIC 3000	Sven Martin, Rebecca Tohill.
KPMG Australia Technology Solutions Pty Limited	KPMG Sydney, Level 38, Tower Three, International Towers Sydney, 300 Barangaroo Avenue	Richard Marrison, Mark Tims, Brad Miller, Tim Robinson, Mick Ryan (Company Secretary), and Cassie Olver (Company Secretary)
Aten Systems Pty Ltd	Suite 305, 14-16 Lexington Drive, Bella Vista NSW 2153	Akber Alibhai (Andy), Mohammad Hussain Dhannani (Monty), Chirag

		Lakhani
Gwi.Digital Pty Ltd	Level 9, 200 Mary St Brisbane City, Queensland 4000 Australia	Ian Roderick, Neil Makepeace, Neil Glentworth
Avec Global Pty Limited	Level 12, 2 Park Street, Sydney, NSW 2000	Paul Batchelor – Global Non-Executive Chairman, Mark Nielsen – Global Chief Executive Officer, Megan Woodbury – Global Chief Financial Officer, Richard Earl- Founder and Non-Executive Director
Gulanga Group Pty Ltd	Unit G10 'Quayside',50 Eastlake Parade, Kingston ACT 2604	Craig Dukes Managing Director

The council undertook a thorough compliance check to ensure all submissions met the mandatory criteria, including lodgement by the deadline, submission of required documentation, and compliance with technical and legal requirements. Compliant tenders were evaluated on criteria, Including, but not limited to:

- History of the organisation
- Local government experience
- Previous Similar Work by the Tenderer
- References
- Details of all proposed subcontractors and consultants
- Communication
- Security
- Innovation
- Provision of Services and Program

A Tender Evaluation Panel comprising subject matter experts and procurement officers was established to assess the submissions. The objective was to identify the supplier that offered the best overall value for money while meeting or exceeding all technical, operational, and compliance requirements.

Consensus Meeting and Panel Members

The tender evaluation panel undertook individual assessments of each tenderer's submission against the established criteria prior to convening for a consensus meeting on July 2, 2025. The panel was comprised of the following members:

- Jane Howard: Chief Information Officer (ICT)
- Aaron Story: ICT Systems Manager (ICT)
- Bhavik Bhatt: ICT Integration Specialist (ICT)
- David McIllhatton: Business Systems Manager (Business Excellence)
- Shivani Chand: Business Solutions Manager (ICT)

The panel concentrated on evaluating how effectively each tenderer addressed the detailed questions outlined in the criteria, with particular attention paid to demonstrated experience in managing local government ERP transitions of comparable system complexity and scope to the Penrith City Council project.

The evaluation of tender submissions reveals a clear differentiation in capability and approach among the vendors. Below are the findings on how each contender was assessed based on the criteria provided above:

Gulanga

- Limited overall response, but some Local Government experience noted.
- Uses subcontractor Zertain, but the management approach for subcontractors was not well explained.
- No references provided, citing privacy reasons. However, tenders require answers to all questions at the time of submission, and all responses are treated as commercial-in-confidence.
- Communication protocol was lengthy and less practical.
- Most demonstrated experience came from subcontractor Zertain, not Gulanga directly.

Attura

- Communication approach was light on detail.
- Good Local Government experience.
- Integration domain prioritises Boomi over Azure.
- Limited examples of previous similar works.
- Established in 1996, focused on integration, but minimal information on innovation.

Avec

- TechnologyOne experience noted.
- Good detail on customer support response times.
- Provided project examples did not demonstrate relevant integration work for Penrith Council's scope.
- No subcontractors used.
- References provided and acceptable, but integration scope was limited.

GWI

- Some experience with Queensland councils, but limited integration project examples.
- Experience primarily in ICT upgrades or strategy work.
- Limited detail on response times.
- No subcontractors — work completed in-house or via colleagues from Evinact if needed.
- Minimal data security details and no specific cyber security measures, relying instead on Council's policy.

Accelerate Tech

- No organisational history provided.
- Strong Local Government client experience.
- Proficient in TechnologyOne and Microsoft integration stack.
- No subcontractors required.
- Minimal detail on innovative solutions.

Aten Systems

- Limited innovation response.
- Significant Local Government client history.
- No examples of similar ERP integration works.
- No subcontractors used.
- Insufficient detail to demonstrate compliance with data security.

Fusion5

- Strong compliance with industry data security standards (multi-layered security across data, network, and authentication).
- No subcontractors used.
- Clear timelines, SLAs, and well-documented support approach.
- Good integration project experience.
- Multi-layered project management structure; leaner approach would be preferable.

KPMG – Preferred Vendor

- Demonstrated strong experience in TechnologyOne and Azure integrations.
- No subcontractors used — all work delivered in-house.
- Good Local Government experience with projects highly aligned to the required scope.
- Method and approach comprehensive, with capacity to scale resources; while multi-layered management is noted, their governance structure ensures quality and accountability.
- Proven ability to deliver complex integration projects while maintaining stringent security, operational resilience, and direct control over delivery.

KPMG emerged as the preferred vendor, outperforming all others with its comprehensive and cohesive proposal. The strengths of KPMG which the evaluation panel assessed as providing a more advantageous response to the criteria were:

History of the Organisation: A stable and well-established entity with a strong reputation for service delivery, financial viability, and organisational resilience. As the only Big 4 firm offering a dedicated full-service advisory for the Local Government sector, they bring deep sector insights and access to significant cross-disciplinary resources.

Local Government Experience: Extensive experience working with local councils and an understanding of public sector governance, community expectations, and legislative compliance. KPMG is a trusted partner to Australian local governments, delivering scalable, sustainable integration solutions that prioritize data sovereignty, cybersecurity, interoperability, and supportability. From their proposal, it was agreed between panel members they understand local council complexities and can tailor services to align with Penrith council's technology landscape, resources, and digital transformation objectives.

Previous Similar Work by the Tenderer: A solid portfolio of projects of similar scale, scope, and complexity, with proven outcomes in comparable operational environments. KPMG provided examples of 3 councils they worked with: City of Gold Coast (QLD), City of Stonnington and City of Melton. In which, city of Stonnington had identical set up to Penrith council, while they were on the journey of upgrading TechnologyOne to TechnologyOne CIA connecting council systems with Azure stack.

References: Following consensus, the panel contacted two (2) referees that had engaged KPMG for similar local government ERP integration projects. The references included the

City of Gold Coast, with whom KPMG has maintained a strong integration partnership for over seven years, and the City of Melton, currently midway through a one-year integration project.

Responses from these reference checks highlighted several of KPMG's strengths, including:

- Extensive knowledge of TechnologyOne and Microsoft Azure platforms, leveraging preconfigured tools, scripts, and workflows alongside a strong technical skillset for seamless integration
- A robust proprietary integration platform enabling seamless data exchange, transformation, and validation for business stakeholders and subject matter experts
- Flexibility in resource allocation, adapting to project needs as they evolve
- Delivery of comprehensive, audit-ready documentation covering integration steps, definitions, and processes
- Willingness to assist promptly within their expertise
- Clear communication and regular reporting on project status

Referees also shared key learnings, noting that most challenges arose from internal resourcing or project management, with some technical difficulties encountered by either the organisation or KPMG. It was reassuring that when challenges occurred, KPMG proactively adjusted resourcing, and referees were able to escalate concerns quickly and effectively to appropriate levels.

Details of All Proposed Subcontractors and Consultants: No subcontractors required. All works completed in-house.

Communication: Strong communication protocols and stakeholder engagement strategies were proposed, supporting transparency and collaboration throughout project delivery. KPMG provides regular updates on the overall integration program status, including activities completed in the previous week, planned activities for the upcoming week, and any identified risks and issues along with corresponding mitigation actions. Once the program advances to the execution stage, KPMG will implement an Integration Dashboard to monitor the status of each integration against the agreed delivery plan.

KPMG's team will actively participate in regular project governance forums—such as weekly stand-ups, steering committees, or working groups—as agreed with the Council. These forums facilitate alignment, prompt issue resolution, and sustained stakeholder engagement throughout all phases of delivery.

Security: Demonstrated understanding of data, system, and physical security requirements, with robust safeguards in place to manage risks. KPMG maintains rigorous security standards, holding industry-recognised certifications such as ISO/IEC 27001 for Information Security Management and SOC 2 compliance. These certifications demonstrate KPMG's commitment to protecting client data through robust governance, risk management, and control frameworks, ensuring confidentiality, integrity, and availability across all integration projects.

Innovation: Value-added initiatives proposed by the tenderer included process enhancements, technology integration, and future-proofing measures that align with the Council's digital transformation goals. KPMG leverages reusable integration patterns

purpose-built for the TechnologyOne Enterprise Integration Platform to deliver a comprehensive platform uplift. This approach includes identifying gaps between the current platform and the Council's requirements, providing clear and actionable recommendations for enhancement, and designing an upgraded Azure-based integration platform tailored to meet the Council's needs.

Provision of Services and Program: A well-structured delivery methodology with realistic timelines, clear milestones, risk mitigation strategies, and a detailed implementation plan.

- **Phase 1: Integration Scoping and Solutioning**

  KPMG collaborates with stakeholders to define integration requirements, assess current systems, and develop tailored solution designs that align with the Council's business objectives and technology landscape.

- **Phase 2: Integration Platform Readiness Assessment**

  KPMG conducts a thorough evaluation of the existing integration platform to identify gaps, risks, and areas for improvement, ensuring the platform is prepared to support future integration demands effectively.

- **Phase 3: Integration Platform Uplift**

  KPMG designs and implements enhancements to the integration platform, leveraging best practices and Azure technologies to deliver a scalable, secure, and efficient integration environment.

- **Phase 4: Integration Implementation**

  KPMG executes the integration solutions, managing development, testing, deployment, and ongoing support to ensure seamless connectivity and optimal performance across systems.

The tenderer submitted a competitive and transparent pricing proposal that balanced cost-effectiveness with service quality. The preferred tenderer proposed a pricing model, categorising deliverables into standardised tiers (e.g. Small, Medium, Large, XL) based on complexity, scope, and effort required. This approach enables scalable resourcing, simplifies cost estimation, and supports efficient project planning across varied service needs.

Complexity based cost model as demonstrated by contenders is as under:

The Evaluation Panel reviewed the proposed pricing in detail and found KPMG's rates to be reasonable and competitive when benchmarked against other shortlisted service providers and current market rates.

Approximately 24 integration touchpoints are identified within this project. For simplicity, Each contender was provided 8 interfaces with varying complexity. Therefore in order to compare each tenderers pricing, the following assessment was undertaken.

Respondent	Complexity	Average Estimated Effort	Average Cost Estimate	Number of Interfaces	Approximate Cost	Approximate Cost by Vendor
Atturra Data & Integration	Low	6-10 days	$11,671.88	8	$93,375.04	$373,500.08
	Medium	11-15 days	$15,562.50	8	$124,500.00	
	High	16-20 days	$19,453.13	8	$155,625.04	

Avec Global	Low	6-10 days	$11,678.57	8	$93,428.56	$373,714.16
	Medium	11-15 days	$15,571.42	8	$124,571.36	
	High	16-20 days	$19,464.28	8	$155,714.24	
KPMG	Low	6-10 days	$12,616.88	8	$100,935.04	$403,740.08
	Medium	11-15 days	$16,822.50	8	$134,580.00	
	High	16-20 days	$21,028.13	8	$168,225.04	
GWI	Low	6-10 days	$12,687.50	8	$101,500.00	$405,999.92
	Medium	11-15 days	$16,916.66	8	$135,333.28	
	High	16-20 days	$21,145.83	8	$169,166.64	
Accelerate Tech	Low	6-10 days	$12,804.38	8	$102,435.04	$409,740.08
	Medium	11-15 days	$17,072.50	8	$136,580.00	
	High	16-20 days	$21,340.63	8	$170,725.04	
Fusion 5	Low	6-10 days	$13,153.85	8	$105,230.80	$420,923.12
	Medium	11-15 days	$17,538.46	8	$140,307.68	
	High	16-20 days	$21,923.08	8	$175,384.64	
Gulanga	Low	6-10 days	$14,982.38	8	$119,859.04	$479,436.08
	Medium	11-15 days	$19,976.50	8	$159,812.00	
	High	16-20 days	$24,970.63	8	$199,765.04	
Aten Systems	Low	6-10 days	$16,875.00	8	$135,000.00	$540,000.00
	Medium	11-15 days	$22,500.00	8	$180,000.00	
	High	16-20 days	$28,125.00	8	$225,000.00	

Prices Exclude GST. "Average" daily and weekly rates are the average rate of all resources that the vendor would be assigning to the project.

Financial Implications

The financial outcome of the tender process for the Integration Architecture Implementation Partner remains within the funding envelope previously approved by Council for the Core System Transformation Project. The recommended vendor's submission, as endorsed by the Procurement panel, aligns with budget estimates and does not require any additional funding. This ensures that the integration component of the project can proceed within the existing budgets, with the awarded contract cost fully accommodated under the current program allocation.

Included in the assessment of tenders was the commissioning of independent reference checks, financial analysis, and performance analysis of KPMG Australia.

These checks were completed by Equifax Australasia Credit Ratings Pty Ltd. Financial Services have reviewed the financial information provided by the tenderer and have not identified any reason why the contract should not be awarded.

Risk Implications

Without finalising this agreement and contract, Council risks continued reliance on outdated, manual integration processes—leading to inefficiencies, errors, and impacts on staff and service delivery. ERP project for TechnologyOne is in progress and integrating ERP with other systems is crucial to deliver outcomes. Hence, appointment of integration vendor for the success of the project is crucial.

Tender Advisory Group Comments

The objective of the Tender Advisory Group (TAG) is to support the Council to achieve fair and equitable tender processes. The TAG, consisting of Matthew Bullivant- Director Corporate Services, Adam Beggs – Head of Governance and Neil Farquharson – Chief Financial Officer were briefed by the ICT team about the background and the process followed.

The TAG considered the recommendations in relation to the tender noting that the company has demonstrated their ability to meet Council's requirements, and their proposal was considered to be the most advantageous to Council. The TAG reviewed the evaluation process outlined within the report and is satisfied that the selection criteria has been correctly applied in making the recommendations.

Conclusion

The successful implementation of a modern ERP system is a pivotal step in achieving Penrith City Council's strategic ambitions for operational excellence and enhanced service delivery. The system is central to this transformation, demanding specialised expertise to safeguard data integrity, continuity, and compliance throughout the process. The evaluation of tender responses underscored the importance of engaging a partner with a proven data migration methodology and experience with local government projects of similar scope. Failure to secure such expertise would introduce unacceptable risks to project timelines, business continuity, and the quality of Council operations.

Based on a thorough assessment of the tender submissions it is recommended that KPMG Australia be appointed as the provider of integration architecture services for the ERP Program. Engaging this vendor will enable Council to leverage specialist capabilities and industry experience, ensuring a smooth, efficient, and secure system integration that supports the successful delivery of the ERP Program and broader organisational objectives.

RECOMMENDATION

That:

1. The information contained in the report on PCC2025-329 Integration Architecture Implementation Partner.

2. The tender from KPMG Australia Technology Solutions Pty Limited be accepted and the tenderer be appointed.
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.



ATTACHMENTS/APPENDICES

There are no attachments for this report.

22 Transport for NSW 2025-26 Regional Road Block Grants

Compiled by: **Michael Alderton, Head of Strategic Asset Management**

Authorised by: **Adam Wilkinson, Director Asset Services**

Outcome	*We have open and collaborative leadership*
Strategy	*Plan for and manage City resources for current and future generations*
Principal Activity	*Manage Council's assets to minimise risk, reflect lifecycle costs and meet community needs*

Executive Summary

The purpose of this report is to advise Council of the Transport for New South Wales (TfNSW) 2025-26 Road Funding Grants provided under the Regional Road Block Grant for the 2025-2026 financial year. TfNSW provides various Road Funding Grants to Councils each year, to assist with maintenance of regional roads, road safety and traffic related matters.

The report recommends that Council accepts the grants offered.

Background

TfNSW provides various Road Funding Grants to Councils each year, to assist with maintenance of regional roads, road safety and traffic related issues.

There are twenty two (22) Regional Roads within the Penrith Local Government Area including but are not limited to Castlereagh Road, Jamison Road, Coreen Avenue, Glossop Street, Andrews Road and other major arterial roads.

Council has received an offer from TfNSW under the under the Regional Road Block Grant program for the following grants for 2025-26.

The Regional Road Block Grant is made up of the following components:

Road component: - $590,000 under the terms of the grant this funding is allocated for maintenance work on Regional Roads. Last financial year Council received $578,000 which was used for pavement repairs. The allocation for 2025-26 has increased by $12,000 compared to the previous year which will assist in improving our response to maintenance on these important high traffic roads. Funding will be allocated throughout the financial year as road maintenance projects are identified.

Supplementary Road Component: $156,000 under the terms of the grant this funding is available for road work improvements on Regional Roads, to improve traffic safety and efficiency. In 2025-26 this component is allocated to the Rural Road Widening Program for the resurfacing of Castlereagh Road, Castlereagh (from Geebung Close to Rickards Road). These works are a continuation of the program to widen Castlereagh Road that has occurred over the last few years. This allocation is consistent with the adopted 2025-26 Operational Plan which identifies these works.

Traffic Facilities Component: $536,000 under the terms of the grant this funding is available for the installation and maintenance of regulatory signs and linemarking on local and regional roads. Last financial year Council received $525,000 which was used for improving signage and linemarking on roads across the LGA including improvements near schools and other high pedestrian areas including the Penrith and St Marys CBD's. The allocation for 2025-26 has increased by $11,000 compared to the previous year.

In total, the following from the TfNSW 2025-26 Program Funding available to Council is shown below:

Road Component	$ 590,000
Supplementary Component	$ 156,000
Traffic Facilities Component	$ 536,000
Total	**$1,282,000**

Financial Implications

There are no financial implications for Council associated with this report and Council is not required to match any contributions provided by TfNSW as a part of this program. As part of the terms of the agreement Council is required to report on the expenditure for the previous financial year and this will be included in the acceptance of the 2025-26 funding offer.

Risk Implications

There are no risk implications for Council. Council are required to formally accept the funding offered in order to guarantee it receives all of the allocated grant funding. Any grant funding accepted must be completed and funded by 30 June 2026. Any funding not expended by 30 June 2026 must be returned to TfNSW.

Conclusion

It is recommended that Council accept the grants being offered and formally thank the State Government for the grants.

RECOMMENDATION

That:

1. The information contained in the report on Transport for NSW 2025-26 Regional Road Block Grants be received.
2. The TfNSW 2025-26 Program Funding Block Grant of $1,282,000 be accepted by Council.
3. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.
4. Council write to the State Government and local members formally thanking them for the Road Funding Grants.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

23 Summary of Investments and Banking for the period 1 July 2025 - 31 July 2025

Compiled by: **James Legarse, Treasury and Operations Accountant**

Authorised by: **Neil Farquharson, Chief Financial Officer**
Matthew Bullivant, Director Corporate Services

Outcome	*We have open and collaborative leadership*
Strategy	*Deliver an efficient, transparent and accountable service to the community*
Principal Activity	*Support financial sustainability through financial planning and budget management and provide accurate reporting to the community*

Executive Summary

This report on the Summary of Investments & Banking for July 2025 is submitted for the purpose of financial accountability and to satisfy the investment reporting requirements of the Local Government (General) Regulation 2005 (clause 212), the Local Government Act 1993 (the Act) (Section 625) and the Council's Investment Policy.

The report certifies that the Council investments comply with the forms of investment made by order of the Minister under section 625(2) of the Local Government Act 1993. The current Ministerial Order was issued under Council Circular 11-01 on 17 February 2011.

The report provides a summary of investments for the period 1 July 2025 to 31 July 2025 and a reconciliation of invested funds as at 31 July 2025.

The investment returns versus the benchmark as a percentage for July 2025 are:

- Council portfolio current month's yield 4.80%
- Council portfolio annualised yield to date 4.97%
- 90-day Bank Bill Swap Rate (Benchmark) 3.68%
- Enhanced 90-day Bank Bill Swap Rate (Benchmark – BBSW + 30bps) 3.98%
- Original Budget estimated return (2025/26 Financial Year) 4.25%

The report recommends that the information contained in the report be received.

Current Situation

A Summary of Investments is shown in Appendix 1, including Economic Commentary for July 2025, Historical Investment Performance Analysis tables and charts, a reconciliation of Invested Funds for July 2025 and various Investment Summary and Investment Portfolio analysis tables and charts.

The Reserve Bank of Australia (RBA) met on 12 August 2025, and the Board decided to decrease the Cash Rate by 25 basis points to 3.6%. This marks the third time this calendar year that the RBA has cut the cash rate – similar reductions were made in February and May 2025. The RBA Board decided it was appropriate to reduce the cash rate as the second quarter's inflation result declined to 2.1% and is at the lower end of the RBA's target of 2-3%. The RBA nevertheless remains cautious as the uncertainty in the world economy remains elevated due to the forthcoming US tariffs and the RBA wants to be poised to respond accordingly, if needed.

Financial Implications

Adopting the recommendations of this report confirms Council's investment returns are favourably exceeding the Original Budget, as well as outperforming the benchmark for the month. More detailed Financial Implications are contained in Appendix 1.

Risk Implications

The Council's investments have been placed in accordance with Section 625 of the Local Government Act 1993, relevant regulations, and the Council's adopted Investment Policy. The Council's Investment Policy has objectives to preserve capital, ensure liquidity of funds to meet cash flow requirements and achieve an acceptable rate of return having reference to the Council's risk tolerance.

Conclusion

This report confirms that the Council's investments have been placed in accordance with relevant legislation/regulations, the Council's Investment Policy and highlights the Council's investment performance for July 2025. Additionally, the report assures the Council that Council's Cash Book and Bank Statements have been reconciled.

Certificate of Responsible Accounting Officer

I hereby certify the following:

1. All investments have been made in accordance with Section 625 of the Local Government Act 1993, relevant regulations, and Council's Investment Policy.
2. The Council's Cash Book and Bank Statements have been reconciled as at 31 July 2025.



Neil Farquharson

RECOMMENDATION

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 July 2025 - 31 July 2025 be received.
2. The Council's Cash Book and Bank Statements have been reconciled as at 31 July 2025.

ATTACHMENTS/APPENDICES

1. Investment Report as at 31 July 2025 6 Pages Appendix

Penrith City Council

Summary of Investments
31 July 2025

Commentary

The Reserve Bank of Australia (RBA) met on 12 August 2025, and the Board decided to decrease the Cash Rate by 25 basis points to 3.6%. This marks the third time this calendar year that the RBA has cut the cash rate – similar reductions were made in February and May 2025. The RBA Board decided it was appropriate to reduce the cash rate as the second quarter's inflation result declined to 2.1% and is at the lower end of the RBA's target of 2-3%. The RBA remains cautious as the uncertainty in the world economy remains elevated due to the forthcoming US tariffs; and the RBA wants to be poised to respond accordingly, if needed.

It is to be noted, as illustrated in Graph 1 of this report, both Council's benchmarks of BBSW monthly return and Enhanced BBSW have been surpassed in July 2025, showing the impact of the continued improvements in interest rates being invested. To ensure consistency and accuracy in calculating the Council Investment Portfolio's month-end return, the monthly rate of return for TCorp's Long-term Growth Fund has been revised to align with the fund's 1-year return, as reported in TCorp's monthly Performance Summary, rather than the monthly return. This change will smooth out fluctuations and has been backdated to the month when the Council initially invested in the Long-term Growth Fund (March 2025). As a result of this update, the Council's Monthly Net Return (Annualised) has shown a significantly wider deviation from the benchmark figures. The Council remains proactive in securing the best interest rates on offer at the time the funds are invested.

Australia's 10-year government bond yield was 4.25%, retreating from a one-week high, after the Reserve Bank cut its benchmark rate by 25bps for the third time this year as expected. Borrowing rates for both businesses and households is easing, consistent with the RBA cash rate and Bank Bill Swap Rate. The Australian dollar is at the low end of its narrow range of recent times.

The inflation rate at the second quarter of 2025 (April-June 2025), being the most recent quarterly result, dropped to 2.1%, 3 basis points lower than the previous quarter, in both headline and underlying terms. The June 2025 unemployment rate increased to 4.3%, 2 basis points higher than the previous month. The July 2025 unemployment rate has not been released upon completion of this report.

The investment returns versus the benchmark and annual budget as a percentage for July 2025 are:

Council portfolio current month's yield	4.80%
Council portfolio annualised yield to date	4.97%
90-day Bank Bill Swap Rate (Benchmark)	3.68%
Enhanced 90-day Bank Bill Swap Rate (Benchmark – BBSW + 30bps)	3.98%
Original budget estimated return (2025/26 Financial Year)	4.25%

Penrith City Council

Historical Investment Performance

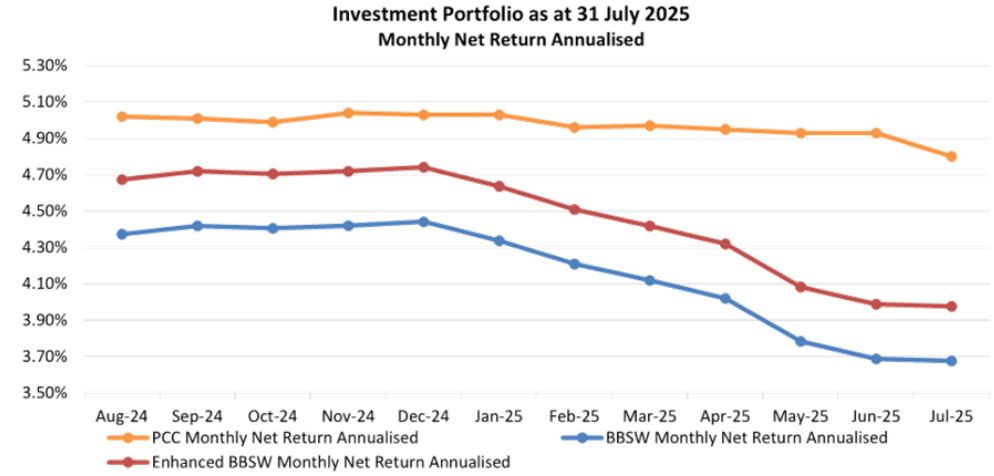
Table 1

	Actual Portfolio Monthly Return	Benchmark (BBSW)	Enhanced Benchmark (BBSW+30bps)
Current Portfolio Yield (including FRNs)	4.80%	3.68%	3.98%
Past 12 Month Portfolio Performance	4.97%	4.16%	4.41%
Portfolio Return for the Period	0.40%	0.31%	0.33%

Portfolio Yield (Actual Versus Benchmark)

The annual weighted average income return on investments to 31 July 2025, was 4.97%. This graph tracks performance over time and shows that the yield has ranged between a low of 4.80% and a high of 5.04% over the last 12 months. The reportable month's result has surpassed the BBSW monthly return benchmark.

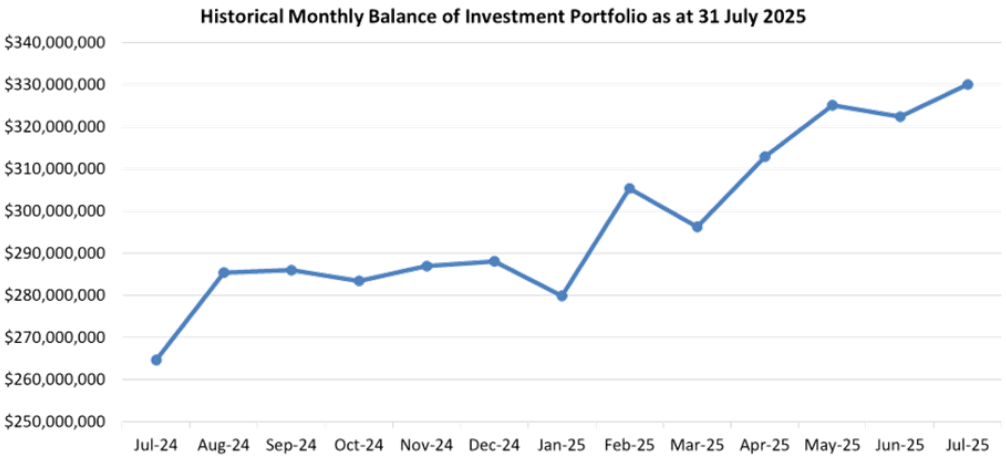
Graph 1



Annual Portfolio (Actual)

The graph below illustrates the annual trend of the Council's monthly Investment Portfolio balances.

Graph 1.1



Penrith City Council

Investment Summary by Asset Group and Monthly Movement

Table 1.1

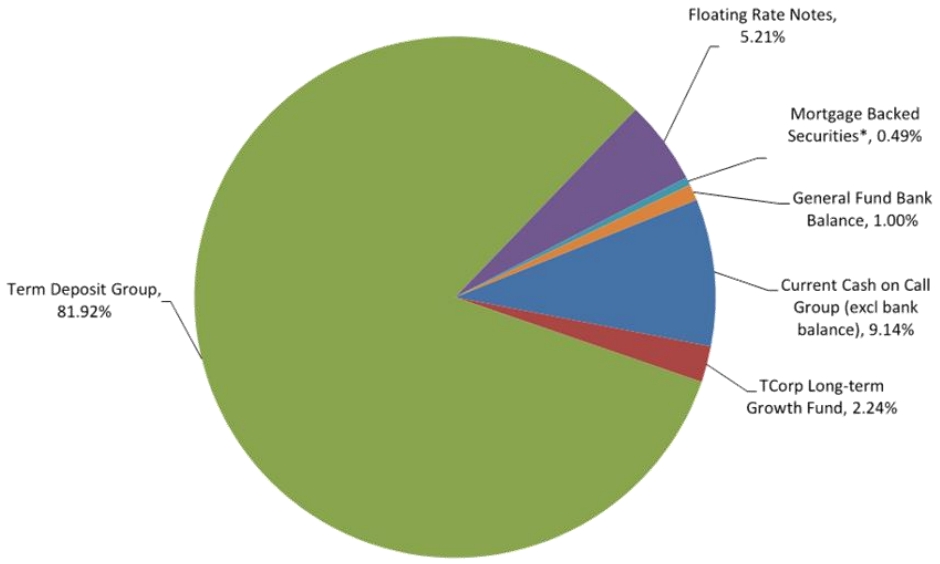
Asset Group	Closing Value (Face Value) 30 June 2025		Closing Value (Face Value) 31 July 2025	
	$	%	$	%
Current Cash on Call Group (excl General Fund balance)	22,299,592	6.92%	30,180,552	9.14%
TCorp Long-term Growth Fund	7,289,825	2.26%	7,380,169	2.24%
Term Deposit Group	273,000,000	84.67%	270,500,000	81.92%
Floating Rate Notes	17,200,000	5.33%	17,200,000	5.21%
Mortgage Backed Securities*	1,629,095	0.51%	1,629,095	0.49%
Sub-Total	***321,418,512***		***326,889,816***	
General Fund Bank Balance	999,621	0.31%	3,293,438	1.00%
Total	**322,418,133**	**100%**	**330,183,254**	**100%**

**MBS Purchased in 2006/2007 prior to the current Ministerial Investment Order. This product is being 'Grandfathered' – i.e., the Council will continue to actively manage these investments within the portfolio. However, the Council is not permitted to place further funds in this bank, due to its credit rating.*

July 2025 Investments % Allocation by Asset Groups

The graph below illustrates the dissection of the Council's Portfolio per investment products or categories.

Graph 1.2



Penrith City Council

Reconciliation of Invested Funds and Monthly Movement

Table 1.2

	Period Ending 30 June 2025 $$	Period Ending 31 July 2025 $
Represented by:		
Externally Restricted Assets		
Section 7.11 Developer Contributions	106,426,567	108,666,176
Restricted Contributions for Works	4,326,740	6,135,491
Unexpended Grants*	47,124,855	44,359,590
Unexpended Loan Funds	13,656,058	13,619,778
Other Externally Restricted	11,320,047	14,156,264
Sub-Total	**182,854,267**	**186,937,299**
Internally Restricted Assets - Funding of Operations		
Internal Reserves	100,509,258	106,233,332
Security Bonds and Deposits	24,154,545	25,059,248
Sub-Total	**124,663,803**	**131,292,580**
Restricted Assets Utilised in Operations		
Unrestricted Invested Funds	14,900,063	11,953,375
Total Cash and Investments	**322,418,133**	**330,183,254**

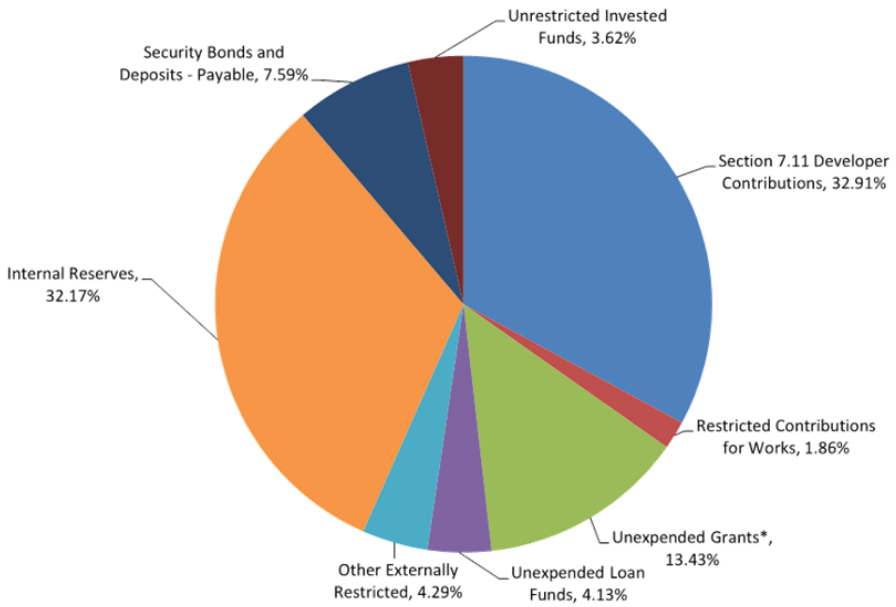
**Balance may be in deficit when funds are spent in advance of grant payment date to the Council.*

NOTE: *The above figures have been prepared under cash basis accounting.*

July 2025 Investments % Allocation by Cash Reserve Type

This graph demonstrates the allocation of the Council's cash reserves.

Graph 1.3



Penrith City Council

Investment Summary

(Graphed to reflect fund ratings as % of portfolio)

Table 1.3

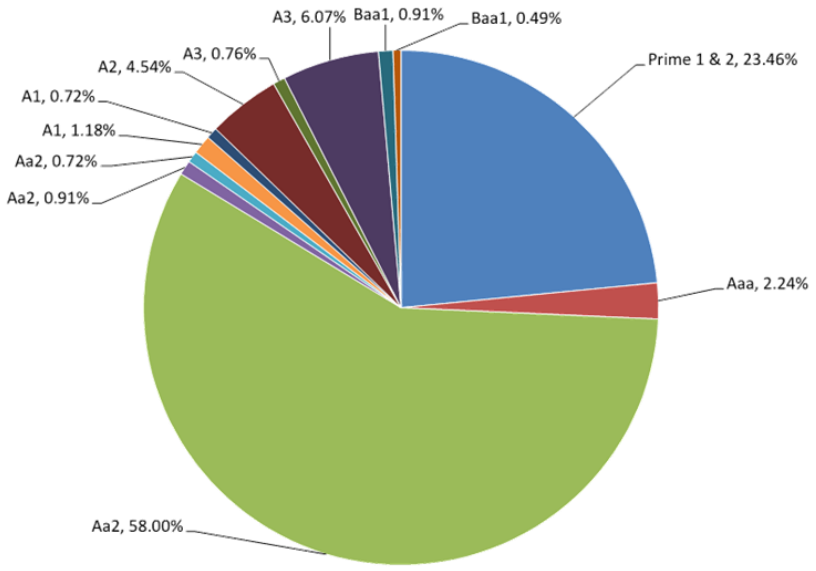
		31 July 2025		
Credit Rating (per Moody's)	**Bank/Financial Institution -**	**Utilised $**	**Portfolio %**	**Policy Maximum %**
Short Term				
Prime 1	CBA, NAB & Westpac	56,973,990	17.26%	100% (40% per institution)
Prime 2	AMP Bank, BOQ & ING Bank	20,500,000	6.20%	5% (10% per institution)
Prime 1 & 2		***77,473,990***	***23.46%***	
Long Term				
Aaa	TCorp Long-term Growth Fund	7,380,169	2.24%	100% (40% per institution)
Aa2	Term Deposit (CBA,WBC & NAB)	191,500,000	58.00%	100% (40% per institution)
Aa2	Floating Rate Note (WBC)	3,000,000	0.91%	100% (40% per institution)
Aa2	Floating Rate Note (NAB)	2,400,000	0.72%	100% (40% per institution)
A1	Floating Rate Note (Suncorp)	3,900,000	1.18%	40% (25% per institution)
A1	Floating Rate Note (Macquarie Bank)	2,400,000	0.72%	40% (25% per institution)
A2	Term Deposit (Rabobank Australia Ltd)	15,000,000	4.54%	40% (20% per institution)
A3	Floating Rate Note (ING Bank)	2,500,000	0.76%	20% (10% per institution)
A3	Term Deposit (ING Bank)	20,000,000	6.07%	20% (10% per institution)
Baa1	Floating Rate Note (Bank of Queensland)	3,000,000	0.91%	Grandfathered
Baa1	Mortgage Backed Securities (Barclays Capital)*	1,629,095	0.49%	Grandfathered
Total Portfolio		**330,183,254**	**100.00%**	

**Investments placed prior to current Ministerial Order and/or financial institution's change in credit rating by Moody's. The product(s) is/are being 'Grandfathered' – i.e., the Council will continue to actively manage these investments within the portfolio. However, the Council is not permitted to place further funds in the bank(s), due to its/their credit rating.*

July 2025 Investments % Allocation by Moody's Fund Rating

Reflects Moody's fund ratings as percentage (%) of the portfolio, to show compliance with the Council's Investment Policy objectives of minimising risk.

Graph 1.4



Penrith City Council

Diversification of Portfolio

(Graphed to reflect fund ratings as % of portfolio)

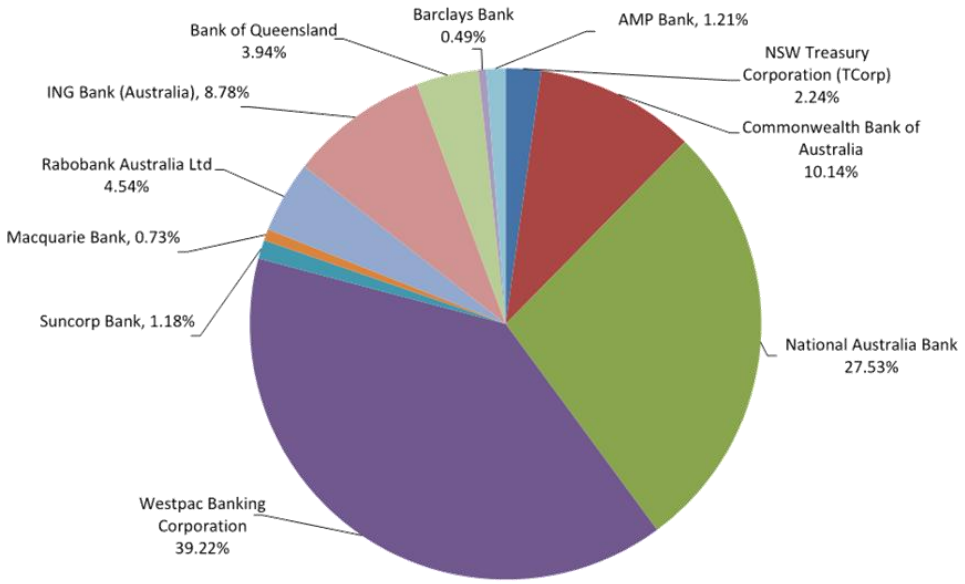
Table 1.4

			31 July 2025	
Dealing Bank	**Short Term**	**Long Term**	**Investment ($)**	**Allocation (%)**
NSW Treasury Corporation (TCorp)	Prime 1	Aaa	7,380,169	2.24%
Commonwealth Bank of Australia	Prime 1	Aa3	33,473,990	10.14%
National Australia Bank	Prime 1	Aa3	90,900,000	27.53%
Westpac Banking Corporation	Prime 1	Aa3	129,500,000	39.22%
Suncorp Bank	Prime 1	A1	3,900,000	1.18%
Macquarie Bank	Prime 1	A1	2,400,000	0.73%
Rabobank Australia Ltd	Prime 2	A2	15,000,000	4.54%
ING Bank (Australia)	Prime 2	A3	29,000,000	8.78%
Bank of Queensland	Prime 2	Baa1	13,000,000	3.94%
Barclays Bank	Prime 2	Baa1	1,629,095	0.49%
AMP Bank	Prime 2	Baa2	4,000,000	1.21%
Total Investment			**330,183,254**	**100.00%**

July 2025 Investment % Allocation by Financial Institutions (per Moody's Credit Ratings)

Reflects the spread of investments amongst various Financial Institutions to show portfolio diversification in accordance with the Council's Policy of risk aversion.

Graph 1.5



COMMITTEE OF THE WHOLE

DELIVERY PROGRAM REPORTS

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Pecuniary Interests

Other Interests

Monday August 25 2025

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2	Property Investment Strategy	***2***
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1 Presence of the Public

Everyone is entitled to attend a meeting of the Council and those of its Committees of which all members are Councillors, except as provided by Section 10 of the Local Government Act, 1993.

A Council, or a Committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:

(a) the discussion of any of the matters listed below; or

(b) the receipt or discussion of any of the information so listed.

The matters and information are the following:

(a) personnel matters concerning particular individuals;

(b) the personal hardship of any resident or ratepayers;

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

(d) commercial information of a confidential nature that would, if disclosed:

- prejudice the commercial position of the person who supplied it; or
- confer a commercial advantage on a competitor of the Council; or
- reveal a trade secret.

(e) information that would, if disclosed, prejudice the maintenance of the law;

(f) matters affecting the security of the Council, Councillors, Council staff or Council property;

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.

The grounds must specify the following:

(a) the relevant provision of section 10A(2);

(b) the matter that is to be discussed during the closed part of the meeting;

(c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Members of the public may make representations at a Council or Committee Meeting as to whether a part of a meeting should be closed to the public

The process which should be followed is:

- a motion, based on the recommendation below, is moved and seconded
- the Chairperson then asks if any member/s of the public would like to make representations as to whether a part of the meeting is closed to the public
- if a member/s of the public wish to make representations, the Chairperson invites them to speak before the Committee makes its decision on whether to close the part of the meeting or not to the public.
- if no member/s of the public wish to make representations the Chairperson can then put the motion to close the meeting to the public.

The first action is for a motion to be moved and seconded based on the recommendation below.

RECOMMENDATION

That:

Outcome 5

2 Property Investment Strategy

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.

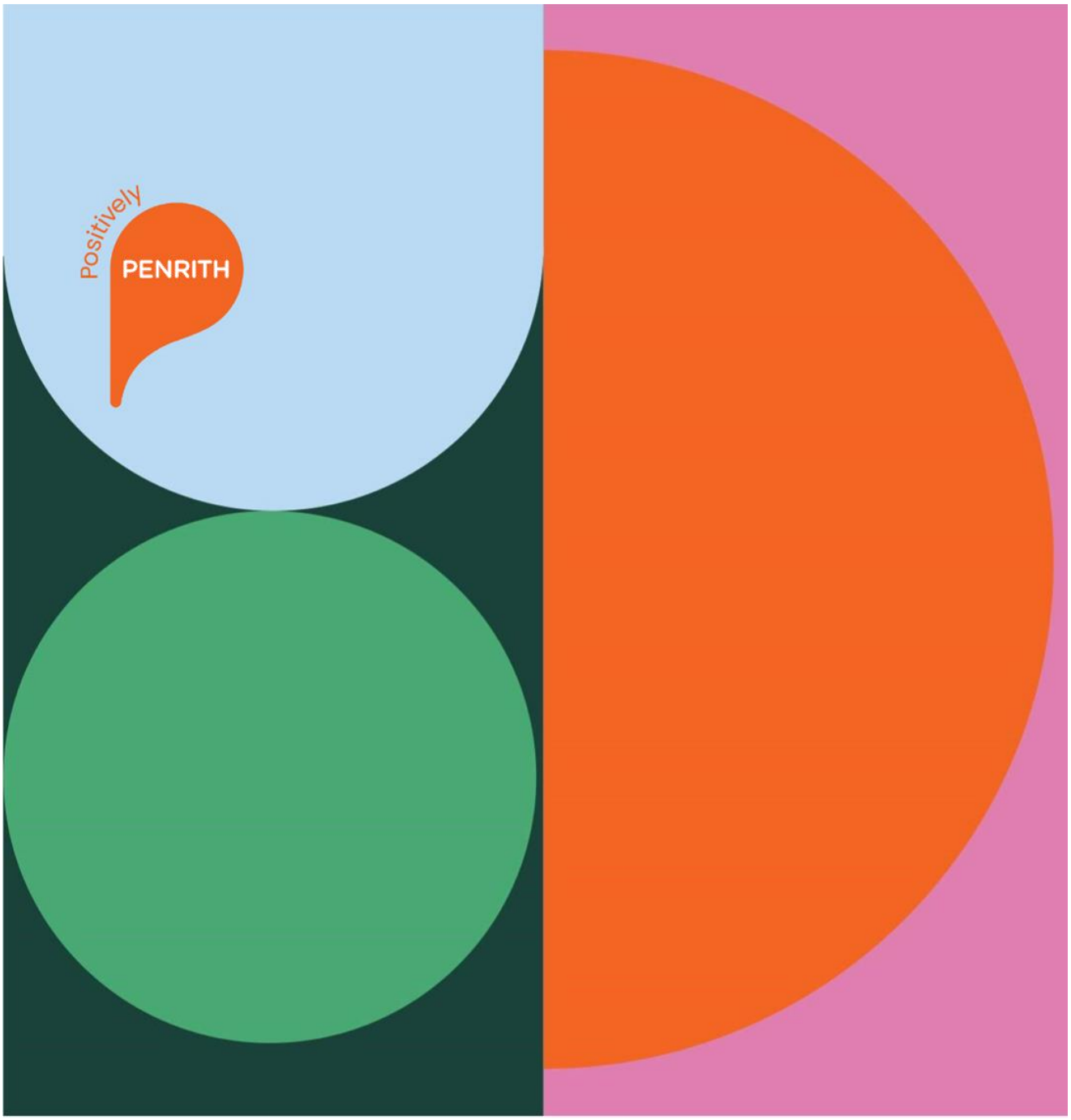
3 Proposed Investment Property Acquisition 1

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.

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ATTACHMENTS

Date of Meeting:	Monday 25 August 2025
Report Title:	Waste and Resource Recovery Strategy: Review and Update
Attachments:	Draft Waste and Resource Recovery Strategy



Waste and Resource Recovery Strategy

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Waste And Resource Recovery Strategy: Review and Update

A Submission to Penrith City Council [ABN 43 794 422 563]
Job No. 221-1012338

Prepared by

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Revision History

Title	Version no.	Status	Date
Waste And Resource Recovery Strategy: Review and Update – Draft for review	0.1	Draft	30/06/2025

Disclaimer

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Glossary

Terminology	Description
ACCUs	Australian Carbon Credit Units
ARRT	Advanced Resource Recovery Technology
AWT	Alternative Waste Treatment
BASIX	Building Sustainability Index
C&D	Construction and Demolition [waste]
C&I	Commercial and Industrial [waste]
CALD	Culturally and linguistically diverse
CD	Charitable Donation
CDS	Container Deposit Scheme
CE	Circular Economy
CRC	Community Recycling Centre
EPA	NSW Environment Protection Authority
EPL	Environment Protection Licence
ERF	Emissions Reduction Fund
FOGO	Food Organics and Garden Organics
LEP	Local Environment Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
MRF	Material Recovery Facility
MSW	Municipal Solid Waste
MUD	Multi-unit Dwelling
MWOO	Mixed Waste Organic Outputs

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Terminology	Description
NatHERS	Nationwide House Energy Rating Scheme
NWP	National Waste Policy
POEO	Protection of the Environment Operations (POEO) Act 1997
RFB	Residential Flat Building
RID	Report Illegal Dumping
RRC	Resource Recovery Centre
SUD	Single Unit Dwelling
WARR Act	NSW Waste Avoidance and Resource Recovery Act 2001
WMF	Waste Management Facility
WSAP	Western Sydney Aerotropolis Plan
WSROC	Western Sydney Regional Organisation of Councils
Sydney Parklands	Sydney Parklands Regional Waste Group (aka MacArthur Regional Waste Group)
WTE	Waste to Energy

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PLACEHOLDER – NOTE FROM THE MAYOR (or other Council member)

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Executive Summary

This updated Strategy builds on the foundations of the 2017 Penrith Waste and Resource Recovery Strategy, reflecting evolving best practices and policy developments. It sets the vision to

further develop our waste and resource recovery focus towards a Circular Economy and materials stewardship approach in collaboration with our community and the region.

The Strategy strengthens Penrith City Councils role in a circular economy by:

- Updating recovery targets to align with national state policies
- Outlining actions to lead in sustainable waste management
- Expanding services to the community, businesses, and industry
- Promoting education and economic opportunities
- Articulating Penrith's role in supporting a Circular Economy

Under the principles of leadership, collaboration, innovation, circular economy and environmental stewardship, the strategy aims meet the following objectives:

1. To exceed the targets of the National Waste Policy and the NSW 2041 Strategy including:
   a. To divert 80% of waste from landfill by 2030
   b. To halve food waste to landfill by 2030; and
   c. To reduce per capita waste generation by 10% by 2030.
2. Support the development of circular economy and resource recovery industry and businesses within Penrith and our region.
3. Demonstrate best practice waste management and recycling behaviours and the support of circular economy practices within Council operations and services delivered to residents and businesses in Penrith.
4. Improve civic amenity and public safety through active engagement with Council's planning function, to ensure buildings are designed with best practice waste management and sustainability principles, which will allow for waste and resource recovery services with fewer collection days.
5. Increase engagement with the community around practices and activities they already do or can adopt that contribute towards the growth of a circular economy
6. Support the sustainable management of difficult-to-manage wastes including e-waste.

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Policy Setting

Recent years have seen the introduction of federal and state policies aimed at reducing waste and increasing resource recovery through regulations, standards, and targets. As part of Penrith's strategic update, progress has been assessed against these frameworks to evaluate our alignment with national and state waste priorities.

The recovery rate refers to the percentage of waste materials that are diverted from landfill and recycled or reused.

The reduction in Council's resource recovery rate in 2019 is attributed to impacts created by the MWOO decision[1] in late 2018. The decision required the contractor to dispose of waste previously diverted through an AWT to landfill. The EPA later granted an exemption to apply MWOO as an alternative landfill cover which has seen a return in the recovery rate. This is not sustainable and other options to increase resource recovery will be sought in line with strategy's objectives.

The following circular economy policy and market changes have also impacted and contributed to resource recovery in the LGA:

- Engineered lightening of packaging over time
- Return & Earn introduction in December 2017
- Reduction of printed media (newspapers/ magazines)
- Covid changes in behaviour – increased deliveries and disposable items
- Redcycle start up and failure for soft plastic recycling
- Transfer of waste to processing facilities at the contractor's direction, that is Council benefits from the processor diverting waste from one facility to another with a higher recovery rate

Seasonality of GO-hot, wet years have an increased resource recovery rate due to the increased weight of garden clippings and trimmings.

[1] In October 2018 the EPA revoked the general and specific Resource Recovery Orders and Resource Recovery Exemptions for the application of MWOO to land due to risks associated with chemical and physical contaminants.

Table E1 Progress on achieving national and state waste targets

Target	Penrith Council			Progress from 2016-17 to 2023-24
	2016-17	2019-20	2023-24	
Reduce total waste generated by 10% per person	460 kg/ person	428 kg/ person	407 kg/ person	12% decrease in total domestic waste generated per person
Achieve an 80% average recovery rate from all waste streams	59%	53%	61%	2% increase in recovery rate
Halve the amount of organic waste sent to landfill[2]	11,450 t	9,553 t[3]	4,666 t[4]	41% reduction in organic waste landfilled from kerbside services.

Residential Waste Overview

Penrith City Council led the way as the first metropolitan council in Australia to introduce a FOGO collection service in 2010. Since then, the service has expanded to rural areas and is rolling out to multi-unit dwellings.

Waste generation across the LGA has declined in the last three years, from over 105,000 tonnes in 2022 to under 93,000 tonnes in 2024- driven by the Container Deposit Scheme and other reduction initiatives.

Resource recovery improved from 53% in 2020 to 61% in 2024. This was supported by the EPA's exemption for the use of mixed waste organic output (MWOO) as alternative landfill cover, alongside new circular initiatives across the community including glass fines and coffee cup in road making trials, regular e-waste, chemicals and textiles collection and drop off events, use of compost in parks and gardens, clothing and bicycle repair workshops and fashion swaps that promote reuse.

Council and Commercial Waste Management

Council continues to manage a broad range of waste streams and regularly reviews these systems to improve sustainability outcomes. Council conducted a recent Material Flow Analysis which identified opportunities to reduce waste and boost recovery within

[2] NSW EPA Local council WARR data 2016-17 and 2019-20.
[3] Based on assumption that 29.79% of the residual red bin waste to landfill is organic material (EC Sustainable, 2020).
[4] Based on assumption that 18.59% of the residual red bin waste to landfill (25,098 tonnes) is FOGO compliant material (KnowWaste 2024 Audit Report).

Council operations, and actions are now underway.

Since 2019, Council-facilitated commercial waste contracts have supported local businesses to better manage waste and adopt more sustainable practices.

Community Expectations and Satisfaction

Penrith City Councils resident satisfaction is overall growing, with results showing 88% of residents expressing satisfaction with household waste services. However, residents continue to place significant importance on waste and resource collection, scoring 90% importance in comparison to other council services/facilities. Highlighting the need to continue evolving services to meet the expectations of our growing and changing community.

** PLACEHOLDER for how we are going to get there section summary was actions review internally.

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1 Introduction

Council adopted the Penrith Waste and Resource Strategy (2017-2026) in September 2017, to help develop systems and practices that would:

- Reduce waste generation to 7.5 kg/capita/week by 2021
- Achieve 70% diversion of waste from landfill by 2021
- Provide solutions for household problem waste by 2021
- Reduce incidence of litter
- Reduce incidence of illegal dumping
- Participate in regional contracts and services where appropriate

This strategy (2025 – 2031) details a staged approach to providing waste and resource recovery services and waste treatment processes to meet the waste needs of the community. It aims to provide increased environmental outcomes through promoting a circular economy whilst reducing the financial impact of waste management on the community.

There has been rapid change in the waste management and resource recovery space since 2017. The enacting of China's National Sword policy in January 2018 disrupted the Australian recycling market, leading governments and businesses to explore and adopt the concept of a circular economy. A circular economy not only helps to reduce the impact of foreign policies, it is also an articulation of how sustainable production and consumption could be practically implemented through responsible waste management and resource recovery.

The coronavirus pandemic had a significant impact on the behaviours and consumption patterns of our community. These changes resulted in delays to the kerbside services as the waste management infrastructure was put under new pressures and was required to rapidly accommodate the changes.

In response to the challenges COVID placed on Council's waste management, Council has been required to adapt and plan for resilience through prioritising essential services, this allowed for the ongoing operation of waste management, additional recycling drop offs (Monday and Friday afternoons for a period of six weeks), as well as increased drop-offs at the CRC. Council implemented a major communications strategy which included a portal and an increased digital footprint. Technology in new collection vehicles has allowed Council to continue to monitor bins and have greater interaction with residents.

To support and reinforce the strength of the existing Food Organic and Garden Organic (FOGO) system across Penrith City's Local Government Area (LGA), a tender process for waste marketing was undertaken in 2019. Support from external marketing agencies assists Waste and Resource Recovery Services with creative marketing solutions and ongoing education relevant to the demographic of Penrith's LGA, working together with residents to encourage positive decisions toward sorting organic waste into the green lidded bin. Council's commitments to diverting organic waste from landfill and the continuation of our FOGO circular economy, supports the NSW Government FOGO Mandate (the *Protection of the Environment Legislation Amendment (FOGO Recycling) Act 2025) which all* councils in NSW to implement weekly FOGO collection services for all households with a kerbside residual bin (red bin) by 2030, and businesses and institutions to implement a staged rollout of food collections services from 2026.

With Covid impacting the behaviours and consumption patterns of our community, the more traditional methods of community advertising have become redundant (newspapers ceasing print and/or delivery, billboards and bus stops being less effective, locations where fliers and posters closing or reduced foot traffic). In response use of digital platforms has increased across large social media platforms.

The Western Parklands area of Sydney has seen rapid growth and infrastructure investment, with the new Nancy Bird Walton Airport and surrounding areas are increasing regional population and employment opportunities. The growth in the Western Sydney precincts provides opportunity for resource recovery industries which may increase the options available to Penrith to further manage resources more sustainably.

To maintain Penrith City Council's established reputation as a leader in waste management and resource recovery this document reviews progress to date for the 2017-2026 Strategy and re-sets the strategic framework and associated actions for Council to achieve goals for circular economy, resource recovery and waste management.

This document:

- updates the resource recovery targets in line with the *National Waste Action Plan* and the *NSW Waste and Sustainable Materials 2041 Strategy*
- articulates objectives and actions to continue to support leadership in sustainable waste management
- broadens actions into the delivery of services to the community, businesses and the resource recovery industry
- Educate to strengthen community relationship with material use and foster economic growth
- articulates Penrith's role in developing and supporting of Circular Economy

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principles and practices

These steps towards a circular economy will help improve Penrith's environment, reduce strain on resources, and offer opportunity to increase local reprocessing of materials. This strategy should be reviewed in 2031 to ensure alignment with new state strategic direction, legislation and industry innovations. The Head of Waste and Resource Recovery is responsible for driving the strategy in consultation with other stakeholders within Council.

1.1 Waste Strategy 2017 review

Penrith City Council adopted the *Waste Strategy 2017-2026* on 23 September 2017. Since then, new waste targets have been introduced in the *National Waste Policy* (2018), *National Waste Policy Action Plan* (2024) and the National Circular Economy Framework 2024. These have also been adopted in the *NSW Waste and Sustainable Materials Strategy 2041* (2021), as well as additional targets set by the State government.

Penrith's *Waste Strategy* must now be considered in the context of these new strategies and Penrith's targets updated to match new national and state targets. This section is used to complement the existing *Waste Strategy*, with updates to the targets and a greater focus on implementing circular economy principles. To inform these updates and the strategic direction of the Strategy key Council stakeholders were consulted.

Targets

The high-level principles of the *Waste Strategy* aim to:

- Align with the objectives and targets of the *National Waste Policy Action Plan* and *NSW Waste and Sustainable Materials Strategy 2041*
- Focus on the delivery of a safe, cost effective, innovative and accessible waste management service for Penrith
- Establish a trajectory towards continued improvement in waste minimisation and diversion, with a focus on circular economy principles
- Embody flexibility, to enable Council the ability to readily adapt to maximise opportunities and minimise risk associated with emerging technological, financial, social and legislative contexts

In the 2017 *Waste Strategy*, Penrith set a number of commitments. These are outlined in *Table 1, along with the progress that has been made to achieve these goals.*

Table 1 Waste Strategy commitments and progress to date

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Commitment	Progress
Reduce waste generation to 7.5 kg/capita/week by 2021	Penrith's average residual waste generation in 2016-17 was 8.4 kg/capita/wk and in 2019-20 was 8.2 kg/capita/wk. This was further reduced in 2023-24 to 7.8 kg/capita/wk.
Achieve 70% diversion of waste from landfill by 2021	Penrith's diversion/recovery rate in 2016-17 was 59% and in 2019-20 was 53%. In 2023-24 Penrith waste diversion/recovery increased to 61%. The volume of kerbside waste and bulky waste generation has remained relatively stable since 2019-20.
Provide solutions for household problem waste by 2021	The Community Recycling Centre (CRC) which opened on 20 July 2017 continues to provide the community a free and convenient way to dispose of problem wastes. Council also offers several problem waste disposal options including; • Council holds e-waste drop-off events at Jamison Park • Mobile phones and accessories are also collected at Penrith's libraries • Council holds Chemical Cleanout events • Sharps disposal at public hospitals, pharmacies, chemists and health centres • Batteries disposal at CRC and libraries • Soft Plastics and Textiles recycling through free "from your door" collection with Recycle Smart Power Pickup
Reduce incidence of litter	The incidence of illegal dumping is countered through the *Western Sydney Litter Prevention Plan 2023-2027*, which outlines three objectives for the strategy: 1. Elevate the priority and value of litter prevention 2. Motivate our councils and stakeholders to take further action to prevent litter; and 3. Shift collective effort, focus, & investment to include targeted litter prevention initiatives. Penrith uses fines to deter littering.
Reduce incidence of illegal dumping	The incidence of illegal dumping is reduced by providing adequate services for the collection of bulky waste, education around the associated problems and community deterrence.

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Commitment	Progress
	Council has a strong presence in each of these areas. **Drop off recycling centres** Penrith City residents have confirmed through consultation the value of having the drop off recycling centres and saw a responsibility to dispose of items such as batteries and electrical in the correct way. For some, the regular drop off events can be inconvenient due to location, timing or difficulty transporting the items. The St Marys drop off centre provides further service to promote responsible disposal. Penrith uses fines to deter illegal dumping and encourages residents to report occurrences online to the NSW EPA's Report Illegal Dumping (RID) program. **Managing Dumped Waste Procedures** Penrith City Council has developed a set of procedures for managing illegally dumped waste within the region. Illegally dumped waste will be allocated to one of the six following categories: • Waste associated with strata or Department of Housing in Waste Ranger area • Waste associated with booked in kerbside cleanup • Waste containing potential ID and evidence • Waste potentially containing asbestos • Waste containing other potentially hazardous materials • Waste that does not contain ID, asbestos, or hazardous materials. The waste will then be managed according to its relevant category. Waste Rangers and RID Squad conduct investigation and provide regulatory action regarding illegally dumped waste. Penalties include fines and Local Government Act notices.
Participate in regional contracts and services where appropriate	Penrith is a member of Sydney's Parkland Councils (The Parks), and participates in regional projects and activities were appropriate.

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2 Where are we now?

This section outlines Penrith City Council's current position on the journey to continue shift towards a more circular economy for resources in the region.

2.1 Policy and regulation

In recent years, the Australian Government has placed increasing emphasis on waste management at both national and state levels, driven by growing public concern, disrupted global supply chains, and a broader commitment to transitioning toward a circular economy.

Since the publication of Penrith's *Waste and Resource Recovery Strategy* in 2017, several new policies and strategies have emerged at both federal and state levels, including in New South Wales (NSW). A comprehensive list of relevant legislation, policies, and regulatory instruments is provided in **Appendix B**.

Australian Government

The Australian Government released its *National Waste Policy* (NWP) in 2018, its *National Waste Action Plan* in 2019 and subsequently passed the *Recycling and Waste Reduction Act 2020*. Since then, Australia's environmental ministers agreed to the 2024 National Waste Policy Action Plan, which builds on the progress made under the 2019 Action Plan.

The 2024 Action Plan outlines three key government priorities to achieve national waste targets:

1. **Legislation and Policy Development** – Including laws, regulations, standards, and guidelines.
2. **Investment and Infrastructure** – Encompassing funding support, procurement initiatives, and infrastructure development.
3. **Market Development and Innovation** – Focused on reducing barriers, generating demand, and supporting innovation to drive sustainable outcomes.

The plan also defines seven targets to reduce Australia's waste and improve resource recovery:

- Ban on export of waste plastic, paper, glass and tyres, commencing in the second half of 2020.
- Reduce total waste generated in Australia by 10% per person by 2030.
- 80% average resource recovery rate from all waste streams following the waste hierarchy, by 2030.
- Significantly increase the use of recycled content by governments and industry.

- Continued phase out of problematic and unnecessary plastics.
- Halve the amount of organic waste sent to landfill for disposal by 2030
- Make comprehensive, economy-wide and timely data publicly available. This will support better consumer, investment and policy decisions.

The *National Waste Reduction Act 2020* also plays a critical role by regulating the export of specific waste streams through national waste export bans[5].

In 2024, the Australian Government introduced *Australia's Circular Economy Framework*, a strategic blueprint guiding the transition to a circular economy. This framework provides a national vision, outlines key transition pathways, encourages regulatory alignment across jurisdictions, and identifies opportunities for innovation that can drive impactful, system-wide change.

NSW Government

In June 2021, the NSW Government released Stage 1 of its *NSW Waste and Sustainable Materials 2041 Strategy*. This strategy reinforces the *NSW Circular Economy Policy Statement* released in 2019.

The Strategy provides updated targets for NSW by adopting the National targets outlined above, as well as two additional targets related to litter and plastics recycling:

- reduce litter by 60% by 2030 and plastics litter by 30% by 2025; and
- triple the plastics recycling rate by 2030.

The plan covers a number of action areas. Some areas of relevance to Penrith's Waste and Resource Recovery Strategy include:

- recovery and recycling infrastructure development
- the co-ordination of infrastructure needs
- joint procurement of household waste and resource recovery services
- mandating FOGO services
- circular design to reduce carbon emissions
- litter and illegal dumping actions
- support for recycling innovation
- support for local communities

[5] Glass (from January 2021), Plastic (from July 2021), Tyres (from December 2021), • Paper and cardboard (from July 2024, with licences required for mixed paper and cardboard from October 2024), and Hazardous waste (ongoing regulations)

The EPA released a Waste Delivery Plan which outlines their strategic waste priorities in line with the Materials Strategy and Plastics Action Plan. Council has aligned this Strategy with the following key initiatives under the Delivery Plan:

- Item 1: Diverting organics from landfill
- Item 3: Building waste sector resilience to climate change
- Item 5: Leveraging government purchasing power to stimulate a local circular economy
- Item 7: Building on our success: Business recycling
- Item 8: Strategic infrastructure planning and investment
- Item 10: Litter prevention
- Item 11: Preventing illegal dumping and strengthening the way we regulate waste crime
- Item 16: Local government waste and resource recovery

The vision, objectives and principles outlined in Section 3 are reflective of these initiatives and the actions defined in Section 4 support Council in delivering on these initiatives.

National and State target progress

These targets were not in place when the Penrith Strategy 2017-2026 was released, so as part of this review Penrith's performance has been mapped against these targets to assess our contribution to the National and State targets (Table 2).

Table 2 Progress on achieving national and state waste targets

Target	Penrith Council			Progress from 2016-17 to 2023-24
	2016-17	2019-20	2023-24	
Reduce total waste generated by 10% per person	460 kg/ person	428 kg/ person	407 kg/ person	12% decrease in total domestic waste generated per person
Achieve an 80% average recovery rate from all waste streams	59%	53%	61%	2% increase in recovery rate (discussed in detail in section 2.5)
Halve the amount of organic waste sent to landfill[6]	11,450 t	9,553 t[7]	4,666 t[8]	41% reduction in organic waste landfilled from kerbside services

[6] NSW EPA Local council WARR data 2016-17 and 2019-20.
[7] Based on assumption that 29.79% of the residual red bin waste to landfill is organic material (EC Sustainable, 2020).
[8] Based on assumption that 18.59% of the residual red bin waste to landfill (25,098 tonnes) is FOGO

Penrith City Council was the first metropolitan council in Australia to introduce a FOGO collection service back in 2010. As a result, large steps had already been taken by 2016-17 to reduce organic waste to landfill.

In 2019, Penrith's FOGO service was expanded to rural communities. This helped to further reduce the volume of organics sent to landfill to work towards the national and state targets.

In June 2023, Penrith began the roll out of FOGO to MUDs – as of October 2024, the service had expanded to 7920 multi-unit dwellings. Roll out is still in progress to achieve FOGO in all dwellings by 2030.

2.2 Demographics

Penrith City Council is a LGA covering approximately 407 km^2 in the western fringe of Sydney, NSW.

Changes in dwelling types, population and density growth, jobs and businesses in the LGA and visitor numbers all impact on waste and resource recovery services. This section sets out the current situation with the most recent data available.

Population and Households

Penrith's estimated resident population is 228,661 in 2024[9], an increase of more than 10,000 since the 2021 census[10]. The resident population is estimated to grow to 289,142 by 2036[11], with population density increasing due to a development focus on medium- to high-density housing.

The LGA had 81,152 dwellings at the time of the 2021 census, with an average household size of 2.8 people. The number of households is projected to grow to 109,996 by 2036[12], an increase of 28,844 households since 2021.

The breakdown of dwelling types in 2021 is provided in Table 3. The proportion of dwellings classified as low-density slightly increased from 2016 to 2021. The proportion of medium-density dwellings decreased, and the proportion of high-density dwellings increased. The highest growth in the period 2016-2021 was in high-density dwellings with

compliant material (KnowWaste 2024 Audit Report).

[9] Profile.id 2025, *Penrith City: Estimated Resident Population*

[10] ABS 2021, *Penrith: 2021 Census All persons QuickStats,* https://abs.gov.au/census/find-census-data/quickstats/2021/LGA16350

[11] Penrith City Council 2022, *Penrith 2036+ Community Strategic Plan,* https://www.penrithcity.nsw.gov.au/images/documents/CommunityStrategicPlan_2022.pdf

[12] Penrith Urban Strategy: Managing growth to 2031, 2009

almost 4,000 more dwellings.[13]

Table 3 Breakdown of occupied private dwelling types in Penrith City Council in 2021[14]

Dwelling type	Number of dwellings		Proportion of occupied private dwellings	
	2016	2021	2016	2021
Low-density	56,813	57,474	80.0%	78.3%
Medium-density	10,823	8,934	15.2%	12.2%
High-density	2,803	6,712	3.9%	9.1%

Jobs and Businesses

There were an estimated 83,323 jobs in the Penrith LGA in 2024[15], with the largest cohort in Health Care and Social Assistance (16%), followed by Construction (14%), Manufacturing (10%), Transport, Postal and Warehousing (9%) and Education and Training (9%).

These numbers are expected to grow with the construction of the Western Sydney Airport and the associated Aerotropolis development, and The Quarter health and education precinct[16] over the coming years.

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[13]NSW EPA Local council WARR data 2016-17 and 2019-20.
[14] ABS 2021, *Penrith: 2021 Census All persons QuickStats,* https://abs.gov.au/census/find-census-data/quickstats/2021/LGA16350
[15] National Institute of Economic and Industry Research (NIEIR) 2025, Compiled by Economy.id, https://economy.id.com.au/penrith/Employment-capacity
[16] The Quarter Penrith, https://thequarter.org.au/

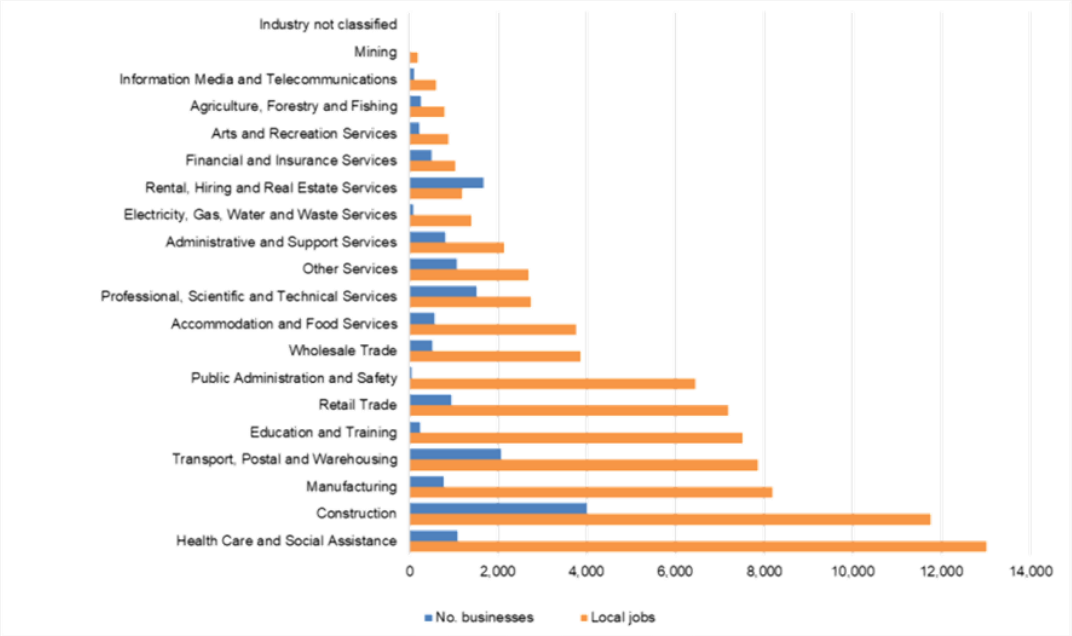


Figure 1 Local jobs and number of businesses in Penrith LGA by industry in 2023/24[17]

2.3 Community expectations

The *Penrith City Council Community Satisfaction Research* (2024) outlined the opinion of residents about the importance of Council services and their satisfaction with these services over the preceding 12 months. The research findings in relation to waste and resource recovery services include:

- 93% of residents were at least somewhat satisfied with Council's performance;
- 61% of residents rated the services provided by Penrith City Council as good to excellent value for the rate dollar;
- Of the main challenges facing the LGA in the next 10 years, the top three responses were traffic congestion (25% identified this issue), managing population growth (21%) and Housing and land availability/affordability (12%);
- Waste and resource collections was rated an importance score of 90% in comparison to other Council services/facilities;
- 88% of residents were at least somewhat satisfied with household waste management services; and

[17] National Institute of Economic and Industry Research (NIEIR) 2025, compiled by economy.id, Local employment | Penrith | economy.id

- Compared to a 2017 community survey, satisfaction with waste and resource collections increased from a rating of 3.69 in 2022 to a rating of 3.89 in 2024. (1 = not satisfied and 5 = very satisfied).

These findings highlight the importance our residents place on household waste and resource recovery services. The community was largely satisfied with these services, and this satisfaction has increased since 2022. Development of waste and resource recovery services to meet future population needs will be an important issue, as highlighted by residents' concerns over pressures from a growing population.

2.4 Services

Council currently provides a range of waste and resource recovery services to our community. Residential services depend on dwelling type (Table 4). Residents are able to request larger/additional bins or higher frequency collection for a fee.

Table 4 Residential waste and resource recovery services currently provided by Penrith City Council

Dwelling type	Service	Residual		Recycling		Organics		Clean-up service
		Size	Frequency	Size	Frequency	Size	Frequency	Frequency
SUDs	3-bin	140L	Fortnightly	240L	Fortnightly	240L	Weekly	On call 4/year
MUDs	Collect & return	240L	Twice Weekly	360L	Weekly	240L	Weekly	On call 4/year
Commercial	As required	Tailored service 140L/240L Weekly or Fortnightly		Tailored service 240L or 360L Fortnightly		Tailored service 240L Weekly		N/A

Waste Contracts

Materials from Penrith's domestic waste collections are sent for resource recovery or disposal at the facilities listed in Table 5.

Table 5 Council - Waste Contracts

Type	Waste Type	Contracted Service Provider	Facility	Contract Expiry Date
Collection	All kerbside services	Veolia	-	2029
Disposal	Residual Waste (organic depleted)	Cleanaway	Elizabeth Drive Landfill (EDL)	2029
Disposal	Residual Waste (Organic-rich)	Cleanaway	Kemps Creek AWT	2029

Type	Waste Type	Contracted Service Provider	Facility	Contract Expiry Date
Processing	Recycling	VISY	Smithfield MRF	2029
Processing	Organics (FOGO and Garden Organics)	ANL	Badgerys Creek	2029
Collection	Sullage	Staples	Penrith Depot (Sydney Water TWA)	2029
Collection & processing	C&D	High Quality Group	St Marys RRC	October 2025
Collection & processing	Problem waste	Community Recycling Centre (CRC) – run in partnership with Cleanaway		

Penrith's approach to contracting waste and resource recovery services is progressive and adaptable, demonstrating good service delivery for residents. In particular Council's 2017-2027 Waste Strategy Working Party established a set of objectives to be used to evaluate the current services offered by Council and proposed opportunities which may be adopted by Council in the future.

Table 6 Penrith 2017-2027 waste and resource recovery contract tendering objectives

Convenience	Systems and practices that are convenient for the community to use and understand, so that the educative message is simple and clear, high levels of participation can be attained, and low contamination will be observed
Recovery and Reduction Targets	Systems and practices capable of achieving high levels of resource recovery and move Penrith forward in delivering on State and National targets in line with circular economy principles, at a pace that is consistent with the evolving markets
Risk Exposure	Systems and practices that place technology and operating risks with service providers and provide Council with a high level of surety in service supply

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2.5 Residential Waste

This section reviews how Penrith City Council have performed over the last 10 years, and since the release of the 2017 *Waste Strategy*. Council's progress toward meeting current State and Federal governments waste targets is also assessed to highlight areas where Council is performing well and those that required further attention.

Domestic Waste Management Charge

The table below provides information regarding the domestic waste management configuration of nearby LGAs and the associated Domestic Waste Management (DWM) charge. Penrith City Council's DWM charge is consistent with the average.

Table 7 Waste Management Data across various LGAs

Council	Bin System	Standard Configuration				
		Garb	Rec	Org*	Cleanup	2024/25 [18]
Penrith	3	140L-f	240L-f	240L-w	4	$487
Blacktown	3	140L-w	240L-f	240L-w	12	$634
Blue Mtns	3	140L-w	240L-f	240L-f	3	$548
Fairfield	3	240L-w	240L-f	240L-f	4	$522.62
Hawkesbury	Rural 2	140L-w	240L-f		1	$478.85
	Urban 3	140L-w	240L-f	240L-f		$587.25
The Hills	Urban 3	140L-w	240L-f	240L-f	2	$573
	Rural 2	240L-w	240L-f		2	$573
Liverpool	Urban 3	140L-w	240L-f	240L-f	2	$620
	Rural 2	240L-W	240L-f			
Camden	3	80L-w	240L-w	240L-w	3	$359
		120L-w	240L-w	240L-w		$424
		240L-w	240L-w	240L-w		$733

[18] Current as of draft publish date. It will be updated in new financial year prior.

Council	Bin System	Standard Configuration				
		Garb	Rec	Org*	Cleanup	2024/25 [18]
Campbelltown	Urban 3	140L-w	240L-f	240L-f	4	$613.68
	Rural 2	140L-w	240L-f	-	4	$510.76
Wollondilly	Urban 3	240L-w	240L-f	240L-f	2	$772
	Rural 2	240L-w	240L-f	-	2	$680

*FOGO implementation date- Blacktown June 2025, Blue Mountains 2027, Fairfield June 2024, Hawkesbury July 2027, The Hills October 2027, Liverpool July 2025, Camden , Campbelltown and Wollondilly not published,

Residential Waste generation

The total residential waste generated[19] each year within Penrith LGA is shown in Figure 2, and per capita generation in Figure 3. Overall, there are fluctuations in the data between years, this can be attributed to:

- Covid-19 increasing household waste generation between 2020 and 2022. Some reasons for this include; increased use of delivery services leading to increased packaging waste, increased work-from-home employees increase household was as waste is not disposed of in office e.g. from lunches.
- Fluctuations in Garden Organics depending on weather variations.
- Recycling decreased in recent December 2017, whereby individuals are taking eligible containers directly to Return and Earn points, rather than placing them in the yellow recycling bin.

Penrith City Council's waste generation is compared to neighbouring LGA's in Figure 4. The graph presents to total waste collected divided by the number of residents in the LGA, resulting in kg per capita waste generation. Penrith City Council waste generation per capita per week is consistent with the average waste generation rate.

[19] Waste generation data is comprised of mixed recycling, organics and residual waste

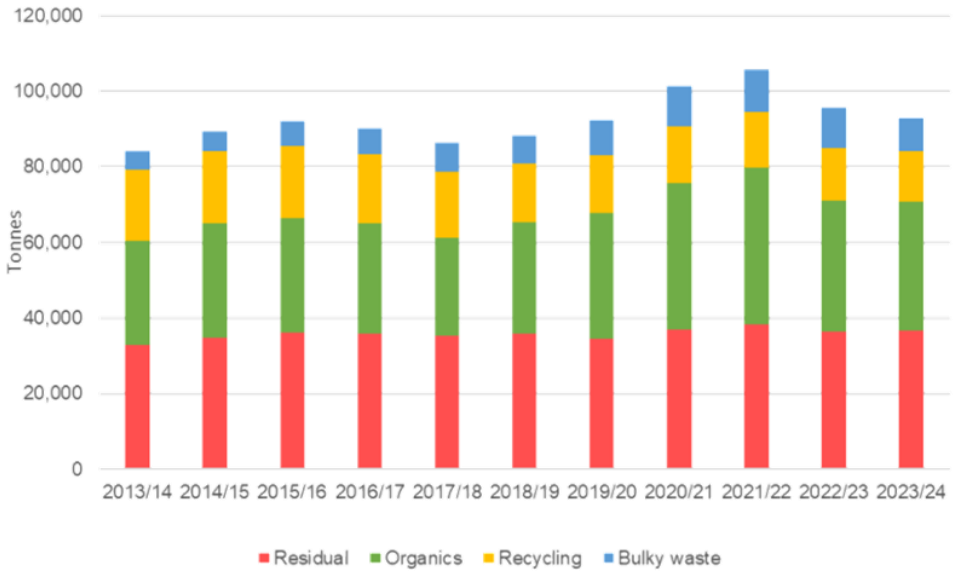


Figure 2 Residential waste generation 2014-2024[20]

Source: Penrith City Council Waste Statistics Data

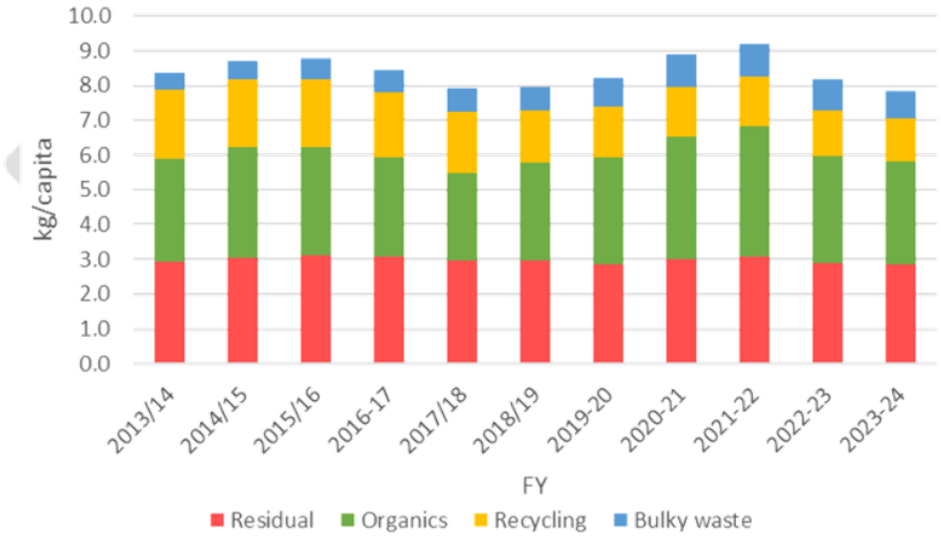


Figure 3 Waste generation (kg) per capita 2014-2024

Source: EPA Waste Survey Data

[20] Bulky waste calculations include residual and organic clean up, steel recycling and mattress recycling.

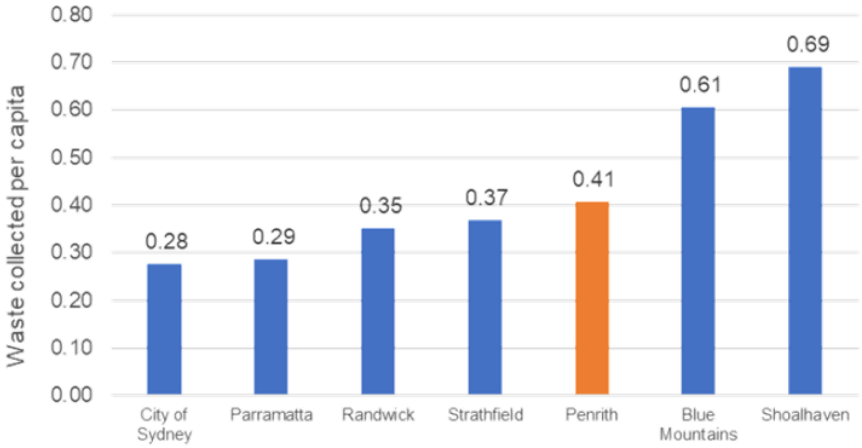


Figure 4 Residential waste collected in Western Sydney LGAs excluding bulky waste in 2023/24 Penrith and 2022/23 Other Councils (kg per capita per week) [21]

Recovery

The recovery rate refers to the percentage of waste materials that are diverted from landfill and recycled or reused. Figure 5 shows Council's recovery rate of materials from kerbside and bulky waste collection over the last ten years.

The reduction in Council's resource recovery rate between 2018-2019 is attributed to impacts created by the MWOO decision[22] in late 2018. The decision required the contractor to dispose of waste previously diverted through an AWT to landfill. The EPA later granted an exemption to apply MWOO as an alternative landfill cover which has seen a return in the recovery rate. This is not sustainable and other options to increase resource recovery will be sought in line with strategy's objectives.

The following circular economy policy and market changes have also impacted and contributed to resource recovery in the LGA:

- 2019 introduction of mattress diversion from landfill
- 2019 introduction of FOGO to approximately 4,000 rural properties
- Provision of "from-your-door" collection of difficult to recycle waste streams e.g. textiles, soft plastics and e-waste for residents
- Opening of the Penrith Community Recycling Centre (CRC)

[21] 2023/24 data have been used for Penrith to showcase most up to date data, however, 2022/23 data has been used for all other councils due to being the most recently published EPA WARR data available.

[22] In October 2018 the EPA revoked the general and specific Resource Recovery Orders and Resource Recovery Exemptions for the application of MWOO to land due to risks associated with chemical and physical contaminants.

- 2024-2025 introduction of FOGO to approx. 12,000 MUDs/ RFBs (shared bin/s per complex).
- Engineered lightening of packaging over time
- Return & Earn introduction in December 2017
- Reduction of printed media (newspapers/ magazines)
- Covid changes in behaviour – increased deliveries and disposable items
- Redcycle start up and failure for soft plastic recycling
- Transfer of waste to processing facilities at the contractor's direction, that is Council benefits from the processor diverting waste from one facility to another with a higher recovery rate
- Seasonality of GO-hot, wet years have an increased resource recovery rate due to the increased weight of garden clippings and trimmings.

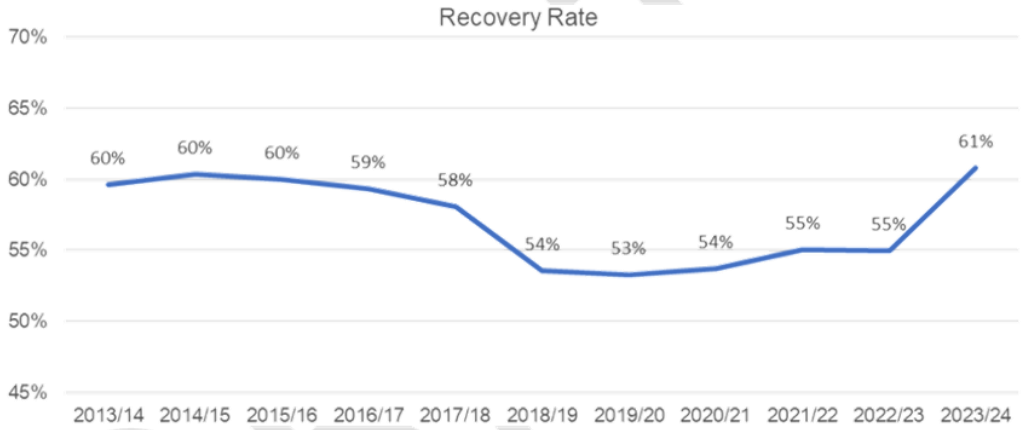


Figure 5 Council's residential recovery rate 2009-2020 (with bulky waste)

Source: Penrith City Council Waste Statistics Data which includes kerbside and bulky waste

Figure 6 looks at the recovery rate of kerbside collection only, to compare Penrith City Council's recovery rate to other comparable LGAs in Australia, showcasing that Penrith is a performance leader in resource recovery.

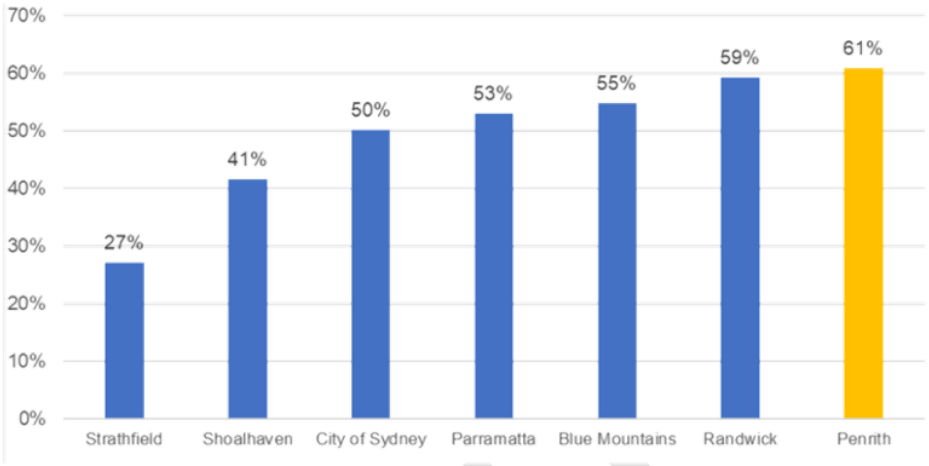


Figure 6 Domestic Recycling Rate in Western Sydney LGAs in 2023/24 Penrith and 2022/23 Other Councils (including Bulky waste)

Source: EPA Waste Survey Data

Other circular economy initiatives that have been implemented to increase resource recovery within the LGA are listed in Table 8.

Table 8 Circular Economy Initiatives in Penrith City Council

Single trials	Ongoing		Periodic Events
Glass fines in road making	Collection of coffee cups for reprocessing	Doorstep collection of soft plastics, textiles and other hard to recycle items (like blister packs)	Fashion Swap and Restyle event
Coffee cups in road making	Use of compost in parks, gardens and top-dressing of sports fields	E-Waste Drop off and collection events	Repair of clothing workshops
Battery, CDs and Mobile Phone initiative	Vegepods in Child Care Centres along with Education of waste sorting and FOGO	Chemical Clean Out events and CRC for Drop Off	Bicycle Repair and Recycling events
Mulching of Tree waste from parks/gardens	Textiles collection (from residents and Uniforms from	Additional recycling drop off at Christmas	Compost giveaways to our community

Single trials	Ongoing		Periodic Events
	Council) and recovery of fibre at local facility Textiles Recycling Australia		
Recycling and buy back of concrete and asphalt	Textile drop off events	Real Christmas tree collection and mulching	Garage Sale Trail
	Corflute collection and recycling	Children's Play Van clothing swap	Cardboard drop off events
	Penrith Toy Library		

Composition

Figure 7 shows the composition of Penrith's waste, by waste stream for 2023/24. Kerbside organics represents the largest individual component whilst residual waste is the largest stream when including both kerbside and bulky residual waste.



Figure 7 Composition of residential waste tonnes collected in Penrith City Council in 2023/24

2.6 Infrastructure

The Penrith LGA contains a number of waste management facilities for municipal, commercial, industry and construction/demolition waste. It also contains facilities that support the circular economy through re-use, repair and the sharing economy. A desktop review of waste facilities in Western Sydney found:

- 27 resource recovery and waste management facilities, eight of these within the Penrith LGA;

- Seven recycling centres, three of these within the Penrith LGA;
- 20 Return and Earn points within the Penrith LGA;
- 2 community recycling centres, 1 of these within the Penrith LGA; and
- 15 charitable recycling outlets, eight of these within the Penrith LGA.

Figure 8 shows the location of these facilities within the Penrith LGA, and those larger facilities that service the Council area but are outside our boundaries. A full list of identified facilities is available in Appendix C.

The MSWA Regional Waste Strategy 2023-2027 identified at a local level the region is facing a challenge in relation to access to infrastructure to support current waste streams, and current and future incentives.

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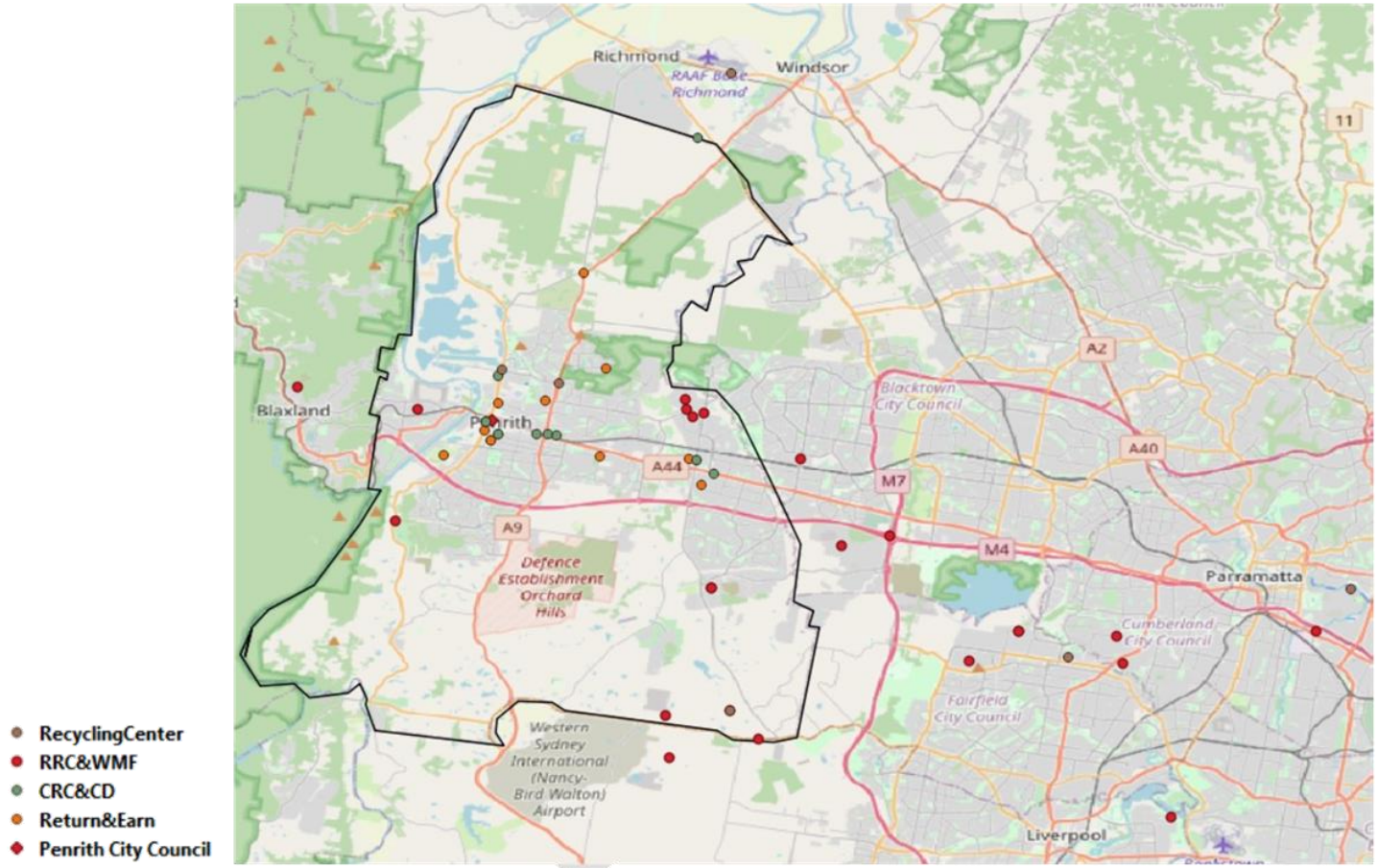


Figure 8 Waste management facilities in Penrith LGA and surrounds

RRC = resource recovery centre; WMF = waste management facility; CRC = community recycling centre; CD = charitable donation

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2.7 Illegal dumping

Illegally dumped waste is an issue within the Penrith City LGA. Council manages an estimated 2,800 illegally dumped waste matters annually, with an approximate cost to Council of $1 million per year for collection and disposal costs (excluding salaries of staff involved in illegally dumped waste management).

At present several Departments within Council hold a responsibility in terms of managing illegally dumped waste. These include:

- City Presentation;
- Waste and Resource Recovery Services; and
- Environmental Health and Compliance.

Council's Rangers, Waste Rangers and RID Squad are responsible for the investigation and regulatory action in relation to illegally dumped waste.

Based on current data the current regulatory rate is approximately 10% with the RID Squad issuing the majority of the fines and the ranger's issuing mainly Local Government Act notices. It is important to note that regulatory rates for illegally dumped waste are traditionally low as most offenders are savvy enough not to leave evidence in the waste. Illegally dumped waste presents an ongoing challenge for our Rangers and RID Squad.

The Strategy for addressing illegally dumped waste is outlined in Council's Litter and Illegal Dumping Strategy.

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2.8 Council Managed Civic and Commercial

Council Managed Services

TO UPDATE SECTION WITH MFA REPORT ONCE FINALISED

Penrith City Council manages and periodically reviews its management of multiple streams of waste generated by Council services, including but not limited to:

- Aquatic and Leisure;
- Children's services;
- City Presentation;
- Civic Centre (office buildings);
- Major projects – construction and demolition;
- Community and Recreation; and
- Library Services.

Council generated waste has a high rate of recycling as is demonstrated below in Figure 9.

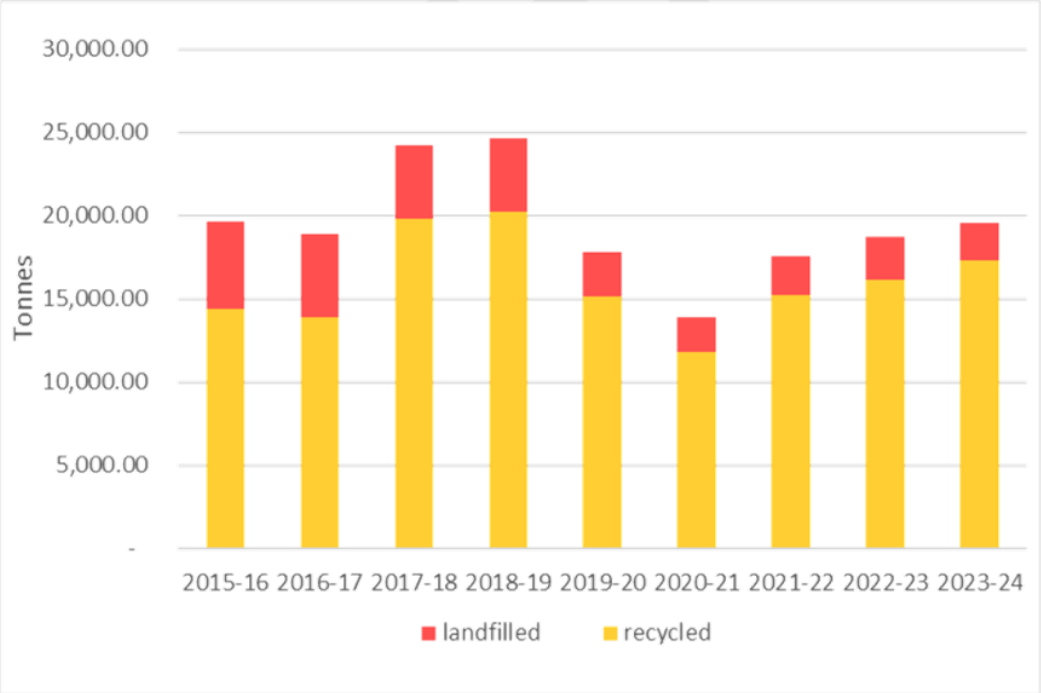


Figure 9 Generation and diversion of Council managed Civic and Commercial waste 2015 – 2024 (tonnes)

As part of its ongoing review of waste management practices in the region, Council conducted a comprehensive Material Flow Analysis to assess waste generated by its operations. This analysis has revealed several opportunities to enhance waste avoidance, diversion, and resource recovery within Council activities and facilities. Council is now working to implement these improvements to support more sustainable waste management outcomes and a circular economy. Furthermore, setting a precedent for commercial services to follow.

Businesses

In 2019 Council facilitated collection and processing contracts which provide Commercial Waste Collection Services to businesses within the LGA, committed to leading the way in waste innovation, Council hope to assist local businesses to sustainably manage their waste.

2.9 Resource recovery industry investment

With the growth of the Western Sydney Parklands and new Nancy Bird Walton Airport, Western Sydney presents additional growth opportunities for the waste industry. Western Sydney is considered the "waste hub" of Greater Sydney due to the high concentration of waste processing facilities in the region. The region has always collaborated with the resource recovery industry to develop competitively priced alternatives to landfill. However, a secure ongoing supply of feedstock is necessary to achieve the economies of scale that create these economical solutions. In turn, resource recovery processing capacity is essential to provide security for alternative pathways. Strategic plans for the region acknowledge existing waste infrastructure and look to highlight the reward associated with new investment.

One such example is the Penrith Waste Recycling Transfer Facility which was approved by the Minister for Planning and Public Spaces in 2020, and currently has a modification in for approval prior to construction and operation.

Food manufacturing presents another avenue for industry investment and growth. A 2022/23, study by the Australian Food and Grocery Council of Australia found that the food and grocery manufacturing sector is an integral part of the Western Sydney economy, representing 32.2% of total manufacturing in the region[23], showing an increase from the previous 2018 study at 29.3%. As this sector expands to provide food for growing populations locally, nationally and internationally, additional work will be required to

[23] Food and Grocery Manufacturing in Western Sydney: Economic Snapshot, AFGC, August 2022. Available at: https://afgc.org.au/wp-content/uploads/2024/09/SOI2024-V1-portrait-480x1200-1.jpg

address food waste produced in the manufacturing process. Although several food rescue organisations operate in Western Sydney, such as Food Bank, Second Bite and other small community kitchens, there is potential to capture food waste that cannot be rescued or surplus that charities cannot distribute.

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3 Where do we want to be?

This section sets out how Penrith City Council will prioritise actions and decisions in relation to waste management for our residents, and the support of resource recovery and circular economy activities in our region. It sets a vision for the Council, in line with the State and National targets, and sets out a series of actions areas to ensure Penrith continues to be a leader in waste management and recovery.

3.1 Vision

Penrith City Council have had many successes to date, Council aim to continue as leaders in innovative waste control, management and resource recovery.

> To further develop our waste and resource recovery focus towards a Circular Economy and materials stewardship approach in collaboration with our community and the region.

In collaboration with our community and the region, we aim to enhance sustainability through leading resource stewardship practices, innovative technologies, and whole of lifecycle approaches that increase recycling, improve material recovery from Council managed facilities, and reduce waste to landfill, benefiting the community, business, and the environment.



In the early stages of the transition to a Circular Economy, Penrith will achieve this by:

- reducing waste generation
- providing Best Practice waste and recycling services
- maximising recovery and potential reuse of materials
- resource stewardship and material conservation
- collaborating with stakeholders

3.2 Objectives

1. To exceed the **targets** of the National Waste Policy and the NSW 2041 Strategy including:
   a. To divert 80% of waste from landfill by 2030
   b. To halve food waste to landfill by 2030; and
   c. To reduce per capita waste generation by 10% by 2030.
2. Support the development of circular economy and resource recovery industry and **businesses** within Penrith and our region.
3. Demonstrate best practice waste management and recycling behaviours and the support of circular economy practices within **Council operations and services delivered to residents and businesses in Penrith.**
4. Improve civic amenity and public safety through active engagement with Council's **planning function**, to ensure buildings are designed with best practice waste management and sustainability principles, which will allow for waste and resource recovery services with fewer collection days.
5. Increase **engagement with the community** around practices and activities they already do or can adopt that contribute towards the growth of a circular economy
6. Support the sustainable management of **difficult-to-manage wastes** including e-waste.

3.3 Principles

The following principles underpin the delivery of this strategy. They guide how the vision and objectives will be delivered.

Leadership 	In delivering this strategy Penrith will continue to build on our position of leadership within the region. Council's approach is demonstrated by active involvement in regional waste groups, ongoing support for regional resource recovery infrastructure, and being the first council to successfully implement FOGO in the Sydney Basin. Collaborative efforts will increase opportunities for access to regional resource recovery and continue to lead community engagement and a sense of belonging. We will continue to actively share learnings with other councils and the waste industry and publishes materials on our website to support improved practice.

Collaboration 	Collaboration is a strong pillar to Council's activities and this strategy, and work will continue to develop strong relationships with groups who contribute to our vision and objectives, including: • Council sectors, e.g., resource recovery and procurement • Adjacent councils and the wider region • Council and local businesses, industry and community organisations • Council operations, projects, and their stakeholders Connecting across the Council departments and between Council and other stakeholders is essential to achieving a streamlined waste service that maximises resource recovery and the transition towards a circular economy.
Innovation 	In our developing region, there is the possibility to implement sustainable and innovative solutions. Penrith City Council have a track record of adopting innovative outcomes for waste management and resource recovery, demonstrated by our FOGO system for residents, advocacy to amend waste management plans for multi-unit dwelling developments, the requirement to deliver a waste collection fleet that could service residences in narrow streets with small turning circles written into the council waste contracts, and establishment of data frameworks to support efficiency and innovation to Council managed waste and resource recovery services. Council is focussing on finding new uses for materials that would otherwise go to landfill, like soft plastics. Constantly seeking innovative solutions for waste management, resource recovery and the implementation of circular economy principles will benefit the residents and businesses of Penrith.
Circular Economy 	We are committed to supporting the growth of the Circular Economy, in line with leading global practice. The circular economy is a model on which a sustainable organisation bases its design, manufacturing, use, reuse, and recycling processes on. It aims to minimise or eliminate the disposal of any materials by way of landfilling, instead repurposing or recreating goods once their initial useful period has expired. This will require innovation in technology, business models, community systems and more. Businesses which support the

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	circular economy, such as resource recovery and partnerships which keep materials in use, can be encouraged to grow. Developing the circular economy provides benefits such as economic growth, increased job opportunities, increased wellbeing of residents and the physical environment. It directly contributes to the objective to reduce waste generation per capita.
Environmental Stewardship	Council is committed to supporting the responsible management and conservation of natural resources to ensure their sustainability for current and future generations.

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4 How are we going to get there?

The Action Plan provided below contains a high-level list of actions to support the delivery of each of the objectives.

Key columns of information in each Action Plan table include:

- **Year** refers to the target year for commencement of the action and where relevant ongoing implementation.
- **Cost** refers to the indicative cost value required for the implementation and monitoring of the action, where:
    - $$$ = high cost $250k-$1m over 5yrs
    - $$ = medium cost $50k-$250k over 5yrs
    - $ = low cost $0-$50k over 5 yrs
    - -- = no external costs – use existing staff resources

Implementation of the Action Plan will be largely supported by existing funding. Council will also leverage opportunities for additional sources of funding such as through collaboration and partnerships.

Council maintains a Domestic Waste Management Reserve to ensure the continuity, reliability, and financial sustainability of waste services for the community. This reserve supports long-term service planning and allows Council to respond effectively to changing conditions in the waste sector.

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4.1 Support for residents and households

Councils' objective is to continue to maintain leading recovery processing including FOGO, recycling and residual systems.

Action	Key Objective Alignment	Timeframe					Cost
		YR1	YR2	YR3	YR4	YR5	
Target recoverables in the residual bin to improve overall resource recovery outcomes	1 & 3						$/ --
Broaden the Council Resource Recovery Field teams' program to include the residual bin and review the teams implementation plan annually	1 & 3						--
Target contamination in the comingled recycling bin to improve overall resource recovery outcomes	1 & 3						$/ --
Continue to focus on Penrith's successful FOGO system, and expand to all residents in accordance with the FOGO Mandate	1 & 3						--
Establish a MUD, RFB and rural program to provide equity of service	1 & 3						--
Seek formal liaison with State government to improve access to resource recovery from social housing	1 & 3						--
Continue to review and integrate requirements for effective waste management into Council planning policy and controls	4						--
Support residents to embrace reuse, sharing economy and value of materials	5						--
Identify and trial new technology including AI	3						$$
Provide monthly drop-off events to target large items and/or potentially recyclable or difficult to recycle streams	6						$$
Review waste contract obligations every six months	3						--

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4.2 Support for businesses and enterprises

Purpose: Further improve resource recovery outcomes by providing Penrith's leading recycling and residual services to small businesses.

Action	Key Objective Alignment	Timeframe					Cost
		YR1	YR2	YR3	YR4	YR5	
Continue implementing service efficiencies through the integrated commercial and residential waste and resource recovery services	1, 2 & 3						--
Promote increased diversion of food waste from landfill through Penrith's FO/FOGO system to local businesses, childcare centres and schools	1, 2 & 3						--
Work with the Economic Development Team to profile businesses in the LGA which are appropriate to explore opportunities/ implement circular economy outcomes	2						--
Identify all commercial waste operators in the LGA to support compliant provision services in the LGA	2						$
Introduce local business to available support for the transition to a circular economy	2						$
Showcase local business activities that support a transition to a circular economy	3						--
Maximise the circular economy planning provisions to ensure efficient, cost-effective resource recovery	4						--
Develop FOGO guidance for planning documentation for mixed use developments	4						$
Strengthen monitoring and compliance of appropriate waste management services at businesses	3						$$
Collaborate with businesses to reduce litter and illegal dumping to improve public amenity	2						$

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4.3 Support for the public and community organisations

Purpose: Ensure waste generated in public places is recovered in the best possible way. Work with the community to reduce waste generation.

Action	Key Objective Alignment	Timeframe					Cost
		YR1	YR2	YR3	YR4	YR5	
Support and promote re-use and repair in the Penrith community, through the libraries, community centres, charitable recyclers and not for profit organisations	5						--
Review and standardise public place/street litter bin infrastructure implementing appropriate technologies and design	3						$
Implement best practice waste and resource recovery at council venues and sponsored community events to support circular economy outcomes e.g. plastic reduction/minimisation through reusables	5						$
Develop a digital hub for community circular economy community provided events, businesses and/or infrastructure	5						$$

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4.4 Support for the resource recovery industry

Purpose: Penrith has a role to play in ensuring the resources recovered from Penrith residents can be processed within the Sydney basin, to reduce impost on other communities and provide benefits in terms of job and industry in the region.

Action	Key Objective Alignment	Timeframe					Cost
		YR1	YR2	YR3	YR4	YR5	
Maintain proactive monitoring and reporting procedures for contract requirements e.g. work, health and safety, modern slavery and environmental compliance	3						--
Investigate regional solutions and partnerships for the collection and processing of products and materials back into the productive economy	2						--
Explore the feasibility of appropriate advanced waste and resource recovery infrastructure within the LGA which focuses on higher order recovery to support innovative and proactive advancement of industry	2						$$
Review zoning provisions to meet the needs of circular economy enterprises/ businesses	2						--
Collaborate with industry to improve the collection, management, and reporting of waste data, and guide their implementation	3						--

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4.5 Targeting new waste streams

Purpose: Continue to innovate resource recovery services in Penrith by targeting wastes currently disposed in the residual waste system.

Action	Key Objective Alignment	Timeframe					Cost
		YR1	YR2	YR3	YR4	YR5	
Investigate additional waste stream services that could be offered to residents to improve resource recovery	1						$
Review items accepted at the CRC and options to reduce bulky waste sent to landfill	1 & 6						$
Trial initiatives to recover materials and products collected at the CRC and via bulky waste collection for repair and reuse	1 & 6						$$
Continue the partnership with contractors for "from-your-door" collection of difficult to recycle waste streams e.g. textiles, soft plastics and e-waste for residents	1 & 6						--
Expand secure document destruction to commercial businesses	1 & 2						--

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4.6 Education

Purpose: Ensure the continued success of Penrith's resource recovery services through targeted education for new and ongoing residents.

Action	Key Objective Alignment	Timeframe					Cost
		YR1	YR2	YR3	YR4	YR5	
Ensure community education messaging and channels are tailored for the variety of communities in Penrith	5						$$
Proactive approach for buildings/ areas with high turn of residents and new CALD residents	1 & 5						--
Enhance positive re-enforcement messaging campaigns such as citizen profiles and case studies	5						--
Develop a community portal to promote education, survey responses and residents understanding of services	5						$$
Provide learning opportunities for residents in repair and refurbish skills	3 & 5						$$
Provided targeted education to reduce the incorrect disposal of batteries, embedded batteries and other e-wastes into the residual bin	6						$
Focus on bin presentation safety (e.g. reverse presentation, vehicle location)	3						--
Align education with the EPA FOGO requirements informed by the research from the Waste and Resource Recovery Field Team	1 & 5						--
Review the Education operational plan annually to address priority areas and shifts in behaviour	5						--
Leverage regional education initiatives, where applicable and share best practice	3 & 5						--

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Action	Key Objective Alignment	Timeframe					Cost
		YR1	YR2	YR3	YR4	YR5	
activities to improvement regional education outcomes							

4.7 Council practices

Purpose: Council can lead by example, implementing practices and policies that support improved resource recovery in our facilitates and circular economy outcomes for the council as a whole.

Action	Key Objective Alignment	Timeframe					Cost
		YR1	YR2	YR3	YR4	YR5	
Develop a Waste and Resource Recovery Plan for Council	2 & 3						$
Investigate, adopt and report on appropriate circular economy progress metrics and achievements	2 & 3						--
Increase use and reporting of recovered materials through procurement and contractor engagement in council assets and construction activities	2 & 3						--
Continue to improve data accuracy and comprehensiveness to ensure meaningful service delivery improvements	2 & 3						--
Conduct audits of Council Service bins	2 & 3						$$
Investigate opportunities for Council managed cafes and food venues to adopt best practice circular economy practices, e.g. reuseable packaging	2 & 3						$
Council procurement policies to incorporate circular economy principles	2 & 3						--
Support council employees to integrate circular economy practices into their work, for example through training	2 & 3						$
Continue to improve council waste fleet and driver engagement to ensure maintenance of quality services	2 & 3						--

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Action	Key Objective Alignment	Timeframe					Cost
		YR1	YR2	YR3	YR4	YR5	
Investigate and incorporate technologies to improve Council services for example cameras on waste collection vehicles to identify potholes, illegal signage and dumping	2 & 3						$
Continue to provide professional development opportunities in the waste and resource recovery industry	2 & 3						--
Review the feasibility of the Effluent Collection Contract	2 & 5						$$

4.8 Working in partnership

Purpose: Identify strategic actions that will continue Penrith City Council's role as an active partner in the delivery of regional resource recovery outcomes.

Action	Key Objective Alignment	Timeframe					Cost
		YR1	YR2	YR3	YR4	YR5	
Strengthen internal Council cooperation between departments	3						--
Continue to actively participate in the Sydney Parkland Councils regional group to promote strategic alignment on targets and objectives for waste management and resource recovery	1 & 3						--
Identify strategic partnerships with state government and not for profits to enhance Penrith's capability to deliver best practice waste management, resource recovery and circular economy outcomes	1 & 3						--
Continuously develop the network and offer opportunities for others to benefit	3						--

Action	Key Objective Alignment	Timeframe					Cost
		YR1	YR2	YR3	YR4	YR5	
from Councils leadership and experience							

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4.9 Advocacy

Purpose: Identify strategic actions that will support Penrith City Council's role as a leader committed to the advancement of the circular economy as a collective community, city and state.

Action	Key Objective Alignment	Timeframe					Cost
		YR1	YR2	YR3	YR4	YR5	
Develop a Waste Charter (i.e. Code of Practice) to outline residential and commercial expectations for use of waste services to increase engagement	1, 2 & 3						--
Establish a waste infrastructure / asset register for the LGA	2 & 3						$
Improve the efficiency of Council's Waste and Resource Recovery Services team through greater cross council collaboration	3						--
Nomenclature and terminology is consistent across all of Council waste functions and promoted to Council teams and practices, and to community	3						--
Provide consistent and quality customer service performance to support resident engagement and promote waste and resource recovery initiatives	3						--
Increase internal promotion and education of the Waste and Resource Recovery team operations	3						--
Advocate for advanced processing technologies (e.g. EfW, transfer stations, textiles processing) with state government	1, 3 & 6						--
Advocacy for national and state policies which support reduction of waste generation	1 & 3						--

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Appendix A Circular Economy, Waste and Resource Conservation

Over the last ten years there has been a significant shift in the way waste is managed. In 1996 Australia generated 22 MT of waste and recycled 7% of it. In 2019 Australia generated 56 MT of waste and recycled 58% of it. That massive growth in generation was met by an equally impressive growth in recycling. In 1996 Australia landfilled 22 MT of waste and in 2019 landfilled almost exactly the same amount (21 MT) despite the growth in waste generation.

Australia has been very successful in growing recycling but not nearly as successful in decoupling the link between economic growth and waste generation. Unless we either reduce the generation of waste or accelerate our recycling efforts we will not be able to drive down that 21MT of waste currently going to landfill.

The Circular Economy is a framework that seeks to decouple waste generation from economic growth.

What is a circular economy? The drivers and context for resource management

A circular economy aims to value resources, reduce negative impacts, minimise waste and pollution while considering the full lifecycle of products in design and procurement. There are three foundational principles[18] that guide decision making:

- Design out waste and pollution
- Keep products and materials in use
- Regenerate natural systems

In a circular economy, outputs from one industry may be used as inputs for another, reducing the use of virgin materials. Raw materials are used more efficiently and sustainably, and there is a focus on renewing natural capital.

A circular economy aims to keep resources in the most valuable and useful state for as long as possible. As opposed to a linear economy, the circular economy attempts to minimise waste to landfill by renewing and reusing products after their initial life (Figure 10). It is also different from the recycling economy which often exclusively focuses on the post-consumer life of materials, not the upstream factors such as purchasing and procurement, design and recycled content.

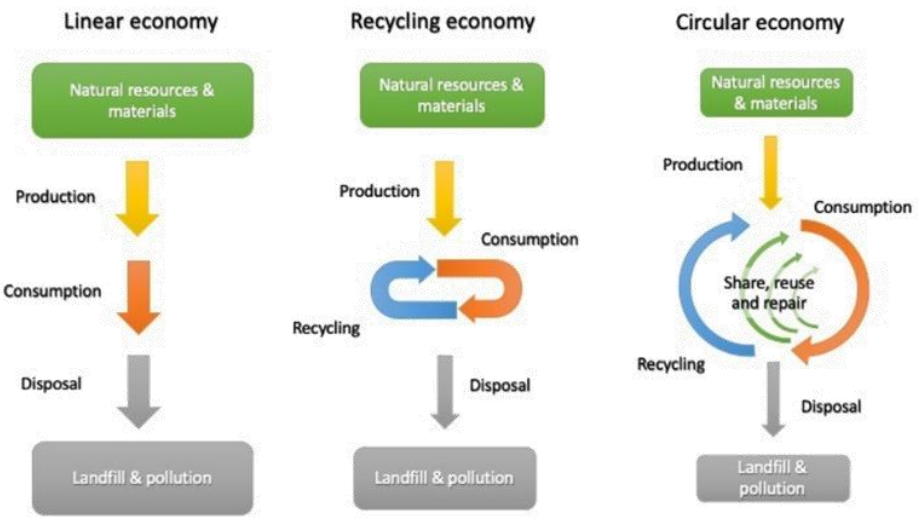


Figure 10 The linear vs circular economy

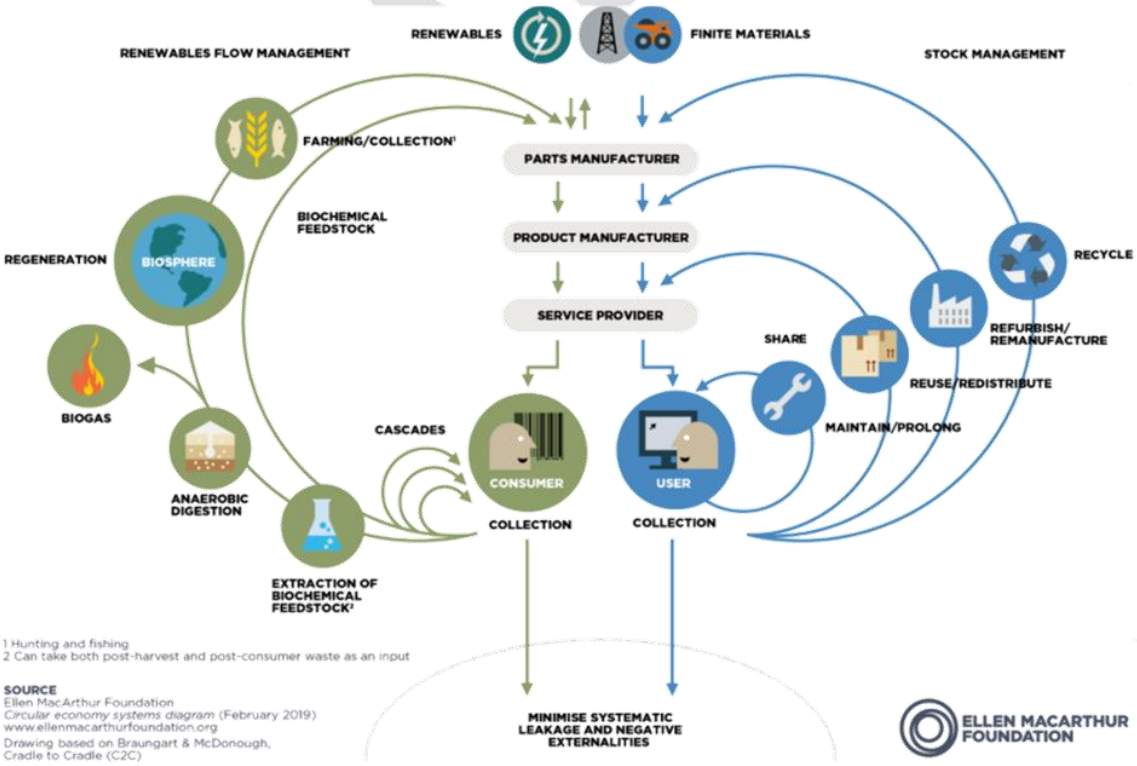


Figure 11 Circular Economy Butterfly Diagram

Today, many recycling processes down-cycle materials (recycled to materials of lower value); after a couple of iterations through the system, they become highly contaminated or depleted and must be disposed of.

While a recycling economy may increase the lifetime of products, a circular economy aims to extend this lifetime indefinitely through clever design building in recoverability. It seeks to find the best use for recovered materials from a realistic perspective, considering social, economic and environmental issues.

It focuses on effectivity through the consideration of full and multiple life cycles (Table 9).

Table 9 Differences between the linear, recycling and circular economy

Element	Linear Economy	Recycling Economy	Circular Economy
Resource pathway	Take- Make- Dispose	Take- Make- Recycle- Dispose	Re-design, Re-think, Reduce- Reuse-recycle
Focus	Efficiency (lowest cost)	Efficiency (lowest cost)	Effectivity (best use – life cycle – triple bottom line)
Lifecycle	Very short term	Short term- one, perhaps two lifecycles	Long term, multiple life cycles
Recovery	Disposal with some down-cycling	Down-cycling	Upcycling, high-grade recycling and best-use recovery
Economic breadth	Post-consumer	Post-consumer	Pre-manufacturing, manufacturing, consumer, post-consumer

Circular Economy Cities

Amsterdam, Netherlands

The City of Amsterdam is at the forefront of circular economy implementation and has published its Circular Strategy 2020-2025[19]. This strategy sets out the ways that Amsterdam is seeking to see the local economy from a new perspective and shifts the focus on how locals produce, process and consume. The city aims to both significantly reduce its environmental footprint, and make Amsterdam thrive. Two main goals are to halve the use of primary raw materials by 2030 and become 100% circular by the year

2050.

The strategy uses Kate Raworth's the economic model of an economy that meets the needs of humans while living within the boundaries of the planet, also known as Donut Economics. This model describes how societies and businesses can contribute to economic development while still respecting the limits of the planet and society.

To achieve its goals, Amsterdam focuses on three value chains with related ambitions:

Food and organic waste streams

- Ambition 1: Short food chains provide a robust sustainable food system
- Ambition 2: Healthy and sustainable food for the people of Amsterdam
- Ambition 3: High-quality processing of organic waste streams

Consumer goods

- Ambition 1: The City sets the right example by reducing its consumption
- Ambition 2: Using what we have more sparingly
- Ambition 3: Amsterdam makes the most of discarded products

Built environment

- Ambition 1: The transition to circular development requires a joint effort
- Ambition 2: The City sets the right example by formulating circular criteria
- Ambition 3: A circular approach to the existing city

One major instrument for accountability is the development of a monitor to assess the ecological and social impact of the transition. With this it can be seen how much Amsterdam´s economy became circular and in which areas more action is needed.

A practical example of delivering on the circular economy is seen in how Amsterdam city is encouraging its residents to expand sharing platforms through supporting a Sharing Economy Action Plan initiative. This plan was first developed by the 2014-18 city board and new 2020-25 strategy intends to reduce the use of raw materials, aiming to halve new raw material streams by 2030 and achieve full circularity by 2050. This initiative is funded by the relevant city departments from existing budgets

The initiative seeks to support various innovations to increase the sharing in public and private platforms, including sharing household items, space, modes of transport and food. This system has led to new pop-up businesses, the utilisation of underused public and private assets and forming connectivity between residents and visitors. Furthermore, the framework addresses lower civic participation amongst elderly and low-income groups by strengthening community networks and providing services for people that need help.

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Toronto, Canada

The City of Toronto has formed a Circular Economy Procurement Implementation Plan and Framework[20] with the objective of economic growth, social prosperity, and the move towards zero waste. This framework aims to develop an evidence-based circular procurement policy in order to minimise raw materials, maximise the useful life of materials and products through resource recovery and minimize the waste generated at the end-of-life products and packaging. This project has been allocated $1.8 million CAD to the Unit for Research Innovation and a Circular Economy over three years to cover the costs of various projects and initiatives.

The framework for this plan defines its core indicators for progress as economic (i.e. waste reduction savings), environmental (i.e. percentage of waste diverted) and social (i.e. number of jobs created, and staff trained). This plan will be implemented through the piloting projects that close material and service supplier loops, increasing awareness of the CE framework within the city contractors and through market engagement. Furthermore, future CE procurements and Key Performance Indicators can be explored based on the success of the pilot projects, positioning this city as a leader through the development of evidence-based CE procurement policies. The final recommendation for this CE implementation plan is expected to be seen in June 2021.

Peterborough, United Kingdom

The City of Peterborough in the UK has created the Circular Peterborough Commitment[21], in conjunction with a number of stakeholders within the city. This collaborative approach has led to the creation of its Circular City Roadmap[22] with the objective of reaching full circularity by 2050. This program focuses on integrating circular economy to drive economic growth, increase local businesses, connect communities and reduce overall environmental impact, currently focussing on tracking key progress against goals to demonstrate the benefits and build momentum in the program. Peterborough was awarded a GBP 3 million grant from Innovate UK in 2012, where a portion of the money assisted the Circular Peterborough programme to emerge as an initiative, although investigation of further funding is required and ongoing.

They have developed a three-pillared measurement framework based on the 7 Rs: rethink, redesign, repurpose/reuse, repair, remanufacture, recycle, and recover. The components of this framework include both qualitative and quantitative measurements. The quantitative measurements focus on economic growth, greenhouse gas and waste reduction, business awareness and recycling rates. Additionally, the qualitative factors include a CE maturity model as a qualitative circularity tracker for businesses, a selection of key performance indicators and tracking of material flows.

The roadmap applies a two-stage approach. In stage one the city works with local

businesses to co-create a model that can measure business' progress to become more circular. The second step involves scaling up this successful model to incorporate a citizen-focused stage, enabling the measurement of circularity at a city-wide level. Currently, over 70 organisations have signed the Circular Peterborough commitment and over 300 users are signed up to the Share Peterborough platform, a service share assist in the diversion of useful products from landfill.

Glasgow, Scotland

Circular Glasgow[23] is a business movement as a part of an initiative from Glasgow Chamber of Commerce, working in collaboration with key partners, Zero Waste Scotland and Glasgow City Council to reach a carbon neutral goal by 2030. Circular Glasgow outlines the circular economy vision and practical steps for the for implementation of the city and business community. In 2018, the Glasgow City Council announced it would lead the development of a CE roadmap, aiming to support economic development, resource recovery and reuse. Circular Glasgow is funded through a proportion of Zero Waste Scotland grants, currently holding GBP 73 million from the Scottish Government and the European Regional Development Fund.

Three key areas were identified for initial material flow due to their economic significance in Glasgow, including healthcare, education and manufacturing, representing almost 30% of their workforce. The food and beverage industry, a sub-sector of manufacturing, was selected as a starting point for implementation of circular strategies, with several projects involving local businesses underway. Since the launch of Circular Glasgow, over 650 businesses have been engaged in the initiative, with approximately 21,000 associated jobs currently connected to CE activities.

Conclusion

These four cities can be models for the implementation of Circular Economy at a metropolitan level. Common themes seen within these cities include the timeline of full circularity by 2050, initiatives aiming to target businesses with innovative ideas and the implementation of pilot projects to provide evidence-based justification of such initiatives. Although boosting the economy of cities through local business initiatives is important, providing services accessible to a range of people, including elderly, transient, and low-income workers, is vital to ensure the success of circular economy within the city.

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Appendix B Policy and Regulation

Legislation/ Policy	Short Description/ Relevance to Penrith City Council
Australian Government (Cwth)	
National Waste Policy and Action Plan	The National Waste Policy (NWP) released by the Australian Government in 2018, encourages a shift away from a linear economy, i.e., 'take, make, use, dispose' behaviours, to a circular economy where the value of resources is maintained for as long as possible. The NWP provides five principles and fourteen strategies to underpin and guide waste management, recycling and resource recovery in a circular economy. The Australian Government subsequently published the *National Waste Policy Action Plan 2024*, which sets targets and actions to deliver the principles and strategies of the NWP. The targets and actions detailed in the National Action Plan include the following: • Ban the export of waste plastic, paper, glass and tyres, commencing in January 2021; • Reduce total waste generated in Australia by 10% per person by 2030; • 80% average recovery rate from all waste streams by 2030; • Significantly increase the use of recycled content by governments and industry; • Phase out problematic and unnecessary plastics by 2025; • Halve the amount of organic waste sent to landfill by 2030; and • Make comprehensive, economy-wide and timely data publicly available to support better consumer, investment and policy decisions.
Recycling and Waste Reduction Act 2020 (Cth) – Waste Export Ban	The Australian Government announced in November 2019 that Australia will ban the export of waste plastic, paper, glass and tyres, that have not been processed into value added materials. The ban was legislated under the *Recycling and Waste Reduction Act 2020* (Cth) ('Act'), assented on 15 December 2020. The bans are staged as follows: • All waste glass by January 2021; • Mixed waste plastics by July 2021; • Whole tyres including baled tyres by December 2021; • Single resin/ polymer plastics by July 2022; and • Remaining waste products, including mixed paper and

Legislation/ Policy	Short Description/ Relevance to Penrith City Council
	cardboard, by no later than 30 June 2024. ***Purpose*** The intention of regulating the export of waste material is to stop the export of untreated and unprocessed waste which is likely to have a negative impact on the environment or human health in the receiving country. This will maximise the ability of Australia's waste management and recycling sector to collect, recover, recycle, reuse, remanufacture and concert waste into new products.[24] ***Recycling and Waste Reduction Rules*** Under Chapter 2 of the *Recycling and Waste Reduction Act 2020* (Cth), the export of 'regulated waste material' is prohibited unless the prescribed export conditions are met, or an exemption is granted by the Minister. Only waste material that has been processed to an acceptable level, as specified in the rules, will be allowed to be exported. Each type of regulated waste material (waste glass, mixed waste plastics, whole tyres, single resin/polymer plastics, and remaining waste products (mixed paper and carboard)) will have its own legislated rules under the Act. The rules will define the waste materials in more depth and specify the process for applying, granting, renewing and suspending/revoking export licences, notification processes and exemptions to each ban. The Minister for Environment will prescribe the rules before the commencement of each staged ban. The *Recycling and Waste Reduction (Export – Waste Glass) Rules 2020* were gazetted 16 December 2020, around two weeks before the ban came into effect. It is anticipated the mixed waste plastics rules will be gazetted by mid-June 2021 and single resin/polymer plastics by mid-June 2022. By 1 July 2024, all rules will be in place.[25] The waste export bans have the potential to impact on the cost of recycling in the short term, likely in the form of increased onshore processing costs to meet the requirements for export.
Recycling and Waste Reduction Act 2020 – Product Stewardship	Chapter 3 of the *Recycling and Waste Reduction Act 2020* (Cth) ('Act') was put in force to supersede the *Product Stewardship Act 2011*. The Act provides a framework for voluntary, co-regulatory and mandatory product stewardship in Australia. Product stewardship involves shared responsibility for improving the

Legislation/ Policy	Short Description/ Relevance to Penrith City Council
	environment, health and safety footprint of manufactured goods and materials (and other) things across the lifecycle of the product. The Act encourages a circular economy for waste in Australia by enhancing voluntary product stewardship, supporting businesses to realise the full value of recycling materials and to work towards more sustainable reuse. Accreditation of voluntary product stewardship schemes can help Australian consumers make better choices when purchasing and disposing of products, and to have confidence that the products they are choosing meet government accreditation requirements[26].
Emissions Reduction Fund (ERF)	The Commonwealth Government purchases lowest cost abatement (in the form of Australian Carbon Credit Units (ACCUs)) from a wide range of sources through the $2.5 billion Emissions Reduction Fund (ERF). Approved methods to obtain ACCUs for the waste and recycling sectors include: • Landfill gas capture and destruction; • Alternative Waste Treatment (AWT)[27]; and • Source separated organics.
Australia's Circular Economy Framework	In 2024, under the Department of Climate Change, Energy, the Environment and Water, The National Circular Economy Framework was accepted as the blueprint for Australia's Circular economy transition. The framework provides clear guidance, priorities and examples for businesses to achieve Circular Economy goals. For policy makers, the framework provides visions, pathways and support towards alignment of regulations, and consistent, impactful outcomes. The framework provides a set of ambitious targets including • Double Australia's circularity by 2035; • Shrink Australia's per capita material footprint by 10%; • Lift Australia's material productivity by 30%; and • Safely recover 80% of our resources.
New South Wales	
Protection of the Environment Operations	Regulation of pollution control, waste disposal and waste management and licensing requirements in NSW. Waste is

Legislation/ Policy	Short Description/ Relevance to Penrith City Council
(POEO) Act 1997	categorised into MSW, C&I and C&D waste. There are no council-operated waste facilities operating under an environment protection licence (EPL).
***NSW Waste Avoidance and Resource Recovery Act 2001* (WARR Act)**	The WARR Act is the primary Act governing resource recovery in NSW. The objectives of the WARR Act are to promote: • The most efficient use of resources, including resource recovery and waste avoidance; • A reduction in environmental harm, including pollution through waste; • A consideration of the resource management hierarchy through avoidance of unnecessary resource consumption and disposal; and • Resource recovery, which includes reuse, reprocessing, recycling and energy recovery. The WARR Act defines the Waste Hierarchy, which ranks waste management options in order of general environmental desirability. The waste hierarchy is intended for use alongside other assessment tools, such as cost benefit analysis, to guide decision-making.
NSW Waste and Sustainable Materials Strategy 2041	The NSW Waste Avoidance and Resource Recovery Strategy sets out targets over a 20-year period to transition NSW into a circular economy. The key reforms to achieve this transition are: • Phasing out problematic single-use plastic items • Financial incentives for manufacturers and producers to design out problematic plastics • Having government agencies prefer recycled content • Mandating the separation of food and garden organics for households and selected businesses • Incentivising biogas generation from waste materials The targets are to: • Reduce total waste generated by 10% per person by 2030 • Have an 80% average recovery rate from all waste streams by 2030 • Significantly increase the use of recycled content by governments and industry • Phase out problematic and unnecessary plastics by 2025 • Halve the amount of organic waste sent to landfill by 2030.

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Legislation/ Policy	Short Description/ Relevance to Penrith City Council
NSW EPA – Waste Delivery Plan – Program Development Timeline	The EPA released a Waste Delivery Plan which outlines their strategic waste priorities in line with the Materials Strategy and Plastics Action Plan. Council has aligned its Strategy with the following key initiatives under the Delivery Plan: • Item 1: Diverting organics from landfill • Item 3: Building waste sector resilience to climate change • Item 5: Leveraging government purchasing power to stimulate a local circular economy • Item 7: Building on our success: Business recycling • Item 8: Strategic infrastructure planning and investment • Item 10: Litter prevention • Item 11: Preventing illegal dumping and strengthening the way we regulate waste crime • Item 16: Local government waste and resource recovery
NSW Landfill Levy	The Waste Levy applies to the regulated area of NSW, of which Penrith City Council is included. Landfills in regulated areas are required to pay a contribution for each tonne of waste received at the facility. The aim of the levy is to drive a reduction in the amount of waste being landfilled and promote recycling and resource recovery. Landfilled waste carries a State Levy, which increases by CPI each year. The The 2025-26 levy is $174.20 per tonne. Under current regulations, the levy will increase every year in line with the Consumer Price Index (CPI).
NSW Waste from Energy Policy Statement 2015 (under review)	The Energy from Waste Policy Statement outlines the policy framework that applies to facilities that thermally treat waste for energy recovery in NSW. Facilities seeking to recover energy by thermally treating waste or waste-derived materials must ensure the process: • Poses minimal risk to human health and the environment; • Is not prioritised over waste management options higher up on the waste hierarchy, i.e. avoid, reuse or recycling options; and • Meets international best practice techniques. Energy from Waste
Local Government Act 1993	Defines how Councils may exercise their powers and the manner in which Councils are managed and financed. With respect to waste management, Councils may make an annual charge for the

Legislation/ Policy	Short Description/ Relevance to Penrith City Council
	provision of waste management services. Councils must make and levy an annual charge for the provision of domestic waste management services (s. 496). Council charges for domestic waste management must be calculated so as to not exceed the reasonable cost to the council of providing those services.
NSW Circular Economy Policy Statement: Too Good to Waste 2019	• The NSW Circular Economy Policy Statement was developed by the NSW Government to provide clear directions and principles to direct the NSW economy transition to a circular economy. The NSW Circular Economy Policy Statement lists seven key principles to lead the transition towards a circular economy in NSW: • Sustainable management of all resources; • Valuing resource productivity; • Design out waste and pollution; • Maintain the value of products and materials; • Innovate new solutions for resource efficiency; • Create new circular economy jobs; and • Foster behaviour change through education and engagement. • The Circular Economy Policy Statement provides a framework for Penrith City Council to review and transition operations to meet circular economy goals.
NSW Illegal Dumping Strategy 2017-21 and NSW Litter Prevention Strategy 2019-2022	The NSW Illegal Dumping Strategy 2017-21 provides a framework for the NSW EPA and partner organisations (including local councils) to reduce illegal dumping in NSW by 30% by 2020. The NSW EPA updated the Illegal Dumping Strategy action table to provide a revised set of actions to achieve the set targets in the last two years of the Strategy (2020-21). The NSW Litter Prevention Strategy 2019-2022 has been developed with the key objective to reduce the volume of litter by 40% by 2020.
NSW Plastics Action Plan (2021) and Plastic Reduction and Circular Economy Act (PRCE) 2021	The NSW Plastics Action Plan supports the targets within the WaSM Strategy and outlines a suite of actions to address plastics at all points of the plastics lifecycle, from production and consumption to disposal and recycling. The four long-term outcomes set out in the plan aim to: • Reduce plastic waste generation • Make the most of our plastic resources • Reduce plastic leakage

Legislation/ Policy	Short Description/ Relevance to Penrith City Council
	• Improve our understanding of the future of plastics The PRCE Act gives government the ability to phase out certain problematic single-use plastic items and set a design standard to prevent the supply of microbeads in some rinse off personal care products. To date the following items have been banned; light weight single use plastic bags with handles (35 microns or less), plastic straws, stirrers, cutlery, plates, bowls, cotton buds, EPS food service ware, certain rinse of personal care products with microbeads.
NSW Protection of the Environment Legislation Amendment (FOGO Recycling) Act 2025 ('FOGO Mandate')	The FOGO Mandate provides that all councils in NSW must provide a Food Organics and Garden Organics (FOGO) collection service by 2030. Additionally, businesses and institutions generating food waste are required to implement food waste collection services, with staged rollouts starting in 2026. The Act aims to reduce food waste and divert it from landfill, contributing to the creation of circular economy products. It is projected to divert up to 950,000 tonnes of FOGO waste annually. The Act also emphasises the importance of source-separated collection to ensure the effective recycling of FOGO. Councils are encouraged to educate residents and businesses on proper waste segregation to maximise the benefits of the FOGO program. Penrith Council was the first Council to implement a FOGO service and therefore is ahead in meeting it's obligations under the mandate. However rollout to multi-unit dwellings and opportunities to support businesses will be undertaken by Council.
NSW Product Lifecycle Responsibility Act 2025	The Act establishes a framework for product stewardship, requiring brand owners of certain products to take responsibility for their lifecycle, including disposal and recycling. The Act aims to reduce waste, promote sustainable practices, and support the development of a circular economy. It includes provisions for setting product stewardship targets, record-keeping requirements and penalties for non-compliance. For Penrith Council, this legislation may necessitate collaboration with local businesses and waste management services to ensure compliance with stewardship schemes. Council could also play a role in educating the community about sustainable disposal

Legislation/ Policy	Short Description/ Relevance to Penrith City Council
	practices and supporting infrastructure for recycling programs.
Penrith City Council	
MacArthur Strategy Waste Alliance (MSWA) Regional Waste Strategy 2023 - 2027	The MSWA Strategy promotes the vision to be "*a collaborative regional that promotes waste as a resource and leads in the way in educating the community on waste avoidance to achieve sustainable outcomes*". The Strategy aligns with the State strategy targets. The Strategy has five strategic themes, under which a number of objectives and actions are provided to progress towards the targets: • Strategic Collaboration • Protect the environment • Recover resources • Reduce or reuse • Planning for the future The above strategy themes are present throughout Penrith City Council's existing environmental policies and Waste and Resource Recovery Strategy.
Waste and Resource Recovery Strategy (2017-2026)	The Waste and Resource Recovery Strategy outlines the targets, objectives and strategic outcomes waste management in Penrith City Council. It explores opportunities for Council to continue to increase diversion and provides a summary of regional waste facilities and current waste and resource recovery services. Targets set in the Strategy include: • Reduce waste generation to 7.5kg/capita/week by 2021; • Achieve 70% diversion of waste from landfill by 2021; • Provide solutions for household problem waste by 2021; • Reduce incidence of litter and illegal dumping; and • Participate in regional contracts and services where appropriate. The Strategy aims to be consistent with the Regional WARR Strategy and Penrith's Community Strategic Plan.
Penrith Local Environmental Plan 2010	The Penrith Local Environment Plan sets out the overarching environmental requirements for the LGA including land zoning and therefore the subsequent waste management requirements for development within these zones. The LEP guides decisions and manages the way land is used within the LGA. Through

Legislation/ Policy	Short Description/ Relevance to Penrith City Council
	zoning/planning controls, the LEP reserves land for open space, schools, transport, public purposes to guide development and protect the environment. Planning priority 19 outlines the goal to create an energy, water and waste efficient city.
Penrith Local Strategic Planning Statement 2020 (LSPS)	The Penrith LSPS 'Planning for a Brighter Future' provides a bridging point to ensure that regional and district priorities are placed within a clear local context and tailored to the unique economic, social and environmental characteristics of Penrith LGA by developing a 20-year vision. The vision identifies future direction for planning to meet the community changing needs over the next 20 years encompassing strategic land use, transport and environmental planning.
Business Plan for Civic and Commercial Waste Operations	The Business Plan builds upon the Penrith City Council Waste Strategy and Penrith City Council's Waste and Resource Collection contract. It identifies opportunities to work with commercial and business enterprises within the LGA, by using existing infrastructure to improve recycling and resource recovery for these enterprises.
Sustainability Strategy 2015-21	The Sustainability Strategy 2015-21 defines sustainability as the integration and balance of environmental, social, economic and sustainability considerations within Council's policies, planning, decision making and operational processes that addresses both short-term priorities and longer-term needs. Building on the Council's previous sustainability actions, the Strategy outlines the Council's focuses and related actions to drive sustainability These focuses include: • Advancing the Liveability of the City • Leadership • Business Innovation and Resource Efficiency • Supporting Sustainable Practice. The Strategy is planned for review in 2020, and with results of the review being fed into the planning processes leading up to the development of the 2021-25 Delivery Program. Waste, Resource Recovery and Circular Economy actions will substantially contribute to Council's sustainability goals, and to the overall sustainability of the Penrith community.
Penrith	The Penrith Progression Plan is an initiative of Penrith City Council and

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Legislation/ Policy	Short Description/ Relevance to Penrith City Council
Progression: A plan for action	the Penrith Business Alliance, to transform the City Centre, deliver jobs, create new dwellings and services to accommodate the growing population of Penrith. There are five outcomes of the Plan: • The Economy • Green Spaces • Social and Cultural spaces and activities • The Built Environment • Transport The Plan details 100 actions that would be taken to achieve these outcomes. Examples of these include: • Delivering mixed used public spaces that engage both local residents and visitors– the Central Park Village: City Centre and the Community, Culture and Civic Precinct. • Supporting the aging population with a quieter housing option than the City Centre. • Establishing a Commerce and Education Precinct. These actions would be achieved through technologies and expertise that allow for a greener, sustainable landscape. Waste management practices and policies can contribute to improved civic amenity and can ensure clean and sustainable mixed use public spaces.

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Appendix C Resource Recovery and Waste Management Facilities

Resource Recovery Centres and Waste Management Facilities Western Sydney

Facility	Address
Cleanaway Erskine Park Landfill	85 Quarry Rd, Erskine Park
Penrith Landfill Depot	842 Mulgoa Rd, Mulgoa
Kemps Creek Resource Recovery Park	1725 Elizabeth Dr, Kemps Creek
Eastern Creek Waste Management Centre	Wallgrove Rd, Eastern Creek
Cleanaway Eastern Creek Solids Waste Services	1A Raffles Glade, Eastern Creek
Cleanaway St Marys Liquid Waste Services	40 Christie St, St Marys
Cleanaway St Marys Technical Services	42-46 Charles St, St Marys
Blaxland Waste Management Facility	28-30 Attunga Rd, Blaxland
Wanless Waste Management	120 Kurrajong Ave, Mount Druitt
Cleanaway Erskine Park Transfer Station	87 Quarry Rd, Erskine Park
Macleans Waste Management	38-40 Sommerville Cct, Emu Plains
Katoomba Resource Recovery and Waste Management Facility	49 Woodlands Rd, Katoomba
Wetherill Resource Recovery Facility	20 Davis Rd, Wetherill Park
Cobra Waste Skip Bins & Recycling Centre - Servicing all of Western Sydney	30-32 Bent St, St Marys
Sydney recycling park	16-23 Clifton Ave, Kemps Creek
Bingo recycling centre	25 Dunheved Circuit, St Marys
Bingo industries recycling ecology park (& landfill)	Honeycomb Drive, Eastern Creek
Bingo recycling centre	165 Woodpark Rd, Smithfield
Benedict recycling	33-39 Riverside Road, Chipping Norton

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Benedict recycling	52 Anderson Rd, Smeaton Grange
Bingo recycling centre	8 Heald Rd, Ingleburn
Bingo recycling centre	3-5 Duck St, Auburn
Eco resource recovery PTY LTD- ECORR	155A Newton Road, Wetherill Park

Community Recycling Centres and Charitable Recyclers Outlets

Facility	Address
Penrith Community Recycling Centre	96 Dunheved Circuit, St Marys
Penrith Community Hub-Vinnies	7/308 High Street, Penrith
Hawkesbury Community Recycling Centre	1 The Driftway, South Windsor
Eastern Creek Public Drop-Off	Wallgrove Rd, Eastern Creek
Save the Children Op Shop Penrith	82 Station St, Penrith
Cancer Wellness Support Penrith Op Shop	211 High St, Penrith
Lifeline	28 Cox Ave, Kingswood
Lifeline	203 Queen St, St Marys
Salvation Army	499-505 High St, Penrith
Second Chance Toys	42-46 Camden Street, Penrith
Australian Red Cross Penrith	2/442 High St, Penrith
Anglicare Op Shop	396 High St, corner Woodriff St, Penrith
Vinnies	2/120-124 Batt St, Jamisontown
Vinnies	74 Cox Ave, Kingswood
Penrith Community Kitchen	100 Station St, Penrith
Westcare Community Services	114-116 Henry St, Penrith
Salvos St Marys	2/504 Great Western Hwy, St Marys

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Appendix D Future infrastructure and service needs

The NSW Waste and Circular Infrastructure Plan (Chapter 1) was released in May 2025[24]. The plan identifies that without intervention, Council waste collection and disposal services could be severely impacted by 2030, due to Greater Sydney running out of landfill space. Failure to address this would drive up the cost of kerbside collection, and lead to costs for residents and businesses increasing by around 20%[25]. Future chapters are expected to be released in late 2025, and will focus on enhancing recycling infrastructure.

As a supplement to the NSW Waste and Sustainable Materials Strategy 2041, the NSW Government released the NSW Waste and Sustainable Materials Strategy: A guide to future infrastructure needs in June 2021. This guide outlines the future infrastructure required for NSW to meet the emerging needs in the waste infrastructure network.

A high-level summary of the recovery infrastructure needs to service Greater Sydney in 2030 is outlined below.

- MRFs - No new facility needed if pipeline facility commence operation. Some MRF upgrades needed to improve quality of sorted materials.
- Plastics- Some secondary processing facilities needed for pelletizing and flaking of mixed plastics.
- Paper & Cardboard - Few MRFs upgrades required for beneficiation and source separation facilities to improve quality of paper.
- Glass - No new infrastructure requirement if pipeline glass facilities commence operation.
- Organics - Significant few facilities to process FOGO and some facilities to process FO via anaerobic digestion required. New transfer stations and small-scale onsite processing facilities required in regions with high population.
- E-waste - New facilities for separating, sorting, removing contamination, washing, flaking or pelletizing plastics from e-waste required. New facilities also needed for downstream processing of material fractions. Some new facilities required for repair and reuse.
- Tyres - Significant new processing facility required.

[24] Draft NSW Waste and Circular Infrastructure Plan, Chapter 1: Meeting our residual waste and food and garden organic waste needs, May 2025, draft for consultation

[25] https://www.epa.nsw.gov.au/news/epamedia/250514-first-nsw-waste-and-circular-infrastructure-plan-released, viewed 6 June 2025.

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ATTACHMENTS

Date of Meeting:	Monday 25 August 2025
Report Title:	Submission on 2025–2045 Preliminary Draft Master Plan for Western Sydney International Airport
Attachments:	Attachment 1 - Draft Submission - 2025-2045 Preliminary Draft Masterplan for Western Sydney International Airport

Penrith City Council's Submission

2025-2045 Preliminary Draft Masterplan for Western Sydney International Airport

2 September 2025

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i. Abbreviations and Terms Used in Submission

Reference	Abbreviation or Term
2025–2045 Preliminary Draft Master Plan for Western Sydney International Airport	the draft Masterplan
Development Application	DA
Environmental Management Systems	EMS
NSW Department of Planning, Housing and Infrastructure	DPHI
Local Government Area	LGA
Local Environmental Plan	LEP
Penrith Aerotropolis Development Contributions Plan 2023	Penrith Aerotropolis CP
Penrith City Council	Council
Penrith Development Control Plan 2014	Penrith DCP 2014
Penrith Local Environmental Plan 2010	Penrith LEP 2010
Soil and Water Operation Environmental Management Plan	OEMP
Sustainable Development Goals	SDG's
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	SEPP
Transport for NSW	TfNSW
Western Sydney Aerotropolis Precinct Plan	WSAPP
Western Sydney Aerotropolis Development Control Plan	DCP
Western Sydney International	WSI
Western Sydney International Airport	WSIA

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1. Executive Summary

Council thanks Western Sydney International (WSI) for affording us the opportunity to provide feedback on the *Preliminary Draft Western Sydney International Airport Masterplan 2025-2045 for Western Sydney International (Nancy-Bird Walton) Airport* (the draft Masterplan). Council remains committed to working collaboratively with WSI on any further revisions of the draft Masterplan as well as any forthcoming planning or land use matters involving WSIA.

In line with priorities within our recently endorsed *Advocacy Strategy* (February 2025), Council, with our State and Federal counterparts, is focused on the delivery of key projects relating to roads and transport connections to support sustainable growth to achieve the best outcomes for the Penrith community. Penrith's Employment Lands Strategy (October 2021) identifies the Western Sydney Airport and surrounding Aerotropolis precincts as key drivers of future employment, with an estimated 52,000 additional jobs expected within the Penrith LGA by 2056.

Council acknowledges the significant time, effort, and collaboration invested in the preparation of the draft Masterplan and recognises the breadth of its vision in seeking to guide the Airport's development for the next 20 years and beyond.

Whilst the Airport itself is located outside of Penrith Local Government Area (LGA), the Airport's proximity to Penrith City means its impacts – both direct and indirect will be apparent. These include implications for residents, workers and visitors travelling to and from the Airport, adjacent land uses within the broader Western Sydney Aerotropolis and across the LGA, and potential amenity impacts such as noise, traffic, and connectivity. The draft Masterplan also intersects with Council's own strategic planning for employment lands and infrastructure delivery.

The draft Masterplan presents a well-articulated vision, however, further detail is sought on the integration with local plans and strategies, particularly in the context of land use coordination, infrastructure sequencing, and development contributions. Although there is general alignment with the broader Western Sydney Aerotropolis planning framework, key aspects of local implementation including local and state agency coordination remain unclear.

The transport network within the LGA intended to support the Airport upon opening

appears to be insufficiently developed, with key details of critical multimodal connections and service infrastructure including bus, rail and freight lines being absent from the draft Masterplan. In particular, infrastructure priorities including the **Western Sydney Fuel Pipeline** and critical road upgrades including **Luddenham Road Stage 2, Elizabeth Drive** and **The Northern Road** require accelerated delivery to meet growth demands as articulated in Council's Advocacy Strategy. Omission of details on funding to support rapid uses, bus routes, and frequency is also of concern.

This shortfall is likely to result in reactive, piecemeal infrastructure interventions, which could exacerbate congestion across the existing road network, freight lines, and bus services. It is critical that the Penrith LGA has adequate infrastructure to provide a range of transport options to access the Airport. The transport network must provide connectivity and ease of access for residents travelling to and from the Airport and beyond, including both public and active transport facilities. Alternate mechanisms to incentivise and further facilitate alternative transport modes should be investigated and presented in the finalised Masterplan.

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2. Transport network and supporting infrastructure

2.1 Transport planning and supporting infrastructure

- The transport planning intended to support WSIA upon opening and operation appears to be insufficiently developed, posing a risk of increased congestion on a network that is already operating near capacity. The draft Masterplan lacks critical detail on bus, rail and freight services along with active transport connections that are crucial in supporting visitors and workers travelling to and from the airport upon operation.

2.2 Transport network and planned upgrades

- It is noted that the draft Masterplan identifies that a number of roads and intersections will operate poorly upon opening of the Airport, some of which include Badgerys Creek Road, Pitt Street and Elizabeth Drive intersection. Whilst there appears to be some planned upgrades to reduce traffic congestion including the construction of the Eastern Ring Road and upgrades to Pitt Street, these are not scheduled for delivery until 2030, indicating that the available road infrastructure will not be adequate to support the anticipated traffic upon opening.
- The draft Masterplan does not provide a clear timeframe on the construction of the Western Sydney Fuel Pipeline which has been identified as an essential project by Infrastructure NSW in the recently released *Aerotropolis Sector Plan*. Whilst WSI have committed to engaging with TfNSW and the NSW Government for a future fuel pipeline, it is indicated that this won't be feasible until the mid-2030s. A fuel pipeline should be prioritised as a key enabling infrastructure project and align with the opening and operation of WSIA to ensure the impact of fuel trucks on the local road network is minimised.
- There appears to be several transport projects and external road upgrades identified in the draft Masterplan that are required for successful operation and flow of traffic, but are without a funding source, business plan or timeframe for delivery. Considering that the timeframe for planning and funding typically takes

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significant time, these projects should be fast tracked.

- This includes upgrades to Stage 2 of Luddenham Road which has no funding source allocated and is identified for a business case by 2040, along with upgrades to Elizabeth Drive. Council considers this poor planning and is unacceptable in terms of timing and the uncertainty of delivery. Council's Advocacy Strategy identifies the Luddenham Road and Elizabeth Drive upgrades as key infrastructure projects to support growth surrounding the WSIA as well as improving safety and reducing traffic congestion. The Northern Road has also been identified for widening to three lanes in each direction, however, has no planned timeline, funding source, or detail should these roads be overwhelmed by the Airport's traffic. Considering the timeframe for planning and identifying a funding source typically takes a considerable amount of time, these projects should be fast tracked.

- Council has consistently advocated, as outlined in our *Advocacy Strategy 2025*, for the full length north–south rail, extending the Metro from Bradfield to Macarthur in the south via Oran Park, and from St Marys to Tallawong in the north, with further network options to be investigated, including a link to Leppington. This was the flagship commitment of the *Western Sydney City Deal* - a 20-year agreement between national, state and local governments to unlock opportunities in education, business and employment for Western Sydney – and is the number one advocacy priority of *The Parks* (the alliance of Western Sydney local governments party to the City Deal). However, the draft Masterplan only identifies the southern extension as a key priority. Table D.11 indicates that delivery of the northern extension is not expected before 2040, as it is deemed unfeasible by 2030. As a result, there remains no efficient public transport connection between WSIA and Nort West Sydney.

2.3 Ground transport

- It is recommended that the timeframe for the action "Investigate and implement measures to increase the number of passengers and staff using sustainable transport modes (public transport and active transport) to and

from WSIA" be revised to 2026–2031. In addition, any Sustainable or Green Travel Plans and associated measures should be subject to regular review — for example, at 3-, 6- and 12-months post-implementation, and annually thereafter — to ensure they are effectively supporting mode shift targets. Actions should be adjusted as needed based on monitoring outcomes to ensure these targets are met.

2.4 Traffic modelling

- The draft Masterplan references traffic modelling within Chapter D however there does not appear to be any traffic modelling technical reports attached to the draft Masterplan to ensure an evidence-based approach.
- It is unclear whether temporary road construction impacts — such as lane closures, traffic delays, or increased construction vehicle movements have been considered in addition to projected airport operational traffic.

2.5 Public transport services

- The draft Masterplan includes detail of future Metro and Rail corridors, however it is incomplete in providing sufficient detail on the operation of public transport services including bus and rail. These services should be available and adequate upon the opening of WSIA to ensure that sustainable travel targets are achieved, allowing workers and visitors suitable travel options to and from the Airport. Bus connections are crucial in providing transport access to travelers and workers in line with Council's strategic direction within Penrith Local Strategic Planning Statement (LSPS) which emphasises the importance of a 30-minute city and Penrith's Advocacy Strategy 2025 which identifies the Western Sydney rapid bus service as a key priority.
- The draft Masterplan appears to indicate a heavy reliance on personal transport modes with projections of 90% of travelers expected to travel to and from the Airport by car, taxi service or rideshare vehicles between 2027-2030. This will place additional pressure on an already congested network. Whilst Council acknowledges that a gradual shift is expected to occur by 2045, with personal

transport modes anticipated to drop to 69%, this pace of change is insufficient to meet broader sustainability and liveability goals, and potentially the Airport's own net zero goals.

- Careful planning, and provision of a bus interchange at the Airport could create a truly multi-modal transport interchange hub between bus, metro, rail, and air modes. Coordinated services will also have broader benefits beyond the Airport's needs, particularly for residents that are not within proximity to the rail line. A coordinated bus interchange at the Airport would improve access for Penrith residents to other destinations such as Campbelltown, Liverpool, and Leppington, including destinations along those routes.

- There are also several rail connections servicing the broader region (outside of Penrith LGA) which have no estimated completion date. Council's Advocacy Strategy 2025 identifies the importance of extending the Sydney Metro rail line to Tallawong in the north and Macarthur in the south to reduce car reliance, and connect Western Sydney residents to key employment hubs, other services and facilities.

2.6 Car parking

- It is recommended that the next revision of the Masterplan provides more detailed information on future car-parking provisions. Careful consideration is needed to ensure that increasing parking supply to meet demand does not undermine the Masterplan's sustainable transport objectives.

- The provision of car-parking capacity of 12,000 spaces reflects the anticipated dominance of personal vehicle use and whilst this may address short-term requirements, it reinforces car dependency and conflicts with long-term sustainability, net-zero, and mode-shift objectives.

- The Masterplan should also detail or stipulate that further design manuals provide bicycle parking and end-of-trip facility requirements to further encourage active transport modes of travel, in line with the Airports SDG's.

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2.7 Freight and Heavy vehicle traffic pressures

- The airport's 24/7 freight operations and projected growth in cargo volumes, from 293,800 tonnes in 2030 to over 1.8 million tonnes annually in the long term will significantly increase heavy vehicle movements, including up to 50 fuel tanker deliveries per day by 2034.
- Key local roads such as Luddenham Road have not been upgraded to accommodate this growth. Without timely investment in freight corridors and supporting infrastructure, there is a high risk of congestion, road safety issues, and negative impacts on surrounding communities.
- It is crucial that delivery of the Western Sydney Fuel Pipeline (currently planning for mid-2030s) and strategic freight planning are expedited as they are essential to mitigate these risks.

2.8 Strategic importance of Freight Infrastructure and Mamre Precinct

- The success of Western Sydney International Airport's freight and logistics operations is intrinsically linked to the development of the Western Sydney Freight Line and the future intermodal terminal at Mamre Precinct, which is not recognised in the draft Masterplan.
- These infrastructure elements are critical enablers of efficient, high-capacity freight movement across Greater Sydney and beyond. The Mamre Precinct, designated as a key industrial and employment zone, offers proximity to the airport and direct access to major road and rail corridors, making it an ideal location for logistics hubs, warehousing, and distribution centres. Its integration with the freight line and intermodal terminal will facilitate seamless modal transfers, reduce reliance on road-based freight, and support 24/7 cargo operations at WSIA. Furthermore, the surrounding industrial lands provide scalable opportunities for freight-related businesses, contributing to job creation and economic growth. Strategic investment and timely delivery of these assets are essential to unlocking the full potential of the airport's cargo precinct and ensuring Western Sydney emerges as a nationally significant

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freight and logistics hub.

- The Western Sydney Freight Line and the proposed intermodal terminal within the Mamre Precinct are critical to unlocking the full potential of WSIA's cargo precinct. WSI in collaboration with the Federal and State government should prioritise funding, land acquisition, and construction timelines to ensure these assets are operational in alignment with airport freight demand growth. This will enable efficient modal interchange, reduce road congestion, and support the region's emergence as a national freight hub.

2.9 Technical resources

- There are a number of outdated technical documents provided in the Appendix including passenger forecasts, strategic models along with transport planning and design guidelines. Noting that the Airport Plan was made almost 10 years ago, these resources are considered to be outdated and should be updated to reflect current technical resources and conditions.
- There are a number of images and figures in low resolution and it is recommended that these are revised to enhance clarity and readability.

Council Position:

- Critical road upgrade projects must be fast-tracked.
- The delivery of the **Western Sydney Fuel Pipeline** must be prioritised.
- Clearer timeframes, funding sources and delivery plans are required.
- The timeframe for mode-shift measures should be revised.
- Reinstate the northern Metro rail extension (Tallawong to St Marys) as a priority project with a delivery timeline brought forward.
- Incorporate active transport links into the revised Masterplan.
- Traffic modelling and sensitivity tests are completed and provided to confirm if future road improvements have assessed construction impacts in addition to airport operational traffic.
- It is recommended that the finalised Masterplan Include further details regarding future bus services to demonstrate that the anticipated patronage can be accommodated and the planned bus facilities and

services will be adequate upon opening.

- It is recommended that a more aggressive strategy is required to reduce car dependency and promote public and active transport alternatives upon opening and operation.
- Additional technical supporting documents are provided to justify car parking provisions including demand management strategies, pricing mechanisms and incentives for public and active transport use.
- Strategic freight planning should be expedited.
- WSA Co. shall commit to a coordinated delivery of freight infrastructure.
- Traffic modelling reports are provided prior to finalisation of the draft Masterplan to allow further assessment of the impacts on traffic.
- Update outdated technical resources.
- Revise low-resolution maps and figures in the revised Masterplan.

3. Employment lands and economic connectivity

3.1 Employment lands

- With approximately 3,900 hectares of employment land within the Penrith LGA boundary, the Aerotropolis offers significant competitive advantages for investment attraction. Council acknowledges the important role the proposed Airport Business Park will play within the broader economic framework of the Aerotropolis and supports its development - provided it complements, rather than competes with, employment areas within the LGA.

- While the draft Masterplan projects up to 8,500 direct jobs at the Airport by 2036, demonstrating a positive contribution to job growth across Greater Sydney, Council has concerns regarding how the scale and mix of uses within the 253-hectare Business Development precinct will affect employment distribution across the region. The proposed early development of 180,000m² of commercial, industrial and retail floor space by 2030 is significant and requires careful consideration of impacts on other centres. Without strategic alignment, this scale of development

could draw investment and jobs away from emerging centres like Bradfield or established areas such as Penrith, undermining broader metropolitan planning objectives including priorities for jobs and service connectivity.

- Council supports the long-term vision of a compact, high-density employment hub serviced by the metro, but seek that the Airport Business Park prioritise attracting industries that benefit directly from proximity to the Airport—such as freight, logistics, advanced manufacturing, aviation, and airport-related services. Tenancies unrelated to airport operations or regional economic specialisation would be better located closer to population centres, where access to the local workforce is easier and transport impacts are lower.

- Given the existing challenges faced by Western Sydney employment centres in competing with the established office markets of Sydney and Parramatta, it is vital that WSIA leverages its unique locational advantages without undermining the growth potential of neighbouring employment precincts.

- The Masterplan would be strengthened by the inclusion of a commercial attraction and land use strategy that outlines how the Airport Business Park will complement, rather than duplicate or displace, development in surrounding employment areas. This should include consideration of leasing arrangements, industry targeting, and planning controls that guide the types of uses that are most appropriate within the precinct.

- Furthermore, the integration of the Airport with the wider Aerotropolis must be supported by transport infrastructure that enables Penrith residents to access jobs both at the Airport and across the broader region. Council emphasises the importance of infrastructure delivery being aligned with employment land development to maximise equitable access to job opportunities and ensure regional economic benefits are realised.

3.2 Diversity and Inclusion (Employment targets)

- It is noted that Table C.4 *Community, and diversity inclusion targets* makes reference to 'local workers'. Council seeks clarification on how WSI defines a local

worker, to help us understand how the projections within the draft Masterplan translate into our strategic planning for the LGA.

3.3 Economic and Social Impacts

- Council acknowledges the importance of the draft Masterplan in shaping the future of Western Sydney but would highlight that some elements of the draft Masterplan appear dated, particularly references to regional planning partnerships and institutional arrangements (e.g. Western Sydney Investment Attraction Office).

- Greater clarity is needed on how WSI is engaging with contemporary organisations and their respective regional strategies, especially in light of evolving governance through the Bradfield Development Authority.

- Few mentions of the Northern Gateway Precinct and its potential to catalyse surrounding development are noted in the draft Masterplan. As a key precinct in the original Aerotropolis vision, and a First Priority area under the WSAPP for Penrith, greater emphasis on Luddenham and adjacent employment precincts is recommended. The Masterplan should address complementary development outside the immediate Airport boundary to maximise regional benefit and ensure land use synergies.

- It is recommended that the St Marys Town Centre is recognised as a driver for 24-hour economic activation, enhancing economic and social benefits through improved connectivity and access to WSIA.

- Council encourages stronger acknowledgement of the role of Erskine Park, Dunheved and Mamre Road as critical employment precincts, and St Marys Town Centre as a key hub for a 24-hour economy, supported by Metro infrastructure. These areas offer opportunities for workforce supply, logistics support, service access, and tourism growth - all crucial to supporting WSIA's operation.

- There are a number of outdated references and language in section C.3.3 of the

draft Masterplan which require review. For example, the Western Sydney Investment Attraction Office existed in 2018, however now sits within the Bradfield Development Authority.

3.4 Land use planning framework

- Council notes that the proposed land uses within the Business Development zone broadly align with the intent of the surrounding Enterprise Zone, with a shared focus on promoting employment-generating activities. However, given the WSIA's strategic location and proximity to major transport infrastructure, Council remains concerned that the scale and nature of development proposed could displace existing jobs, and undermine the employment potential of neighbouring precincts, particularly those in Penrith LGA. Maintaining and increasing jobs in established centres close to housing and local services is critical to supporting both economic vitality and social sustainability. Council therefore supports commercial and retail opportunities that are directly related to, and benefit from, the Airport's operations, while emphasising the need to protect and enhance employment capacity in existing centres and employment lands with similar development aspirations.

- In addition, the draft Masterplan lacks detail on how the Airport's land use strategy will integrate with agricultural activities permitted in the surrounding Agribusiness zone. This represents a missed opportunity to explore synergies between urban and agricultural uses that could support broader economic outcomes.

- Council also highlights the importance of ensuring consistency with the NSW planning framework, including the accurate use of land use terminology. This will be a key focus in our ongoing discussions to minimise the risk of land use conflict with surrounding areas and ensure coordinated regional outcomes.

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Council Position:

- Recommend reinstating focus on the Northern Gateway Precinct as an integral part of the region's growth.
- St Marys Town Centre is recognised as a driver for 24-hour economic activation.
- Mamre Road, Erskine Park and Dunheved Precincts are acknowledged in the Masterplan as critical employment precincts.
- The Masterplan includes a definition of the term 'local worker'.

4. Environmental management and sustainability outcomes

4.1 Water management

- Stormwater generated on-site is to be treated through a system of swales, bioretention basins, pollutant traps, and sensors before being discharged into nearby waterways. The airport is required to implement a Soil and Water Operational Environmental Management Plan (OEMP), which includes erosion and sediment controls and a monitoring program with trigger-action response protocols. Council is generally supportive of this approach.

- While the proposed stormwater management approach is generally supported, it is recommended that in developing local water quality standards, WSI should consider the Wianamatta South Creek catchment-specific waterway health objectives and controls. Future stormwater infrastructure should align with these objectives, as outlined in:

    - The Western Sydney Aerotropolis Development Control Plan 2021 (DCP)
    - The Technical Guidance for Achieving Wianamatta South Creek Stormwater Management Targets (Department of Planning and Environment, 2022).

  These requirements are applied to all surrounding land uses and developments, and it is expected that the airport will be consistent with, and ideally demonstrate leadership in, meeting and exceeding these standards.

4.2 Stormwater management

- The stormwater management system proposed at the WSI Airport appears to ensure that the post development stormwater discharge rate from the airport is the same or less than the pre-development scenario and has minimal impact on the downstream catchment. It is acknowledged that the draft Masterplan incorporates some future works to improve creek bank stability and the ecological health of the waterways to be completed in 2026-2031. The stormwater runoff generated from the WSIA appears to be appropriately managed to mitigate any adverse impacts on catchments within our LGA and Council is therefore supportive of this approach.

4.3 Environmental management

- It is noted that WSA Co has outlined a comprehensive Environmental Management System (EMS) addressing key environmental factors such as air quality, noise, water, and soil. Whilst Council supports this approach, further clarity on how this system is being implemented in practice is required.

- The EMS includes a monitoring and reporting framework for each environmental aspect; however, without clear evidence of effective implementation, enforcement, and transparency, it is difficult to assess whether the system will adequately manage the full range of environmental impacts associated with airport operations. Further clarification and public reporting mechanisms are recommended to ensure accountability and effective mitigation.

4.4 Net-zero emission targets

- While Council strongly supports the Masterplan's stated intention to achieve net-zero emissions, the draft Masterplan and supporting documents lack sufficient detail on the strategies and measures that will be implemented to realise this goal over the life of the plan. Notably, the heavy reliance on private vehicles and ride-share services as the primary modes of transport upon the Airport's opening appears to be at odds with the net-zero objective, potentially undermining the long-term sustainability aspirations outlined in the draft Masterplan.

- In addition, the absence of a confirmed commitment and delivery timeframe for the Western Sydney Fuel Pipeline creates uncertainty about how this objective will be achieved in practice. Clarifying the pipeline's status and delivery timeframe would strengthen confidence in the ability to deliver on this sustainability goal.

- Council seeks further clarity on whether the net-zero emission target is only for the Airport site, and airport operations only or if external emissions, such as those generated by the broader traffic network supporting the Airport will be included.

4.5 Sustainable Development Goals

- Council supports WSI's overall design and approach to sustainability for WSIA.

- The draft Masterplan makes reference to 11 out of 17 of the UN SDG's; however, this could be visually reenforced on page 129.

- It is noted that a 5-year action plan is included within the Environment Strategy. However, this focus appears to be on environmental management and protection and does not address all sustainability actions that would need to be implemented to achieve the sustainability goals (6 pillars) of the Sustainability framework.

- The draft Masterplan references a 'Statement of Commitment' however this statement is omitted with a link provided instead. It is recommended that the Statement of Commitment is embedded within the finalised Masterplan to provide more weight behind its purpose.

4.6 Waste Management

- The draft Masterplan does not recognise that local waste facilities are nearing capacity, and the urgent need for Sydney-wide alternative disposal sites and a long-term waste management strategy. As the landfill crisis is critical, it is imperative that the Masterplan acknowledges that alternative sites for disposal and processing need to be identified, ensuring a sustainable long-term solution and management.

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- The Masterplan could provide more detailed planning on waste management infrastructure, including innovative and efficient collection methods and safety methods. Greater detail is needed on the planning and provision of modern, low-impact waste collection and processing systems. This should include consideration of emerging technologies, waste reduction measures, and on-site reuse or repurposing initiatives such as composting of food waste and biomass, restrictions on single use plastics, provision of water refill stations, and other sustainability focused measures. Infrastructure design should also seek to minimise bin movements, reduce litter, and integrate operational policies that optimise efficiency.

- The items covered within section C.2.7.11 do not include detail regarding the number of waste vehicle movements anticipated to service the airport and their impact on surrounding infrastructure. A long-term maintenance and transport safety plan should be developed for all waste streams, including hazardous materials, to ensure safe and efficient operations.

4.7 Urban Heat

- Section C.2.7.2 Climate resilience references the preparation of a 'Heat island strategy' in 2026. Whilst preparation of a Heat Island strategy is welcomed, it is strongly recommended that this timeframe is expedited. A heat island strategy should be informing the built form and design of the Airport, particularly in relation to expansive hard surface areas which can be shaded, such as car parks.

- Stormwater requirements could also benefit from a heat island strategy where water is kept in the environment longer for evapotranspiration benefits, and an increase in water absorption and infiltration can reduce future stormwater basin requirements.

Council Position:
- WSI clarify how the net-zero emissions target will be achieved given the heavy reliance on private transport modes.
- Further clarity is provided on the proposed scope of the net-zero emission target.

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- It is recommended that the Sustainability Plan incorporates identified sustainability actions that are not already covered by the Environmental Strategy but will be required to achieve the SDG's and future targets.
- WSI consider the Wianamatta South Creek catchment-specific waterway health objectives and controls.
- The revised Masterplan includes further clarity on how the EMS is being implemented in practice.
- A comprehensive long-term waste management plan is required to address ongoing methods of disposal and contributions to the management of disposed waste.
- Include clearer strategies for reducing waste generation, internal waste infrastructure, and waste vehicle movements.
- Establish efficient processes for moving waste from the Airport to central sorting or processing locations.

5. Other matters

5.1 Airport plan

- The draft Masterplan does not detail how submissions received through the Environmental Impact Statement have been considered and reflected within the draft Masterplan, in particular matters surrounding future airport planning and development stages. It is recommended that this is published and provided to ensure transparency in how feedback has been considered and incorporated in the preparation of the draft Masterplan.

5.2 Key Strategic Planning documents

- Section B.1.4 Policy framework of the draft Masterplan fails to include *Penrith Local Environmental Plan 2010* and *Penrith Aerotropolis Development Contributions Plan 2023* as key strategic documents for Penrith LGA. Penrith Aerotropolis CP outlines the provisions of local infrastructure within the precincts immediately north of the WSI Airport site including roads which may be impacted by the Airport's site

configuration.

5.3 Public Engagement

- The draft Masterplan has described a broad community engagement strategy, including exhibition of the draft Masterplan itself for comment, as well as information pop-ups, online and telephone interpreter services. It is recommended that the referenced post-exhibition engagement report is published, to ensure transparency in how any feedback was considered in finalising the Masterplan.

5.4 Infrastructure coordination – Penrith Aerotropolis Development Contributions Plan 2023

- Part A of the draft Masterplan establishes the overarching framework for regional growth, stemming from the Aerotropolis which has a flow-on effect of land-use planning and infrastructure coordination across Penrith and neighbouring council areas. The strategic framework fails to include Penrith Local Environmental Plan 2010 as a key strategic document. It is recommended that this is included to align with the planning documents highlighted for Liverpool City Council.

- It is noted that the draft Masterplan appears to promote a precinct-based infrastructure delivery approach for state and local infrastructure. As the Penrith Aerotropolis CP is based on an infrastructure delivery schedule across the Northern Gateway, Agribusiness and Badgerys Creek precincts, there is a concern that staging of development on the WSIA site could create pressure for Council to expedite infrastructure delivery prior to developer contributions being collected. It is therefore requested that the final Masterplan includes clearer staging and infrastructure delivery timeframes to ensure alignment with Penrith Aerotropolis CP.

5.5 Public Art

- The draft Masterplan describes an 'Art and Place Framework' underpinned by three strategic narratives which include First Nations, All nations and Nancy-Bird Walton. Council supports this framework in principle; however, the Art and Place Framework

lacks sufficient detail, comprising only three sentences within the draft Masterplan. Therefore, it is recommended that WSI engage experienced public art curators to collaborate alongside competitively selected public artist teams to design and develop artworks to be incorporated into the construction of the buildings.

- It is recommended that the WSIA Art and Place Framework is published to allow Council to explore intersections between the framework and our existing cultural strategies and Public Art Policy as there are opportunities for thematic cultural programming across the spaces.

5.6 Administrative matters

- The terminology throughout the draft Masterplan appears inconsistent with a number of outdated references, reducing the overall clarity. Examples include incorrect references to the now NSW Department of Planning, Housing and Infrastructure. These references should be reviewed and amended in future revisions to the Masterplan.

- The Community Aviation Consultation Group referred to at A.4.5.3 should include a cross section of the local community including representation of people with disability and Culturally and Linguistically Diverse (CALD) community, of neighbouring Local Government Areas.

5.7 Airport land use plan

- Council recognises that the Airport Business Park will serve a key role in the economic landscape of the broader Aerotropolis precinct. It is noted that the proposed BD1 Business Development Zone (and eventual BD2 reserved lands) promote high-density commercial development being locationally close to the Metro station and terminal. The proposed land uses are broadly supported, provided a balanced and complementary approach is used to determine the suitability of tenancies on-site vs the broader Aerotropolis precinct.

- It is critical that the WSIA and supporting infrastructure network facilitates job growth and the access to those jobs for Penrith residents, both within the Airport

and beyond into the Aerotropolis to ensure that Penrith's employment lands are not impacted.

- The Airport land use plan does not appear to include provisions to manage interfaces for sensitive land uses on surrounding rural landscapes and agricultural landholdings. The broader interface between aviation logistics zones and local land uses may have impacts on amenity, noise and biodiversity issues unless carefully managed and considered.

- It is noted that the draft Masterplan also provides a long-term vision that the Airport Business Park, serviced by a metro station, can become a compact, walkable, employment centre, with high-rise offerings. This vision is broadly supported if the lease arrangements and tenancies attract businesses that require proximity to the Airport rather than those who would best be located closer to population centres such as Penrith or Bradfield. Given the primacy and maturity of the Sydney and Parramatta office markets there are already significant barriers to attracting office jobs to other Western Sydney centres.

Council Position:

- It is recommended that clearer staging and infrastructure delivery timeframes are provided in the final Masterplan.
- It is requested that formalised coordination mechanisms between Council, key state agencies and WSA Co are formed to ensure infrastructure delivery is aligned.
- It is recommended that the WSIA Art and Place Framework is published.

6. Conclusion

Penrith City Council supports the ongoing development of the Western Sydney International (Nancy-Bird Walton) Airport and acknowledges its role as a catalyst for economic growth, connectivity, and job creation across the Western Sydney region. The Airport presents significant long-term opportunities for Penrith, particularly through its integration within the broader Western Sydney Aerotropolis precinct and overarching strategic initiatives.

However, our review of the draft Masterplan has identified some deficiencies and areas requiring greater clarity and commitment from WSI to ensure that the Airport's development does not result in unintended adverse outcomes for the broader Penrith community, infrastructure, and environment.

In particular, Council urges WSI to:

- Provide greater detail and certainty around public and active transport connections to and from Penrith, including bus and rail links.
- Prioritise enabling infrastructure, including the Western Sydney Fuel Pipeline and critical road upgrades such as Luddenham Road and Elizabeth Drive, to align with the Airport's opening and early operational phases and in conjunction with Penrith's Strategic Planning Framework.
- Ensure that employment and commercial development within the Airport Business Park is complementary to, and not competitive with, surrounding employment precincts, including those within Penrith LGA.
- Strengthen its approach to sustainability and environmental management, with clearer targets and timeframes to achieve net-zero emissions, protect waterway health, and manage waste impacts on local infrastructure.
- Align land use planning on the Airport site with the NSW planning framework, particularly with respect to compatible land uses, integration with adjacent zones, and minimising land use conflicts.

Council strongly encourages WSI to refine the draft Masterplan to better reflect the

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needs of neighbouring LGAs like Penrith and to ensure the delivery of a well-connected, sustainable, and inclusive airport precinct. Council remains committed to working collaboratively with WSI on any further revisions of the Masterplan and welcomes any opportunity to discuss our submission further.

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ATTACHMENTS

Date of Meeting:	Monday 25 August 2025
Report Title:	Works In Kind Agreement - 884-928 Mamre Road, Kemps Creek
Attachments:	Final Draft Works In Kind Agreement

Works in Kind Agreement

FINAL DRAFT

Penrith City Council

ABN 43 794 422 563

Altis Industrial Fund I Pty Ltd (ACN 666 208 760) as trustee of Altis IFI Subtrust 1 (ABN 81 176 535 423)

The Trust Company (Australia) Limited (ACN 000 000 993)

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Agreement

Date **[To be inserted]**

Parties

First party

Name	Penrith City Council (**Council**)
ACN	43 794 422 563
Contact	The General Manager
Telephone	02 4732 7777

Second party

Name	Altis Industrial Fund I Pty Ltd as trustee of Altis IFI Subtrust I (**Developer**)
ACN	666 208 760
Contact	Stephen O'Connor
Telephone	(02) 9233 9560 / 0420 546 491

Third party

Name	The Trust Company (Australia) Ltd (**Landowner**)
ACN	000 000 993
Contact	Stephen O'Connor
Telephone	(02) 9233 9560 / 0420 546 491

Background

A. The Landowner owns the Land.

B. On 18 December 2023, the Consent was granted to carry out the Development on the Land.

C. The Developer has the benefit of the Consent and proposes to carry out the Development.

D. Prior to the issue of a construction certificate the Development Contributions must be paid.

E. The Developer has offered to enter into this Agreement requiring it to carry out the Works. As consideration for the Works, Council will provide a credit against the Development Contributions equivalent to the Contribution Value.

Operative part

1 Definitions

In this agreement, unless the context indicates a contrary intention:

Act means the *Environmental Planning and Assessment Act 1979* (NSW);

Address means a party's address set out in the Notices clause of this agreement;

Approval means any certificate, licence, consent, permit, approval or other requirement of any Authority having jurisdiction in connection with the activities contemplated by this agreement;

Authority means any government, semi-governmental, statutory, administrative, fiscal or judicial body, department, commission, authority, tribunal, public or other person;

Background Report means the Mamre Road Precinct Development Contributions Plan Background Report dated March 2022;

Bank Guarantee means an irrevocable and unconditional undertaking that is not limited in time and does not expire by one of the following trading banks:

(a) Australia and New Zealand Banking Group Limited,

(b) Commonwealth Bank of Australia,

(c) Macquarie Bank,

(d) National Australia Bank,

(e) St George Bank Limited,

(f) Westpac Banking Corporation, or

(g) Other financial institution approved by the Council,

to pay an amount or amounts of money to the Council on demand and containing terms and conditions reasonably acceptable to the Council;

Bond means a documentary performance bond which must be denominated in Australian dollars and be an unconditional undertaking issued by an Australian Prudential Regulation Authority (APRA) regulated authorised deposit taking institution or an insurer authorised by APRA to conduct new or renewal insurance business in Australia that has at all times an investment grade security rating from an industry recognised rating agency;

Business Day means a day on which banks are open for general banking business in Sydney, excluding Saturdays and Sundays;

Certificate of Practical Completion means a certificate issued by the Council to the Developer under cl10.1 of the Construction Terms to the effect that, in the reasonable opinion of the Council, the Works or a specified part of the Works are substantially complete and any incomplete part or Defect is of a minor nature;

Claim means any claim, loss, liability, damage, proceeding, order, judgment or expense arising out of the operation of this agreement;

Consent means State Significant Development Consent SSD-17647189 granted by the Minister for Planning and Public Spaces on 18 December 2023 as modified

Collector Road means that part of the collector roads identified as CR5 and CR2 on Figure 7 of the Background Report that are contained on the Land as identified on the Works Plan.

Construction Certificate means a construction certificate as defined under section 6.4 of the Act;

Construction Terms means the terms set out in Schedule 2;

Contributions Plan means the *Mamre Road Precinct Development Contributions Plan 2022* adopted by Council resolution on 28 March 2022 and which took effect on 4 April 2022.

Contribution Value means the value of the Works as determined in accordance with clause 6.2.

Council Land means Lot 305 in DP1305254, also known as *'Berriwerri Drive'* as identified CR2A on the Works Plan.

CPI means the All Groups Consumer Price Index applicable to Sydney published by the Australian Bureau of Statistics;

Damages means all liabilities, losses, damages, costs and expenses, including legal fees and disbursements and costs of investigation, litigation, settlement, judgment, interest and penalties;

Dealing, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land;

Dedication Land means that part of the Land to be dedicated to Council as required by the Consent and this agreement as identified on the Works Plan.

Defect means anything that adversely affects, or is likely to adversely affect, the appearance, structural integrity, functionality or use or enjoyment of the Works or any part of the Works.

Department means the Department of Planning, Housing and Infrastructure;

Development means the development subject to the Consent;

Development Consent has the meaning given to that term in the Act;

Development Contributions means development contributions required by condition A21 of the Consent.;

GST has the same meaning as in the GST Law;

GST Law has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition of or administration of the GST;

Handover means, with respect to any Works, the point in time at which Council takes possession of and assumes responsibility for the work in accordance with the Construction Terms;

Insolvent means, in relation to a party:

(a) that party makes an arrangement, compromise or composition with, or assignment for, the benefit of its creditors or a class of them;

(b) a receiver, receiver and manager, administrator, provisional liquidator, trustee, controller, inspector or analogous person is appointed in relation to, or over, all or any part of that party's business, assets or securities;

(c) a presumption of insolvency has arisen under legislation because of the party's failure to comply with a statutory demand or analogous process;

(d) an application for the winding up of, or for the appointment of a receiver to, that party, other than winding up for the purpose of solvent reconstruction or re amalgamation, is presented and not withdrawn or dismissed within [21] days (or such longer period agreed to by the parties), or an order is made or an effective resolution is passed for the winding up of, or for the appointment of a receiver to, that party, or any analogous application is made or proceedings initiated;

(e) any shareholder or director of that party convenes a meeting for the purpose of considering or passing any resolution for the winding up or administration of that party;

(f) that is an individual, a creditor's petition or a debtor's petition is presented to the Official Receiver or analogous authority in relation to that party;

(g) an execution or analogous process is levied or enforced against the property of that party;

(h) that party ceases or suspends, or threatens to cease or suspend, the conduct of all or a substantial part of its business;

(i) that party disposes of, or threatens to dispose of, a substantial part of its assets;

(j) that party stops or suspends, or threatens to stop or suspend, payment of all or a class of its debts; or

(k) that party is unable to pay the party's debts as and when they become due and payable.

Land means Lot 53 DP 259135, known as 884-902 Mamre Road, Kemps Creek, and Lot 52 DP 259135, known as 904-928 Mamre Road, Kemps Creek.

Law means:

(a) any law applicable including legislation, ordinances, regulations, by-laws and other subordinate legislation;

(b) any Approval, including any condition or requirement under it; and

(c) any fees and charges payable in connection with the things referred to in paragraphs (a) and (b);

Maintain means works to bring an item to or keep an item in a state of reasonable condition and in accordance with relevant standards applicable at the time of construction of the item, including repairing any defects due to use of poor materials or due to poor workmanship, but does not include repairing normal wear and tear, removing graffiti or repairing any item damaged as a consequence of vandalism. **Maintained** and **Maintenance** have corresponding meanings.

Mamre Road Precinct means the land within the Mamre Road Precinct boundary as identified in the Contributions Plan;

Modification Application means any application to modify the Consent under section 4.55 of the Act;

Occupation Certificate means an occupation certificate as defined under section 6.4 the Act;

Public Reserve has the same meaning as in the *Local Government Act 1993*;

Public Road has the same meaning as in the *Roads Act 1993*;

Register means the Torrens title register maintained under the *Real Property Act 1900* (NSW);

Registered Certifier has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

Regulation means the *Environmental Planning and Assessment Regulation 2021*;

Related Body Corporate has the meaning given to that term in s 9 of the *Corporations Act 2001* (Cth);

Road Connection Works means the part of the Works that is located on the Council Land and which connects the Collector Road to the existing 'Berriwerri Drive' as identified as CR2A on the Works Plan.

Roundabout means the roundabout to be constructed on the Land as identified as RA4 in the Background Report as identified on the Works Plan;

Surplus Credit means any contribution credit that the Developer receives for the Works that exceeds the amount of Development Contributions payable by the Developer under the Consent as calculated in accordance with the Contributions Plan;

Works means the the:

(a) Collector Road;

(b) Roundabout; and

(c) Road Connection Works

in accordance with the specifications set out in Schedule 1;

Works Plan means the plan at Annexure B

2 Interpretation

In this agreement, unless the context indicates a contrary intention:

(a) (**documents**) a reference to this agreement or another document includes any document which varies, supplements, replaces, assigns or novates this agreement or that other document;

(b) (**references**) a reference to a party, clause, paragraph, schedule or annexure is a reference to a party, clause, paragraph, schedule or annexure to or of this agreement;

(c) (**headings**) clause headings and the table of contents are inserted for convenience only and do not affect interpretation of this agreement;

(d) (**person**) a reference to a person includes a natural person, corporation, statutory corporation, partnership, the Crown and any other organisation or legal entity and

their personal representatives, successors, substitutes (including persons taking by novation) and permitted assigns;

(e) (**party**) a reference to a party to a document includes that party's personal representatives, executors, administrators, successors, substitutes (including persons taking by novation) and permitted assigns;

(f) (**president, General Manager, CEO or managing director**) the president, General Manager, CEO or managing director of a body or Authority means any person acting in that capacity;

(g) (**requirements**) a requirement to do any thing includes a requirement to cause that thing to be done, and a requirement not to do any thing includes a requirement to prevent that thing being done;

(h) (**including**) including and includes are not words of limitation, and a list of examples is not limited to those items or to items of a similar kind;

(i) (**corresponding meanings**) a word that is derived from a defined word has a corresponding meaning;

(j) (**singular**) the singular includes the plural and vice-versa;

(k) (**gender**) words importing one gender include all other genders;

(l) (**parts**) a reference to one or more things includes each part and all parts of that thing or group of things but nothing in this clause implies that part performance of an obligation constitutes performance of that obligation;

(m) (**rules of construction**) neither this agreement nor any part of it is to be construed against a party on the basis that the party or its lawyers were responsible for its drafting;

(n) (**legislation**) a reference to any legislation or provision of legislation includes all amendments, consolidations or replacements and all regulations or instruments issued under it;

(o) (**time and date**) a reference to a time or date in connection with the performance of an obligation by a party is a reference to the time and date in City or State, Australia, even if the obligation is to be performed elsewhere;

(p) (**joint and several**) an agreement, representation, covenant, right or obligation:

(i) in favour of two or more persons is for the benefit of them jointly and severally; and

(ii) on the part of two or more persons binds them jointly and severally;

(q) (**writing**) a reference to a notice, consent, request, approval or other communication under this agreement or an agreement between the parties means a written notice, request, consent, approval or agreement;

(r) (**replacement bodies**) a reference to a body (including an institute, association or Authority) which ceases to exist or whose powers or functions are transferred to another body is a reference to the body which replaces it or which substantially succeeds to its power or functions;

(s) (**Australian currency**) a reference to dollars or $ is to Australian currency;

(t) (**month**) a reference to a month is a reference to a calendar month; and

(u) (**year**) a reference to a year is a reference to twelve consecutive calendar months.

3 Application of this agreement

This agreement applies to the Land and the Development and any other land relevant to the Works, including the Council Land.

4 Operation of this agreement

This agreement commences on and from the date it is executed by all parties.

5 Works in Kind

5.1 Works

(a) The Developer will carry out the Works in accordance with this agreement, including the Construction Terms, the Consent or other Approval granted for the Works.

(b) The Works or any part of the Works required under this agreement will be taken to have been completed for the purposes of this agreement when a Certificate of Practical Completion has been issued by the Council (acting reasonably) for those Works.

(c) For the avoidance of doubt:

(i) a Defect that is minor in nature will not prevent the Council from issuing a Certificate of Practical Completion; and

(ii) a Certificate of Practical Completion can be issued prior to the subdivision and dedication of the Dedication Land.

(d) The Works or any part of the Works required under this agreement will be taken to have been delivered to Council on Handover in accordance with the Construction Terms.

(e) The Works must be delivered to the Council by the later of:

(i) 1 July 2027, or

prior to the issue of any Occupation Certificate or Subdivision Certificate for the Development, whichever occurs first.

(f) For the avoidance of doubt, any credit for the Works to be provided by Council in accordance with clause 6 will not take effect until Handover of the Works is complete.

5.2 Dedication of Dedication Land

(a) The Developer and the Landowner acknowledge that Council does not own the land on which the Works (other than the Road Connection Works) are to be located and the Landowner agrees to transfer or dedicate that land (the Dedication Land) to Council for the purposes of a Public Road in accordance with this agreement.

(b) The Landowner must dedicate or cause to be transferred to the Council, at no cost to the Council, the Dedication Land freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights,

charges, rates and contracts in, over or in connection with the land, including but not limited to, municipal rates and charges, water rates and land tax.

(c) The Developer and Landowner must take all steps, prepare all documents and meet all costs required to dedicate the Dedication Land including, but not limited to:

(i) removing any encumbrances on the title to the land;

(ii) creating an interest in land in favour of Council if required;

(iii) subdividing the Land to create a separate lot for the Dedication Land;

(iv) preparing and lodging documents for registration;

(v) obtaining the consent of any other parties to the registration of the relevant documents; and

(vi) attending to any requisition relating to any dealing or document lodged for registration.

(d) The obligation to dedicate the Dedication Land will be taken to have been satisfied when either:

(i) the Dedication Land is dedicated as a Public Road to Council by operation of the registration of a plan of subdivision in accordance with section 9 of the *Roads Act 1993;* or

(ii) a Certificate of Title is issued by NSW Land and Property Information for the Dedication Land identifying the Council of the registered proprietor of the land without encumbrances as required by clause 5.2(b).

(e) The Dedication Land must be dedicated or transferred to Council on Handover of the Works. For the avoidance of doubt all Works required by this agreement on the Dedication Land must be completed in accordance with clause 5.1 prior to the Council accepting the dedication.

5.3 Maintenance and Rectification of Defects

The Developer must Maintain the Works and rectify any defects after Handover of the Works in accordance with the Construction Terms.

5.4 Access to Council owned land

(a) The Council agrees to permit the Developer, upon receiving at least 10 Business Day's prior notice, to enter, pass through or occupy any Council owned or controlled land in order to enable the Developer to properly perform its obligations under this agreement. Nothing in this clause creates or gives the Developer any estate or interest in any part of the Council owned or controlled land.

(b) The Developer indemnifies the Council, its employees, officers, agents and contractors from and against all Claims in connection with the entry or access by the Developer to, or any presence of the Developer on, Council owned or controlled land for the purposes of performing their obligations under this agreement, except to the extent such Claim arises either directly or indirectly as a result of the Council or its employees, officers, agents, contractors or workmen's negligence, default, act or omission.

(c) For the avoidance of doubt by and subject to this clause 5.4 the Council authorises the Developer to carry out the Road Connection Works on the Council Land, subject to the Construction Terms.

6 Development Contributions

6.1 Credit for Contributions

(a) In consideration of the Developer and Landowner performing their obligations under this agreement, Council agrees that the completion of the Works to the Council's satisfaction in accordance with this agreement will satisfy the requirement under condition A21 of the Consent to pay Development Contributions to the extent specified in cl6.1(b).

(b) For the purposes of clause 6.1(a) Council agrees to apply a credit against the amount of Development Contributions payable under the Consent to the value of the Works determined in accordance with clauses 6.2 and 6.3.

(c) For the avoidance of doubt, nothing in this agreement:

(i) requires Council to refund or repay any Development Contributions;

(ii) requires Council to pay any amount to the Developer if the value of the Works is more than the Development Contributions payable; or

(iii) exempts the Developer from paying the Development Contributions not subject to a credit in accordance with clause 6.1(b).

6.2 Value of the Works

(a) The value of the Works for the purposes of clause 6.1 is $5,804,334to be adjusted in accordance with CPI at completion of the Works.

(b) Notwithstanding clause 6.2(a) the parties may, in accordance with the Construction Terms, agree to an adjustment to the value of the Works prior to completion of the Works.

6.3 Timing of application of credits and payment of development contributions

(a) In relation to clause 6.1(b), the Council agrees to apply the full credit for the Works against the amount of Development Contributions payable under the Consent once:

(i) the Works have been completed; and

(ii) the Dedication Land has been dedicated to (or otherwise transferred to) and accepted by the Council.

(b) The Developer may apply to Council to utilise any Surplus Credit to discharge, in whole or part:

(i) the Developer's liability; or

(ii) the liability of a Related Body Corporate of the Developer; or

(iii) the liability of up to three (3) persons nominated by the Developer,

to make a development contribution toward Transport works and Transport land acquisition pursuant to the Contributions Plan.

If the Developer wishes to apply the Surplus Credits as set out in clause 6.3(b)(iii), the Developer and any person nominated by the Developer are to make a joint application in writing to the Council.

(c) The Council may refuse or conditionally approve an application made under this clause at its sole discretion and any dispute arising from a decision of the Council under this clause is not subject to clause 8 of this agreement.

7 Review of this agreement

(a) This agreement may be reviewed or modified.

(b) Any review or modification of this agreement will be conducted in the circumstances and in the manner determined by the parties.

(c) No modification or review of this agreement will be of any force or effect unless it is in writing and signed by the parties to this agreement.

(d) A party is not in breach of this agreement if it does not agree to an amendment to this agreement requested by a party in, or as a consequence of, a review.

8 Dispute Resolution

8.1 Reference to Dispute

If a dispute arises between the parties in relation to this agreement, the parties must not commence any court proceedings relating to the dispute unless the parties have complied with this clause, except where a party seeks urgent interlocutory relief.

8.2 Notice of Dispute

The party wishing to commence the dispute resolution process must give written notice (**Notice of Dispute**) to the other parties of:

(a) The nature of the dispute,

(b) The alleged basis of the dispute, and

(c) The position which the party issuing the Notice of Dispute believes is correct.

8.3 Representatives of Parties to Meet

(a) The representatives of the parties must promptly (and in any event within 10 Business Days of the Notice of Dispute) meet in good faith to attempt to resolve the notified dispute.

(b) The parties may, without limitation:

(i) resolve the dispute during the course of that meeting,

(ii) agree that further material or expert determination in accordance with clause 8.6 about a particular issue or consideration is needed to effectively resolve the dispute (in which event the parties will, in good faith, agree to a timetable for resolution); or

(iii) agree that the parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

8.4 Further Notice if Not Settled

If the dispute is not resolved within 10 Business Days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (Determination Notice) by mediation under clause 8.5 or by expert determination under clause 8.6.

8.5 Mediation

If a party gives a Determination Notice calling for the dispute to be mediated:

(a) The parties must agree to the terms of reference of the mediation within Business Days of the receipt of the Determination Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply;

(b) The mediator will be agreed between the parties, or failing agreement within 10 Business Days of receipt of the Determination Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;

(c) The mediator appointed pursuant to this clause 8.5 must:

(i) Have reasonable qualifications and practical experience in the area of the dispute; and

(ii) Have no interest or duty which conflicts or may conflict with his or her function as a mediator, he or she being required to fully disclose any such interest or duty before his or her appointment;

(d) The mediator shall be required to undertake to keep confidential all matters coming to his or her knowledge by reason of his or her appointment and performance of his or her duties;

(e) The parties must within 10 Business Days of receipt of the Determination Notice notify each other of their representatives who will be involved in the mediation (except if a resolution of the Council is required to appoint a representative, the Council must advise of the representative within 3 Business Days of the resolution);

(f) The parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement; and

(g) In relation to costs and expenses:

(i) Each party will bear its own professional and expert costs incurred in connection with the mediation; and

(ii) The costs of the mediator will be shared equally by the parties unless the mediator determines that a party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full costs of the mediation to be borne by that party.

8.6 Expert determination

If the dispute is not resolved under clause 8.3 or clause 8.5, or the parties otherwise agree that the dispute may be resolved by expert determination, the parties may refer the dispute to an expert, in which event:

(a) The dispute must be determined by an independent expert in the relevant field:

(i) Agreed upon and appointed jointly by the parties; and

(ii) In the event that no agreement is reached or no appointment is made within 10 Business Days of the agreement to refer the dispute to an expert, appointed on application of a party by the then President of the Law Society of New South Wales;

(b) The expert must be appointed in writing and the terms of the appointment must not be inconsistent with this clause;

(c) The determination of the dispute by such an expert will be made as an expert and not as an arbitrator and will be in writing and contain the reasons for the determination;

(d) The expert will determine the rules for the conduct of the process but must conduct the process in accordance with the rules of natural justice;

(e) Each party will bear its own costs in connection with the process and the determination by the expert and will share equally the expert's fees and costs; and

(f) Any determination made by an expert pursuant to this clause is final and binding upon the parties except unless:

(i) Within 10 Business Days of receiving the determination, a party gives written notice to the other party that it does not agree with the determination and commences litigation; or

(ii) The determination is in respect of, or relates to, termination or purported termination of this agreement by any party, in which event the expert is deemed to be giving a non-binding appraisal.

8.7 Litigation

If the dispute is not *finally* resolved in accordance with this clause 8, then either party is at liberty to litigate the dispute.

8.8 No suspension of contractual obligations

Subject to any interlocutory order obtained under clause 8.1, the referral to or undertaking of a dispute resolution process under this clause 8 does not suspend the parties' obligations under this agreement.

9 Enforcement and Security

9.1 Default

(a) In the event a party considers another party has failed to perform and fulfil an obligation under this agreement, it may give notice in writing to the other party (**Default Notice**) giving all particulars of the matters in respect of which it considers default has occurred and by such notice require the default to be remedied within a reasonable time not being less than 21 days.

(b) In determining a reasonable time, regard must be had to both the nature of the default and the work or other action required to remedy it and whether or not the continuation of the default constitutes a public nuisance or raises other circumstances of urgency or emergency.

(c) If a party disputes the Default Notice it may refer the dispute to dispute resolution under clause 8 of this agreement.

9.2 Security

(a) In this clause 9.2, **Security** means a Bank Guarantee, Bond or cash deposit to be held by Council.

(b) Prior to the issue of a Construction Certificate for the Works, the Developer must provide to the Council Security in an amount equivalent to 125% of the Contribution Value

(c) The Council may call on a Security provided under this clause if:

(i) the Developer is in material or substantial breach of this agreement and has failed to rectify the breach within a reasonable period of time after having been given reasonable notice (which must not be less than 21 Business Days) in writing to do so in accordance with clause 9.1 of this agreement; or

(ii) the Developer becomes insolvent.

(d) Within 20 Business Days of each anniversary of a Security provided under clause 9.2(a), the Developer must provide Council with one or more replacement Securities (**Replacement Security**) in an amount calculated in accordance with the following:

$$A = \frac{B \times D}{C}$$

Where:

A is the amount of the Replacement Security,

B is the amount of the Security to be replaced,

C is the CPI for the quarter ending immediately before the date of the Security to be replaced,

D is the CPI for the quarter ending immediately before the date of the Replacement Security,

provided A is greater than B.

(e) On receipt of a replacement Security provided under clause 9.2(d), the Council must release and return to the Developer, as directed, the Security that has been replaced as soon as reasonably practicable.

(f) At any time following the provision of a Security under this clause, the Developer may provide the Council with one or more replacement Securities totalling the amount of all Securities required to be provided under this clause for the time being. On receipt of such replacement Security, the Council must release and return to the Developer, as directed, the Securities which it holds that have been replaced as soon as reasonably practicable.

(g) Subject to this clause and the provisions of this agreement, the Council may apply the proceeds of a Security to satisfy:

(i) any obligation of the Developer under this agreement to deliver Contributions, and

(ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this agreement.

(h) The Council must promptly return a Security provided under this clause if requested by the Developer and:

(i) A Certificate of Practical Completion has been issued for an item of Works to which the Security relates; and

(ii) the Developer has provided a Bond or Bank Guarantee required under the Construction Terms for defects liability and maintenance of the item of Works;

(iii) if the Security relates to other items of Works for which a Certificate of Practical Completion has not been issued, a replacement Security is provided by the Developer in an amount determined in accordance with clause 9.2(b); and

(i) For the avoidance of doubt, if it is practicable, Council may retain a component of the Security it holds for an item of Works that is equivalent to 25% of the value of the Works (determined in accordance with clause 6.2), in satisfaction of the requirement to submit a Bank Guarantee or Bond under the Construction Terms for defects liability and maintenance.

(j) Nothing in this clause 9.2prevents or restricts the Council from taking any enforcement action in relation to:

(i) any obligation of the Developer under this agreement; or

(ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this agreement,

that is not or cannot be satisfied by calling on a Security.

9.3 Caveat

(a) The Developer acknowledges and agrees that:

(i) when this agreement is executed, the Council is deemed to have acquired and the Developer is deemed to have granted, an equitable estate and interest in the Dedication Land for the purposes of section 74F(1) of the *Real Property Act 1900* (NSW) and consequently the Council will have a sufficient interest in the Dedication Land in respect of which to lodge a caveat over the Dedication Land notifying that interest; and

(ii) it will not object to the Council lodging a caveat in the relevant folios of the Register for the part of the Land that comprises the Dedication Land nor will it seek to remove any caveat lodged by the Council provided the caveat does not prevent registration of any dealing or plan other than a transfer in relation to the Dedication Land.

(b) When a separate lot is created for the Dedication Land, the Council may retain any caveat (or lodge a caveat) over the Dedication Land and must, at Developer's cost, register a withdrawal of any caveat in respect of the remainder of the Land.

9.4 Compulsory Acquisition

(a) If the Landowner does not dedicate the Dedication Land to Council within 6 months of the issue of the Certificate of Practical Completion in respect of the Works in accordance with clause 5.2, the Council may issue a written demand to the Landowner and the Developer seeking the dedication of the Dedication Land (**Written Demand**).

(b) If the Landowner does not dedicate the Dedication Land to Council in accordance with clause 5.2 within 20 business days of receiving the Written Demand, then the Council may compulsorily acquire the relevant land, in which case the Landowner consents to the Council compulsorily acquiring that land for compensation in the amount of $1.00 without having to follow the pre-acquisition procedures in the *Land Acquisition (Just Terms Compensation) Act 1991* may recover any costs, including legal costs, incurred by the Council on acquisition of the land from the Landowner.

(c) Clause 9.4(a) constitutes an agreement for the purposes of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991*.

(d) Except as otherwise agreed between the parties, the Landowner must ensure the Dedication Land is freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, rights, charges, rates, strata levies and contracts, except as may be permitted by this agreement on the date that the Council will acquire the land in accordance with clause 9.4(a).

(e) The Developer indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the whole or any part of the relevant land under clause 9.4(a).

(f) The Developer must pay the Council, promptly on demand, an amount equivalent to all costs, including legal costs, incurred by the Council acquiring the whole or any part of the relevant land under clause 9.4(a) that are not or cannot be recovered by calling on a Security.

9.5 General Enforcement

(a) Without limiting any other remedies available to the parties, this agreement may be enforced by any party in any Court of competent jurisdiction.

(b) Nothing in this agreement prevents:

(i) a party from bringing proceedings in the Land and Environment Court to enforce any aspect of this agreement or any matter to which this agreement relates; and

(ii) the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this agreement or any matter to which this agreement relates.

10 Assignment and Dealings

10.1 Assignment

(a) A party must not assign or deal with any right under this agreement without the prior written consent of the other parties.

(b) Any change of ownership or control (as defined in section 50AA of the *Commonwealth Corporations Act 2001*) of a party (excluding the Council) shall be deemed to be an assignment of this agreement for the purposes of this clause.

(c) Any purported dealing in breach of this clause is of no effect.

10.2 Transfer of Land

(a) Subject to this clause 10, the Landowner may not transfer, assign or dispose of the whole or any part of its right, title or interest in the Dedication Land (present or future) to another person (**Transferee**) unless before it sells, transfers or disposes of that right, title or interest:

(i) the Developer and Landowner satisfy the Council that the proposed Transferee is financially capable of complying with the Developer and Landowner's obligations under this agreement;

(ii) the Developer and the Landowner satisfy the Council that the rights of the Council will not be diminished or fettered in any way;

(iii) the Transferee delivers to the Council a novation deed signed by the Transferee in a form and of such substance as is acceptable to the Council containing provisions under which the Transferee agrees to comply with all the outstanding obligations of the Developer and the Landowner under this agreement;

(iv) any default under any provisions of this agreement has been remedied or waived by the Council, on such conditions as the Council may determine, and

(v) the Developer and the Transferee pay the Council's reasonable costs in relation to the assignment.

11 Approvals and consents

Except as otherwise set out in this agreement, and subject to any statutory obligations, a party may give or withhold an approval or consent to be given under this agreement in that party's absolute discretion and subject to any conditions determined by the party. A party is not obligated to give its reasons for giving or withholding consent or for giving consent subject to conditions.

12 No fetter

12.1 Discretion

This agreement is not intended to operate to fetter, in any manner, the exercise of any statutory power or discretion of the Council, including, but not limited to, any statutory power or discretion of the Council relating to the Development Application or any other application for Development Consent (all referred to in this agreement as a "**Discretion**").

12.2 No fetter

No provision of this agreement is intended to constitute any fetter on the exercise of any Discretion. If, contrary to the operation of this clause, any provision of this agreement is held by a court of competent jurisdiction to constitute a fetter on any Discretion, the parties agree:

(a) They will take all practical steps, including the execution of any further documents, to ensure the objective of this clause is substantially satisfied,

(b) In the event that (a) cannot be achieved without giving rise to a fetter on the exercise of a Discretion, the relevant provision is to be severed and the remainder of this agreement has full force and effect, and

(c) To endeavour to satisfy the common objectives of the parties in relation to the provision of this agreement which is to be held to be a fetter on the extent that is possible having regard to the relevant court judgment.

13 Notices

Any notice given under or in connection with this agreement (**Notice**):

(a) must be in writing and signed by a person duly authorised by the sender;

(b) must be addressed as follows and delivered to the intended recipient by hand, by prepaid post or by email at the address below, or at the address last notified by the intended recipient to the sender after the date of this agreement:

(i)	to Penrith City Council:	PO Box 60, Penrith, NSW 2751 Fax: (02) 4732 7958 Email: council@penrith.city Attention: The General Manager
(ii)	to Altis Industrial Fund I Pty Ltd as trustee of Altis IFI Subtrust I	GPO Box, Sydney, NSW, 2001 Email: Stephen.oconnor@barings.com Attention: Stephen O'Connor
(iii)	The Trust Company (Australia) Ltd	GPO Box, Sydney, NSW, 2001 Email: Stephen.oconnor@barings.com Attention: Stephen O'Connor

(c) is taken to be given or made:

(i) in the case of hand delivery, when delivered;

(ii) in the case of delivery by post, three Business Days after the date of posting (if posted to an address in the same country) or seven Business Days after the date of posting (if posted to an address in another country); and

(iii) in the case of an email, when the sender receives an email acknowledgement from the recipient's information system showing the Notice has been delivered to the email address stated above; and

(d) if under clause (c) a Notice would be taken to be given or made on a day that is not a Business Day in the place to which the Notice is sent, or later than 4.00 pm (local time), it is taken to have been given or made at the start of business on the next Business Day in that place.

14 Capacity

14.1 General warranties

Each party warrants to each other party that:

(a) this agreement creates legal, valid and binding obligations, enforceable against the relevant party in accordance with its terms; and

(b) unless otherwise stated, it has not entered into this deed in the capacity of trustee of any trust.

14.2 *Power of attorney*

If an attorney executes this deed on behalf of any party, the attorney declares that it has no notice of the revocation of that power of attorney.

14.3 Trustee Developer - Altis Industrial Fund I Pty Ltd

(a) Altis Industrial Fund I Pty Ltd (ACN 666 208 760) (**Trustee**) enters into this deed in its capacity as the trustee for Altis IFI Subtrust I (**Trust**) constituted by a trust deed (**Trust Deed**).

(b) This limitation of the liability of the Trustee in its capacity as Trustee of the Trust applies despite any other provisions of this Agreement and extends to all Obligations of the Trustee in any way connected with any representation, warranty, conduct, omission, agreement or transaction related to this Agreement and to the extent of any inconsistency between the operation of this clause and any other provision of this agreement, the terms of this clause will prevail.

(i) Except in the case of and to the extent of fraud, negligence or breach of trust or warranty on the part of the Trustee, the parties other than the Trustee acknowledge that the Trustee incurs the Obligations solely in its capacity as Trustee of the Trust and that the Trustee will cease to have any obligation under this Agreement if the Trustee ceases for any reason to be Trustee of the Trust.

(ii) Except in the case of and to the extent of fraud, negligence or breach of trust or warranty on the part of the Trustee, the Trustee will not be liable to pay or satisfy any Obligations except out of the Assets against which it is entitled to be indemnified in respect of any liability incurred by it as Trustee of the Trust.

(iii) Except in the case of and to the extent of fraud, negligence or breach of trust or warranty on the part of the Trustee, the parties other than the Trustee may enforce their rights against the Trustee arising from non-performance of the Obligations only to the extent of the Trustee's indemnity out of the Assets of the Trust.

(iv) Except in the case of and to the extent of fraud, negligence or breach of trust or warranty on the part of the Trustee, if any party other than the Trustee does not recover all money owing to it arising from non-performance of the Obligations it may not seek to recover the shortfall by:

(A) bringing proceedings against the Trustee in its personal capacity; or

(B) applying to have the Trustee put into administration or wound up or applying to have a receiver or similar person appointed to the Trustee or proving in the administration or winding up of the Trustee.

(v) Except in the case of and to the extent of fraud, negligence or breach of trust or warranty on the part of the Trustee, the parties other than the Trustee waive their rights and release the Trustee from any personal liability whatsoever, in respect of any loss or damage which they may suffer as a result of any:

(A) breach by the Trustee of any of its Obligations; or

(B) non-performance by the Trustee of the Obligations; and

(C) which cannot be paid or satisfied out of the Assets of which the Trustee is indemnified in respect of any liability incurred by it as trustee of the Trust.

(vi) The parties other than the Trustee acknowledge that the whole of this Agreement is subject to this clause and the Trustee will in no circumstances be required to satisfy any liability of the Trustee arising under, or for non-performance or breach of any of its Obligations under or in respect of, this Agreement or under or in respect of any other agreement to which it is expressed to be a party out of any funds, property or assets other than the Assets of the Trust under the Trustee's control and in its possession as and when they are available to the Trustee to be applied in exoneration for such liability PROVIDED THAT if the liability of the Trustee is not fully satisfied out of the Assets of the Trust as referred to in this clause, the Trustee will be liable to pay out of its own funds, property and assets the unsatisfied amount of that liability but only to the extent of the total amount, if any, by which the Assets of the Trust have been reduced by reasons of fraud, negligence or breach of trust or warranty by the Trustee in the performance of the Trustee's duties as Trustee of the Trust.

(vii) No attorney, agent or other person appointed in accordance with this Agreement has authority to act on behalf of the Trustee in a way which exposes the Trustee to any personal liability (except in accordance with the provisions of this clause), and no act or omission of such a person will be considered fraud, negligence or breach of trust of the Trustee for the purposes of this clause.

Warranties

(c) The Trustee warrants that, to the best of its knowledge:

(i) it has the power to:

(A) enter and deliver its obligations under this agreement;

(B) perform its obligations under this agreement;

(ii) all action to authorise:

(A) its execution and delivery of this agreement; and

(B) the performances of its obligations under this agreement,

has been taken;

(iii) the execution by it of this agreement and the performance by it of its obligations or the exercise of its rights under this agreement does not contravene the Trust Deed;

(iv) it is the sole trustee and no action is currently taking place or pending to remove it as the trustee of the Trust, or to appoint a new or additional trustee to the Trust;

(v) it has the right to be fully indemnified out of the assets of the Trust in respect of the obligations incurred by it under this agreement and it has not released, disposed of, or restricted its equitable lien over the Trust which secures that indemnity;

(vi) it is not aware of any reason why the assets of the Trust might be insufficient to satisfy or discharge the obligations and liabilities incurred by it under this agreement;

(vii) it is not and has never been in breach of the Trust Deed;

(viii) it has complied with its obligations in connection with the Trust;

(ix) the Trust has not been terminated and no action is pending to terminate the Trust; and

(x) no vesting date for the Trust's fund has been determined.

(d) The Developer indemnifies the Council and agrees to keep the Council indemnified in respect of any loss or liability in any way connected with a breach of a warranty in clause 14.3(c).

Additional Obligations of Developer

Until all obligations of the Developer under this agreement have been satisfied:

(e) the Developer must not:

(i) do anything to prejudice the right of indemnity available to the Developer under the Trust; or

(ii) breach the Trust;

(f) if the Trust is determined, wound up or ceases to exist, the Developer must immediately notify the Council in writing of that occurrence; and

(g) if the Developer ceases for any reason to be the sole trustee of the Trust, the Developer must:

(i) immediately notify the Council in writing of that occurrence; and

(ii) procure any new or additional trustee of the Trust to execute in favour of the Council such covenants relating to the subject matter of this agreement as the Council may reasonably require, including covenants in similar terms to those contained in this clause.

14.4 Custodian Landowner - Trust Company

(a) The Custodian enters into this agreement as custodian and agent of the Responsible Entity of the Trust and in no other capacity.

(b) The parties other than the Custodian acknowledge that the Obligations are incurred by the Custodian solely in its capacity as a custodian of the Assets of the Trust and as agent of the Responsible Entity and that the Custodian will cease to have any obligation under this agreement if the Custodian ceases for any reason to be the Custodian of the assets of the Trust.

(c) Subject to the provisions of clause 14.4(g), the Custodian will not be liable to pay or satisfy any Obligations except to the extent to which it is indemnified by the Responsible Entity or out of the Assets against which it is entitled to be indemnified in respect of any liability incurred by it. The obligation of the Responsible Entity to indemnify the Custodian and the right of the Custodian to be indemnified out of the Assets are limited.

(d) The parties other than the Custodian may enforce their rights against the Custodian arising from non-performance of the Obligations only to the extent of the Custodian's indemnity as provided above in clause 14.4(c) .

(e) If any party other than the Custodian does not recover all money owing to it arising from non-performance of the Obligations it may not seek to recover the shortfall by:

(i) bringing proceedings against the Custodian in its personal capacity; or

(ii) applying to have the Custodian wound up or proving in the winding up of the Custodian;

(f) Subject to the provisions of clause 14.4(g) the parties other than the Custodian waive their rights and release the Custodian from any personal liability whatsoever, in respect of any loss or damage:

(i) which they suffer as a result of any:

(A) breach of the Custodian of any of its Obligations; or

(B) non-performance by the Custodian of the Obligations; and

(ii) which cannot be paid or satisfied from the indemnity set out above in clause 14.4(c) in respect of any liability incurred by it.

(g) The parties other than the Custodian acknowledge that this agreement is subject to this clause and the Custodian shall in no circumstances be required to satisfy any liability arising under, or for non-performance or breach of any Obligations under or in respect of, this agreement or under or in respect of any other document to which it is expressed to be party out of any funds, property or assets other than to the extent that this agreement requires satisfaction out of the Assets of the Trust under the Custodian's control and in its possession as and when they are available to the Custodian to be applied in exoneration for such liability under the terms of the Custody Deed PROVIDED THAT if the liability of the Custodian is not fully satisfied out of the Assets of the Trust as referred to in this clause, the Custodian will be liable to payout of its own funds, property and assets the unsatisfied amount of that liability but only to the extent of the total amount, if any, by which the assets of the Trust have been reduced by reasons of fraud, negligence or breach of the Custody Deed in the performance of the Custodian's duties.

(h) The parties acknowledge that the Responsible Entity is responsible under the Constitution for performing a variety of obligations relating to the Trust, including under this agreement. The parties agree that no act or omission of the Custodian (including any related failure to satisfy any Obligations) will constitute fraud, negligence or breach of duty of the Custodian for the purposes of clause 14.4(f) to the extent to which the act or omission was caused or contributed to by any failure of the Responsible Entity or any other person or fulfil its obligations relating to the Trust or by any other act or omission of the Responsible Entity or any other person.

(i) No attorney, agent or other person appointed in accordance with this agreement has authority to act on behalf of the Custodian in a way which exposes the Custodian to any personal liability and no act or omission of such a person will be considered fraud, negligence or breach of duty of the Custodian for the purposes of clause 14.4(f).

14.5 Additional Obligations of Custodian

Until all obligations of the Developer and Landowner under this agreement have been satisfied:

(a) the Custodian must not:

(i) do anything to prejudice the right of indemnity available to the Custodian under the Trust; or

(ii) breach the Trust;

(b) if the Trust is determined, wound up or ceases to exist, the Developer must immediately notify the Council in writing of that occurrence; and

(c) if the Custodian ceases for any reason to be the custodian of the Assets of the Trust, the Developer must:

(i) immediately notify the Council in writing of that occurrence; and

(ii) procure any new or additional custodian of the Trust to execute in favour of the Council such covenants relating to the subject matter of this agreement as the Council may reasonably require, including covenants in similar terms to those contained in this clause.

(d) In clause 14.3, 14.4 and 14.5

(i) "**Obligations**" means all obligations and liabilities of whatever kind undertaken or incurred by, or devolving upon, the Custodian or Landowner under or in respect of this agreement;

(ii) "**Assets**" includes all assets, property and rights real and personal of any value whatsoever of the Trust;

(iii) "**Trust**" means the Altis IFI Subtrust 1 (ABN 81 175 535 423);

(iv) "**Responsible Entity**" means Altis Industrial Fund I Pty Ltd (ACN 666 208 760) or any replacement responsible entity of the Trust from time to time;

(v) "**Custodian**" means the Landowner (The Trust Company (Australia) Limited (ACN 000 000 993)). All references to Custodian include each other person who is or becomes custodian of the Trust; and

(vi) **"Custody Deed"** means the deed between the Responsible Entity and the Custodian entered into on as amended from time to time.

15 General

15.1 Relationship between parties

(a) Nothing in this agreement:

(i) constitutes a partnership between the parties; or

(ii) except as expressly provided, makes a party an agent of another party for any purpose.

(b) A party cannot in any way or for any purpose:

(i) bind another party; or

(ii) contract in the name of another party.

(c) If a party must fulfil an obligation and that party is dependent on another party, then that other party must do each thing reasonably within its power to assist the other in the performance of that obligation.

15.2 Time for doing acts

(a) If the time for doing any act or thing required to be done or a notice period specified in this agreement expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.

(b) If any act or thing required to be done is done after 5.00 pm on the specified day, it is taken to have been done on the following Business Day.

15.3 Further assurances

Each party must promptly execute all documents and do all other things reasonably necessary or desirable to give effect to the arrangements recorded in this agreement.

15.4 Variation

A provision of this agreement can only be varied by a later written document executed by or on behalf of all parties and in accordance with the provisions of the Act.

15.5 No assignment

A party cannot assign or otherwise transfer its rights under this agreement without the prior written consent of the other party.

15.6 Counterparts

This agreement may be executed in any number of counterparts. All counterparts taken together constitute one instrument.

15.7 Legal expenses, stamp duty and administration fees

(a) The Developer must pay on demand Council's reasonable legal costs and disbursements in connection with the negotiation, preparation, execution, stamping, and release and discharge of this agreement, including the reasonable costs incurred by the Council in obtaining any advice about this agreement or the value of land or works to be delivered under this agreement.

(b) On execution of this agreement, the Developer must pay an administration, monitoring and enforcement fee to the Council in the amount of $175,513.60.

15.8 Entire agreement

The contents of this agreement constitute the entire agreement between the parties and supersede any prior negotiations, representations, understandings or arrangements made between the parties regarding the subject matter of this agreement, whether orally or in writing.

15.9 Representations and warranties

The parties represent and warrant that they have the power and authority to enter into this agreement and comply with their obligations under the agreement and that entry into this agreement will not result in the breach of any law.

15.10 Severability

If a clause or part of a clause of this agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this agreement, but the rest of this agreement is not affected.

15.11 Invalidity

(a) A word or provision must be read down if:

(i) this agreement is void, voidable, or unenforceable if it is not read down;

(ii) this agreement will not be void, voidable or unenforceable if it is read down; and

(iii) the provision is capable of being read down.

(b) A word or provision must be severed if:

(i) despite the operation of clause (a), the provision is void, voidable or unenforceable if it is not severed; and

(ii) this agreement will be void, voidable or unenforceable if it is not severed.

(c) The remainder of this agreement has full effect even if clause 15.11(b) applies.

15.12 Waiver

A right or remedy created by this agreement cannot be waived except in writing signed by the party entitled to that right. Delay by a party in exercising a right or remedy does not constitute a waiver of that right or remedy, nor does a waiver (either wholly or in part) by a party of a right operate as a subsequent waiver of the same right or of any other right of that party.

15.13 GST

(a) Words and expressions which are not defined in this agreement but which have a defined meaning in GST Law have the same meaning as in the GST Law.

(b) Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this agreement are exclusive of GST.

(c) If GST is imposed on any supply made under or in accordance with this agreement, the Developer must pay the GST or pay to the Council an amount

equal to the GST payable on or for the taxable supply, whichever is appropriate in the circumstances.

15.14 Governing law and jurisdiction

(a) The laws applicable in New South Wales govern this agreement.

(b) The parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts competent to hear appeals from those courts.

Schedule 1 Works

1 Scope of Works

The Works will be constructed in accordance with the plans contained at Annexure A, the Consent (as modified from time to time), the Mamre Road Precinct DCP 2021, and Council's engineering construction specifications for civil works.

To the extent of any inconsistency between the terms of the Consent, the Mamre Road Precinct DCP 2021 and the standards contained within the Penrith Council DCP, the terms of the Consent will apply.

2 Contribution Value (Works)

Having regard to the detailed estimates contained in Table 11 of the Background Report (as referenced in the Contributions Plan), the parties agree that the estimate for the cost of the Works is $5,804,334

Schedule 2 Construction terms

1 Interpretation

For the purposes of this Schedule 2, the defined terms in clause 1 of this agreement and the Interpretation principles in clause 2 of this agreement will apply and, unless context indicates a contrary intention:

Builder means any entity contracted under the Construction Contract to carry out the Works.

Construction Contract means the contract to carry out the Works (whether or not that is a contract for the Works only or forms part of a contract for the building of other components of the Development).

Defects Liability and Maintenance Period means in respect of each item of building works which together comprise the Works the period of 12 months from the date on which Handover of the Works (or part of the Works) occurs.

Detailed Design means the final specifications and finishes for the Works prepared in accordance with clause 5.2 of this Schedule 2 and will include the design of the Works, the location for the Works, installation specifications and estimated costs of construction and/or installation.

Services means all water, gas, electricity, television, drainage, sewerage, data communications, telecommunications and other services which are required under a development consent within the meaning of the Act or an Approval and which are necessary or desirable for the construction or operation of the Development.

Superintendent means the Superintendent appointed under any Construction Contract.

2 Requirements of Authorities and Approvals

2.1 These Construction Terms must be read and construed subject to:

(a) any requirements or conditions of the Consent;

(b) the requirements of and conditions imposed by all relevant Authorities and all Laws relating to the Works and the construction of the Works.

2.2 If the Developer requires any Approvals in order to carry out the obligations under this agreement, then the Developer will acquire all Approvals necessary to carry out the Works at its own cost.

2.3 The Developer must ensure that the Works carried out under this agreement are carried out:

(a) in accordance with the Consent for the Works and all Approvals and the requirements of all Laws, including without limitation, work health and safety legislation; and

(b) in a good and workmanlike manner and so that they are diligently progressed until completion;

AND it is acknowledged that to the extent that there is any inconsistency between this agreement and any Approval the terms of the Approval shall take precedence.

3 Costs of Works

All costs of the Works must be borne by the Developer.

4 Project Management and Contractor Engagement

4.1 The Developer will be responsible for managing the Works.

4.2 The Developer will ensure that any contractor it engages to carry out the Works agrees to:

(a) carry out the Developer's obligations in these Construction Terms as part of any Construction Contract; and

(b) request a Council representative to be present at each on-site meeting attended by the Superintendent and to make reasonable efforts to ensure the Council representative is present at the meeting.

4.3 In relation to clause 4.2(b), the Developer will provide the Council with at least 1 weeks notice of an on-site meeting.

5 Design Development

5.1 **Concept Design**

Council and the Developer have worked in consultation with each other to prepare and agree the concept plans showing the Works at Annexure A.

5.2 **Detailed Design**

(a) Prior to Works commencing the Developer must provide a copy of the draft Detailed Design to the Council for approval.

(b) Within 15 Business Days of receiving the Detailed Design, Council will respond to the Developer with any suggested amendments to the Detailed Design.

(c) Council and the Developer must work in consultation with each other to prepare and agree the Detailed Design and must both act reasonably and with due expedition in their consultations with each other.

(d) If the Detailed Design is in accordance with the drawings approved by the Consent and the Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Council's Engineering Construction Specification for Civil Works, the Council must not unreasonably withhold its acceptance of the Detailed Design.

(e) If the Detailed Design is not completed and agreed within 10 Business Days of Council providing its suggested amendments in accordance with clause 5.2(b) of this Schedule, to avoid possible delays to the issue of a Certificate of Practical Completion, the Council will, in its sole discretion, be entitled to decide on any outstanding or undecided matter or item relating to areas that are to be accessible to the public, provided that any decision made by Council under this clause:

(i) is consistent with the obligation to carry out the Works and dedicate the Dedication Land under this agreement; and

(ii) is consistent with the Consent applicable to the Land; and

(iii) does not materially and adversely affect the Development; and

(iv) is not unreasonable.

5.3 Any acceptance by the Council of the Detailed Design under this clause 5 is not to be taken as approval of or to any Construction Certificate for the Works.

5.4 **Good faith**

The parties must act promptly and in good faith to consult in relation to the Detailed Design.

6 Carrying out of Works

6.1 **Communication**

The Developer must notify Council on the commencement of the Works and keep Council reasonably informed of progress of the Works and provide to Council such information about the Works as Council reasonably requests.

6.2 **Standard of Works**

(a) Unless otherwise provided, the Developer shall, and must cause the Builder to, use suitable new materials and proper and tradesmanlike workmanship when carrying out the Works.

(b) The qualitative standard of the design and finishes for the Works must be no less than those described in the following documents in force at the date of this agreement:

(i) any relevant Australian Standard;

(ii) any relevant design standards or guidelines and any other requirements or policies applied by the Council from time to time in assessing the adequacy of any works or improvements proposed for the public domain or to be accessible to the public in accordance with this agreement.

(c) The Developer will obtain any relevant standards (including design standards), specifications, or guidelines and any other requirements or policies referred to in clause 6.2(b)(ii) of this Schedule from Council if the Council fails to deliver them to the Developer.

(d) The Developer may but is not obliged to reinstate any Works where damage or destruction is as a result of:

(i) any act or omission of the Council or its employees, consultants or agents relating to any part of the Works under this agreement; or

(ii) the use or occupation by the Council or its employees, consultants or agents, Council's representatives or other contractor of the Council of any part of the Works.

6.3 **Damage to people, property & utilities**

(a) The Developer is to ensure to the fullest extent reasonably practicable that, in performing its obligations under this agreement:

(i) all necessary measures are taken to protect people and property;

(ii) unnecessary interference with the passage of people and vehicles is avoided; and

(iii) nuisances and unreasonable noise and disturbances are prevented.

(b) Without limiting clause 6.3(a) of this Schedule, the Developer is not to obstruct, interfere with, impair or damage any public road, public footpath, public cycleway or other public thoroughfare, or any pipe, conduit, drain, watercourse or other public utility or service on any land except as authorised in writing by the Council or any relevant Authority.

7 Variations

( ) Notwithstanding any other provision of this agreement, the parties to this agreement may agree, in writing, to a variation to the Detailed Design, for the reasons of environmental conditions, changes as a result of approval being granted, achieving cost efficiencies or for any other practical purpose.

(a) The acceptance of a variation, for the purposes of this agreement, should not be unreasonably withheld by any party if the proposed amendment does not significantly affect the public benefit to be provided or the cost of carrying out the Works.

(b) For the avoidance of doubt, clause 7(b) of this Schedule is not intended to fetter the Council's discretion when determining any application for or proposed modification to any approval applying to the Works.

8 Review of Scope of Works

If, at any time prior to completion of the Works, the parties to this agreement agree, in writing, that the estimated cost of any item of the Works is likely to be above or below the agreed estimate for that item by more than 10%, the parties may agree to review the scope of the works for that item and the terms of this agreement to ensure that:

( ) the Developer makes an appropriate contribution to provide the public benefit as described in the Contributions Plan; and

(a) any credit for Development Contributions imposed under the Consent is adjusted, up or down, proportionately to the agreed changes.

9 Inspection

(a) On completion of the Detailed Design, the Council will provide a schedule of inspections to be undertaken by Council (**Inspection Schedule**) to occur at specified stages (and no more frequently than monthly) of the construction of the Works (**Inspection Stage**). If the Council does not provide the Inspection Schedule, the Developer must request the Inspection Schedule from the Council prior to the Works commencing.

(b) Five Business Days prior to reaching an Inspection Stage as set out in the Inspection Schedule, the Developer must notify the Council of the proposed inspection date (**Inspection Date**).

(c) On the Inspection Date, or other agreed date, the Developer must ensure that any employees, contractors, agents or representatives of Council have access to and may enter the Land to inspect the Works.

(d) In addition to carrying out inspections in accordance with the Inspection Schedule, the Council and its employees, contractors, agents or representatives may enter the Land or any part of the Land on which the Works are located to inspect the progress of the Works, subject to:

(i) the terms of the Construction Contract (save for any clause of the Construction Contract which prevents the Council from accessing the Land);

(ii) giving reasonable notice to the Developer (at least 48 hours' notice);

(iii) complying with all reasonable directions of the Developer;

(iv) being accompanied by the Developer or a nominee, or as otherwise agreed; and

(v) not more than one inspection a month is carried out.

(e) The Council may, acting reasonably, within 5 Business Days of carrying out an inspection (either under clause 9(c) or clause 9(d) of this Schedule), notify the Developer of any defect or non-compliance in the Works and direct the Developer to carry out work to rectify that defect or non-compliance within a reasonable period of time. Such work may include, but is not limited to:

(i) removal of defective or non-complying material;

(ii) demolishing defective or non-complying work;

(iii) reconstructing, replacing or correcting any defective or non-complying work; and

(iv) not delivering any defective or non-complying material to the site of the Works.

(f) If the Developer is issued a direction to carry out further work under clause 9(e) of this Schedule, the Developer must, at its cost, rectify the defect or non-compliance specified in the Notice within the time period specified in the Notice, provided that it is reasonable having regard to the nature of the works.

(g) If the Developer fails to comply with a direction to carry out work given under clause 9(e) of this Schedule, the Council will be entitled to refuse to accept that the Works (or the relevant part of the Works) meet the Council's standards and specifications and may refuse to issue a Certificate of Practical Completion, until the required Works have been completed to the Council's satisfaction, acting reasonably.

(h) For the avoidance of doubt, any acceptance by the Council that the Developer has rectified a defect or non-compliance identified in a notice issued under clause 9(e) of this Schedule does not constitute:

(i) acceptance by the Council that the Works comply with all Approvals and Laws; or

(ii) an Approval by the Council in respect of the Works; or

(iii) an agreement or acknowledgment by the Council that the Works or the relevant part of the Works are complete and may be delivered to the Council in accordance with this agreement.

10 Completion

10.1 **Practical Completion**

(a) When the Developer considers that the Works, or any part of the Works, have reached a state of completion that would enable a Certificate of Practical

Completion to be issued, the Developer may send a Notice to the Council accompanied by:

(i) complete works as executed plans;

(ii) a survey prepared by a registered surveyor identifying the works as completed;

(iii) any relevant certificates or consents of any public utility authority; and

(iv) a request for:

(A) written certification from the Council that the Works, or part of the Works, are complete; and/or

(B) confirmation that the Works, or part of the Works have been completed to the Council's satisfaction (acting reasonably).

The Developer must send a Notice under this clause 10.1(a) if the Developer considers that the Works are complete.

(b) Within 10 Business Days of receipt of the notice under clause 10.1(a) of this Schedule 2, the Council will carry out an inspection of the Works and will, acting reasonably, either:

(i) provide written certification or confirmation to the Developer that the Works have been completed; or

(ii) notify the Developer of any additional information required or matters which must be addressed by the Developer prior to the certification or confirmation being issued.

(c) If the Developer is required to provide additional information or address any matters under clause 10.1(b)(ii) of this Schedule, the Developer will provide that information to the Council or address those matters within 10 Business Days of receiving the notice or within a reasonable period of time and make a further request under clause 10.1(a) of this Schedule 2 for written certification that the Works have been completed.

(d) Practical completion will be achieved in relation to the Works or any part of the Works when a Certificate of Practical Completion has been issued for those Works.

10.2 **Handover**

(a) The Developer is responsible for the delivery and care of the Works at all times prior to Handover of the Works.

(b) Handover will occur and Council will assume responsibility for the Works:

(i) following dedication to Council of the land on which Works are located; or

(ii) if Works are carried out on land already owned by Council, on the issue of a Certificate of Practical Completion for those Works.

10.3 **Delivery of documents**

(a) If it has not already done so, the Developer must as soon as practicable, and no later than 20 Business Days after the date on which the Certificate of Practical

Completion is issued in respect of the Works or any part of the Works deliver to the Council, complete and legible copies of:

(i) all "as built" full-sized drawings, specifications and relevant operation and service manuals;

(ii) all necessary certificates including the certificates of any consultants of the Developer that the Council may reasonably require, and Approvals of any public utility authority (where relevant); and

(iii) copies of all Approvals required for use of the land subject to the Works.

(b) The Developer must as soon as practicable, and no later than 20 Business Days after the date on which the Certificate of Practical Completion is issued in respect of the Works or any part of the Works, provide the Council with a tour of the land subject to the Works and provide reasonable instructions on the operation and use of the Services on that land.

10.4 **Assignment of Warranties and Causes of Action**

(a) The Developer must assign (as beneficial owner) or cause to be assigned to Council the benefit of any warranties and guarantees obtained by the Developer and the Builder (and capable of assignment) with respect to any material or goods incorporated in or forming part of the Works.

(b) To the extent that any such warranties or guarantees cannot be assigned, the Developer must at the request of Council do anything reasonably required by Council to enforce such warranties or guarantees for the benefit of Council.

11 Defects Liability and Maintenance

11.1 **Maintenance**

(a) Prior to the issue of a Certificate of Practical Completion for any part of the Works, the Developer must provide to the Council a Maintenance Schedule setting out the proposed maintenance works and estimated costs for the relevant part of the Works over the Maintenance Period.

(b) Within 10 Business Days of receiving the Maintenance Schedule, Council must issue a written notice to the Development advising of any reasonable changes it requires to the Maintenance Schedule, which changes must be reasonable and in accordance with Council's usual practice for maintaining works of the same type.

(c) Within 5 Business Days of receiving the Council's notice under clause 11.1(b) of this Schedule, the Developer must provide to Council a final Maintenance Schedule incorporating the Council's changes.

(d) The Works or any part of those works, must be Maintained by the Developer in accordance with the Maintenance Schedule for the Maintenance Period.

(e) The Developer must follow relevant Council policies and obtain all Approvals necessary to carry out the Maintenance required under this clause.

(f) The Council must give the Developer and its contractors any access required to carry out Maintenance in accordance with the Maintenance Schedule.

11.2 **Defects Liability and Maintenance Period**

(a) During the Defects Liability and Maintenance Period, the Council (acting reasonably) may give to the Developer a notice (**Rectification Notice**) in writing that identifies a defect in the Works or any Maintenance requirement that has not been complied with.

(b) The Rectification Notice must identify the nature of the defect and specify (taking account of the nature of the defect):

(i) action required to be undertaken by the Developer to rectify the defect or Maintain the Works (**Rectification Works**); and

(ii) the date on which the defect must be rectified, or the Maintenance work completed (**Rectification Date**).

(c) The Developer must comply with the Rectification Notice by:

(i) procuring the performance of the Rectification Works by the Rectification Date, or such other date as agreed between the parties;

(ii) keeping the Council reasonably informed of the action to be taken to rectify the defect or Maintain the Works; and

(iii) carrying out the Rectification Works.

(d) The Council must give the Developer and its contractors any access required to carry out the Rectification Works.

(e) When the Developer considers that the Rectification Works are complete, either the Developer must notify the Council and provide documentation, plans or invoices which establish that the Rectification Works were carried out.

(f) The Council may inspect the Rectification Works within 15 Business Days of receiving a Notice from the Developer under clause 11.2(e) of this Schedule and, acting reasonably:

(i) issue a further Rectification Notice if it is not reasonably satisfied that the Rectification Works are complete; or

(ii) notify the Developer in writing that it is satisfied the Rectification Works are complete.

(g) The Developer must meet all costs of and incidental to rectification of defects or Maintenance of Works under this clause 11.

(h) If the Developer fails to comply with a Rectification Notice, then the Council may do such things or take such action as is necessary to carry out the Rectification Works, including accessing and occupying any part of the Land without further notice to the Developer, and may:

(i) call upon any Bond or Bank Guarantee provided to the Council under clause 11.3 of this Schedule to meet its costs of carrying out Rectification Works; and

(ii) recover as a debt due to the Council by the Developer in a court of competent jurisdiction, any difference between the amount of the Bond or Bank Guarantee and the costs incurred by the Council in carrying out Rectification Works.

(i) The Developer must request that Council inspect the Works 28 days prior to the end of the Defects Liability and Maintenance Period. The Council must inspect the Works at any time after receiving the request from the Developer and before to the end of the Defects Liability and Maintenance Period.

(j) If, prior to the end of the Defects Liability and Maintenance Period:

(i) the Developer fails to request the inspection, or

(ii) the Council does not carry out the inspection,

the Council may extend the Defects Liability and Maintenance Period so that the inspection may be carried out.

11.3 **Security for Defects Liability**

(a) Prior to the issue of a Certificate of Practical Completion for each item of the Works the Developer must either:

(i) deliver to the Council Bonds or Bank Guarantees in an amount equivalent to 25% of the construction costs for the particular item of Works; or

(ii) receive confirmation from the Council that it holds Bonds or Bank Guarantees in the amount equivalent to 25% of the construction costs for the particular item of Works.

(b) The Developer advises and the Council acknowledges its awareness that the Bonds or Bank Guarantees may be supplied by the Builder and form a part of the security held by the Developer from the Builder under the terms of the Construction Contract, provided that:

(i) any Bond or Bank Guarantee provided by the Builder benefits the Council and satisfies the requirements of this agreement; and

(ii) the Developer procures an agreement from the Builder that the Council will be entitled to call on any Bond or Bank Guarantee provided by the Builder, in accordance with the terms of this agreement and the terms of any Construction Contract.

(c) Within 10 Business Days after the Defects Liability and Maintenance Period for a particular item of Works has expired Council must (if it has not called on it) return the Bond or Bank Guarantee referred to in clause 11.3(a) of this Schedule for that item of Works (or any remaining balance of it) to the Developer.

(d) Notwithstanding clause 11.3(c) of this Schedule, if during the Defects Liability and Maintenance Period for a particular item of Works, the Council issues a Rectification Notice, then the Council need not deliver the balance of any Bonds or Bank Guarantees provided to it until the Rectification Notice has been complied with.

12 Risk

The Developer undertakes the Works entirely at its own risk.

13 Insurance

(a) Prior to the commencement of the construction of any of the Works, the Developer must ensure the Builder effects and the Developer must produce evidence to the Council of the following insurances issued by an insurer approved

by the Council (acting reasonably) in a form approved by the Council (acting reasonably):

(i) construction works insurance for the value of the Works;

(ii) public risk insurance for at least $20 million;

(iii) workers compensation insurance as required by Law.

(b) The Developer must provide evidence of currency of insurance required by clause 13(a) of this Schedule 2 upon request by the Council, acting reasonably, throughout the term of this agreement.

14 Indemnities

The Developer indemnifies the Council, its employees, officers, agents and contractors from and against all Claims in connection with the carrying out by the Developer of the Works except to the extent such Claim arises either directly or indirectly as a result of the Council or its employees, officers, agents, contractors or workmen's negligence, default, act or omission.

15 Intellectual Property Rights

The Council acknowledges that the Developer or its contractors hold all rights to copyright and any intellectual property which may exist in the Works. To the extent the Developer have or receive intellectual property rights for the Works, the Developer shall assign those intellectual property rights to Council or permit use thereof.

16 Risk of contamination

The Developer acknowledges and agrees:

(a) that it is responsible for the management and remediation of any contamination present upon or under the land on which the Works are to be carried out;

(b) it will attend to any necessary remediation at their own costs; and

(c) to the fullest extent permitted by Law indemnify and release the Council from any Claim which might arise from any contamination with respect to the land on which the Works are to be carried out.

17 Plans

The parties acknowledge and agree that further detail and refinement of plans and documents in connection with this agreement may be necessary having regard to the following matters:

(a) matters affecting Works not capable of identification on or before the date of this agreement; or

(b) by agreement between the parties.

Executed as an agreement

Executed for and on behalf of **Penrith City Council** by its authorised delegate in accordance with a resolution of the Council dated:	)))

.....	.....
Signature of witness	Signature of Authorised Delegate Print position:
.....	.....
Print name	Print name

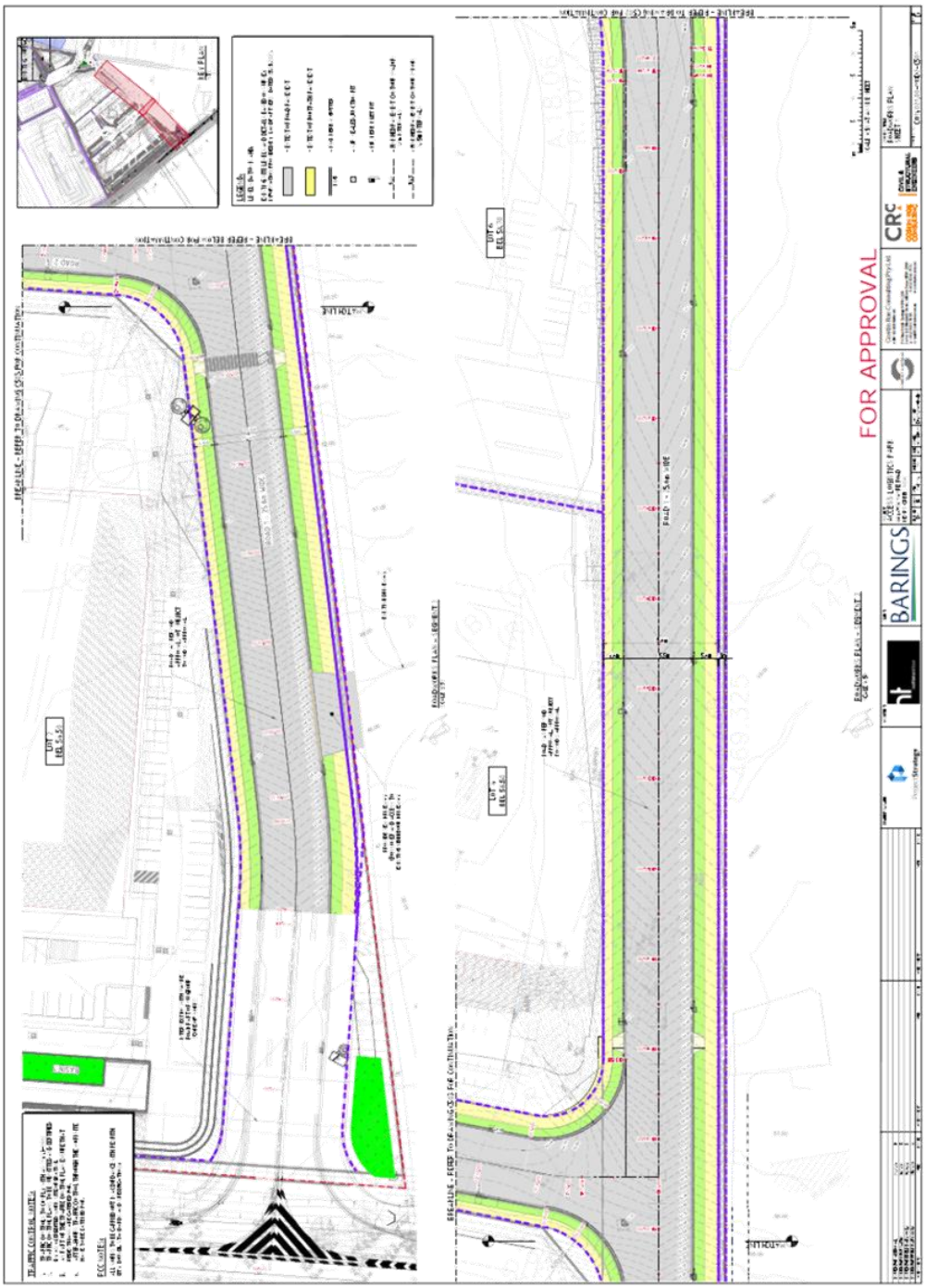
Executed for and on behalf of **Altis Industrial Fund I Pty Ltd** (ACN 662 208 760) in its capacity as trustee of Altis IFI Subtrust I in accordance with section 127 of the *Corporations Act 2001* (Cth) by:	)))

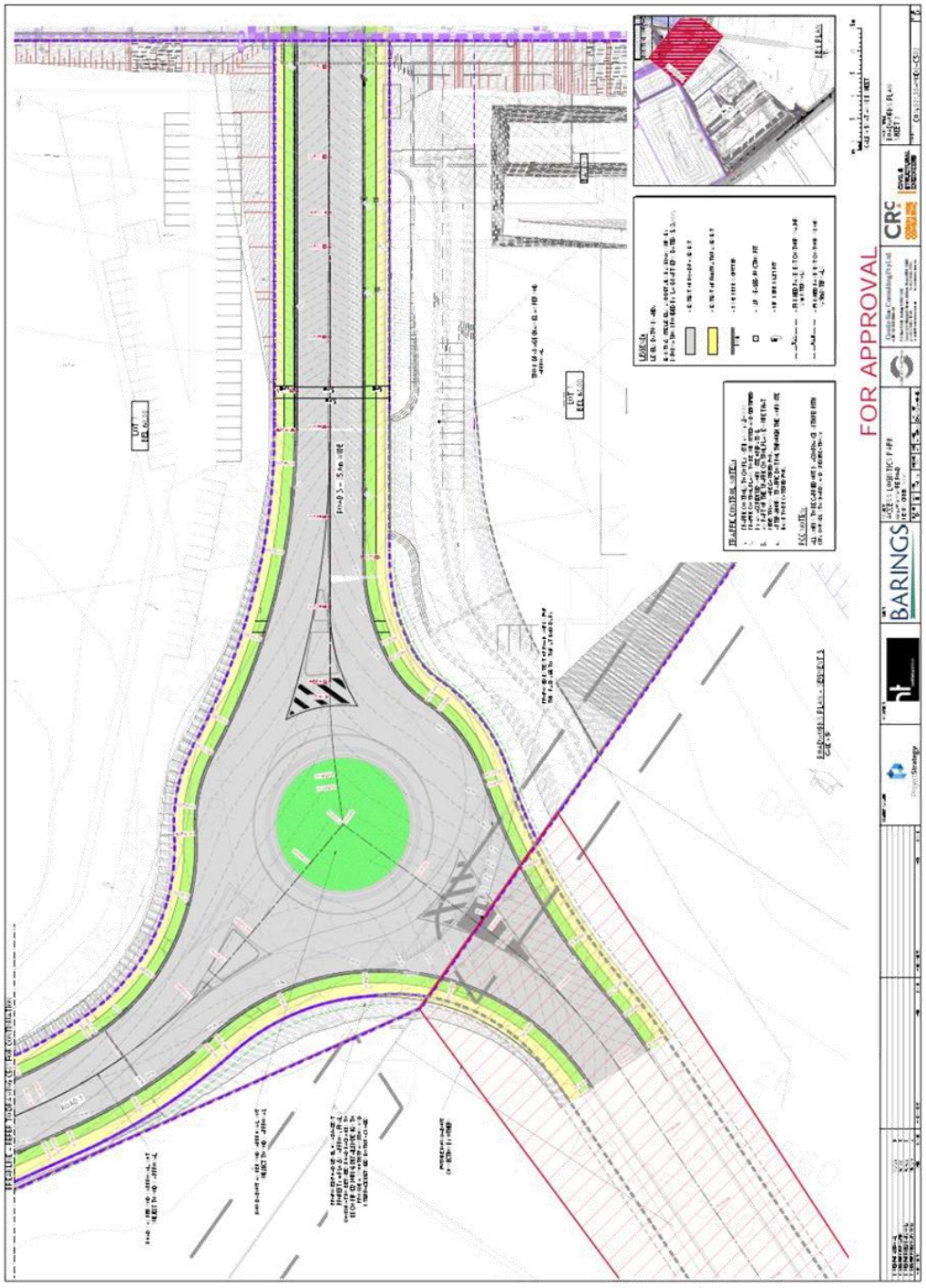
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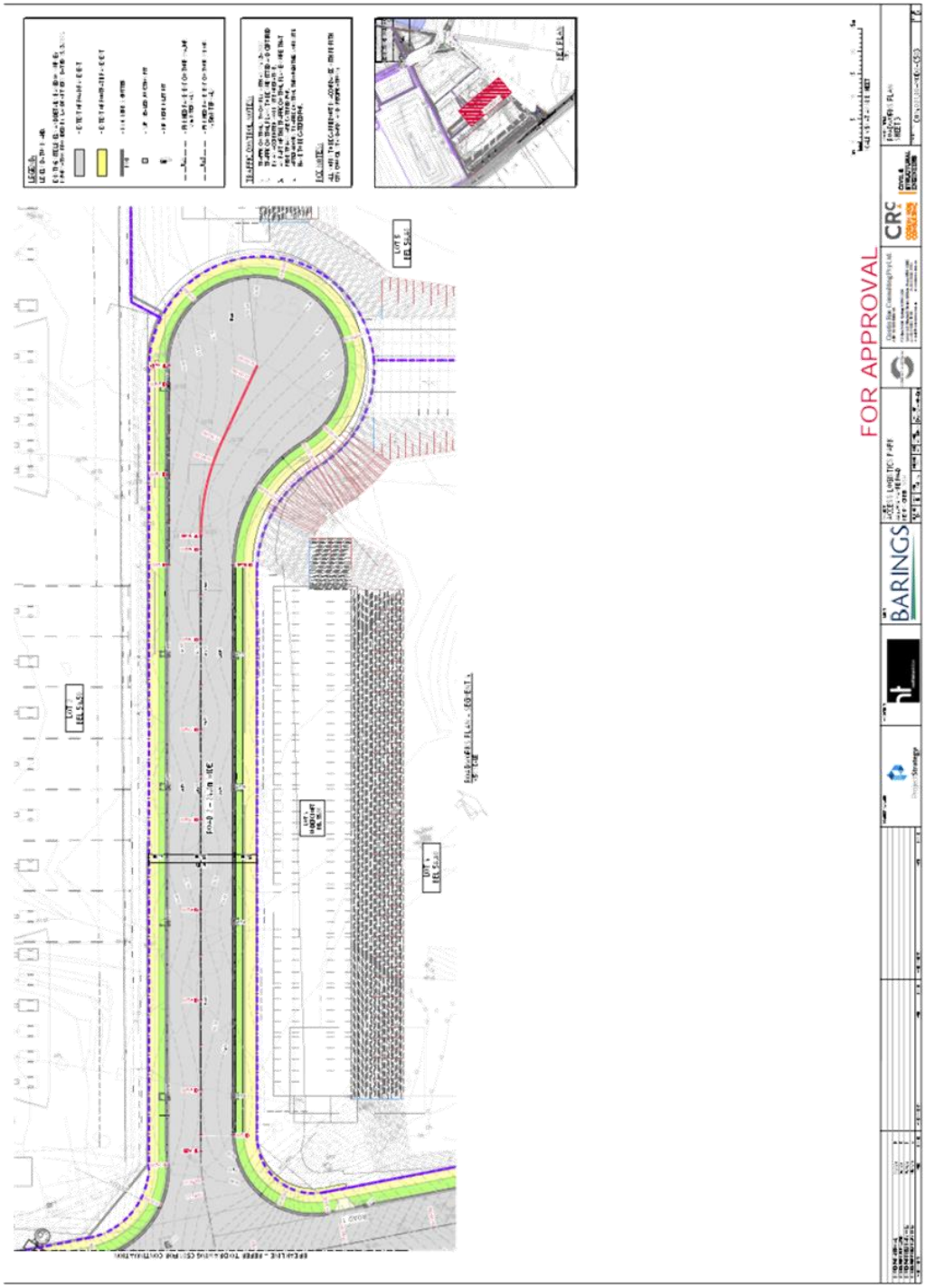
Executed by **The Trust Company (Australia) Limited ACN 000 000 993 as custodian for Altis Industrial Fund I Pty Ltd ACN 666 208 760 as trustee of Altis IFI Sub Trust 1 ABN 81 176 535 423** by its duly appointed attorney pursuant to registered power of attorney in the presence of)
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.....	.....
Signature of Witness	Signature of Attorney
.....	.....
Print name	Print name

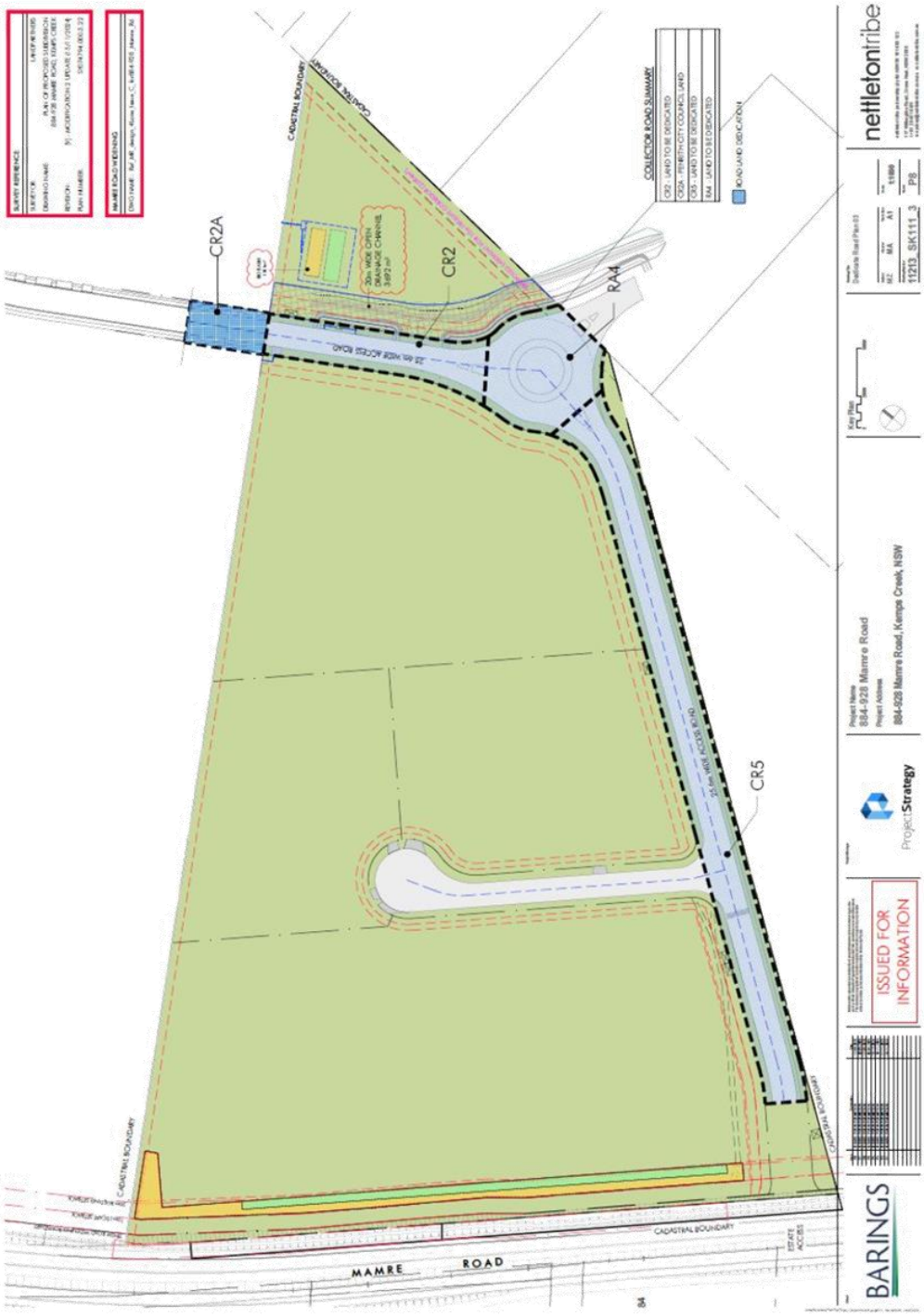
Annexure A Plans showing Works




FOR APPROVAL
BARINGS


FOR APPROVAL
BARINGS

Annexure B Works Plan



ATTACHMENTS

Date of Meeting:	Monday 25 August 2025
Report Title:	Amendment to the Mamre Road Precinct Development Contributions Plan 2022
Attachments:	Mamre Road Precinct Development Contributions Plan 2022 (Amendment 1) Plan and Attachment 1



PENRITH CITY

MAMRE ROAD PRECINCT

DEVELOPMENT CONTRIBUTIONS PLAN 2022 (AMENDMENT 1)

(Under Section 7.11 of the Environmental Planning and Assessment Act, 1979 amended)

Adopted by council on #
Effective from #

PENRITH CITY COUNCIL

penrithcity.nsw.gov.au

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1. CONTRIBUTIONS SUMMARY

1.1 INTRODUCTION

The Mamre Road Precinct Development Contributions Plan 2022 (the Plan) describes the local infrastructure that is needed to support future developments in the Mamre Road Precinct, and the contributions that will be required from developers of land in the Mamre Road Precinct to meet the cost of that infrastructure.

Those developments will mainly comprise transport, logistics and warehousing activities, along with others that are permissible in the IN1 General Industrial zone that makes up most of the Precinct. The Precinct is expected to generate 17,000 ongoing jobs when fully developed (DPHI, June 2020).

The local infrastructure that will be provided from developer contributions collected under this Plan is listed in Attachment 1 - *Mamre Road Precinct Development Contributions Plan 2022 Background Report* prepared by Infrastructure & Development Consulting (the **Background Report**).

The infrastructure costs and the contribution rates that apply to development in the Mamre Road Precinct under this Plan are shown in section 1.5.

1.2 ABOUT THE MAMRE ROAD PRECINCT

The Mamre Road Precinct is an employment area located in the south-east corner of the City of Penrith LGA.

The Mamre Road Precinct is shown at **Figure 1** and comprises approximately 1,000 ha within the Penrith Local Government Area (LGA). It is approximately 40 km west of the Sydney CBD, 12 km southeast of the Penrith CBD and 6km northeast of the Aerotropolis Core.

The Precinct is bordered by the Warragamba Pipeline to the north, Wianamatta South Creek and Kemps Creek to the west, Ropes Creek to the east and Mount Vernon to the south (Sydney Water for DPH, September 2020).

The Precinct is a key part of the NSW Government's strategy to provide more jobs close to where Western Sydney people live.

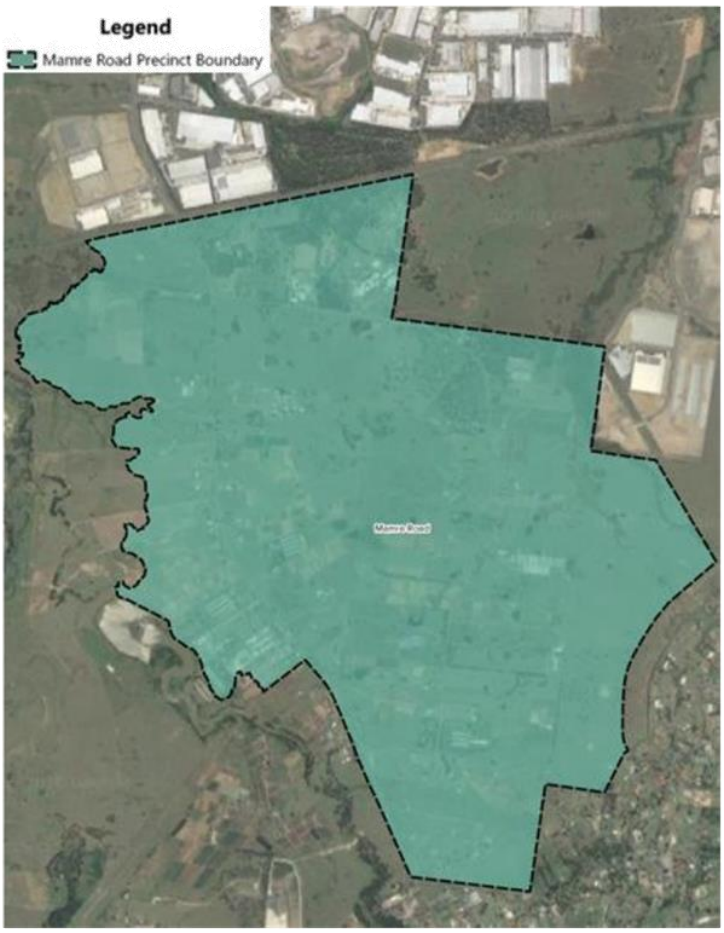
The Precinct is a recent extension of the Western Sydney Employment Area (WSEA). WSEA is a major industry and employment area located near the major transport links of the M4 and M7 Motorways.

The Mamre Road Precinct was rezoned in June 2020 under the former *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (replaced by I&E SEPP)) for predominantly industrial purposes. The planning controls for the Precinct provide for around 850 hectares of industrial land with an approximate capacity of 17,000 ongoing jobs depending on the nature of development proposals.

The Precinct is also identified in the Western Sydney Aerotropolis Plan as a key employment area that can accommodate land uses that would not be constrained by the noise effects of the operation of the airport.

Apart from addressing an undersupply of industrial land in Western Sydney, the rezoning was intended to support the delivery of a potential future intermodal terminal to service the existing WSEA and the development of the Aerotropolis. The rezoning also included new environmental conservation areas and public open space, dual objectives being to protect significant vegetation and Wianamatta - South Creek corridor which will form the green spine of the Western Parkland City.

Figure 1 Mamre Road Precinct boundary



Source: infrastructure and development consulting

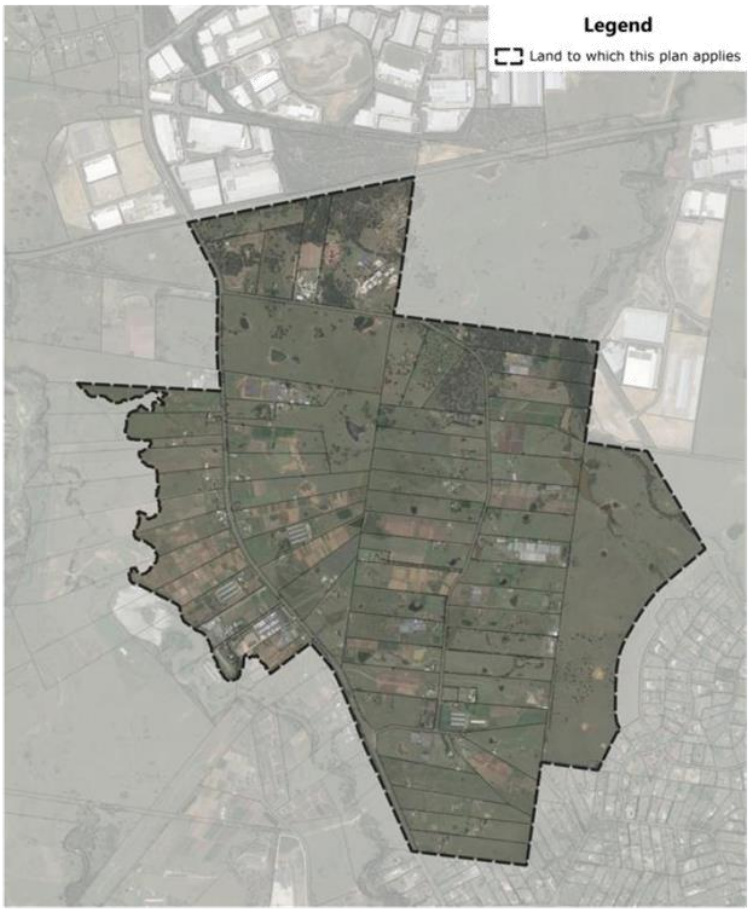
1.3 LAND AFFECTED BY THIS PLAN

Figure 2 shows the extent of the land affected by this plan.

The **Background Report** identifies that a State Significant Development (SSD) site located in the north west corner of the Mamre Road Precinct has received development approval for the first stage of the development. At the date of development approval, the site was subject to the current Section 7.12 Plan with an associated levy of 1% of the total development costs.

Therefore, the SSD development site and infrastructure located within the site (including a collector road and open space) has been excluded from this Plan. No additional levies will be collected for development within the site boundary under this Plan, and all infrastructure located within the SSD development site is expected to be provided by the developer.

Figure 2 Land affected by this plan



Source: infrastructure and development consulting

1.4 SUMMARY OF LOCAL INFRASTRUCTURE NEEDS

The employment growth from the anticipated industrial development in Mamre Road Precinct will generate new demand for a range of local infrastructure including:

- transport facilities, such as new roads, road upgrades and intersections (included in this Plan),
- open space facilities such as exercise equipment and basic landscape embellishments (included in this Plan), and
- stormwater drainage infrastructure (not included in this Plan and anticipated to be delivered directly by developers as part of their development).

Contributions of land, works and money from developers of land will be a key source of funding for the new and upgraded infrastructure not otherwise provided directly by developers under conditions of consent.

The contributions that are made by developers under this Plan will be applied by Council to deliver a schedule of local infrastructure with a total value of $541,954,452 million, as shown in **Table 1**.

1.5 SUMMARY OF INFRASTRUCTURE COSTS AND CONTRIBUTION RATES

This Plan levies contributions on development in Mamre Road Precinct for transport, open space and plan administration costs.

Table 1 shows the costs of infrastructure included in this Plan and the contribution rates that apply to development levied under this Plan.

Table 1 Mamre Road Precinct infrastructure costs and contribution rates (rounded)

	Costs	Rate per ha of NDA
Transport works	$150,823,541	$205,846
Transport land acquisition	$202,570,900	$276,472
Open space works	$24,889,938	$33,970
Open space land acquisition	$161,034,371	$219,782
Plan Administration	$2,635,702	$3,597
Total	**$541,954,452**	**$739,668**

1.6 LATEST RATES TO BE USED

Contributions in **Table 1** are expressed in December 2024 dollars, representing the base period of the Plan.

The section 7.11 contribution to be imposed on a development will reflect the latest, indexed contributions rates authorised by this Plan and this rate will be adjusted to reflect the current indexed amount at the date of payment.

Section 2.2.2 establishes how the rates to be levied must be indexed.

1.7 DEVELOPMENT AFFECTED BY THIS PLAN

Developments that generate an increase in demand for local infrastructure will be required to make a reasonable contribution toward that infrastructure.

Development of land (including subdivision) within the IN1 General Industrial zone will be levied contributions under this Plan.

Contributions will be levied on the amount of Net Developable Area (NDA) in hectares (and/or part thereof) comprising the development:

(a) at the time the land is subdivided as a final lot for the future construction of buildings and other structures

OR

(b) if the development does not include the subdivision of land for a final lot, at the time the land is approved for a use or uses permissible with consent in the IN1 General Industrial zone,

whichever occurs first.

Where a site, or part of a site, has been the subject of a s7.11 contribution imposed under this Plan or any subsequent plan that replaces this plan, development on the site (or part of the site) shall not be subject to any further local infrastructure contributions.

1.8 DEVELOPMENT EXEMPTED FROM CONTRIBUTIONS

The following types of development are exempt from the payment of a contribution under this plan:

- an emergency services facility
- a government school (within the meaning of the Education Act 1990)
- a health services facility owned and operated by a public authority
- a golf course

- a passenger transport facility
- public open space
- a public reserve or a drainage reserve (within the meaning of the Local Government Act 1993)
- a tertiary institution, including a university or TAFE establishment, that provides formal education and is constituted by or under an Act

- development that was permissible on the land immediately before the former WSEA SEPP came into effect, except roads internal to the development
- any form of residential development
- development for the sole purpose of the adaptive reuse of an item of environmental heritage
- repair and replacement of structures impacted by natural forces and unpreventable events such as fire, flooding, earthquakes, lightning etc.
- development for the purpose of infrastructure provided by Council or any other public authority
- development exempted from s7.11 contributions by a direction made by the Minister for Planning under s7.17 of the EP&A Act[1]

The exemption will only apply to that area of the subject land that is used for that specific purpose which is listed above. The contributions required under this plan will apply to all other land within the subject site.

In addition to the above, exemptions may be considered at the applicant's request. Consideration of such a request is at the Council's complete discretion and must be submitted in writing including justification and/or supporting documentation.

Such exemptions may be considered in the following circumstances:

- Public-sector developments—where the development is provided by the public sector with an underlying philosophy of community service and run on a non-profit basis, such as a courthouse, public hospital, public educational establishment, or community centre.
- Not-for-profit organisations - where registered not-for-profit organisations provide non-residential development with an underlying philosophy of community service.

Council will consider the following when assessing a request for exemption:

[1] or the corresponding sections 94 and 94A of the EP&A Act that existed immediately before the commencement of the *Environmental Planning and Assessment Amendment Act 2017*. Refer to the DPHI website for all current directions.

- Impact of the development on demand for infrastructure
- Social benefit provided
- Implications for infrastructure funding and provision
- Capacity to pay

1.9 SUMMARY OF PAYMENT TIMING AND SETTLEMENT OPTIONS

Council's policy in relation to the timing of payments of monetary contributions is as follows:

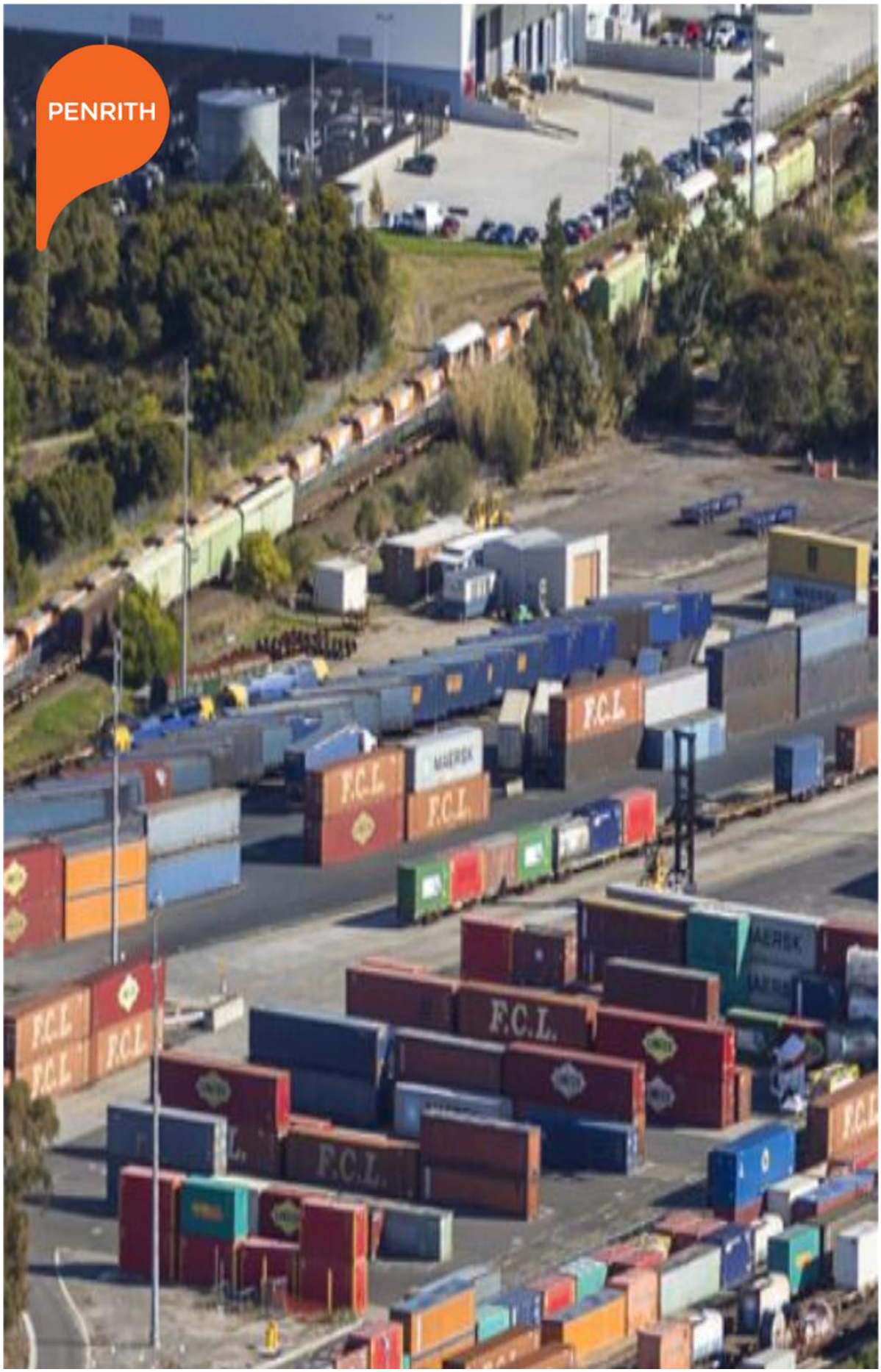
- DAs involving subdivision works: payment to be made prior to release of a Subdivision Certificate (linen plan).
- DAs involving building works: payment to be made prior to the release of a Construction Certificate.
- Complying Development works: payment to be made prior to the works authorised in a Complying Development Certificate commencing.

More detail about the timing of payments is contained in **Section 2.4.1**.

Applications for deferred or periodic payment will only be considered in accordance with Section **2.4.4**.

Instead of paying monetary contributions, a developer may choose to provide, subject to the agreement of the Council, one or more infrastructure items identified in this Plan as works-in-kind or as a land dedication.

More detail on alternative settlement options is explained in **Section 2.5**.


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2. HOW TO USE THIS PLAN

2.1 ABOUT THE PLAN

2.1.1 NAME OF THE PLAN

This Plan is called the *Mamre Road Precinct Development Contributions Plan 2022 (Amendment 1)*.

2.1.2 PURPOSE OF THE PLAN

Section 7.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) authorises councils and other consent authorities to require contributions from developers for local infrastructure as part of their development approvals.

Clause 66 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) requires a local contributions plan to be in place prior to granting of development consent on land zoned IN1 General Industrial under the I&E SEPP.[2]

The primary purpose of the Plan is to authorise consent authorities (including accredited certifiers) when granting consent to a DA to carry out development or issuing a complying development certificate (CDC) for development on the land to which the Plan applies, to impose conditions on the development which require a contribution to be made towards either/both:

- the provision, extension or augmentation of public amenities and public services only where development is likely to require the provision of or increase the demand for those amenities and services; and
- the recoupment of the cost of providing existing public amenities and public services within the area to which this Plan applies.

Other purposes of the Plan are as follows:

- to provide the framework for the efficient and equitable determination, collection and management of development contributions toward the provision of public amenities and public services generated by development within Mamre Road Precinct.
- to ensure that development on land in the Mamre Road Precinct makes a reasonable contribution toward the provision of public amenities and public services that are required by that development.
- to ensure that the existing community is not unreasonably burdened by the provision of public amenities and public services required (either partly or fully) as a result of development in Mamre Road Precinct.
- to ensure Council's management of development contributions complies with relevant legislation and guidelines and achieves best practice in plan format and management.

[2] A contributions plan is not required if a planning agreement has been entered into for the matters addressed by a contributions plan, or the development is minor in nature

2.1.3 STRUCTURE OF THE PLAN

This Plan provides summary information about the local infrastructure contributions payable, how to impose, pay and settle contributions, and other administrative matters.

The **Background Report** provides more detail about the local infrastructure strategies for the Mamre Road Precinct and how contributions have been determined to fund the infrastructure requirements.

2.1.4 PLAN COMMENCEMENT

This Plan commences on the date on which public notice was given under clause 214(2) of the EP&A Regulation or the date specified in that notice if it is a different date.

2.2 CALCULATING THE CONTRIBUTION

The contribution is calculated using the rates shown in **Table 1** (as indexed in accordance with **Section 2.3**) multiplied by the Net Developable Area (in hectares and/or part thereof), as defined in **Section 3.6,** that comprises the development using the following formula:

$$Contribution = NDA\ of\ the\ subject\ site\ \times contribution\ rate\ per\ ha$$

The applicable NDA will be either:

- the area of land that is the subject of a subdivision for a final lot for future development, or
- if the development does not include the subdivision of land - the area of land to be developed for a use or uses permissible with consent in the IN1 General Industrial zone including all associated works, e.g., car parking, landscaping. In this circumstance, the contribution will not be applied to the residue land that is not to be developed.

2.2.1 WORKED EXAMPLES

Development of an entire site

A proposed development involves the subdivision of the entirety of an 8.5 ha site to create 4 lots to be used in the future for industrial development and provide a new local road in the middle of the site.

Contribution	=	Development site area of 8.5 ha
	=	8.5 X $739,668 (refer to **Table 1**)
Total contribution	**=**	**$6,287,178**

Development of part of a site

A proposed development of a 37 ha site involves the subdivision of 12.5 ha of the site to create 5 lots to be used in the future for industrial development and provide a new local road to service these lots.

The remaining 24.5 ha portion of the site will not be developed under this proposal.

Contribution	=	Total site area of 37 ha minus undeveloped site area of 24.5 ha
		= Development site area of 12.5 ha
	=	12.5 X $739,668 (refer to **Table 1**)
Total contribution	=	**$9,245,850**

2.2.2 INDEXING CONTRIBUTION RATES

The contributions stated in a development consent or CDC are calculated using the indexed section 7.11 contribution rates determined at the time of consent in accordance with this Plan.

The contribution rate will be indexed as follows:

$$Applicable\ contribution = \$Cw \times \frac{Current\ CPI}{Base\ CPI}$$

Where:

$Cw	is the contribution rate at the time of adoption of the Plan
Current CPI	is the most recent quarterly Consumer Price Index (All Groups - Sydney) as published by the ABS at the time of the development consent
Base CPI	is the CPI published by the ABS in the quarter immediately prior to the date of preparation of this Plan (i.e. December 2024)

If the contributions are not paid within the quarter in which consent (or the CDC) is issued, the contributions payable will be adjusted further in accordance with the above equation.

2.3 IMPOSING THE CONTRIBUTION

2.3.1 MONETARY CONTRIBUTIONS

This Plan authorises:

- the Council or a planning panel, when granting consent to a DA to which this Plan applies, and
- the Council, an accredited certifier, when determining an application for a CDC relating to development to which this Plan applies,

to impose a condition under section 7.11 of the EP&A Act requiring the payment of a monetary contribution to the Council towards:

- the provision of public amenities and public services as specified in the works schedule to meet the demands of the development; or
- the recoupment of the cost of public amenities and public services previously provided in advance of development within the area.

2.3.2 LAND DEDICATION

This Plan authorises the Council or a planning panel, by imposition of a condition of development consent, to require in connection with any development on land to which this Plan applies (and in addition to any monetary contribution that may be sought) the dedication free of cost to the Council of any part of the development site that is land included in the works schedule in this Plan.

The area of land that may be required in the consent shall not exceed the area equivalent to the monetary contribution for infrastructure land otherwise authorised by this Plan.

The value of the land required by a consent is to be calculated in accordance with the value ascribed to the land in the works schedule, as indexed by the CPI (Sydney All Groups) in accordance with **Section 2.2.2**. That value can be used to reduce the amount of monetary contributions otherwise payable.

Council will, wherever appropriate, require developers to dedicate land free of cost for the facilities identified in this Plan. Where the development does not or cannot provide the full (land) area required as a contribution, the shortfall will be required as a monetary contribution. The contribution rates included in this Plan reflect the monetary contribution required where land is not dedicated free of cost.

Where the value of the land exceeds the monetary development contribution otherwise authorised by this Plan, the developer may offer to enter into a planning agreement under s7.4 of the EP&A Act dealing with an appropriate settle-up in exchange for the dedication of the remainder.

2.3.3 OBLIGATIONS OF ACCREDITED CERTIFIERS

Complying Development Certificates

This Plan requires that, in relation to an application made to an accredited certifier for a CDC:

- the accredited certifier must, if a CDC is issued, impose a condition requiring a monetary contribution, if such a contribution is authorised by this Plan.
- the amount of the monetary contribution that the accredited certifier must impose is the amount determined in accordance with this section.
- the terms of the condition be in accordance with this section.

Procedure for determining the contribution amount

The procedure for an accredited certifier to determine the amount of the section 7.11 monetary contribution for complying development is as follows:

1. If, and only if specified in writing in the application for a CDC, the applicant has requested an exemption for part or the whole of the development under **Section 1.8** of this Plan, the accredited certifier must:

(a) make a request in writing to the Council for the Council's advice on whether the request is granted, or the extent to which it is granted; and

(b) in calculating the monetary contribution, comply with the Council's written advice or if no such advice has been received prior to the granting of the CDC, refuse the applicant's request.

2. Determine the unadjusted contributions in accordance with the rates included in **Table 1** of this Plan, taking into account any exempt development specified in **Section 1.8** and any advice issued by the Council under paragraph 1(b) above.

3. Adjust the calculated contribution in accordance with **Section 2.2.2** to reflect the indexed charge for the provision of infrastructure.

Construction Certificates

It is the responsibility of an accredited certifier issuing a Construction Certificate for building work or subdivision work to ensure that each condition requiring the payment of a monetary contribution before work is carried out has been complied with in accordance with the CDC or Development Consent.

The accredited certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions have been fully paid and copies of such receipts must be provided to the Council. Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action.

The only exceptions to the requirement are where a work in kind, material public benefit, dedication of land and/or deferred payment arrangement has been agreed by the Council. In such cases the Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

2.4 PAYING THE CONTRIBUTION

2.4.1 TIMING OF PAYMENTS

At the time of payment, it will be necessary for monetary contribution amounts to be updated in accordance with the relevant index as outlined in **Section 2.2.2.**

The timing for payment of contributions is as follows:

- Development Applications involving subdivision works only: payment to be made prior to release of a Subdivision Certificate (linen plan).

- Development Applications involving building works (whether or not it includes subdivision works): payment to be made prior to the release of a Construction Certificate, or Occupation Certificate if the development meets the requirements of the Minister's direction referred to below.

- Complying Development works: payment to be made prior to the works authorised in a Complying Development Certificate commencing.

A condition of development consent may provide for an application to be made to the Council for deferred or periodic payment. Council will consider applications in accordance with **Section 2.4.4**.

2.4.2 MEANS OF PAYING CONTRIBUTIONS

Payment may be made by any means acceptable to Council provided that if the payment is not by cash or bank cheque then:

- any costs or commission payable by Council on the transaction or its collection must also be paid by the applicant; and
- the payment shall not be deemed to be received until Council's bankers acknowledge that the funds are cleared.

2.4.3 CONTRIBUTION ADJUSTMENT FOR INFLATION AT TIME OF PAYMENT

The contributions stated in a development consent are calculated on the basis of the indexed section 7.11 contribution rates determined in accordance with this Plan at the date of consent. If the contributions are not paid within the quarter in which consent is granted, the contributions payable will be adjusted as outlined in Section 2.2.2.

The current contributions are published by Council on its website and are also available from Council offices.

Note: The contribution payable will not be less than the contribution specified on the development consent.

2.4.4 DEFERRED OR PERIODICAL PAYMENTS

Council will consider any request to defer contributions on its merits however, the developer must make written application.

Deferred or periodic payments may be permitted in the following circumstances:

- compliance with the provisions of **Section 2.4.1** is unreasonable or unnecessary in the circumstances of the case; or
- where the applicant intends to make a contribution by way of a planning agreement, works-in-kind or land dedication in lieu of a cash contribution and Council and the applicant have a legally binding agreement for the provision of the works or land dedication; or
- there are circumstances justifying the deferred or periodic payment of the contribution.

Council will consider whether deferred or periodic payment of the contribution will prejudice the timing or the manner of the provision of public facilities included in the works program.

Applications for deferred or period payment of development contributions will only be considered where authorised by and consistent with the relevant development consent.

If Council grants such a request it is conditional upon the applicant providing a suitable bank guarantee and deed of agreement consistent with Council's accounting practices for such scenarios.

A period for deferral of a contribution will be agreed between the applicant and Council prior to preparation of the bank guarantee. The period may be extended in circumstances acceptable to Council.

Interest and an administrative fee will be charged on deferred contributions. The amount of the bank guarantee will be calculated in the following manner:

$$G = C \times (1 \times r)^P$$

Where:

G is the amount of the Bank Guarantee;

C is the contribution owing at the time the guarantee is lodged with Council;

r is the interest rate applicable on the last day of the quarter of the 90-day bank bill swap rate plus 1% rate; and

P is in years and reflects the number of years that the bank guarantee is expected to be held.

The guarantee will be terminated when the liability is met by the payment of cash or transfer of land or works or Council advises that the guarantee is no longer required.

The deed of agreement is to be prepared by Council's solicitors at full cost to the applicant.

If contributions are not paid by the agreed date the Bank Guarantee may be called up by Council.

2.5 ALTERNATIVES TO PAYING CONTRIBUTIONS

2.5.1 WORKS IN KIND AGREEMENTS

Council encourages and may accept an offer by the applicant to provide an "in-kind" contribution (i.e. the applicant completes part or all of works identified in this Plan) as a means of partly or fully satisfying a s7.11 contribution requirement.

While an offer of settlement of contributions in-kind is encouraged, Council's decision to accept such an offer is solely at its discretion.

Offers of works in kind will be subject to and assessed under Council's Developer Agreements Policy, which is available on Council's website.

2.5.2 PLANNING AGREEMENTS

Section 7.4 of the Act allows the negotiation of planning agreements between councils, developers, and/or other planning authorities for the provision of public purposes.

Planning agreements can be offered in connection to any of the following:

- a planning proposal to change the planning controls applying to land
- a development application for consent to carry out development
- the modification of a development consent
- an application for a CDC.

Planning agreements may address contribution requirements under this Plan and any other purposes and contributions proposed by a developer that have a wider public benefit.

Offers of planning agreements will be subject to and assessed under Council's loper Agreements Policy, which is available on Council's website and will be at 's discretion.



3. OTHER ADMINISTRATION MATTERS

3.1 RELATIONSHIP TO OTHER CONTRIBUTION PLANS

This Plan does not affect development consents or CDCs containing conditions requiring contributions or levies under another contributions plan or plans that were determined or issued prior to this plan coming into effect.

This Plan does not limit or otherwise affect any requirements for the payment of special infrastructure contributions (SICs) pursuant to Subdivision 4 of Division 7.1 of Part 7 of the EP&A Act.

3.2 SAVINGS AND TRANSITIONAL ARRANGEMENTS

A DA or a CDC which has been submitted prior to the adoption of this Plan but not determined shall be determined in accordance with the provisions of the Plan which applied at the date of determination of the application. The Plan applies to DAs determined or CDCs issued on or after the date to which the Plan was made.

3.3 POOLING OF CONTRIBUTIONS FUNDS

Council's ability to forward fund the infrastructure in this Plan is very limited. Consequently, infrastructure provision is largely contingent upon the availability of contributions funds.

To provide a strategy for the orderly delivery of the public amenities and public services, this Plan authorises monetary contributions paid for different purposes in accordance with the conditions of various development consents and CDCs authorised by this Plan to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary contributions under this Plan are the priorities for works as set out in the works schedules in the **Background Report**.

In any case of the Council deciding whether to pool and progressively apply contributions funds, the Council must first be satisfied that such action will not unreasonably prejudice the delivery within a reasonable time, of the purposes for which the money was originally paid.

3.4 ACCOUNTABILITY AND ACCESS TO INFORMATION

Council is required under the EP&A Regulation to comply with a range of financial accountability and public access to information requirements in relation to section 7.11 contributions. These include:

- maintenance of, and public access to, a contributions register
- maintenance of, and public access to, accounting records for contributions receipts and expenditure

- annual financial reporting of contributions
- public access to contributions plans and supporting documents.

These records are available for inspection free of charge at the Council.

3.5 REVIEW OF THE PLAN

Pursuant to clause 215(3) of the EPA Regulation, Council may make certain minor adjustments or amendments to the Plan without prior public exhibition and adoption by Council. Minor adjustments could include minor typographical corrections and rate amendments resulting from changes in the indexes adopted by this Plan.

Council may seek to review its contribution plans with any material amendments to the assumed net development area, proposed infrastructure items or their cost of provision. This will be subject to Plan amendment and public exhibition.

3.6 DICTIONARY

Except where indicated in this section, the definitions of terms used in this Plan are the definitions included in the EP&A Act, EP&A Regulation and the WSEA SEPP applying to Mamre Road Precinct.

In this Plan, the following words and phrases have the following meanings:

ABS means the Australian Bureau of Statistics.

Background Report means the *Mamre Road Precinct Development Contributions Plan 2022 Background Report* prepared by *Infrastructure & Development Consulting; March 2025* as provided at Attachment 1 to this Plan.

CDC means complying development certificate.

Council means Penrith City Council.

CPI means the *Consumer Price Index (All Groups - Sydney)* published by the ABS.

DA means development application as defined by the EP&A Act, including a state assessed development application.

DPHI means NSW Department of Planning, Housing and Infrastructure.

EP&A Act means the *Environmental Planning and Assessment Act 1979.*

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021.*

GFA means gross floor area.

I&E SEPP means State Environmental Planning Policy (Industry and Employment) 2021

IPART means Independent Pricing and Regulatory Tribunal.

Just Terms Act means the *Land Acquisition (Just Terms Compensation) Act 1991.*

LGA means local government area.

LUIIP means Land Use and Infrastructure Implementation Plan

MPB means material public benefit.

NDA means Net Developable Area, which is the area (in hectares and/or part thereof) of land to which a DA or CDC relates that is zoned IN1 General Industrial except for land that is:

- An existing road at the time of development consent is granted
- Land required for the provision or upgrade of any road to be provided under this plan
- An arterial road or land for the widening of an arterial road as shown in the Background Report at Attachment 1 to this Plan

The NDA for the whole Precinct when this Plan commenced is shown in Figure 4 in the Background Report.

Works schedule means the schedule of the specific public amenities and public services for which contributions may be required as set out in the Background Report.

Planning agreement means an agreement referred to in section 7.4 of the EP&A Act.

Security means an irrevocable and unconditional undertaking without any expiry or end date in favour of the Council to pay an amount or amounts of money to the Council on demand issued by an eligible financial institution consistent with credit rating requirements detailed in Treasury Circular NSW TC 08/01 or an equivalent revised version.

SIC means special infrastructure contribution.

TfNSW means Transport for New South Wales.

Work in kind means the undertaking of a work or provision of a facility by an applicant which is already nominated in the works schedule of a contributions plan as a means of either fully or partly satisfying a condition of consent requiring development contributions to be made.

WSA means Western Sydney Aerotropolis.

WSEA SEPP means *State Environmental Planning Policy (Western Sydney Employment Area) 2009.*

3.7 PLAN REFERENCES

DPHI, Mamre Road Precinct - Frequently asked questions, November 2019

DPHI, *Mamre Road Precinct Structure Plan*, June 2020

DPHI, *Western Sydney Employment Area Mamre Road Precinct Rezoning Exhibition Discussion Paper,* November 2019

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Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012, as amended.

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Greater Sydney Commission, *A Metropolis of Three Cities*, March 2018.

Greater Sydney Commission, *Western City District Plan*, March 2018.

NSW Government, *A Plan for Growing Sydney*, 2014.

NSW Government, *WSA Land Use and Infrastructure Implementation Plan, Stage 1 – Initial Precincts*, 2018

Penrith City Council, *Economic Development Strategy – Building the New West*, January 2017.

Penrith City Council, *Penrith Community Profile 2018*, p 24.

Population and household forecasts, 2016 to 2036, prepared by id., the population experts, December 2017.

Sydney Water for DPHI, *Mamre Road Precinct, Flood, Riparian Corridor and Integrated Water Cycle Management,* September 2020.

Western Sydney Planning Partnership, *Western Sydney Aerotropolis Plan Finalisation Report,* September 2020

4. ATTACHMENT 1 MAMRE ROAD PRECINCT DEVELOPMENT CONTRIBUTIONS PLAN 2022 BACKGROUND REPORT

infrastructure & development consulting

Mamre Road Precinct Development Contributions Plan 2021

Background Report

Amendment 1

March 2025

Infrastructure planning master planning civil engineering project management contract administration

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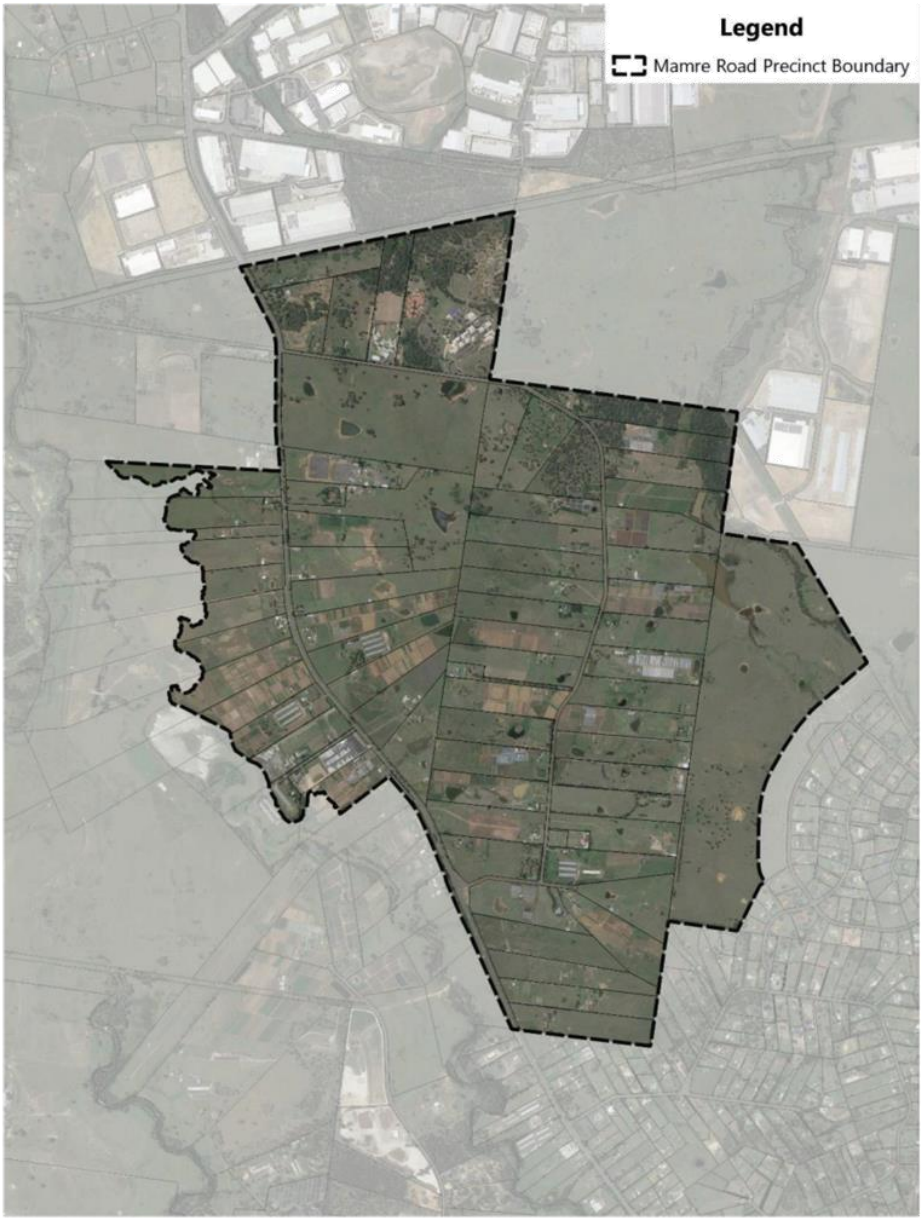
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Project Number	20-501	Date	12 March 2025
Project Name	Mamre Road S7.11	Status	Final
Client	Penrith City Council	Revision	I
Author	R. Higgisson	Reviewed	C. Avis

1 Introduction

This report has been prepared by Infrastructure & Development Consulting (IDC) for Penrith City Council to assist in the preparation of a Section 7.11 Development Contributions Plan (S7.11 Plan) to meet the cost of local infrastructure across the Mamre Road Precinct. The study area is shown in Figure 1.

Figure 1 - Mamre Road Section 7.11 Plan Area



2 Purpose & Assumptions

2.1 Purpose

The Mamre Road Precinct will require a range of new and augmented local infrastructure which needs to be planned, programmed, funded and delivered to support development.

This local infrastructure includes:

- Open space and recreation facilities
- Traffic and transport management facilities

The provision of local infrastructure will be funded using contributions received from developers of land in the Precinct. Penrith City Council has prepared the Mamre Road Precinct Development Contributions Plan 2021 for this purpose.

This Background Report provides information informing the preparation of the contributions plan, including:

- the planning context
- the relationship between the expected development and the infrastructure to service that development
- the infrastructure to be provided and justification for including that infrastructure in the Section 7.11 plan
- the basis for determining infrastructure costs
- the formulas for determining contribution rates

2.2 Assumptions

A number of assumptions have been made to assist in the preparation of this Section 7.11 Plan:

- This Section 7.11 Plan only applies to land contained within the Mamre Road Precinct as outlined in Figure 1.
- The Net Developable Area (NDA) excludes all land zoned SP2, RE1, RE2 and E2 as well as transport investigation corridors and the approved State Significant Development (SSD) site as indicated on Figure 4.
- The NDA also excludes land to be acquired for roads infrastructure as part of the plan, which is further detailed in Section 6.1.
- Typical road cross sections have been extracted from the Mamre Road Development Control Plan 2021 supplied by DPIE.
- Land Acquisition for road corridors are estimates only and subject to detailed design.
- Allowances for intersection treatments are estimates only and subject to detailed design.
- Land acquisition rates were provided by Curtis Valuations in March 2022.
- A plan administration allowance of 1.5% of the cost of works has been applied in line with IPART recommendations outlined in the *Local Infrastructure Benchmark Costs – Costing Infrastructure in Local Infrastructure Plans* report.

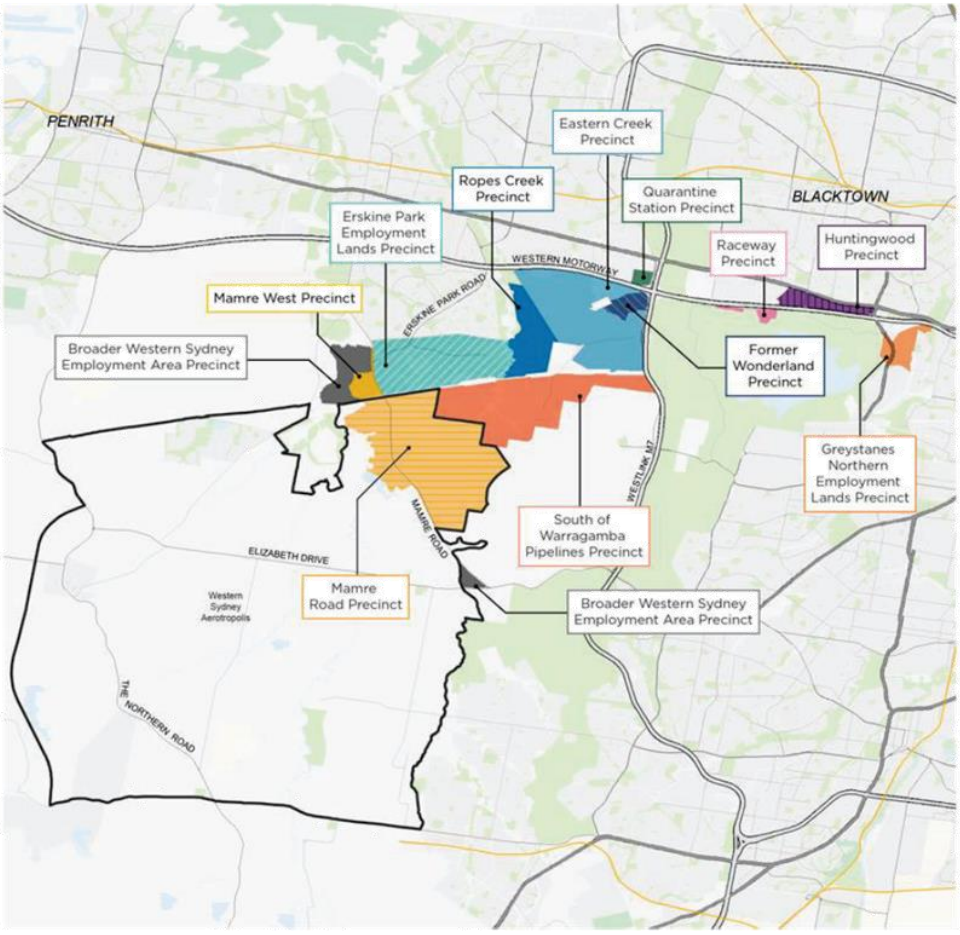
- Utility costs have been reduced from the previous revision based on agency feedback regarding lead-in requirements for inclusion in road costs as part of the Section 7.11 Plan and requirements to be provided by developers.
- A design cost allowance of 12% of the cost of works has been applied to road projects in line with IPART recommendations outlined in the *Local Infrastructure Benchmark Costs – Costing Infrastructure in Local Infrastructure Plans* report, which recommends up to 15% be applied to road projects.

It should be noted that the cost rates and values in this report have not been indexed since the original preparation of the plan in March 2022.

3 Mamre Road Precinct Regional Context

The proposed Section 7.11 Plan applies to land within the Mamre Road Precinct in the Western Sydney Employment Area (WSEA). The WSEA is located within the Penrith City Council Local Government Area (LGA) and contains a number of precincts which will help create future employment and growth in the area. The WSEA is shown in Figure 2 below.

Figure 2 - Western Sydney Employment Area Precincts



Source: DPIE (2021)

4 Zoning & Land Use

The Mamre Road Precinct contains a number of zoning types as summarised in Table 1 below.

Table 1 - Proposed Land Zoning

Zone	Code	Description
General Industrial	IN1	IN1 zoning will permit a wide range of industrial and warehousing uses in line with the existing IN1 General Industrial zone under the WSEA SEPP
Environmental Conservation	C2	C2 zoning will protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values
Public Recreation	RE1	Land within the precinct that will provide publicly accessible passive open space and recreation facilities
Private Recreation	RE2	Land within the precinct that will provide privately owned open space and recreation facilities

The Mamre Road Precinct was rezoned in June 2020 under the former WSEA SEPP (now I&E SEPP) for predominately industrial purposes. The proximity of the precinct to the M4 Motorway and Elizabeth Drive makes it suitable for employment and logistics uses. The precinct is also affected by aircraft noise and therefore not suitable for sensitive land uses.

Surrounding rural residential areas will be protected from industrial activities with buffers between homes and the industrial hub. Built and natural heritage is protected with the preservation of environmentally sensitive land.

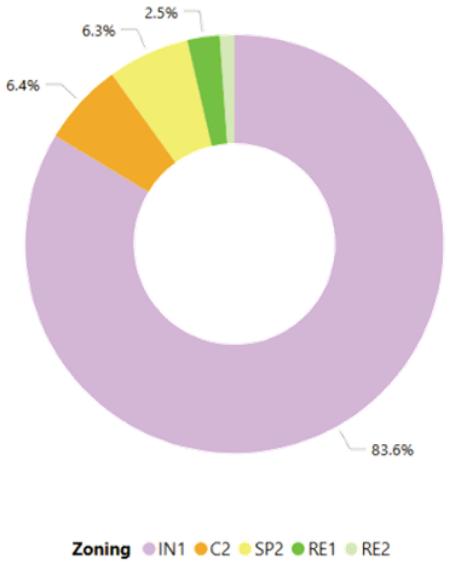
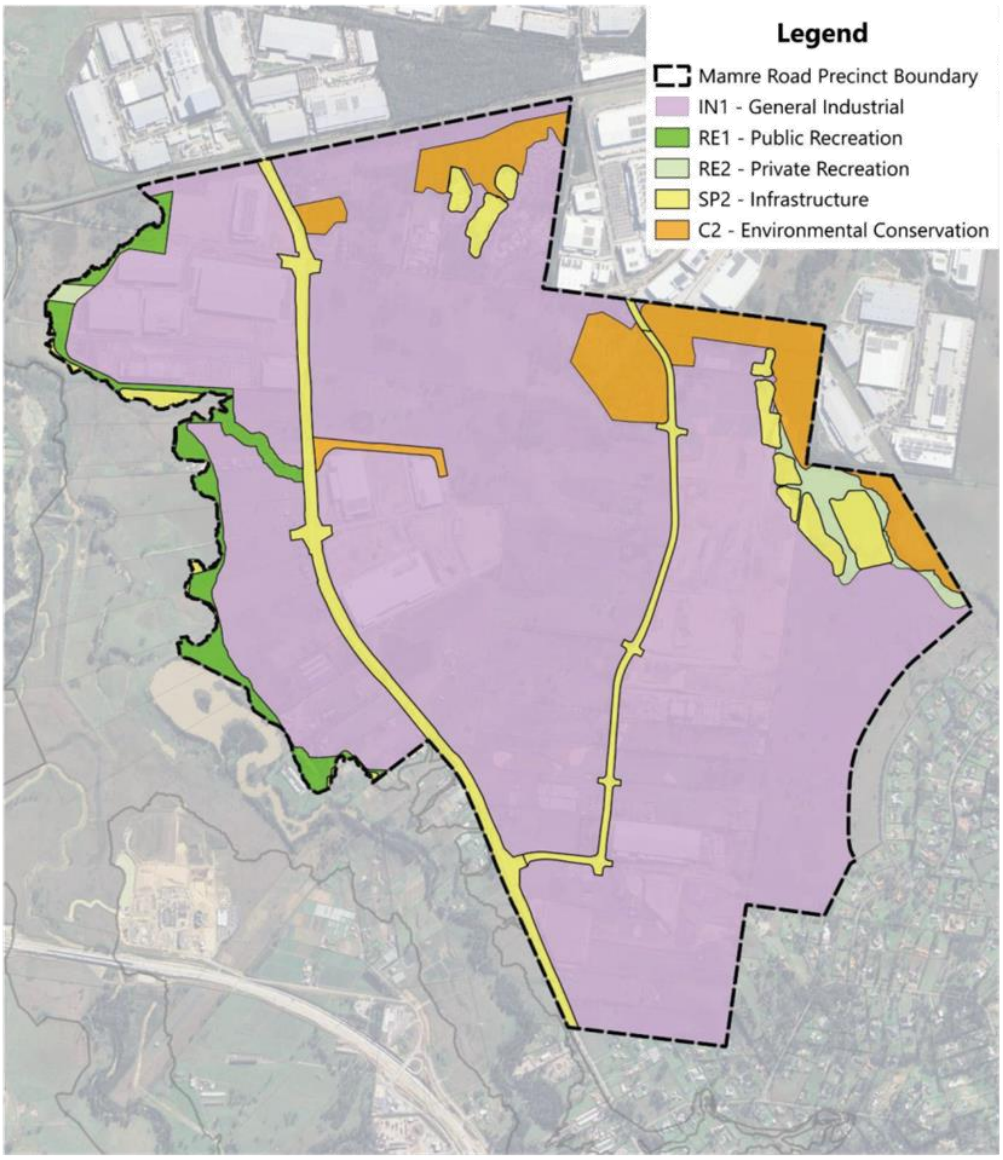


Figure 3 - Mamre Road Precinct Zoning



4.1 Land Zoning Summary

Table 2 below summarises the total area of each zoning type within the Mamre Road Precinct.

Table 2 - Land Use Summary

Code	Zoning	Area (Ha)
C2	Environmental Conservation	64.2
IN1	General Industrial	837.7
RE1	Public Recreation	25.0
RE2	Private Recreation	11.3
SP2	Infrastructure	63.3
	Total	**1,001.4**

4.2 Net Developable Area

The Section 7.11 Contributions Plan contains a definition of Net Developable Area (NDA) that has been used for this study.

For the purpose of this Section 7.11 Plan, all land zoned C2, RE1, RE2 and SP2 has been excluded from the NDA. The land required for Collector Roads as identified in the Road Hierarchy Plan contained in the DCP has also been excluded. These areas are further detailed in Section 6.1 and shown on Figure 4.

4.2.1 NDA Exclusions

A State Significant Development (SSD) site located in the north west corner of the precinct has received development approval for the first stage of the development. The site covers an area of 91.7 hectares and is shown in Figure 4.

At the date of development approval, the site was subject to the current Section 7.12 Plan with an associated levy of 1% of the total development costs. Therefore, this Section 7.11 Plan has excluded the site and infrastructure located within the site, including a collector road and open space. No additional levies will be collected for development within the site boundary, and all infrastructure located within is expected to be provided by the developer.

In addition to the SSD site, the Mamre Road Precinct includes a number of transport investigation corridors, as shown in Figure 4. These areas have been excluded from the NDA.

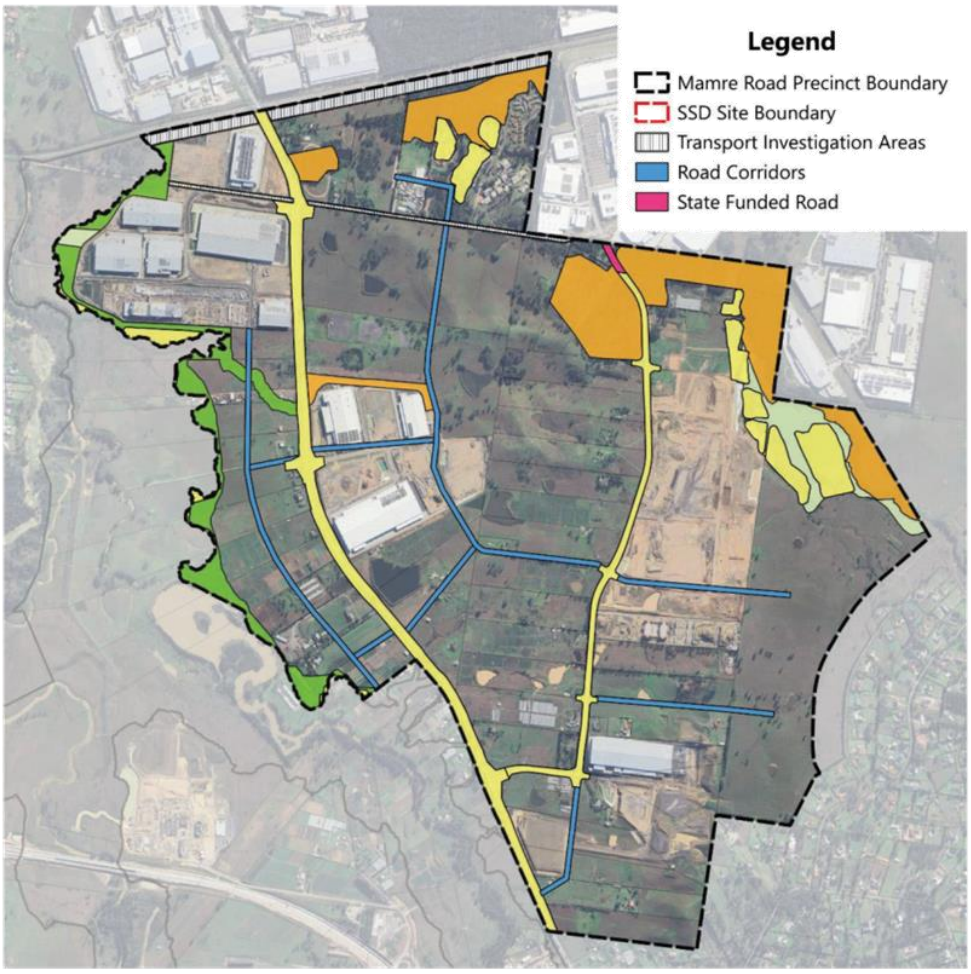
4.2.2 NDA Summary

A summary of the NDA for the Mamre Road Precinct is provided in Table 3.

Table 3 - Net Developable Area

Land Type	Area (Ha)
IN1 – General Industrial	837.7
IN1 - SSD Site	91.7
Transport Investigation Corridors (Outside SSD Site)	10.9
Road Infrastructure Area	21.6
Net Developable Area	**724.0**

Figure 4 - NDA Exclusion Areas

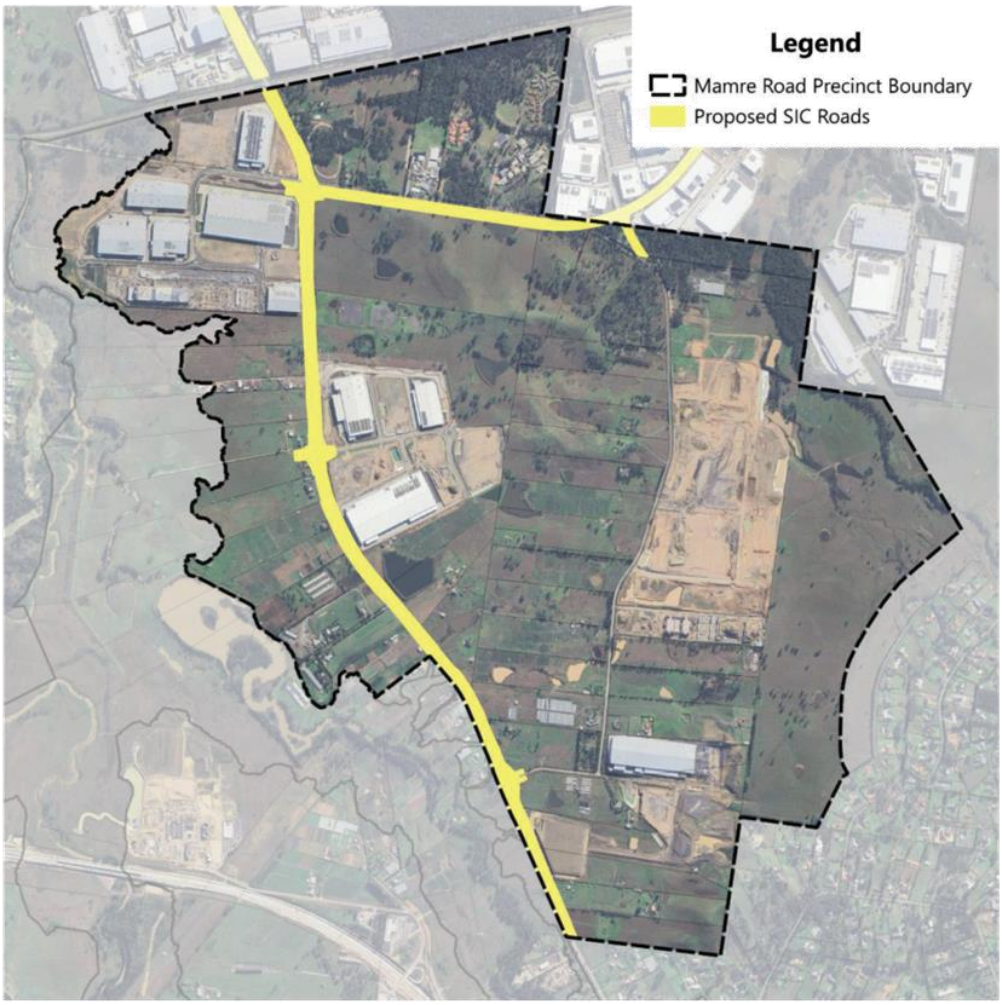


5 SIC Infrastructure

The *Western Sydney Aerotropolis Plan* outlines the future transport network to link the Aerotropolis with greater Sydney. A Special Infrastructure Contribution (SIC) was introduced on 25 March 2022. The SIC helps fund the delivery of infrastructure to support the Aerotropolis.

The SIC includes the upgrade of Mamre Road and the Southern Link Road. These roads are shown in Figure 5 below and have been excluded from this Section 7.11 Plan.

Figure 5 – Mamre Road SIC Roads



6 Proposed Infrastructure

The following sections outline the approach taken to determine the infrastructure requirements to support the proposed land uses within the Mamre Road Precinct.

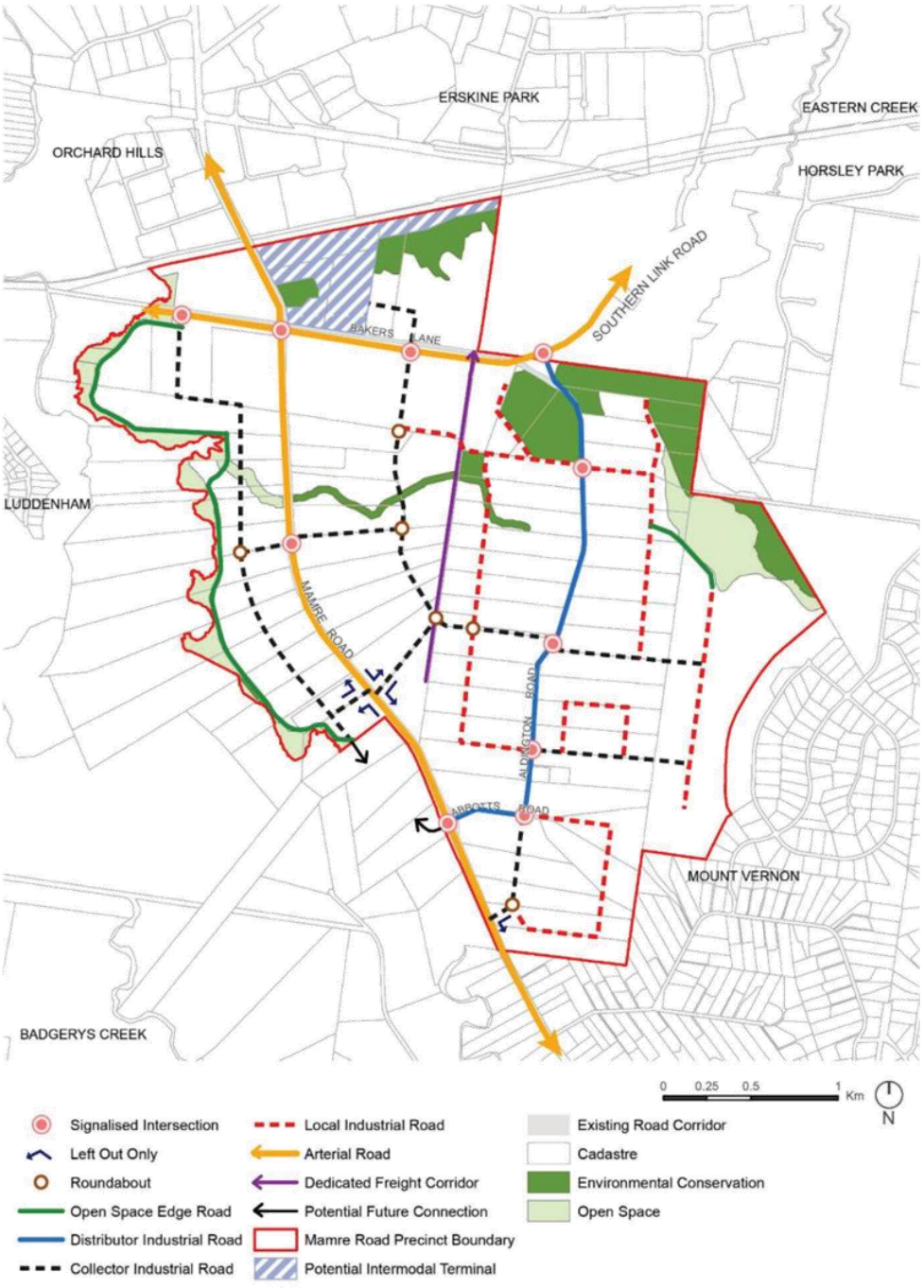
6.1 Transport Infrastructure

Collector roads will be funded through this Section 7.11 Plan. The proposed road hierarchy for the Mamre Road Precinct is shown in Figure 6. For the purpose of this plan, it has been assumed that *Collector Industrial Roads* and *Distributor Industrial Roads* are classified as collector roads and will be funded through Section 7.11 contributions. *Arterial Roads* and the *Dedicated Freight Corridor* will be the responsibility of state government to fund and deliver. All *Local Industrial Roads* and *Open Space Edge Roads* are assumed to be funded and delivered by developers and do not form part of this Section 7.11 Plan.

In addition to collector roads, the Section 7.11 Plan includes an allowance for intersection treatments. It has been assumed that intersection costs are attributable to the higher order road, therefore, where there is an intersection between a collector and arterial road, the intersection costs are assumed to be attributable to the arterial road.

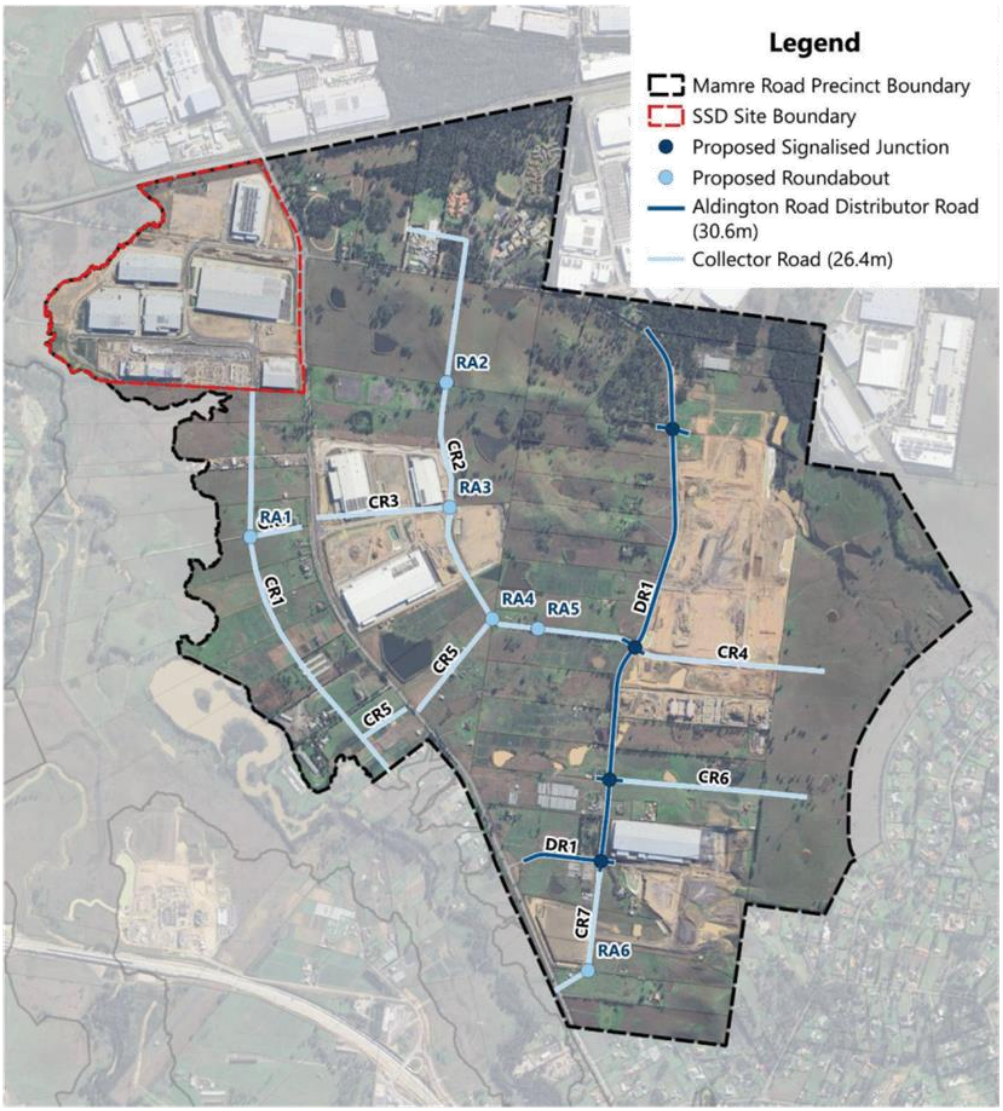
A number of signalised intersections are proposed for Aldington Road. As Aldington Road has undergone strategic design, the costs of these intersections have been included in the overall road construction costs, rather than as standalone items.

Figure 6 - Mamre Road Precinct Road Hierarchy



Source: *Mamre Road Precinct Development Control Plan 2021* – NSW Department of Planning, Industry & Environment (2021)

Figure 7 - Section 7.11 Transport Infrastructure



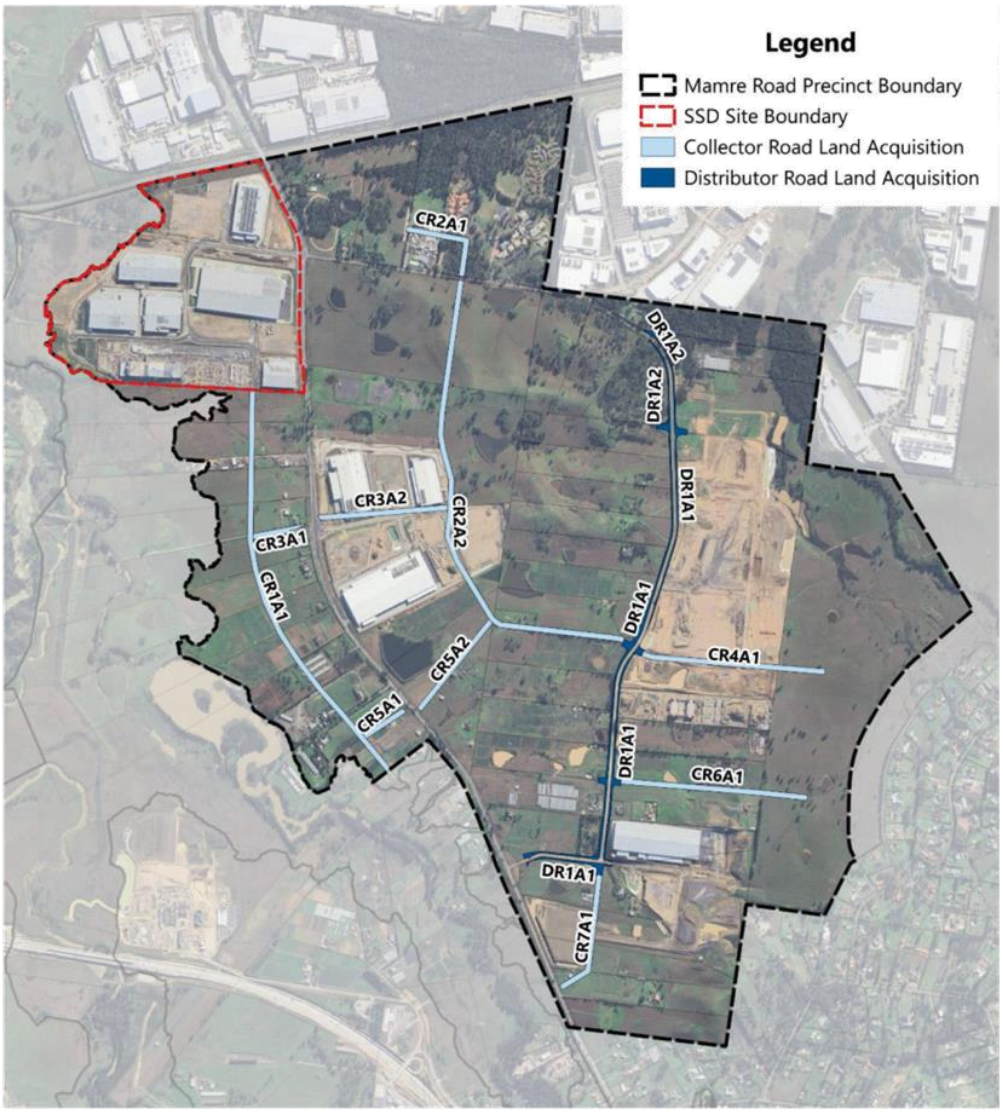
6.1.1 Land Acquisition

The land to be acquired for road corridors is shown in Figure 8. It should be noted that Aldington Road is an existing road with a 20m wide reserve. The proposed cross section for Aldington Road includes a 30.6m total reserve width. This assessment has assumed only the additional width outside the existing road corridor will be acquired.

The land acquisition requirements for Aldington Road has been informed by the latest strategic design, which includes four intersections along the length of the road.

No designs have been prepared for the remaining collector roads or associated intersections. It has therefore been assumed that a continuous 25.6m wide corridor will be acquired for each road. Additional acquisition allowances have been made for roundabouts. In lieu of more detailed information, pro-rated areas for each leg of the intersection have been adopted.

Figure 8 - Section 7.11 Transport Infrastructure Land Acquisition



6.1.2 Quantities

The transport infrastructure included in this Section 7.11 Plan is summarised in Table 4.

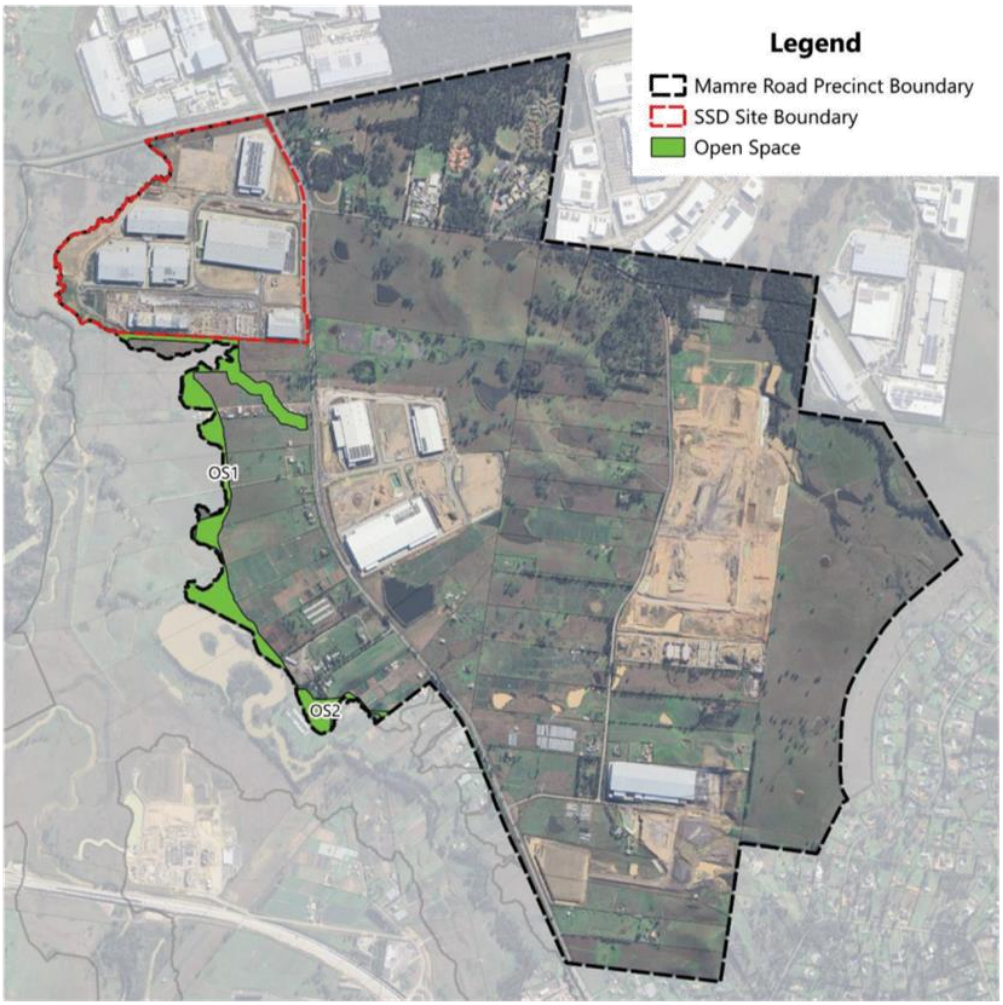
Table 4 - Section 7.11 Transport Infrastructure

Code	Infrastructure Type	Quantity
CR1	Collector Road	1,966m
CR2	Collector Road	2,703m
CR3	Collector Road	844m
CR4	Collector Road	802m
CR5	Collector Road	774m
CR6	Collector Road	840m
CR7	Collector Road	640m
DR1	Distributor Road (Aldington Road) incl. intersections	3,461m
RA1	Roundabout	1
RA2	Roundabout	1
RA3	Roundabout	1
RA4	Roundabout	1
RA5	Roundabout	1
RA6	Roundabout	1

6.2 Open Space Infrastructure

The *Mamre Road Precinct Structure Plan* includes the provision of land zoned RE1 – Public Recreation. It has been assumed that this land will be acquired by Council as part of this Section 7.11 Plan, in accordance with the amendment to the SEPP which lists Council as the acquisition authority for RE1 land in the Mamre Road Precinct. The open space included in the plan is shown in Figure 9.

Figure 9 - Section 7.11 Open Space Infrastructure



6.2.1 Quantities

The open space infrastructure included in this Section 7.11 Plan is summarised in Table 5.

Table 5 - Section 7.11 Open Space Infrastructure

Code	Area (m^2)
OS1	156,728
OS2	28,177
Total	**184,905**

7 Cost Estimates

7.1 Collector Roads

It is anticipated that all new collector roads will be constructed in accordance with the *Mamre Road Precinct Development Control Plan 2021*. For the purpose of this assessment it has been assumed that Aldington Road will adopt the "Typical Distributor Road (Type 3)" typology while all other roads included in the Section 7.11 Plan will adopt the "Typical Collector Road (Type 2)" typology.

It should be noted the *Mamre Road Precinct Development Control Plan 2021* also includes a typical section for local industrial roads and open space edge roads. These road typologies have not been included as they are assumed to fall outside the scope of the Section 7.11 Plan. Sub-arterial roads are assumed to be included in the Special Infrastructure Contributions Plan, and lower order roads will be provided by developers at their own cost in accordance with current practice.

A typical section for the for the Distributor Road and Collector Road typologies is provided in Figure 10 and Figure 11 respectively. Cost rates for collector roads were determined using contractor rates provided to IDC on past projects. A summary of the cost rates are presented in Table 7. Costs are provided on a per metre basis.

For Aldington Road, a cost estimate was prepared based on the latest strategic design. This estimate includes costs for the four signalised intersections located along the length of the road. The cost for Aldington Road is provided in Table 11, in the Schedule of Works.

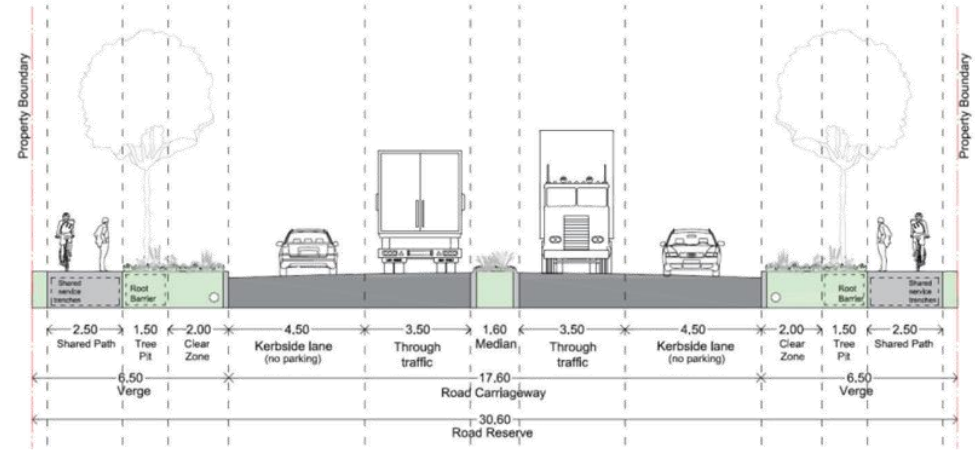
Contingencies for road construction costs have been applied in line with the *Local Infrastructure Benchmark Costs – Costing Infrastructure in Local Infrastructure Plans* report prepared by IPART in 2014. These rates are listed in Table 6. IPART recommends a 30% contingency for road projects in the Strategic Review stage. This rate has been applied to all road projects.

Table 6 - IPART Recommended Contingency Allowances for Benchmark Items

Project Stage	Open Space Embellishment	Community Facilities	Roads	Stormwater
Strategic Review	20%	15%	30%	30%
Business Case	15%	10%	20%	20%

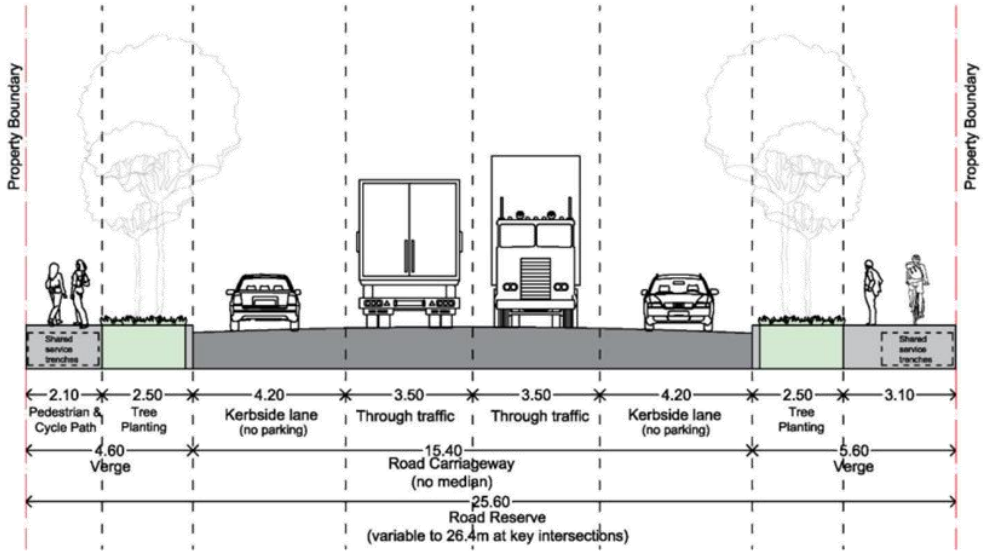
Source: Local Infrastructure Benchmark Costs – Costing Infrastructure In Local Infrastructure Plans – *IPART (2014)*

Figure 10 - Distributor Road (Type 3) Typical Section



Source: Mamre Road Precinct Development Control Plan 2021 – NSW Government (2021)

Figure 11 - Collector Road (Type 2) Typical Section



Source: Mamre Road Precinct Development Control Plan 2021 – NSW Government (2021)

Table 7 - Collector Road Cost Rate

Item	Rate ($/m)
Earthworks	$96
Carriageway	$2,971
Utilities & Stormwater	$1,385
Verge	$1,506
Design, Project Management, Legal etc.	$715
Contingency (30%)	$1,787
Total	**$8,460**

7.2 Open Space

Open space embellishment cost rates were provided by Penrith City Council. A summary of the rates is provided in Table 8.

Table 8 - Open Space Infrastructure Cost Rates

Facility	Description	Unit	Rate
Base grassed area not irrigated	Grassed area with some trees/basic landscaping	m^2	$75
Landscape	Trees (assumed one every 20m^2)	m^2	$100
Exercise equipment	Assumed one every 800m along length of park frontage (4 total)	Item	$120,000

Contingencies have been applied in line with the IPART recommendations listed in Table 6. For open space embellishment projects in the Strategic Review stage, a 20% contingency is recommended. This rate has been applied to all open space projects.

7.3 Land Acquisition

Land acquisition rates were provided by Curtis Valuations in March 2022. The rates adopted for the Section 7.11 Plan are summarised in Table 9.

Table 9 - Land Acquisition Rates

Land Type	Acquisition Rate ($/$m^2$)
Developable	$575
Constrained	$90

For the purpose of this plan, the following assumptions have been made regarding land acquisition:

- Where a proposed road aligns with or crosses over an existing road reserve, only the additional land outside the existing reserve will be acquired
- Where a proposed collector/distributor road is located on land with an E2 zoning, the land will be acquired at the constrained land rate
- All other road infrastructure is assumed to be located within developable land
- All open space infrastructure is assumed to be located within developable land

8 Section 7.11 Plan Contribution Rate

A summary of the infrastructure costs and applicable Section 7.11 contribution rate is provided in Table 10.

Table 10 - Proposed Section 7.11 Contribution Rate

Component		Total
Transport Infrastructure	$	129,770,864
Open Space Infrastructure	$	18,326,880
Infrastructure Total	**$**	**148,097,744**
Transport Infrastructure Land Acquisition	$	157,016,805
Open Space Infrastructure Land Acquisition	$	106,320,375
Land Acquisition Total	**$**	**263,337,180**
Plan Administration	$	2,221,466
Infrastructure, Land Acquisition & Administration Total	**$**	**413,656,390**
Section 7.11 Contribution Rate ($/ha)	$	576,096

The proposed schedule of works is summarised in Table 11.

Table 11 - Schedule of Works

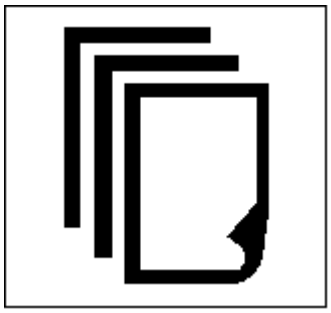
Code	Description	Length	Area	Cost of Works	Cost of Land	Plan Administration	Total	Staging/Priority
Transport Infrastructure								
CR1	Collector Road	1,966		$ 16,632,360.00		$ 249,485.40	$ 16,881,845.40	Medium (5-10 yr)
CR2	Collector Road	2,703		$ 22,867,380.00		$ 343,010.70	$ 23,210,390.70	Medium (5-10 yr)
CR3	Collector Road	844		$ 7,140,240.00		$ 107,103.60	$ 7,247,343.60	Medium (5-10 yr)
CR4	Collector Road	802		$ 6,784,920.00		$ 101,773.80	$ 6,886,693.80	Medium (5-10 yr)
CR5	Collector Road	774		$ 6,548,040.00		$ 98,220.60	$ 6,646,260.60	Medium (5-10 yr)
CR6	Collector Road	840		$ 7,106,400.00		$ 106,596.00	$ 7,212,996.00	High (0-3yr)*
CR7	Collector Road	640		$ 5,414,400.00		$ 81,216.00	$ 5,495,616.00	Medium (5-10 yr)
DR1	Distributor Road (Aldington Road) incl. Intersections	3,461		$ 54,577,123.90		$ 818,656.86	$ 55,395,780.76	High (0-5 yr)
RA1	Roundabout			$ 450,000.00		$ 6,750.00	$ 456,750.00	Medium (5-10 yr)
RA2	Roundabout			$ 450,000.00		$ 6,750.00	$ 456,750.00	Medium (5-10 yr)
RA3	Roundabout			$ 450,000.00		$ 6,750.00	$ 456,750.00	Medium (5-10 yr)
RA4	Roundabout			$ 450,000.00		$ 6,750.00	$ 456,750.00	Medium (5-10 yr)
RA5	Roundabout			$ 450,000.00		$ 6,750.00	$ 456,750.00	Medium (5-10 yr)
RA6	Roundabout			$ 450,000.00		$ 6,750.00	$ 456,750.00	Medium (5-10 yr)
CR1A1	Collector Road - Land Acquisition		50,313		$ 28,929,975.00	$ -	$ 28,929,975.00	Medium (5-10 yr)
CR2A1	Collector Road - Land Acquisition		11,520		$ 6,624,000.00	$ -	$ 6,624,000.00	Medium (5-10 yr)

CR2A 2	Collector Road - Land Acquisition	57,907	$ 33,296,525.00	$ -	$ 33,296,525.00	Medium (5-10 yr)
CR3A 1	Collector Road - Land Acquisition	5,429	$ 3,121,675.00	$ -	$ 3,121,675.00	Medium (5-10 yr)
CR3A 2	Collector Road - Land Acquisition	15,320	$ 8,809,000.00	$ -	$ 8,809,000.00	Medium (5-10 yr)
CR4A 1	Collector Road - Land Acquisition	21,799	$ 12,534,425.00	$ -	$ 12,534,425.00	Medium (5-10 yr)
CR5A 1	Collector Road - Land Acquisition	5,675	$ 3,263,125.00	$ -	$ 3,263,125.00	Medium (5-10 yr)
CR5A 2	Collector Road - Land Acquisition	13,512	$ 7,769,400.00	$ -	$ 7,769,400.00	Medium (5-10 yr)
CR6A 1	Collector Road - Land Acquisition	22,301	$ 12,823,075.00	$ -	$ 12,823,075.00	Medium (5-10 yr)
CR7A 1	Collector Road - Land Acquisition	15,258	$ 8,773,350.00	$ -	$ 8,773,350.00	Medium (5-10 yr)
DR1A 1	Distributor Road - Land Acquisition (Good Developable Land)	44,663	$ 25,681,225.00	$ -	$ 25,681,225.00	High (0-5 yr)
DR1A 2	Distributor Road - Land Acquisition (Constrained Land)	4,317	$ 388,530.00	$ -	$ 388,530.00	High (0-5 yr)
RA1	Roundabout - Land Acquisition	1,500	$ 862,500.00	$ -	$ 862,500.00	Medium (5-10 yr)
RA2	Roundabout - Land Acquisition	1,500	$ 862,500.00	$ -	$ 862,500.00	Medium (5-10 yr)
RA3	Roundabout - Land Acquisition	1,500	$ 862,500.00	$ -	$ 862,500.00	Medium (5-10 yr)
RA4	Roundabout - Land Acquisition	1,500	$ 862,500.00	$ -	$ 862,500.00	Medium (5-10 yr)
RA5	Roundabout - Land Acquisition	1,200	$ 690,000.00	$ -	$ 690,000.00	Medium (5-10 yr)
RA6	Roundabout - Land Acquisition	1,500	$ 862,500.00	$ -	$ 862,500.00	Medium (5-10 yr)

Sub Total			**$ 129,770,863.90**	**$ 157,016,805**	**$ 1,946,562.96**	**$288,734,231.86**	
Open Space Infrastructure							
OS1	Public Open Space	156,728	$15,477,888.00	$90,118,600.00	$232,168.32	$105,828,656.32	Low (10+ yr)
OS2	Public Open Space	28,177	$2,848,992.00	$16,201,775.00	$42,734.88	$19,093,501.88	Low (10+ yr)
Sub Total			**$18,326,880.00**	**$106,320,375.00**	**$274,903.20**	**$124,922,158.20**	
Total			**$148,097,743.90**	**$263,337,180.00**	**$2,221,466.16**	**$413,656,390.06**	

* subject to sufficient contributions being available to enable the construction of the road.

ATTACHMENTS



Date of Meeting:	Monday 25 August 2025
Report Title:	Councillor Expenses and Facilities Policy
Attachments:	Draft Councillor Expenses and Faicilities Policy

PENRITH CITY COUNCIL

Policy Document

POLICY NAME	DATE ADOPTED
Councillor Expenses and Facilities Policy	DD MM 2025
NEXT REVIEW DATE	**COUNCIL MINUTE NUMBER**
30 September 2029	Click or tap here to enter text.
POLICY TYPE	**RESPONSIBLE DEPARTMENT**
Council Policy	Governance

RELATED DOCUMENTS

- Local Government Act 1993, ss.252 & 253
- Local Government (General) Regulations 2021, ss.217 & 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009 (issued under section 23A of the Local Government Act 1993)
- OLG Circular 11-27 'Findings from review of councillor expenses and facilities policies'
- Code of Conduct

Purpose

This policy enables the reasonable and appropriate expenses, reimbursement of expenses, and provision of facilities to councillors to help them undertake their civic duties. It ensures accountability and transparency and seeks to align councillor expenses and facilities with community expectations.

Policy statement

Councillors are provided access to facilities and expenses as set out in this Policy to enable them to carry out their civic duties. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

Scope

This policy applies to Councillors and where applicable would apply to NSW council administrators.

Definitions

The following definitions apply throughout this policy.

Term	Definition
Accompanying person	A spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a councillor
The Act	Unless otherwise stated, refers to the Local Government Act 1993 (NSW)
Appropriate refreshments	Food and beverages, excluding alcohol, provided by council to support councillors undertaking official business
Clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Refers to the Code of Conduct adopted by Council or the Model Code if none is adopted
Council	Penrith City Council
Councillor	A person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the Mayor
General Manager	The General Manager of Council and includes their delegate or authorised representative
Incidental personal use	Use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
Long distance intrastate travel	Travel to other parts of NSW of more than three hours duration by private vehicle
Maximum limit	The maximum for an expense or facility provided in this Policy
Official business	Functions that the Mayor or councillors are required or invited to attend to fulfil their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, including: • meetings of council and committees of the whole • meetings of committees facilitated by council • civic receptions hosted or sponsored by council • meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council
Professional development	A seminar, conference, training course or other development opportunity relevant to the role of a councillor or the Mayor
Regulation	Unless otherwise stated, refers to the Local Government (General) Regulation 2021 (NSW)
Year	Unless otherwise stated, refers to the financial year commencing on 1 July each year

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Policy Summary

The policy has been prepared in accordance with the Local Government Act 1993 (the Act) and Local Government (General) Regulation 2005 (the Regulation) and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to mayors and councillors in NSW.

The policy sets out the maximum amounts/provisions Council will pay or provide for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or Facility	Maximum Amount/Provision	Frequency
General travel expenses	Reimbursed by kilometre at the rate contained in the *Local Government (State) Award* and other expenses provided as per clauses 6.1 - 6.4	Per occasion
Interstate, overseas and long-distance intrastate travel expenses	Overseas (as determined by Council resolution) Interstate (as determined by Council resolution, or by the General Manager) Long distance intrastate (as determined by Council resolution or by the General Manager)	Per occasion
Accommodation and meals	As per clauses 6.14 - 6.17 where applicable	Per occasion
Professional development	$20,000 per councillor (based on an average of $5,000 per councillor per year). A Director's course is separate to this amount	Per term
Conferences and seminars	$300,000 in total for all councillors (based on an average of $5,000 per councillor per year) This amount includes expenses relating to conferences and seminars such as registration, accommodation, meals and travel. Annual national and state Local Government conferences are separate to this amount and reported in the annual councillor expenses disclosure.	Per term
Council representation at charitable/not-for-profit local community events	Up to $800 for each councillor for meal/tickets for charitable and/or not-for-profit local community events in line with civic duties.	Per year

Expense or Facility	Maximum Amount/Provision	Frequency
ICT expenses	Provision and maintenance of standard contemporary devices, a headset, mobile data provided as per clauses 6.36 - 6.39. This includes mobile phone related expenses up to a maximum of $150 per councillor per month.	Per Term
Carer (including childcare) expenses	$5,000	Per year
Medical expenses	$5,000	Per occasion
Council-branded attire	$400 per councillor, $600 for the Mayor	Twice per term
Home office expenses	$600 per councillor	Per year
Councillor common room/office	Provided as per clauses 9.1 - 9.3	Per term
Councillor meeting room	One meeting room is available for the shared use of councillors	Per term
Council vehicle and fuel card	Provided to the Mayor as per clauses 10.1 - 10.2	Per Mayoral term
Reserved parking space at Council offices	Provided to the Mayor	Per Mayoral term
Furnished office and meeting room (Mayor)	One office for the Mayor's exclusive use and access to an additional meeting room	Per Mayoral term

Additional costs incurred by a councillor in excess of these limits are considered a personal expense that is the responsibility of the councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

As prescribed under the Local Government (General) Regulation 2021, details and total costs of councillor expenses and provision of facilities will be included in Council's Annual Report.

PART A INTRODUCTION

1. Introduction

1.1. The provision of expenses and facilities enables councillors to fulfil their civic duties as elected representatives.

1.2. The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.

1.3. This policy states the expenses, facilities and support available to councillors to assist them in fulfilling their civic duties.

1.4. Council staff are empowered to question or refuse a request for payment from a councillor when it does not accord with this policy.

1.5. Expenses and facilities in this policy are additional to fees paid to councillors. Minimum and maximum fees a council may pay each councillor are set by the Local Government Remuneration Tribunal as per *Section 241* of the Act and reviewed annually. Council must adopt its annual fees within this set range. Council also allows superannuation payments to the Mayor and councillors as prescribed under the Local Government Act.

2. Policy objectives

2.1. The objectives of this policy are to:

- enable the reasonable and appropriate payment and/or reimbursement of expenses incurred by councillors while undertaking their civic duties
- enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties
- ensure accountability and transparency in payment and/or reimbursement of expenses and provision of facilities to councillors
- ensure facilities and expenses provided to councillors meet community expectations
- support a diversity of representation
- fulfil the council's statutory responsibilities.

3. Principles

3.1. Council commits to the following principles:

- **Proper conduct**: councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
- **Reasonable expenses:** providing for councillors to be reimbursed for expenses reasonably incurred as part of their role as councillor
- **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as councillor
- **Equity**: there must be equitable access to expenses and facilities for all councillors
- **Appropriate use of resources:** providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations
- **Accountability and transparency**: clearly stating and reporting on the expenses and facilities provided to councillors.

4. Private or political benefit

4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

4.2. Private use of council equipment and facilities by councillors may occur from time to time. For example, reasonable private use of a mobile phone.

4.3. Incidental private use as described at 4.2 does not require a compensatory payment back to council.

4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of council facilities does occur, councillors must reimburse the council.

4.5. Campaigns for re-election are considered a political interest. The following are examples of what is considered a political interest during a re-election campaign:

- production of election material
- use of council resources and equipment for campaigning
- use of council letterhead, publications, websites or services for political benefit
- fundraising activities of political parties or individuals, including political fundraising events.

PART B EXPENSES

5. General expenses

5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.

5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6. Specific expenses

General travel arrangements and expenses

6.1. All travel by councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.

6.2. Councillors may be reimbursed for reasonable travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement of:

- public transport fares
- use of a private vehicle or hire car (with prior approval)
- parking costs for Council and other meetings
- tolls
- Cabcharge card or equivalent
- documented ride-share programs, such as Uber, where tax invoices can be issued.

6.3. Use of a private vehicle will be reimbursed by kilometre at the rate contained in the *Local Government (State) Award*.

6.4. Councillors seeking reimbursement for use of a private vehicle must keep a logbook recording the date, distance and purpose of travel being claimed. Completed claim forms and copies of the relevant logbook contents must be provided with the claim.

Interstate, overseas and long-distance intrastate travel expenses

6.5. In accordance with Section 4, Council will scrutinise the value and need for councillors to undertake overseas travel. Councils should avoid interstate, overseas and long-distance intrastate trips unless direct and tangible benefits can be established for Council and the local community. This includes travel to sister and friendship cities.

6.6. The process for approving travel expenses is as follows:

- Overseas – by Council resolution
- Interstate – by Council resolution, or by the General Manager in time sensitive situations and with suitable evidence
- Long distance intrastate – by Council resolution or by the General Manager and with suitable evidence

6.7. Councillors seeking a Council resolution for travel must submit a case to an Ordinary Meeting of Council to obtain approval prior to travel. This would generally be in the form of a report prepared by Council officers, and would include a recommendation for Council resolution. The case should include:

- objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties
- who is to take part in the travel
- duration and itinerary of travel
- a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.

6.8. For interstate and long-distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.

6.9. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.

6.10. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.

6.11. Bookings for approved air travel will be made through the Executive Office.

6.12. For air travel that is reimbursed as council business, councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by Council

6.13. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

6.14. Council will cover the costs of accommodation and meals while councillors are undertaking prior approved travel or professional development outside the local government area. Costs of accommodation and meals associated with Local Government industry conferences within the local government area may also be covered.

6.15. The costs covered under this clause are those that are reasonable costs associated with accommodation and meals in Australia.

6.16. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 6.15.

6.17. Councillors will not be reimbursed for alcoholic beverages.

Meals, refreshments for council related meetings and other functions

6.18. Appropriate refreshments will be available for Council meetings, committee meetings, councillor briefings, and meetings, as approved by the General Manager.

6.19. As an indicative guide for the standard of refreshments to be provided at council related meetings, the General Manager must be mindful of what would be considered reasonable and appropriate for the occasion.

6.20. Meals and/or beverages commensurate with the occasion will be provided at workshops and official functions as approved by the General Manager.

Professional development

6.21. Council is committed to providing councillors with up-to-date training and development activities to assist councillors to effectively perform the duties of their roles. This could include training in use of equipment such as regular cyber security training for devices, professional development activities, conferences, seminars and professional membership. Council will allocate funds as specified in the Policy Summary in its annual budget to facilitate this training and development.

6.22. In the first year of a new council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.

6.23. Annual membership of professional bodies will be covered where the membership is relevant to the exercise of the councillor's civic duties, the councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.

6.24. Approval for professional development activities is subject to a prior written request to the General Manager outlining the:

- details of the proposed professional development
- relevance to council priorities and business
- relevance to the exercise of the councillor's civic duties.

6.25. In assessing a councillor request for a professional development activity, the General Manager or delegate must consider the factors set out in Clause 6.24, as well as the cost of the professional development in relation to the councillor's remaining budget.

Conferences and seminars

6.26. Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.

6.27. Council will set aside a total amount as specified in the Policy Summary in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.

6.28. Approval for Council-funded attendance at a conference or seminar is subject to a written request to the General Manager including factors such as:

- relevance of the topics and presenters to current council priorities and business and the exercise of the councillor's civic duties
- cost of the conference or seminar in relation to the total remaining budget.

6.29. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.14-6.20.

Council representation at charitable/not-for-profit local community events

6.30. Council will meet the cost of a meal and/or ticket for councillors to represent Council at charitable and/or not for profit local community events which are in line with civic duties,

up to $800 per year for each councillor. These bookings should be made through the Executive Office.

Accompanying persons expenses

6.31. Council will meet the reasonable costs of an accompanying person in the following circumstances:

6.32. Attendance at official Council functions within the state where councillors are invited to attend, and functions are of such a nature that the councillor's accompanying person would normally be expected to accompany the councillor.

6.33. Conference (partner) registration and the official conference dinner for the LGNSW Annual Conference.

6.34. The payment of expenses for attending functions as permitted above will be limited to the ticket and meal. Peripheral expenses incurred by accompanying persons such as travel expenses, grooming, and special clothing are not covered.

6.35. The General Manager may approve payment of reasonable costs associated with an accompanying person in response to an unforeseen medical event involving a councillor.

Information and communications technology (ICT) expenses

6.36. Council will provide or reimburse councillors for expenses associated with appropriate ICT equipment and services including:

- mobile phone and mobile data, or an allowance for a mobile phone up to $150 per councillor per month
- laptop and carry bag
- headset.

6.37. This equipment will remain in the possession of the councillor and will be maintained and/or upgraded by Council as required. Equipment remains the property of Council and must be returned in good operational order at the end of the council term or upon ceasing to be a councillor unless otherwise arranged as per clause 13.2.

6.38. Council will provide and maintain all necessary software and consumables to enable councillors to undertake their duties. Councillors will also be provided with any necessary training in the use of equipment supplied.

6.39. To comply with Council's Cyber Security Policy, all devices issued by Council will be enrolled to Council's device management system, enabling the Information and Communication Technology Team to provide remote troubleshooting support when necessary.

Special requirements and carer expenses

6.40. Council encourages wide participation and interest in civic office. It will seek to ensure council premises and facilities are accessible, including reasonable adjustments for councillors living with disability.

6.41. Transportation provisions outlined in this policy will also assist councillors who may be unable to drive a vehicle.

6.42. In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a councillor with a disability to perform their civic duties.

6.43. Councillors who are the principal carer of a child or adult immediate family member will be entitled to reimbursement of carer's expenses up to a maximum $5,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.

6.44. Childcare expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative, in accordance with 6.43.

6.45. Where a councillor requests expenses for caring for a person 16 years or older, suitable evidence to the General Manager such as advice from a medical practitioner may be required.

Home office expenses

6.46. Councillors may be reimbursed or request consumable home office items up to $600 per year for costs associated with the maintenance of a home office. Councillors can request consumable items via the Executive Office.

Medical expenses

6.47. The General Manager may authorise for Council to pay up to $5,000 for out-of-pocket medical expenses for councillors injured while on Council business where these are not covered by Medicare, private health or other insurance.

7. Insurances

7.1. In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.

7.2. Council will affect and maintain insurance to cover any loss or damage to Council property in the possession or control of councillors, as well as councillor property.

7.3. Insurance protection is only provided if a claim arises out of or in connection with the councillor's performance of civic duties, or exercise of functions as a councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.

7.4. Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.

7.5. Appropriate travel insurances will be provided for any councillors travelling on approved travel on council business.

7.6. Medical expenses relating to approved overseas travel may be claimable under the policy. Clause 6.47 allows for out of pocket medical expenses not covered by insurance.

7.7. Claims for medical expenses relating to approved travel in Australia which are covered in part or whole by Medicare are not covered due to a restriction imposed on General Insurers by the Health Insurance Act 1973(Cth).

8. Legal assistance

8.1. Council may, if requested, resolve to indemnify or reimburse the reasonable legal expenses of:

- a councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the councillor

- a councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the councillor
- a councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the councillor.

8.2. In the case of a code of conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor.

8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a councillor acted corruptly would not be covered by this section.

8.4. Council will not meet the legal costs:

- of legal proceedings initiated by a councillor under any circumstances
- of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
- for legal proceedings that do not involve a councillor performing their role as a councillor.

8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a council meeting, where possible, prior to costs being incurred.

Part C – Facilities

9. General facilities for all councillors

Facilities

9.1. Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:

- a furnished councillor common room/office with appropriate refreshments
- a meeting room
- pigeonholes for easy storage and dissemination of items and documents
- access to consumable home office supplies and reasonable printing (on request) via the Executive Office
- parking stickers to enable parking at the Civic Centre
- six parking spaces allocated in the basement car park at the Civic Centre
- personal protective equipment for use during site visits
- Council-branded attire to wear when representing Council at functions and events, up to the value of $400 for councillors and $600 for the Mayor twice per term
- a name badge which may be worn at official functions.

9.2. Councillors may book meeting rooms for official business in a specified council building at no cost. Rooms may be booked through the Executive Office.

9.3. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

Stationery

9.4. Council will provide the following stationery to councillors:

- a personalised digital letterhead template, to be used in line with the Code of Conduct and Media Policy for correspondence associated with civic duties such as congratulating people in the community on achievements, responding to residents, or using for pro-active communication
- business cards
- a diary.

9.5. As per Section 4, stationery shall only be used to support a councillor's civic duties and must not be used for any political or private gain by any Councillor.

Administrative and other support

9.6. Council will provide administrative support to councillors to assist them with their civic duties. Administrative support may be provided by staff from the Executive Office.

9.7. Council staff assist councillors with civic duties only and not with matters of personal or political interest, including campaigning.

9.8. Councillors have access to Council's Employee Assistance Program (EAP) which provides free counselling and other support.

10. Additional facilities for the Mayor

10.1. Council will provide to the Mayor a vehicle to a similar standard of other council vehicles, with a toll tag and fuel card. The vehicle will be supplied to assist the Mayor in carrying out all duties of their civic office and allows for reasonable personal use.

10.2. Where personal use exceeds reasonable personal use, such as personal interstate travel, the cost of that travel such as fuel and parking expenses may be paid upfront by the Mayor, or reimbursed or deducted from the Mayoral fee. It is expected the Mayor would keep a record of such travel to allow costs to be recovered.

10.3. A parking space at the Civic Centre will be reserved for the Mayor's council-issued vehicle.

10.4. The Mayor will have exclusive use of a furnished office equipped with ICT equipment and appropriate refreshments, and priority access to a suitably equipped meeting room with refreshments.

10.5. Subscription for online access to the Sydney Morning Herald and/or The Daily Telegraph, electronically.

10.6. In performing civic duties, the Mayor will be assisted with access to a small number of staff providing executive support, as determined by the General Manager. Staff assisting the Mayor are expected to work on official business only, and not matters of personal or political interest, including campaigning.

10.7. Mayoral chains, robes and other insignia of Office will be provided to the Mayor to be worn at civic functions.

Part D – Processes

11. Approval, payment and reimbursement arrangements

11.1. Expenses covered by Council should only be incurred by councillors in accordance with the provisions of this policy.

11.2. Where possible, approval for expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

11.3. Approval for the following, as specified in this policy, may be sought after the expense is incurred:

- local travel relating to the conduct of official business
- carer costs
- ICT expenditure.

11.4. Approval for payments made under this policy will be granted by the General Manager or delegate.

Direct payment

11.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Head of Governance for assessment against this policy, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

11.6. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Head of Governance.

Advance payment

11.7. In limited circumstances, Council may pay a cash advance for councillors attending approved conferences, seminars or professional development.

11.8. Requests for advance payment must be submitted to the Head of Governance for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.

11.9. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:

- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
- reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

11.10. If a claim is approved, council will make payment directly or reimburse the councillor through accounts payable.

11.11. If a claim is refused, council will inform the councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to council

11.12. If council has incurred an expense on behalf of a councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:

- council will invoice the councillor for the expense

- the councillor will reimburse council for that expense within 14 days of the invoice date.

11.13. If the councillor cannot reimburse council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the councillor's allowance.

Timeframe for reimbursement

11.14. Unless otherwise specified in this policy, councillors must provide all claims for reimbursement within three months of an expense being incurred and completing the required form. Claims made after this time cannot be approved.

12. Disputes

12.1. If a councillor disputes a determination under this policy, the councillor should discuss the matter with the General Manager.

12.2. If the councillor and the General Manager cannot resolve the dispute, the councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.

13. Return or retention of facilities

13.1. All unexpended facilities or equipment (including Council branded attire) supplied under this policy are to be relinquished immediately upon a councillor or mayor ceasing to hold office or at the cessation of their civic duties.

13.2. Should a councillor desire to keep any equipment allocated by council, this Policy enables the councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.

13.3. The prices for all equipment purchased by councillors under Clause 13.2 will be recorded in Council's annual report.

14. Publication

14.1. This policy will be published on Council's website.

15. Reporting

15.1. Council will report on the provision of expenses and facilities to councillors as required in the Act and Regulations.

16. Auditing

16.1. The operation of this policy, including claims made under the policy, will be included in council's internal audit program.

17. Breaches

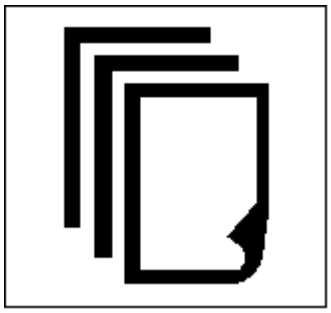
17.1. Suspected breaches of this policy are to be reported to the General Manager.

17.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

Document Control

Policy History	Approving Authority	Date
Council Resolution (420)	Council	30 November 2011
Council Resolution (372)	Council	19 November 2012
Council Resolution (372)	Council	25 November 2013
Council Resolution (390)	Council	24 November 2014
Council Resolution (358)	Council	23 November 2015
Council Resolution (144)	Council	26 June 2017
Council Resolution (311)	Council	31 October 2022
Council Resolution (TBC)	Council	TBC 2025

ATTACHMENTS



Date of Meeting: Monday 25 August 2025

Report Title: Model Code of Meeting Practice

Attachments: Code of Meeting Practice

PENRITH CITY COUNCIL

Policy Document

POLICY NAME Code of Meeting Practice	**DATE ADOPTED** 25 August 2025
REVIEW DATE Click or tap here to enter text.	**COUNCIL MINUTE NUMBER** Click or tap here to enter text.
POLICY TYPE Council Policy	**RESPONSIBLE DEPARTMENT** Governance
RELATED DOCUMENTS Code of Conduct	

Purpose

The purpose of the Code of Meeting Practice is to provide rules and procedures to govern the efficient and effective running of all applicable council meetings and committees.

Policy statement

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2021 (the Regulation).

Scope

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Penrith City Council
Code of Meeting Practice

Based on the Model Code of Meeting Practice for Local Councils in NSW 2021

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1 INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

This Code of Meeting Practice applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent:	Decisions are made in a way that is open and accountable.
Informed:	Decisions are made based on relevant, quality information.
Inclusive:	Decisions respect the diverse needs and interests of the local community.
Principled:	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
Trusted:	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
Respectful:	Councillors, staff and meeting attendees treat each other with respect.
Effective:	Meetings are well organised, effectively run and skilfully chaired.
Orderly:	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3 BEFORE THE MEETING

Timing of Ordinary Council Meetings

3.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary meetings

3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.2 reflects section 366 of the Act.

Notice to the public of council meetings

3.3 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.3 reflects section 9(1) of the Act.

3.4 For the purposes of clause 3.3, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

3.6 The General Manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.6 reflects section 367(1) of the Act.

3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.7 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

3.8 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.8 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

3.9 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted five (5) business days before the meeting is to be held.

3.10 A councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

3.11 If the General Manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the General Manager must either:

(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or

(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

3.13 A councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the General Manager about the performance or operations of the council.

3.14 A councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the General Manager or a member of staff of the council, or a question that implies wrongdoing by the General Manager or a member of staff of the council.

3.15 The General Manager or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

3.16 The General Manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.

3.17 The General Manager must ensure that the agenda for an ordinary meeting of the council states:

(a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
(b) if the Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
(c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
(d) any business of which due notice has been given under clause 3.9.

3.18 Nothing in clause 3.17 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.

3.19 The General Manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

3.20 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:

(a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
(b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.20 reflects section 9(2A)(a) of the Act.

3.21 The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

3.22 Business papers for all ordinary and extraordinary meetings of the council and

committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Availability of the agenda and business papers to the public

3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.23 reflects section 9(2) and (4) of the Act.

3.24 Clause 3.23 does not apply to the business papers for items of business that the General Manager has identified under clause 3.18 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.24 reflects section 9(2A)(b) of the Act.

3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.25 reflects section 9(3) of the Act.

3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

Note: Clause 3.26 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

3.27 The General Manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

(a) a motion is passed to have the business considered at the meeting, and
(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a)

can speak to the motion before it is put.

3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

Availability of the agenda and business papers to the public

3.32 Circumstances will necessitate the distribution of urgent reports either prior to or at Ordinary, Extraordinary and Committee Meetings. Where the urgent items are distributed:

(a) prior to the meeting no additional time will be allowed for Councillors to read the report unless the meeting decides otherwise;

(b) at the meeting the chairperson shall determine a period of time, to allow Councillors to read the report, prior to the item being discussed or determined.

3.33 Urgent reports, other than those relating to confidential business, will be available to the public as soon as practicable after they have been printed but, in any event, will be available on the night of the meeting.

4 ADDRESSING THE MEETING AND SUSPENSION OF STANDING ORDERS

4.1 It is at the absolute discretion of the Council or the committee to determine whether or not a member of the public who has requested permission to address the meeting of the Council or committee of Council is permitted to do so.

4.2 Any member of the public may make a request to the General Manager, or Governance Manager by completing the form in full that is available on the council's website or provided on request for permission to address a meeting of the Council or a committee of the Council on the following basis:

a) up to 12 noon on the day of the meeting if the item on which the member of the public wishes to address the Council or committee is on the Agenda as part of the order of business for the meeting,

b) if the item, the subject of the address, is not to be included on the Agenda of the upcoming meeting, as part of the order of business for the meeting, then the details will be taken and Council advised of the request at the next available Ordinary Meeting. Council will then determine whether the request will be granted and whether a report is required to be presented at the same meeting at which the address will be heard.

4.3 The Council or committee may, notwithstanding clause 4.2, by resolution, allow a member of the public to address the meeting if it considers that the situation warrants such action.

4.4 Prior to addressing a meeting, the meeting may consider whether the material provided in the application is considered irrelevant, vexatious or frivolous and accordingly refuse an application to address the meeting. The meeting may call on the General Manager or on relevant Council staff, through a request to the General Manager, to provide advice as to whether the material is considered to be irrelevant, vexatious or frivolous.

4.5 The number of speakers on any one item is to be limited to three in support of any proposal and three in opposition except at the discretion of Council.

4.6 Any member of the public granted permission by the meeting of the Council or committee of the Council to address the meeting is required to limit the address to a maximum of 5 minutes. The Council or committee may, at its discretion, grant an extension of time of 3 minutes in appropriate circumstances.

4.7 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.

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.

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.

4.8 A speaker may only address Council or Committee once on any particular item unless there are circumstances that, in the opinion of the Council, have changed substantially since Council's previous consideration.

4.9 A speaker seeking to address the Council or Committee and raise allegations about the Council of handling of a matter by staff must make such allegations in writing to the Mayor, in respect of Council or the General Manager, in respect of staff.

(The purpose of this is not intended to restrict people from raising concerns about the way Council or about the way staff have handled matters but to provide a mechanism whereby any allegations are properly investigated and dealt with appropriately.)

4.10 A request to address Council on a matter that is the subject of Legal proceedings will not be accepted.

4.11 A request by a Tenderer to address Council on a matter regarding a tender will not be accepted. Council may however accept a written submission provided by a Tenderer.

4.12 Once closed to the public no person, unless requested by the Committee, is entitled to address Committee of the Whole other than Council staff and Council advisors, and any information provided by Council staff or Council advisors shall be upon the request of the chairperson of the committee or by the direction of the General Manager.

4.13 On occasions it will be necessary for members of the public to make formal presentations to meetings of the Council or committees of Council to support applications or as a result of studies commissioned by the Council.

4.14 Any reports outlining the need for presentations should give some indication of the period of time which will be needed for the presentation.

4.15 It is at the absolute discretion of the Council or the committee to determine whether or not the presentation proceeds.

4.16 At every ordinary and extraordinary meeting of the Council it is necessary for a resolution to be passed to the effect that only so much of the standing orders be suspended as would prevent members of the public addressing or making presentations to the meeting.

4.17 If the Council is not prepared to suspend standing orders then the address or presentation to the Council cannot be made.

5 COMING TOGETHER

Attendance by councillors at meetings

5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

5.4 A councillor's request for leave of absence from council meetings should, if

practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.6 reflects section 234(1)(d) of the Act.

5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the General Manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.8 reflects section 368(1) of the Act.

5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.9 reflects section 368(2) of the Act.

5.10 A meeting of the council must be adjourned if a quorum is not present:

(a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
(b) within half an hour after the time designated for the holding of the meeting, or
(c) at any time during the meeting.

5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:

(a) by the chairperson, or
(b) in the chairperson's absence, by the majority of the councillors present, or
(c) failing that, by the General Manager.

5.12 The General Manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the

councillors present.

5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the General Manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.2.

Meetings held by audio-visual link

5.15 A meeting of the council or a committee of the council may be held by audio- visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the General Manager and, as far as is practicable, with each councillor.

5.16 Where the mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the General Manager must:

(a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
(b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
(c) cause a notice to be published on the council's website and in such other manner the General Manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

The above Clauses 5.15 - 5.17 *Meetings held by audio-visual link* are to be read as standing alone from the following Clauses 5.18 - 5.29 *Attendance by councillors at meetings by audio-visual link.* Councillors may request approval to attend and participate in meetings by audio- visual link independent of a determination that a meeting be held by audio-visual link because of a natural disaster or public health emergency.

Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

5.18 As required by clause 5.1, Councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members. However, where practicable all meetings will be held enabling audio-visual link attendance as permitted under this Code.

5.19 Councillors may attend and participate in meetings by audiovisual link if they are unable to attend in person. Attendance and participation by audiovisual link at meetings of the Council and Committees of the Council (of which all Councillors are members) may only occur in extenuating circumstances and with the prior approval of the General Manager. Extenuating circumstances might include for example, health and medical reasons, care giving, travel, attendance at funerals, and other family emergencies.

5.20 A request by a Councillor to attend by audiovisual link may include more than one meeting. Where a Councillor requests approval to attend more than one meeting by audiovisual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.19.

5.21 A decision whether to approve a Councillor's request to attend a meeting by audiovisual link is at the discretion of the General Manager and is to be made in good faith under clause 5.19.

5.22 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person, subject to the provisions of the Local Government (General) Regulation 2021, Schedule 7, meaning where a councillor is not physically present and an election is held by any other method other than open voting, than a councillor will not be able to participate in that vote Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.

5.23 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.

5.24 A councillor must be appropriately dressed when attending a meeting by audio visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

5.25 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.23 reflects section 10(1) of the Act.

5.26 Clause 5.23 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.27 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

(a) by a resolution of the meeting, or
(b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.25 reflects section 10(2) of the Act.

Note: Clauses 15.13 and 15.14 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.13 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, clause 15.13 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

5.28 Each meeting of the council or a committee (of which all councillors are members) of the council will be audio recorded and uploaded on to the Council's website as soon as practical after the meeting.

5.29 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:

(a) the meeting is being recorded and made publicly available on the council's website, and
(b) persons attending the meeting should refrain from making any defamatory statements.

5.30 The recording of a meeting is to be made publicly available on the council's website:

a) at the same time as the meeting is taking place, or
b) as soon as practicable after the meeting.

5.31 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.

5.32 Clauses 5.28 and 5.29 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 5.26 – 5.30 reflect section 236 of the Regulation.

5.33 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the General Manager and other staff at meetings

5.34 The General Manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.32 reflects section 376(1) of the Act.

5.35 The General Manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.33 reflects section 376(2) of the Act.

5.36 The General Manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.

Note: Clause 5.34 reflects section 376(3) of the Act.

5.37 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.

5.38 The General Manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the General Manager.

6 THE CHAIRPERSON

The chairperson at meetings

6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 6.1 reflects section 369(1) of the Act.

6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 6.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

6.4 The election of a chairperson must be conducted:

(a) by the General Manager or, in their absence, an employee of the council designated by the General Manager to conduct the election, or
(b) by the person who called the meeting or a person acting on their behalf if neither the General Manager nor a designated employee is present at the meeting, or if there is no General Manager or designated employee.

6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

6.6 For the purposes of clause 6.5, the person conducting the election must:

(a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
(b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

6.9 When the chairperson rises or speaks during a meeting of the council:

(a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
(b) every councillor present must be silent to enable the chairperson to be heard without interruption.

Liability of Councillors, employees and other persons

6.10 A matter or thing done by the Minister, the Director-General, a Council, a Councillor, a member of a committee of the Council or an employee of the Council or any person acting under the direction of the Minister, the Director- General, the Council or a committee of the Council does not, if the matter or thing was done in good faith for the purpose of executing this or any other Act, and for and on behalf of the Minister, the Director-General, the Council or a committee of the Council, subject a Councillor, a member, an employee or a person so acting personally to any action, liability, claim or demand.

7 MODES OF ADDRESS

7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.

7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.

7.3 A councillor is to be addressed as 'Councillor [surname]'.

7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

8.1 The general order of business for an ordinary meeting of the council shall be:

Opening meeting
Statement of Recognition Prayer
Leave of Absence
Apologies and applications for a leave of absence
Confirmation of minutes
Disclosures of interests
Addressing Council
Mayoral minute(s)
Notices of motions/Questions with notice Reports of committees
Reports to council Urgent Business
Confidential matters/Committee of the Whole Conclusion of the meeting

8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

9.1 The council must not consider business at a meeting of the council:

(a) unless a councillor has given notice of the business, as required by clause 3.9, and
(b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.

9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:

(a) is already before, or directly relates to, a matter that is already before the council, or
(b) is the election of a chairperson to preside at the meeting, or
(c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
(d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.

9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:

(a) a motion is passed to have the business considered at the meeting, and
(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.

9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.

9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.

9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.

9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the General Manager on the availability of funds

for implementing the recommendation if adopted.

Staff reports

9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.

9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.9 and 3.13.

9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.

9.16 A councillor may, through the General Manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the General Manager.

9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.

9.18 Councillors must put questions directly, succinctly, respectfully and without argument.

9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 RULES OF DEBATE

Motions to be seconded

10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

10.2 A councillor who has submitted a notice of motion under clause 3.9 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

10.3 If a councillor who has submitted a notice of motion under clause 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.

10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:

(a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
(b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.

10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

10.10 An amendment to a motion must be moved and seconded before it can be debated.

10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

10.13 If an amendment has been lost, a further amendment can be moved to the motion

to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.

10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.

10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.

10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.

10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.

10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the

misrepresentation or misunderstanding.

10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:

(a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
(b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.

10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.

10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.

10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Order of Dealing with Motions and Amendments

10.31 Amendment
Original Motion Foreshadowed
Motion

If an amendment is accepted by the mover and seconder of the original motion, the amendment can become a part of the Original Motion. The general right of reply remains with the Councillor who moved the original motion.

11 VOTING

Voting entitlements of councillors

11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

11.2 The person presiding at a meeting of the council has, in the event of an equality of

votes, a second or casting vote.
Note: Clause 11.2 reflects section 370(2) of the Act.

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

11.5 If a councillor who has voted against a motion put at a council meeting so requests, the General Manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

11.6 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this code.

11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

Voting on planning decisions

11.10 The General Manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

11.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

11.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

11.13 Clauses 11.10–11.12 apply also to meetings that are closed to the public.

Note: Clauses 11.10–11.13 reflect section 375A of the Act.

12 COMMITTEE OF THE WHOLE

12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

12.3 The General Manager or, in the absence of the General Manager, an employee of the council designated by the General Manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.

12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.

13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

(a) personnel matters concerning particular individuals (other than councillors),
(b) the personal hardship of any resident or ratepayer,
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
(d) 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,
(e) information that would, if disclosed, prejudice the maintenance of law,
(f) matters affecting the security of the council, councillors, council staff or council property,
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
(i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

(a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
(b) if the matter concerned is a matter other than a personnel matter concerning

particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects section 10B(1) of the Act.

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

(a) are substantial issues relating to a matter in which the council or committee is involved, and
(b) are clearly identified in the advice, and
(c) are fully discussed in that advice.

Note: Clause 14.4 reflects section 10B(2) of the Act.

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

(a) a person may misinterpret or misunderstand the discussion, or
(b) the discussion of the matter may:
    (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
    (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed, but only if:

(a) it becomes apparent during the discussion of a particular matter that the matter

is a matter referred to in clause 14.1, and

(b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:

(i) should not be deferred (because of the urgency of the matter), and

(ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects section 10C of the Act.

Representations by members of the public

14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects section 10A(4) of the Act.

14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

14.11 Where the matter has been identified in the agenda of the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form (available on the council's website or by request). Applications must be received by midday on the day of the meeting at which the matter is to be considered.

14.12 The General Manager (or their delegate) may refuse an application made under clause 14.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.

14.13 No more than **two** speakers are to be permitted to make representations under clause 14.9.

14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the General Manager or their delegate is to determine who will make representations to the council.

14.15 The General Manager (or their delegate) is to determine the order of speakers.

14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **two** speakers to make representations in such order as determined by the

chairperson.

14.17 Each speaker will be allowed **three** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

(a) the relevant provision of section 10A(2) of the Act,
(b) the matter that is to be discussed during the closed part of the meeting,
(c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

14.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

14.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGS

Points of order

15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.

15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.

15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.

15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.

15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

(a) contravenes the Act, the regulation or this code, or
(b) assaults or threatens to assault another councillor or person present at the meeting, or
(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
(d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: Clause 15.11 reflects section 182 of the Regulation.

15.12 The chairperson may require a councillor:

(a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b), or (e) or
(b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
(c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

15.15 Clause 15.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a

meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Note: Clause 15.16 reflects section 233(2) of the Regulation.

15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

How disorder by councillors attending meetings by audio-visual link may be dealt with

15.20 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

15.21 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

15.22 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

15.23 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

15.24 Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.23, may be expelled from the meeting as provided for under section 10(2) of the Act.

15.25 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding,

may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

17 DECISIONS OF THE COUNCIL

Council decisions

17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9.

Note: Clause 17.3 reflects section 372(1) of the Act.

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

17.5 If a motion has been lost, a motion having the same effect must not be considered

unless notice of it has been duly given in accordance with clause 3.9.

Note: Clause 17.5 reflects section 372(3) of the Act.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

NOTE: CLAUSE 17.6 REFLECTS SECTION 372(4) OF THE ACT.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.10 with the consent of all signatories to the notice of motion.

17.10 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.10 reflects section 372(6) of the Act.

17.11 Subject to clause 17.6, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

(a) a notice of motion signed by three councillors is submitted to the chairperson, and
(b) a motion to have the motion considered at the meeting is passed, and
(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

17.12 A motion moved under clause 17.11(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.11(b) can speak to the motion before it is put.

17.13 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.11(c).

Recommitting resolutions to correct an error

17.14 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

(a) to correct any error, ambiguity or imprecision in the council's resolution, or
(b) to confirm the voting on the resolution.

17.15 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.14(a), the councillor is to propose alternative wording for the resolution.

17.16 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.14(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.17 A motion moved under clause 17.14 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.14 can speak to the motion before it is put.

17.18 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.14.

17.19 A motion moved under clause 17.14 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 AFTER THE MEETING

Minutes of meetings

18.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 18.1 reflects section 375(1) of the Act.

18.2 At a minimum, the General Manager must ensure that the following matters are recorded in the council's minutes:

(a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
(b) details of each motion moved at a council meeting and of any amendments moved to it,
(c) the names of the mover and seconder of the motion or amendment,
(d) whether the motion or amendment was passed or lost, and
(e) such other matters specifically required under this code.

18.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 18.3 reflects section 375(2) of the Act.

18.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

18.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 18.5 reflects section 375(2) of the Act.

18.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

18.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

18.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 18.8 reflects section 11(1) of the Act.

18.9 Clause 18.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 18.9 reflects section 11(2) of the Act.

18.10 Clause 18.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 18.10 reflects section 11(3) of the Act.

18.11 Correspondence or reports to which clauses 18.9 and 18.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

18.12 The General Manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 18.12 reflects section 335(b) of the Act.

19 COUNCIL COMMITTEES

Application of this Part

19.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

19.2 The council may, by resolution, establish such committees as it considers necessary.

19.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

19.4 The quorum for a meeting of a committee of the council is to be:
(a) such number of members as the council decides, or
(b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

19.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

19.6 The General Manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
(a) the time, date and place of the meeting, and
(b) the business proposed to be considered at the meeting.

19.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

19.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

(a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
(b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

19.9 Clause 19.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

19.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

(a) to give notice of business for inclusion in the agenda for the meeting, or
(b) to move or second a motion at the meeting, or
(c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

19.11 The chairperson of each committee of the council must be:
(a) the mayor, or
(b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
(c) if the council does not elect such a member, a member of the committee elected by the committee.

19.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

19.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

19.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

19.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.

19.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 19.15.

19.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

19.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

19.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

19.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 19.19 during a part of the meeting that is webcast.

Disorder in committee meetings

19.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

19.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

(a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
(b) details of each motion moved at a meeting and of any amendments moved to it,
(c) the names of the mover and seconder of the motion or amendment,
(d) whether the motion or amendment was passed or lost, and
(e) such other matters specifically required under this code.

19.23 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

19.24 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

19.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

19.26 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

19.27 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

20 IRREGULARITES

20.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

(a) a vacancy in a civic office, or

(b) a failure to give notice of the meeting to any councillor or committee member, or

(c) any defect in the election or appointment of a councillor or committee member, or

(d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or

(e) a failure to comply with this code.

Note: Clause 20.1 reflects section 374 of the Act.

21 DEFINITIONS

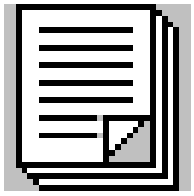
the Act	means the *Local Government Act 1993*
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 19.11 of this code
this code	means the council's adopted code of meeting practice
Committee of the council	means a committee established by the council in accordance with clause 19.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means

planning decision	means a decision made in the exercise of a function of a council under the *Environmental Planning and Assessment Act 1979* including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the *Local Government (General) Regulation 2021*
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

Document Control

Policy History	Approving Authority	Date
Adopted the Model Code of Meeting Practice 2021	Council	27 June 2022
Changes made to clauses 5.18 - 5.21 of the Code of Meeting Practice.	Council	12 August 2024

ATTACHMENT



Date of Meeting: 25 August 2025

Delivery Program: Outcome 5

Service: Financial Services

Report Title: 2025-2026 Voted Works

2025-26 VOTED WORKS

as at 25 August 2025

Meeting Approved	Ref	Description of Allocation	Amount $	Expenditure	Manager Responsible
SOUTH WARD					
		Amount Available for 2025-26			
		Funds brought forward from 2024-25	246,140		
		2025-26 Funds	53,000		
		Total Vote for 2025-26	**299,140**		
		Amounts Allocated			
29-Apr-24	2	Nighttime Live Performance Partnerships**	5,000	-	**CACP**
12-Aug-24	13	Acceptance of Grant Funding - Natural Disaster Relief Assistance*	25,000	-	**D&P**
26-Aug-24	1	Penrith Mayoral Challenge - Monfarville Reserve*	15,000	-	**D&P**
26-May-25	UB1	Nepean Business Network Annual Event	1,000	1,000	**CACP**
			46,000		
		TOTAL VOTE UNCOMMITTED FOR SOUTH WARD	**253,140**		
NORTH WARD					
		Amount Available for 2025-26			
		Funds brought forward from 2024-25	335,647		
		2025-26 Funds	53,000		
		Total Vote for 2025-26	**388,647**		
		Amounts Allocated			
29-Apr-24	2	Nighttime Live Performance Partnerships**	5,000	-	**CACP**
12-Aug-24	13	Acceptance of Grant Funding - Natural Disaster Relief Assistance*	25,000	-	**D&P**
26-Aug-24	1	Penrith Mayoral Challenge - Monfarville Reserve*	15,000	-	**D&P**
28-Apr-25	UB2	Hoa Tek Chiem and Kim Heang Gau - Buzzy Bee's Burger House***	2,000	-	**CACP**
26-May-25	UB1	Nepean Business Network Annual Event	1,000	1,000	**CACP**
		Total Vote Committed	**48,000**		
		TOTAL VOTE UNCOMMITTED FOR NORTH WARD	**340,647**		
EAST WARD					
		Amount Available for 2025-26			
		Funds brought forward from 2024-25	245,095		
		2025-26 Funds	53,000		
		Total Vote for 2025-26	**298,095**		
		Amounts Allocated			
29-Apr-24	2	Nighttime Live Performance Partnerships**	5,000	-	**CACP**
12-Aug-24	13	Acceptance of Grant Funding - Natural Disaster Relief Assistance*	25,000	-	**D&P**
26-Aug-24	1	Penrith Mayoral Challenge - Monfarville Reserve*	15,000	-	**D&P**
26-May-25	UB1	Nepean Business Network Annual Event	1,000	1,000	**CACP**
30-Jun-25	UB4	Marquee and Trestle Tables - Team Colyton	1,693	1,693	**CACP**
		Total Vote Committed	**47,693**		
		TOTAL VOTE UNCOMMITTED FOR EAST WARD	**250,402**		
SUMMARY					
		Total Vote for 2025-26	**985,882**		
		Less Total Vote Committed	**141,693**		
		TOTAL VOTE UNCOMMITTED	**844,189**		

* Adopted March 2025 Quarter Revote

** Annual allocation for four years

*** Proposed June 2025 Quarter Revote