



PENRITH CITY COUNCIL

BUSINESS PAPER



Councillor Ross Fowler, Chairman of the Board of Ripples, Deputy Mayor Councillor Jackie Greenow and NSW Premier Bob Carr with members of Ripples staff in the pool at the official opening of the Hydrotherapy Centre, St Marys, on Saturday, 3 November 2001



Policy Review Committee Meeting

12 November 2001



Penrith City Council

A COUNCIL COMMITTED TO PROVIDING THE HIGHEST QUALITY SERVICE TO ITS CUSTOMERS

8 November 2001

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and Regulations thereunder, notice is hereby given that a **POLICY REVIEW COMMITTEE MEETING** of Penrith City Council is to be held in the Pasadena Room, Civic Centre, 601 High Street, Penrith on Monday 12 November 2001 at 7.00pm.

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

Yours faithfully,

Alan Travers
General Manager

B U S I N E S S

1. **APOLOGIES & LEAVE OF ABSENCE**
2. **CONFIRMATION OF MINUTES**
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3. **DECLARATIONS OF INTEREST**
Pecuniary Interest
Other Interest
4. **ADDRESSING THE MEETING**
4. **MAYORAL MINUTES**
5. **NOTICE OF MOTION**
6. **REPORTS FROM COUNCIL OFFICERS**
7. **SUPPLEMENTARY AND LATE REPORTS (to be dealt with in the Master Program to which the item relates)**
8. **CONFIDENTIAL BUSINESS**

*Enquiries regarding this Business Paper should be directed to the
Public Officer, Peter Huxley on (02) 4732 7649*

POLICY REVIEW COMMITTEE MEETING

MONDAY 12 NOVEMBER 2001

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PENRITH CITY COUNCIL
MEETING CALENDAR
1 November 2001 – 31 December 2001

MINUTE NO

	TIME	NOV	DEC
		Mon	Mon
Ordinary Meetings	7.00 pm	5	3
		19#	17
Extraordinary Meeting			
Policy Review Committee	7.00 pm	12	10

Council has two Ordinary Meetings per month where practicable. Extraordinary Meetings are held as required.

Policy Review Meetings are held monthly.

Members of the public are invited to observe at meetings of the Council. Should you wish to address Council, please contact The Public Officer, Peter Huxley on 47327649.

Meetings at which the Management Plan quarterly review is tabled and discussed.

WORKSHOP CALENDAR 2001		
	NOV	DEC
OTHER COUNCIL ACTIVITIES		
Economic Development & Employment	13	
Local Traffic Committee Meetings	5	3
WSROC Board Meeting	29	
WSROC EMC Meeting	15	
Local Government Week (July)		
Hawkesbury River County Council		20
POLICY FORUMS		
National General Assembly - (Canberra) (ALGA)	25-28	
Local Government Association Conference - (Wollongong) (LGA)		
Australian Local Government Women's Association Executive Meetings		1-2
Flood Plain Management Conference		
State Assembly of Local Government (Sydney)		
ALGWA National Conference		

**REPORT AND RECOMMENDATIONS
OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY
COUNCIL HELD IN THE PASSADENA ROOM, CIVIC CENTRE, PENRITH
ON MONDAY 15 OCTOBER 2001 AT 7.01 PM**

PRESENT

Councillors Jackie Greenow, J Aitken, D Bailey, G Davies, G Evans, R Fowler, C O'Neill, K Paluzzano, S Simat (from 7.10 PM), and J Thain.

APOLOGIES

PR145 RESOLVED on the MOTION of Councillor Bailey seconded Councillor Davies that apologies be received and accepted from Councillor J Bateman A Khan C O'Toole and D Bradbury

LEAVE OF ABSENCE

Councillor Sheehy has been previously granted leave of absence till 10 November 2001.

CONFIRMATION OF MINUTES

Policy Review Committee Meeting – 24 September 2001

PR146 RESOLVED on the MOTION of Councillor Davies seconded Councillor Thain that the minutes of the Policy Review Committee Meeting of 24 September 2001 be confirmed.

DECLARATIONS OF INTEREST

No declarations of interest.

REPORTS OF COMMITTEES

Local Newspaper Advertising Working Party – 24 September 2001

Councillor Greenow gave a brief outline of the deliberations of the Working Party.

PR147 A RECOMMENDATION was MOVED by Councillor O'Neill seconded Councillor Davies that the report and recommendations of the Local Advertising Working Party of 24 September 2001 be adopted.

Recreation & Open Space Working Party – 26 September 2001

Councillor Davies gave a brief outline of the deliberations of the Working Party and stated that the SEPTED principles were being applied to the investigations being undertaken by the Working Party.

PR148 A RECOMMENDATION was MOVED by Councillor Davies seconded Councillor Paluzzano that the report and recommendations of the Recreation & Open Space Working Party be adopted.

Penrith Regional Gallery and Lewers Bequest Working Party – 8 October 2001

Councillor Paluzzano gave a brief outline of the most recent activities of the Working Party, including the recruitment of a new Director, membership of the proposed Board, links with Hawkesbury City and progress on the extension works.

PR149 A RECOMMENDATION was MOVED by Councillor Paluzzano seconded Councillor Thain that the report and recommendations of the Penrith Regional Gallery and Lewers Bequest Working Party be adopted.

THE CITY IN ITS REGION

1 Application of Sponsorship Policy to Major City Marketing Events

303-55

Geoff Shuttleworth introduced the report and gave a short briefing on the pilot regional promotion taking place in Canberra during October. He screened a video of the 30 second TV commercial running in Canberra and distributed samples of promotional materials being used in the major promotion in Canberra.

Councillor Simat arrived the time being 7.10 PM.

Councillor Paluzzano enquired about the availability of self-contained accommodation in the City.

Paul Page responded that Nepean Shores and Astina Apartments provided self-contained accommodation.

Councillor Davies indicated that the Policy needed to be made clearer. The sponsorship funds were to be seen as ‘seeding’ funds only and that organisations seeking sponsorship needed to be made aware that they had to themselves consider what financial arrangements they had to have in place in subsequent years.

Councillor Evans referred to the procedures adopted by similar organisations in the City.

Councillor Paluzzano requested that such a clause be inserted in the policy.

Geoff Shuttleworth stated that the PGA Seniors had again approached council for sponsorship of this year’s event and that Council had invited them to do so last year.

The Deputy General Manager said that an appropriate clause would be inserted and each application judged on its merits.

PR150 A RECOMMENDATION was MOVED by Councillor Davies seconded Councillor Paluzzano

That:

1. The report on the application of the sponsorship policy for city marketing events be received and the current policy on the sponsorship of city marketing events adopted on 23 April 2001 noted;

2. The application of the major events sponsorship policy be reported to Council as a routine component of any reports to Council requesting financial support under the major events sponsorship policy.
3. The policy statement on sponsorship to Major City Marketing Events be amended to include a reference to it being 'seeding' funding only and clearly specifying that sponsorship is not to be considered as on-going.

2 Enterprise Zones

1133/1 pt6

Peter Coyte introduced this item and highlighted the issues raised in the report.

Councillor Evans expressed some concerns about the notion of enterprise zones, stating that if Penrith could not apply, then Council should not support. He recognised that this was the spirit of the recommendation, but wanted to make it clear that if it was only available to rural areas, we should not support.

Councillor Davies suggested support for the proposal needed to be tempered by the degree to which economic benefit would flow to Penrith as a result.

The Deputy General Manager pointed out that the term Regional, as used in the program has a predominantly rural focus. The aims of the program could apply equally to fringe urban areas as well as rural areas. He suggested that use needed to be made of existing vehicles and to look at ways of redistributing effort and funding to the greater benefit of fringe urban areas.

PR151 A RECOMMENDATION was MOVED by Councillor Evans seconded Councillor Fowler

That:

1. The report concerning Enterprise Zones be received.
2. Council advise the Local Government and Shires Association that it broadly supports the proposal to establish an independent task force to conduct a comprehensive study on the applicability of Enterprise Zones but that the terms of reference for that task force should clearly articulate that regional areas also includes metropolitan fringe areas.
3. The Task Force should investigate the possibility of the broadening of the Strengthening Regions program to include Enterprise Zones.
4. Criteria be reviewed to reflect targeted conditions in regional areas.

THE CITY IN ITS ENVIRONMENT

3 Urban Development Study Tour

4105/3

Roger Nethercote introduced the report, pointing out the highlights of the study tour and the challenges for Penrith in seeking to fashion the urban development of the City for the future.

Councillor Bailey left the meeting and did not return, the time being 7.52 PM

Councillor Simat left the meeting, the time being 8.02 PM.

Councillor Simat returned to the meeting at 8.07 PM.

Councillor Thain left the meeting, the time being 8.07 PM

Councillor Thain returned to the meeting, the time being 8.11 PM

Councillor Simat left the meeting and did not return, the time being 8.12 PM

Councillor Evans left the meeting, the time being 8.14 PM

Councillor Evans returned to the meeting, the time being 8.16 PM.

Councillor Fowler congratulated the EPM on the comprehensive presentation. Councillor Fowler went on to say that the challenge was now for Penrith to secure the provision of suitable housing in newly developed areas. The development needed to be for the long-term benefit to the Penrith community.

Councillor Evans drew the Council's attention to the correlation between successful urban planning and the economic success of areas. The primary factors were safety, security, education and access to transport.

Councillor Aitken left the meeting, the time being 8.25 PM.

Councillor Davies suggested that Council needed to take a lead role in promoting better urban outcomes and persuading developers to adopt more innovative urban development solutions. He suggested that this be done at local, regional and state levels.

The Deputy General Manager outlined the need for a two-pronged approach. Firstly, an understanding of what is valuable to Penrith and secondly, the need to engage in a dialogue with those in the marketplace to persuade and influence change.

Councillor Aitken returned to the meeting, the time being 8.37 PM.

The Deputy General manager commented that there was a mismatch between demand for certain housing and the available supply.

PR152 A RECOMMENDATION was MOVED by Councillor Davies seconded Councillor Fowler

That:

1. the information contained in the status report on the Urban Development Study Tour be received and noted.
2. Council conduct a local stakeholders forum with developers and other stakeholders to explain Council's strategic vision for urban development in the City

3. Council participate in a regional stakeholder's forum with developers to influence the future direction of urban development in the Region.
4. Hold discussions with DUAP and other state bodies to enlist their support for a co-ordinated approach to the direction of future urban development in NSW along the direction outlined in the report.

7 Werrington Creek Stormwater Improvement Project (5124/1 Pt 5)

Craig Ross gave a presentation on the Werrington Lakes and Catchment Stormwater improvement project.

Councillor Fowler left the meeting, the time being 8.50 PM.

Councillor Paluzzano asked about the definition of the catchment of Werrington Creek and the relationship between the grant for the stormwater project and the grant for the landcare project.

Councillor Fowler returned to the meeting, the time being 8.53 PM.

Craig Ross replied that they were two related components. One was for the control of vegetation and weeds and the other for creek bank rehabilitation. He went on to say that the weed problem was particularly important for the upper catchment and the bank rehabilitation tended to be dominant in the lower catchment.

PR153 A RECOMMENDATION was MOVED by Councillor Paluzzano seconded Councillor Evans

That:

1. Council receive the report;
2. Council make copies of the Werrington Creek Catchment WEEDeck available for the public;
3. Council continue to support the Werrington Creek Stormwater Improvement Project and pursue funding opportunities to implement the objectives of this project throughout the whole of the Werrington Creek catchment.

THE CITY AS A SOCIAL PLACE

4 Pictorial History of Penrith & District 1202/10

PR154 A RECOMMENDATION was MOVED by Councillor Davies seconded Councillor Fowler that the support by the Library of the publication of a Pictorial History of Penrith and district by Kingsclear Books be approved.

5 Transcription of Old Council Rate & Valuation Books

1202/10

PR155 A RECOMMENDATION was MOVED by Councillor Davies seconded Councillor Aitken

That:

1. The transcription of the Council Rate & Valuation Books be approved.
2. The publishing of the information on CD-ROM by the Nepean Family History Society be approved.
3. Council make available a PC to be dedicated to the Nepean Family History Society for the project.

6 Glenmore Park Youth and Community Centre

4122/50 Pt4

Councillor Paluzzano enquired about the nature of the contract between the builder of the centre and the Council and who certified the building as complying with the correct legislation and codes.

The Legal Officer advised that there was an informal contract.

Craig Ross advised that the works had been certified by a private certifier and that the main source of the problems with the delivery of the centre stemmed from the works being delivered as "works in kind" and that they were privately certified.

PR156 A RECOMMENDATION was MOVED by Councillor Paluzzano seconded Councillor Davies

That:

1. Council receive the report on the Glenmore Park Youth and Community Centre;
2. Council manage the Glenmore Park Youth and Community Centre for an interim period to allow Council to manage the defects process, assess the operation of the facility, and resolve any associated issues;
3. Council approve the Policies and Procedures for the Glenmore Park Youth and Community Centre;
4. Council Officers continue to meet with Lensworth Glenmore Park Ltd to rectify the outstanding defects to ensure that the Glenmore Park Youth and Community Centre is completed as soon as possible and in keeping with the DA conditions;
5. Council be informed about the dates for handover of the facility to Council and an official opening, as soon as these are confirmed.

There being no further business the Chairperson declared the meeting closed the time being 9.23 PM.

Confirmed
Chairperson

MASTER PROGRAM REPORTS

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The City in Its Environment

1 Affordable Housing and Homelessness

4100/65, 1040/22

Compiled by: Erich Weller, Community Programme Co-ordinator; Mark Broderick, Senior Environmental Planner; Ruth Goldsmith, Planning Policy Unit Co-ordinator

Authorised by: Carol Joyce, Community Development Manager; Roger Nethercote, Environmental Planning Manager

Requested by: Councillor Karyn Paluzzano

<p>Management Plan 4 Year Outcome (Page 21): <i>Residential development is consistent with Council's Residential Strategy.</i></p> <p>01/02 Critical Action: <i>Promote greater housing choice and diversity, including CBD housing opportunities.</i></p>
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Purpose

The principal objective of this report is to provide Council with an overview of issues and matters concerning Affordable Housing and Homelessness. It also summarises the responsibilities and range of roles local government might adopt on these issues.

The report also provides the legislative, funding and service provision context in relation to Affordable Housing and Homelessness so that Council has an understanding of the broader context within which local government might play a role.

This report is structured as follows:

1. Context
2. Demographic and Housing Context - Penrith City
3. Affordable Housing - Issues and Trends
4. Homelessness - Issues and Trends
5. Commonwealth role in Housing
6. State Government role in Housing
7. Local Government role in Housing
8. Other Councils
9. Other Major Initiatives
10. Non-Government Sector
11. Homeless Summit
12. Conclusion.

A number of representatives from the Department of Housing will also be in attendance this evening to give a presentation on Department of Housing activities in Penrith City.

1. Context

Article 25(1) of the Universal Declaration of Human Rights (1998) recognises the right of everyone to appropriate and adequate housing. The Declaration states:

*“Everyone has the right to a standard of living adequate for the health and wellbeing of themselves and their family, including food, clothing, **housing** and medical care....”*

Housing as “shelter” is an essential of life. Housing as “home” has enormous social and symbolic meaning to people. Home is a place for many leisure and social activities. The quality of housing in which people live has a major bearing on their quality of life. People, as far as is within their means, generally seek housing that provides security and privacy.

In economic terms housing (including the land it is on) is expensive to produce and, therefore, to rent or to buy. For many lower income people, housing outlays can cause financial stress and, for some, home ownership may remain beyond their reach. For many others, housing is a form of investment as well as consumption and a source of security for retirement.

Housing provision is clearly linked to wider demographic, economic and social developments, and to government policy processes. Broader considerations of land use, planning, infrastructure provision and the structure and capabilities of the residential building industry are also significant.

Particular groups in Australian society have difficulty in getting a foot in the door of home ownership. A number of groups, including persons on benefits or pensions, people with a physical or intellectual disability, persons with a mental disability and victims of domestic violence have distinctive problems of housing need which, in combination with low incomes, can render them extremely vulnerable in the housing market. Increasingly low-income families are also vulnerable, even if one or both parents are in employment.

Commonwealth-State Housing Agreements have provided the intergovernmental framework that has delivered housing assistance since 1945. The current CSHA (from 1/7/99 to 30/6/03) is a formal agreement authorised under the Housing Assistance Act 1996. This Act is:

“an Act to assist people to obtain access to housing that is affordable and appropriate to their needs, and to provide assistance for other housing-related purposes”.
(Foreword, Housing Assistance Act 1996 Annual Report 1998-99, piii)

Other housing related purposes include home purchase assistance and financial assistance to enable eligible low-income households to access and maintain a tenancy in the private rental market.

Initially the CSHA focused on increasing housing supply as part of post-war construction. Over the last 10 years the Agreements have focused more on delivering flexible and appropriate responses to problems of homelessness and those most in housing need. Thus the CSHA provides housing assistance to those households who cannot meet their housing needs unassisted in the private market. Further information on the Commonwealth role in housing support is provided in a subsequent section of this report.

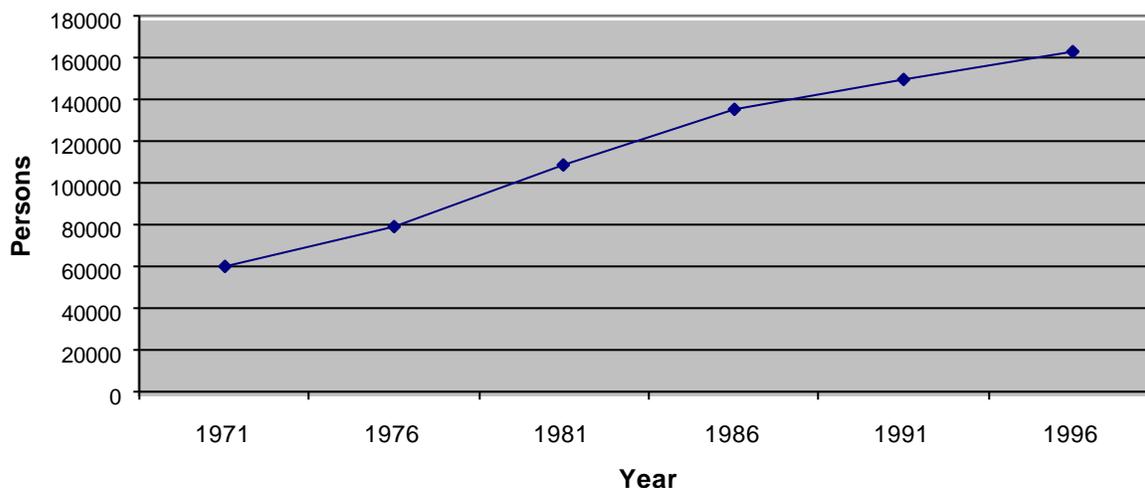
2. Demographic and Housing Context – Penrith City

Penrith City has seen rapid household growth since the early 1970s. The City was viewed as an area where first home buyers, in particular young families, could afford to purchase a detached dwelling.

Please note the raw data for figures 1-3 in this section are in the attachment to this report.

Figure 1, below, summarises population growth since 1971 based on the five-yearly ABS Census of Population and Housing.

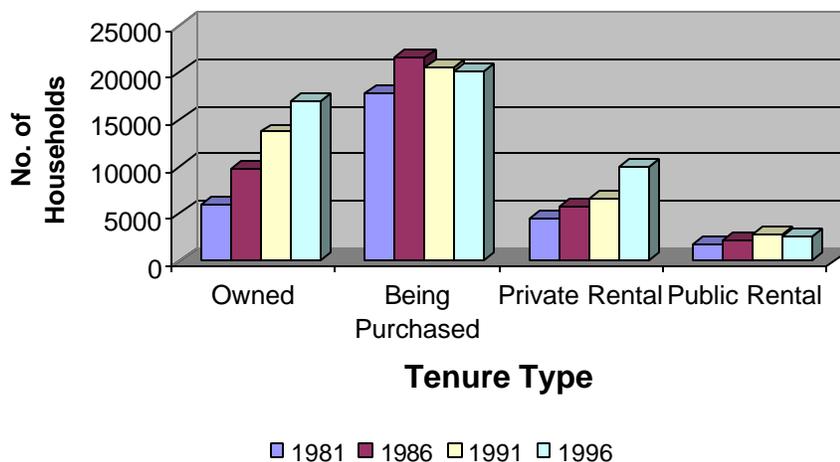
Figure 1. Penrith LGA Population 1971 – 1996



Source: ABS Census

Figure 2, below, illustrates the number of households in various tenure types in each of the Census years 1981, 1986, 1991 and 1996 (ABS Census, 1981-1996).

Figure 2. Households by Types of Tenure Penrith LGA 1981 - 1996



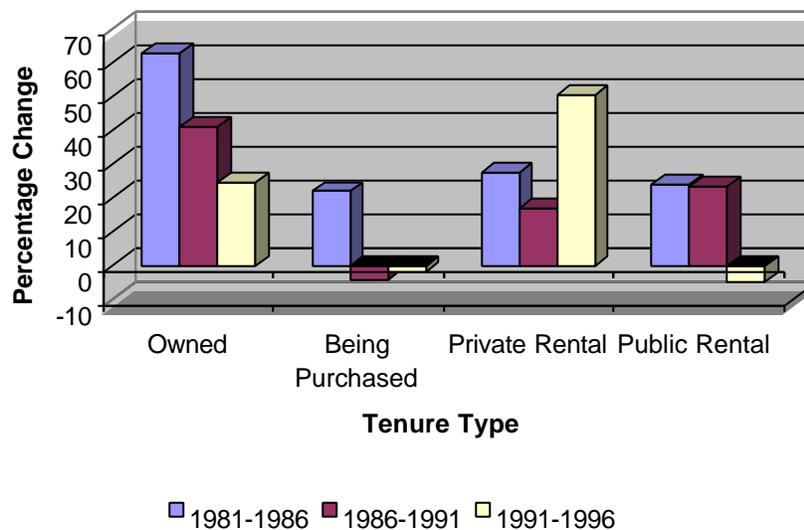
Source: ABS Census

This table highlights the decline in the proportion of dwellings being purchased and the significant increase in households in private rental. These characteristics are consistent with Sydney Metropolitan trends of declining home purchase and increased rental. The decline in housing affordability as well as private rental affordability are major contributors to the increasing incidence of homelessness in metropolitan Sydney, including the Penrith LGA.

Subsequent sections of this report on Affordable Housing and Homelessness – Issues and Trends will provide additional information and data to quantify the nature and scale of the issues.

Figure 3 below reviews the percentage changes in different tenure types in the inter-censal periods 1981-86, 1986-91 and 1991-96.

Figure 3. Percentage Changes in Household Tenure Types Penrith LGA 1981 - 1996



Source: ABS Census

Of particular interest for this report is the continuing decline of home purchase and the significant increase in households privately renting. As at the 1996 Census 19.2% of households in Penrith City rent privately, or over 10,000 households.

3. Affordable Housing – Issues and Trends

There are a number of housing submarkets in the Sydney Metropolitan Area. In past decades, Penrith City has traditionally provided detached dwellings for first home buyers amongst other market segments. More recently the proportion of new housing stock for first home buyers constructed as part of the Urban Development Programme of the Department of Urban Affairs and Planning has significantly declined. Further as the cost of home purchase has increased, particularly in the 1990s, significantly greater numbers of householders must rent on the private market. In the case of some of these private renters, the household will also apply to join the waiting list for public housing.

As at September 2000 the medium price for non-strata dwellings in the Greater Sydney Metropolitan Region is \$273,000 (Rent and Sales Report, No. 54, Housing Data and Analysis Service, NSW Housing). Between 1988 and 1998 the cost of a medium priced house in Sydney rose by about 200% compared to the CPI increase of 60% (Report on the Ministerial Task Force on Affordable Housing, Affordable Housing in NSW – the Need for Action).

For those who are purchasing the average amount borrowed has been increasing steadily since the mid-1980s. Over the period 1987-1996 the average loan increased from about twice average male annual earnings to about three times.

Housing is affordable when the cost of housing is reasonable in relation to income. The NSW Affordable Housing Strategy adopted a measure where housing is affordable for low income households when housing costs are not greater than 30% of their income. Low income households are defined as households earning less than the NSW median income of around \$36,400. Many low income families spend a lot more than 30% on housing. This means they don't have enough money for other essentials such as food, clothes, education, transport or health care.

According to the 1996 Census 122,340 households in the Sydney Greater Metropolitan Region (including the Central Coast) earn less than \$36,400 per annum and pay more than 30% of their income in housing costs. This number is made up of 89,374 private renters (or 64.6% of all private rental households earning less than \$36,400 per annum) and 32,966 home purchasers (or 56.3% of households earning less than \$36,400 per annum).

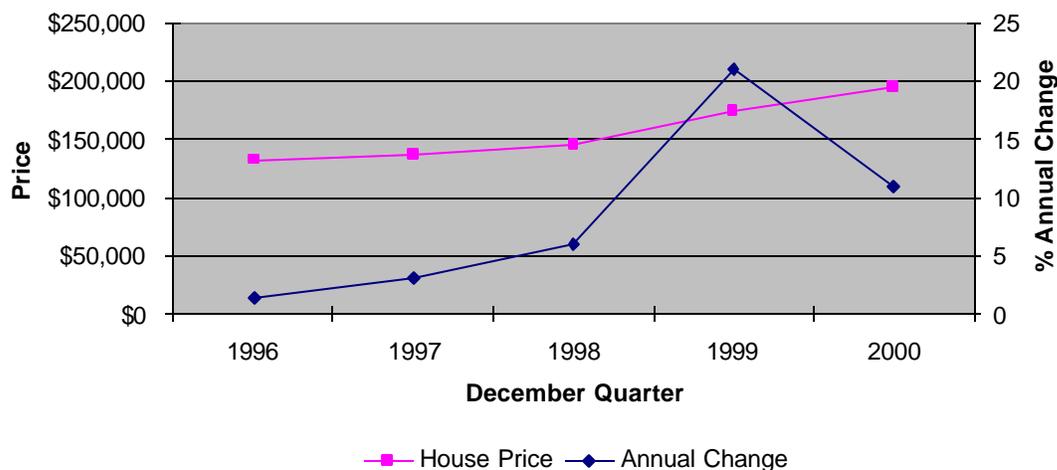
As regards Penrith City 2,942 low income private rental households spend more than 30% of their income in housing costs. This number of households represents 58.5% of households earning less than \$36,400 per annum. In terms of home purchase 2,303 households or 56.3% of low income households spend more than 30% of their income on housing costs.

The recent Western Sydney Affordable Housing Study (1999) commissioned by WSROC and prepared by the Planning Research Centre at the University of Sydney and Scott Carver Pty. Ltd. clearly indicates that housing affordability, whether for purchase or rental has declined further since the 1996 Census. The conclusion is based on increased house purchase prices across Sydney including Western Sydney, as well as increased private rents. At the same time median household incomes have fallen across Sydney between 1991 and 1996¹. In the Penrith LGA median household incomes have fallen from \$42,000 in 1991 (1996 \$ equivalent) to \$41,500 in 1996.

Figures 4, 5 and 6, below, highlight the increases in median house and flat/apartment prices in the Penrith LGA over recent years. Please note the raw data for figures 4-6 in this section is in the attachment to this report. Figure 4 provides trend data in median house prices in the Penrith LGA between 1996 to 2000.

¹ Please note the WSROC Western Sydney Affordable Housing Study was not adopted by the WSROC Board. The Study does contain a significant amount of important data on housing affordability and related issues. The information in the Study is regularly used by WSROC for advocacy purposes on housing issues. One of the limitations of the Study, due to cost was that individual WSROC Council member areas were not analysed separately. The Study used methodology for data collation and analysis of three sub-regions. The Penrith LGA is included in a sub-region with Blacktown, Fairfield, Holroyd and Liverpool. The WSROC Affordable Housing Study was reported to Council in July 1999.

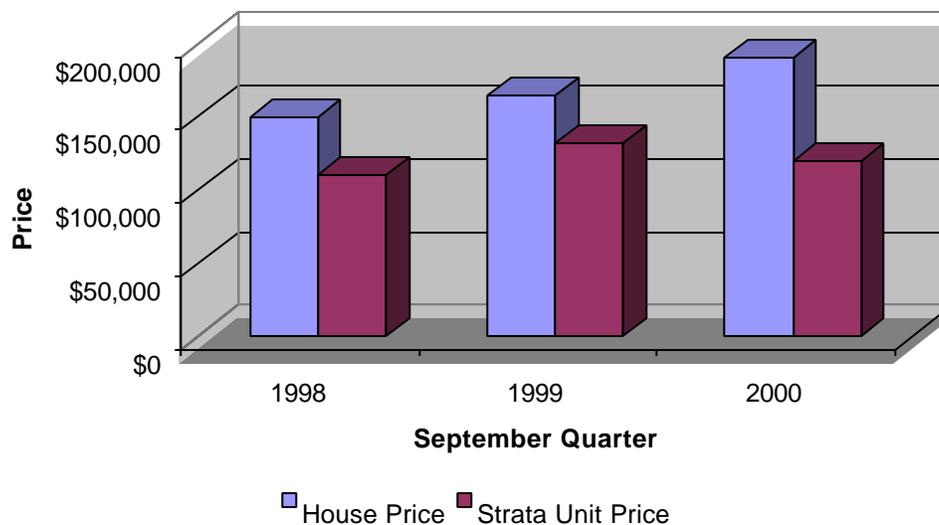
Figure 4. Median House Prices – Penrith LGA 1996 - 2000



Source: Real Estate Institute of NSW

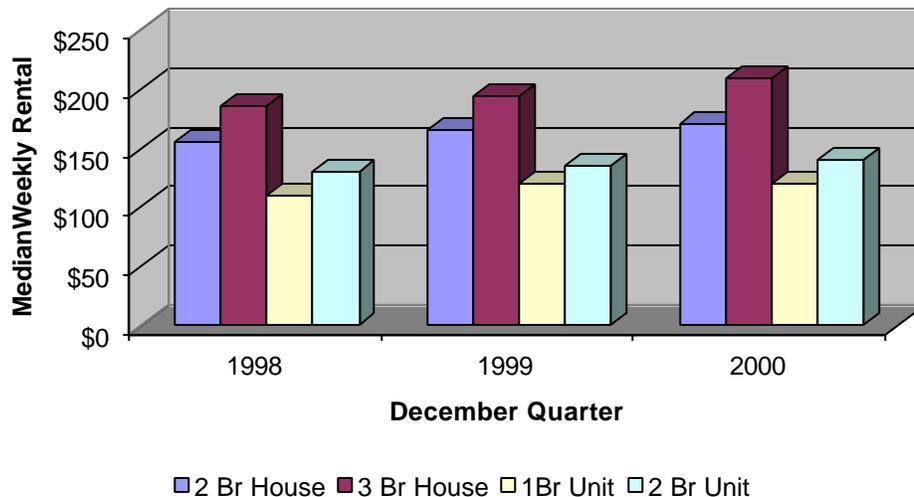
Figures 5 and 6 depict median house prices and median rentals respectively based on information provided by the Housing and Data Analysis Service of the Department of Housing.

Figure 5. Median House and Strata Unit Prices – Penrith LGA 1998 – 2000



Source: Housing and Data Analysis Service

Figure 6. Weekly Median Rents Houses and Flats/Units – Penrith LGA 1998 - 2000



Source: Housing and Data Analysis Service

Housing affordability in Western Sydney is also negatively impacted by the very high number of households moving into Western Sydney from higher housing cost areas but still cannot afford to purchase or own a dwelling. Between 1991 and 1996 55,000 households moved to Western Sydney (WSROC region excluding Auburn) from elsewhere. Of these households 44.6% (or 23,000 households) rented privately. This percentage of private renters is much higher than the percentage of private renters in the WSROC region at the 1996 Census (19.6%). [Data from WSROC Affordable Housing Study, 1999]

A recent national study, **Affordable Housing in Australia: Pressing Need, Effective Solution**, investigates the affordable housing crisis in Australian capital cities. It has been released by the Affordable Housing National Research Consortium, the membership of which includes the Housing Industry Association, the Real Estate Institute of Australia, the Australian Council of Trade Unions, the National Community Housing Forum, the Royal Australian Planning Institute and other peak industry/professional associations.

The Report highlights a number of factors that are also evident in Western Sydney:

- falling median household income between 1986 – 1996, even though full-time employment is relatively high
- increasing numbers of persons employed in full-time and part-time casual employment making it difficult to meet the lending criteria of major lending institutions
- rents and prices of fully detached houses have grown faster than household incomes of the lower 40% income group in the metropolitan regions of Sydney, Melbourne and Adelaide
- in Sydney small, multi-dwelling units rents and prices in all areas have risen faster than incomes for the lower 40% income group
- the numbers of households renting privately is increasing fastest in those cities where dwelling prices have increased most significantly (in the Sydney region households renting privately have grown by 20% between 1991-1996)
- although the rental stock has grown substantially in the 1986-1996 period the growth has been highly uneven with the stock of defined low-rent dwellings falling by 28%

Australia-wide, an absolute stock-decline of 70,000 dwellings (at the same time the stock of moderate and high rent dwellings increased by 70%)

- the above situation is exacerbated by the fact that in 1996 only 42% of low cost rental dwellings Australia wide were occupied by low-income households (the remainder of 100,000 plus dwellings, were occupied by higher income households).

The study ² concludes:

In short, during the 1986-1996 period, the rental market in Australia polarised on income grounds, narrowing the opportunities for low income households to secure affordable housing, while enhancing the effective housing choices of higher income groups.

Pervasive rental market failure in Australian is creating increasing problems of affordability and associated hardship for low and low-moderate income households..... Housing stress is intensifying, most notably in our metropolitan centres. Inadequate housing has far-reaching economic and social costs, both for the households directly concerned and the community at large.

A declining first-home owners market, a slow-down in additions to the public housing stock, the continuing loss of low-cost rental dwellings, rising numbers of low-income households needing to pay more than 30% of their income in rental payments and falling median household incomes.... In combination, these forces and trends have had a devastating impact on the situation of the lower 40% of income earners, in addition to placing them under various degrees of housing stress. The severity of that impact is perhaps best highlighted by the fact that, in June 2000, no low-income rental household could:

- *afford to buy a three-bedroom house anywhere in Adelaide, Melbourne or Sydney*
- *afford to buy a one-bedroom unit anywhere in Sydney, with only 15% of lower-income Melbourne households able to buy in the outer area of that city*
- *afford to rent a three-bedroom house anywhere in Adelaide. In Melbourne and Sydney only 9% and 3% of the same households could do so, but only in the outer areas*
- *less than 5% of low-income tenants could afford to rent a one-bedroom unit in inner Melbourne or Sydney. More than 50% could afford to rent a one-bedroom unit, but only in the outer areas of the three referenced cities.*

4. Homelessness – Issues and Trends

An accepted definition of homelessness is where a household does not have adequate access to safe and secure housing (Commonwealth Supported Accommodation Assistance Programme Act 1994).

Homelessness can be visible, as when people sleep on the streets or in hostels for the homeless. It can also be hidden, as when people live temporarily with friends and relatives, or in boarding houses or in substandard or unsafe accommodation.

The causes of homelessness are many and varied, and homeless people are not an homogenous group. Very broadly, there are three types of homelessness. People may be at

² The above conclusion is drawn from the **Affordable Housing in Australia: Pressing Need, Effective Solution** Study, Vol 1, pp.21-22 and the Executive Summary p.14

risk of becoming homeless, they may be homeless as the result of a temporary crisis, or they may have a history of long term or chronic homelessness.

Homelessness affects every sector of the community. Among the factors often associated with homelessness are poverty, unemployment, eviction, lack of affordable accommodation, mental illness, intellectual disability, drug and alcohol problems, family and relationship breakdown, domestic violence, physical and sexual abuse, poor health, long-term homelessness and gambling. Some households or individuals are likely to be homeless because of a combination of the above reasons. Anecdotal evidence also suggests that some people choose an itinerant lifestyle.

4.1 Numbers of Homeless People in the Penrith LGA

It is not known exactly how many homeless people there are in the Penrith LGA. The 1996 Census identified 57 people in the Outer Western Sydney area (Penrith, Blue Mountains and Hawkesbury LGAs) without homes or living in impoverished dwellings such as sheds, tents or other similar shelter. However information from other sources indicates that there are many more homeless people in Penrith City than this.

According to the Homeless Persons Information Centre (funded by City of Sydney Council, the Department of Community Services and the Department of Housing) the number of calls from homeless people in Penrith City has almost doubled since the 1997/1998 year. In 2000/2001 the Centre received 1,060 calls from clients in the Penrith Local Government Area. These 1,060 calls, when the callers also include any family members, involve 1,525 persons. Two hundred and seventy-four (274) of these persons are under 12 years of age. The age cohort and gender with the highest representation amongst the 1,525 persons are females aged 18 to 30 (247 persons or 16.2%) and then males of the same age (232 persons or 15.2%). Next are females aged 31 to 50 (174 or 11.4%), then males of the same age (146 or 9.6%). Given that only 11% of calls (116) are from couples or couples with children the 18-50 year olds would predominantly be single people or single parents, with the latter mainly female.

Places of accommodation the night before the call was made include temporarily staying rent free in a house or flat with a friend or relative (39% or 411 calls), living on the street, in a tent/car/squat (18.15% or 196 calls), sharing private accommodation (7% or 74 calls) and living independently in private rental (5.4% or 57 calls).

When analysing the last permanent accommodation (3 months or more) over the last two years the proportion of calls from persons either sharing or independently in private rental increases to over 46% of calls. This reflects the increasing difficulty that individuals and families have in maintaining secure shelter in the private market, even with the support from a range of government rental assistance programmes.

The most common primary reason for homelessness given by the 1,060 callers is family breakdown (243 or 22.9% of callers). The next most common reasons are crisis eviction (162 or 15.3% of callers), interpersonal conflict (96 or 9.1%), financial difficulty (91 or 8.6%), and domestic violence (85 or 8.0%). Only 80 callers identified themselves as an itinerant/long term homeless person. Only 35 callers (or 3.3%) identified that substance abuse was the primary reason for their homelessness.

Under the "client characteristics" category of the data from the Homeless Persons Information Centre a much higher number of persons identified as having a drugs/alcohol affected past (18.4% of 1,327 individuals or 244 persons) or a current drugs/alcohol affected characteristic (12.7% or 168 persons). The client characteristic "single parent" had the highest number of persons (22.5% or 298 persons), with psychiatric and physical disabilities also with high rankings (15.9% or 211 persons, and 15% or 199 persons respectively).

Of the 1,060 callers 60.9% (or 646 callers) had not previously been in a refuge. Most encouragingly only 55 callers did not have their information, advice or accommodation needs met by the Homeless Persons Information Centre. In terms of support services 1,313 instances of advice/information was provided, and 368 referrals to SAAP/Crisis accommodation and 366 referrals to non-SAAP crisis accommodation (please note that 2,377 different sources of support were provided to the 1,060 callers).

The Homeless Persons Information Centre data provides information on the suburb of origin of the call to the Centre. This indicates that 672 calls were made from Penrith suburb in the 2000/2001 year. Of significance is that this number of callers ranked Penrith the tenth highest suburb in the State. Although the consolidated data for 2000/2001 for NSW is not yet available, in 1999/2000 the Centre received over 23,000 calls with 37% of calls coming from the Outer Metropolitan Region.

Of significance for attempting to quantify the number of homeless people in Penrith City is that the Homeless Persons Information Centre (HPIC) is by no means the only agency responding to enquiries for assistance. For example the Department of Housing Penrith Office has a number of programme and referral points through which assistance is provided to homeless people and do not usually ring the HPIC. For more information on Department of Housing programmes see Section 6.3 of this report.

Following sections of this report provide an overview of the Commonwealth role with particular emphasis on Commonwealth support for social housing, the provision of rent assistance through Centrelink, and supported accommodation.

5. Commonwealth Role in Housing

The Commonwealth Government, through Treasury and the annual budget determination process, has a major influence on the macro-economic context within which interest rates are set and housing finance delivered. A recent example of additional intervention is the Commonwealth grant of \$14,000 to first home buyers who meet certain criteria.

5.1 Commonwealth State Housing Agreement

The current agreement between the Commonwealth and the states is for the period July 1999 to June 2003. In the current financial year NSW will receive approximately \$325 million from the Commonwealth with the NSW Government providing \$122 million. Over the term of the current CSHA the Commonwealth's contribution will reduce by 1% per annum as an efficiency dividend. More importantly the GST has significantly changed financial relations between the Commonwealth and State Governments.

Prior to the introduction of the GST, the states funded their operations by collecting taxation revenue (for example, stamp duty, bed tax, etc.) and receiving funding from the Commonwealth through tied (that is funding for a specific purpose) and untied grants. Under the new arrangements, the states take all GST revenue and continue receiving tied grants in return for the abolishing most of their own taxes.

The CSHA involves a tied grant and the Commonwealth has noted that it has no intention of cutting the dollar total of tied grants as part of the tax reform process. However, there is no guarantee that the balance of these grants might not be shifted so that the Commonwealth's contribution to the CSHA is again reduced. Furthermore, it is conceivable that the Commonwealth may seek to withdraw all tied grants down the track if GST revenue grow beyond the level of previous Commonwealth Government grants.

In summary CSHA funding continues to reduce in a context where demand for housing assistance continues to grow as reflected in waiting lists for social housing and requests for other forms of transition to independence through individually tailored responses. The Brotherhood of St Laurence estimates that funding for new construction of public housing has declined by nearly 50% between the mid 1980's and the late 1990's.

5.2 Commonwealth Centrelink Rent Assistance

The decline in funds for public housing has been accompanied by a vastly increased expenditure on Rent Assistance. Rent Assistance is provided by the Commonwealth Department of Family and Community Services to eligible Centrelink beneficiaries living in the private rental market. About one million people now receive rent assistance and expenditure on this programme now far outstrips direct expenditure on public housing at about \$1.6 billion a year.

5.3 Other Commonwealth Indirect Housing Subsidies

It should also be noted that all housing consumers receive housing subsidies, including those households with relatively high incomes. These subsidies are paid through a range of indirect expenditures, including the exemption of the principal place of residence from capital gains tax, depreciation allowance for newly constructed private dwellings, negative gearing provisions for private landlords, and most recently, the first homeowner grants. In 1997, before the introduction of first homeowner grants, it was estimated that annual indirect subsidies to home ownership amounted to more than \$5 billion (National Shelter 1997).

5.4 Supported Accommodation Assistance Programme

The Supported Accommodation Assistance Programme (SAAP) is the major national programme that provides funds and resources for transitional supported accommodation (refuges and medium term accommodation) and a range of related services. The Programme targets assistance to help people who are homeless or at imminent risk of homelessness, to achieve the maximum possible degree of self-reliance and independence. SAAP is a joint Commonwealth/State Programme.

Within this aim the goals of the programme are to:

- resolve crisis
- re-establish family links where appropriate
- re-establish the capacity of clients to live independently of SAAP.

Recent research into SAAP clients found that one in five persons required at least seven different types of support. This might include child care, counselling, income support, housing assistance, drug and alcohol services, mental health services and family planning (p.6 National Homelessness Strategy – A Discussion Paper).

The current SAAP National Strategic Plan (SAAP IV) runs from 2000-2005. This plan focuses on four national outcomes for all service providers. These are:

- contributing to the reduction of homelessness
- promoting self-reliance, choice and independence
- crisis responses that respond effectively to changing patterns of need
- increase partnerships with other service systems to meet needs.

There are 391 SAAP agencies operating in NSW in 1999-2000. The total recurrent funding allocation provided by the Commonwealth Department of Family and Community Services

and the NSW Department of Community Services to SAAP agencies in 1999-2000 is \$84.9 million. Support provided by agencies include crisis and medium term accommodation (generally up to three months), financial and employment advice and assistance, counselling, advocacy, specialist services including health/medical services, drug and alcohol support, psychological services, family planning, laundry and shower facilities, meals, and access to child care.

The Metropolitan West Area of the Department of Community Services is currently developing the regional SAAP Implementation Plan and Council officers have been consulted by Departmental officers in assisting with identifying priority issues for inclusion in the Draft Plan.

Further detail on the work of SAAP agencies in the Nepean region, including the Penrith LGA, is provided in Section 10 of this report.

5.5 National Homelessness Strategy

Earlier this year the Commonwealth Department of Family and Community Services released a National Homelessness Strategy Discussion Paper.

The four themes of the Strategy are:

- Working Together in a Social Coalition
- Prevention
- Early Intervention
- Crisis Transition and Support.

The themes reflect the Commonwealth's approach "to ensuring that a strong modern social safety net exists for all Australians".

The Strategy summarises a number of existing Commonwealth programmes targeting families and individuals at risk of homelessness including the SAAP Programme.

One of the deficiencies in the Strategy is the lack of recognition the role local government can play in supporting local services to develop integrated strategies to better meet the needs of local homeless people. In some cases interstate local government authorities own and/or manage social housing. This deficiency has been drawn to the attention of the Department taking submissions on the Discussion Paper. Further information on the NSW LGSA Model Policy on Homelessness is provided in Section 7.2 of this report.

6. State Government Role in Housing

6.1 Department of Urban Affairs and Planning

6.1.1 Environmental Planning and Assessment Act

In December 1999, the Environmental Planning and Assessment Act was amended in five key areas, one of which introduced the concept of affordable housing. To encourage planning authorities to consider housing affordability when preparing planning instruments, the Act was amended to make clear that the provision and maintenance of affordable housing is an object of the Act.

The Act amendment seeks to introduce opportunities for affordable housing in new urban release areas. It should be noted that affordable housing in new urban release areas is likely

to contribute only a small component towards the broader need for a range of affordable housing solutions.

The amendments:

- validate some existing affordable housing schemes. Existing environmental planning instruments (EPIs) with affordable housing provisions have been validated for a period of 2 years (South Sydney, Sydney, Willoughby, North Sydney, Randwick and Waverley).
- add new affordable housing provisions. The amendments give consent authorities, in areas where there is a need for affordable housing, the ability to require, as a condition of consent, the dedication of land / units, or the payment of a monetary contribution to be used for affordable housing.

This can only be required where a planning instrument (an REP or LEP) has set out an affordable housing scheme. Any schemes established must also be in keeping with the principles for affordable housing provision, as set out in the draft state environmental planning policy (SEPP) noted below.

6.1.2 State Environmental Planning Policies

DUAP is also responsible for the issuing of State Environmental Planning Policies (SEPPs). There are two SEPPs relevant to these issues:

- *SEPP 10 - Retention of Low-Cost Rental Accommodation*

Originally applying to just the inner suburbs of Sydney, Newcastle and Wollongong, the policy now covers the 53 local government areas in the Greater Metropolitan Region. The policy requires the local council's consent, and the concurrence of the Director-General of DUAP, to demolish, alter or change the use of a boarding house. Consent is also required to strata-subdivide a low-cost residential flat building or boarding house.

Before granting consent or concurrence, the council and the Director-General are required to take into account the availability of comparable accommodation, but it is not mandatory to refuse a proposal if such accommodation is not available. Other matters to be considered include the structural soundness and fire safety of a building, the estimated cost of necessary improvements and, as relevant, the financial viability of continuing to run a boarding house.

- *Draft SEPP - Affordable Housing*

DUAP is currently preparing a SEPP to establish the framework and detailed circumstances in which affordable housing provision may be required. The SEPP will determine those local government areas or regions where a need for affordable housing has been identified.

The SEPP is currently being developed in conjunction with local government, and industry and community stakeholders. A draft SEPP will be exhibited at the conclusion of these consultations.

The draft SEPP is expected to have significant impact on the way in which Council develops its response to housing in the City.

6.1.3 Section 94 Developer Contributions

Affordable housing contributions can now be imposed, through an adopted Section 94 Plan made under the EPA Act, in any of the following circumstances when development is occurring within an area of identified need:

- where a development directly reduces the availability of or creates a need for affordable housing
- when a zoning or rezoning of land has been permitted to allow development, for example, from rural to residential or mixed residential and from industrial to residential or mixed residential
- affordable housing can also be provided in exchange for a planning bonus or concession. Such an exchange is contingent on the planning bonus or concession, being defensible on planning grounds. The affordable housing SEPP will give detailed guidance on the use of such exchanges.

The amount of affordable housing to be provided will be determined with regard to the following broad factors:

- the extent of need in the area for affordable housing
- the scale of the proposed development; and
- any other dedication or contribution required to be made by the applicant for affordable housing or section 94.

Currently Penrith Council does not have a Section 94 Plan for Affordable Housing. However in Council's planning for major release areas provision is being made for a proportion of the lots to be delivered as affordable housing. That arrangement is being pursued under development agreement frameworks. The proposed Affordable Housing SEPP is expected to establish the preferred framework by which Councils can pursue the delivery of affordable housing where that need is identified.

It is considered however that in relation to other urban areas of the City it would be more prudent to await the release of the Affordable Housing SEPP before embarking on the preparation of any city-wide Section 94 contributions plan for affordable housing.

6.1.4 Urban Development program (UDP) Guidelines

DUAP has developed draft criteria for the assessment of possible additions to the urban development program (such as Glenmore Park Expansion Area and Caddens Release Area). One component of that assessment is an analysis of the "*contribution of the area's proposed development to (the) supply of affordable housing*". The guidelines provide no further direction or explanation.

The recent planning processes for the ADI site and Penrith Lakes have explored options for the delivery of affordable housing as per these guidelines.

6.2 The Affordable Housing Service

The Affordable Housing Service (AHS) aims to develop long-term affordable rental housing for low to moderate income households in partnership with private, community and local government partners. The Affordable Housing Service is part of the Department of Urban Affairs and Planning and was established as one of the recommendations from the NSW Affordable Housing Taskforce Report.

The Affordable Housing Service helps clients develop projects to include affordable rental housing by providing:

- Loans at zero interest which can be applied towards building costs for housing projects that include a component of affordable rental housing. Loans are repayable upon completion of the project, to be applied towards further affordable housing.

- Seed grants which are available to assist private, not-for-profit and local government partners in the development and feasibility assessment of housing projects or models that provide affordable rental housing.

To be eligible for assistance funding projects must:

- provide affordable rental housing as part of the development
- includes private financing
- brings together resources from private, local government and community partners
- is innovative and able to be replicated.

The Affordable Housing Service regularly mails out information material to Councils and other potential project partners. Council's Building Approvals Department intends to invite representatives of the Service to make a presentation to a Developer's Forum early next year. This will provide an opportunity for the Service to network with local developers and explore possible partnerships.

6.3 Department of Housing

In April 1999 the Department of Housing, the Office of Community Housing, the Home Purchase Assistance Authority and the housing assistance functions of the Department of Urban Affairs and Planning were incorporated into a new Department of Housing.

As at 1999 housing assistance was provided to 190,000 households in NSW. Services are available through both non-government and government housing providers. Government providers include the Department of Housing (incorporating Public Housing Services, the Office of Community Housing, the Home Purchase Assistance Authority) and the Aboriginal Housing Office. These services include:

- medium to long-term subsidised rental housing managed by public housing, community and Aboriginal housing organisations
- emergency accommodation
- accommodation linked to support services provided by government and private agencies
- one-off grants to help people obtain private rental housing (e.g. to cover bonds)
- rental subsidies for people with disabilities and people with HIV/AIDS living in private rental accommodation
- helping tenants participate in housing and community issues
- housing appeals system.

Eligibility criteria based on income, residency status and assets apply to all assistance. Income eligibility levels have been held constant for many years. While households with a gross annual income up to the maximum of \$40,300 (based on household size) are eligible for social housing, two thirds of households in public housing earn below \$20,799. The profile of community housing tenants is similar.

There is a substantial waiting list of 97,000 households for subsidised rental public and community housing. On average this list grows by about 2,000 households each year. The great majority are people waiting in order of application but a small number are approved for priority housing due to their urgent housing need. At any one time about 800 households will have been assessed as eligible for priority housing.

Almost all new applicants are in receipt of social security assistance – about 30% are sole parents, 32% are unemployed, about 19% receive disability support pensions and about 9% are over 65 years. Over a third are from non-English speaking backgrounds.

Public housing provides subsidised rental housing to approximately 130,000 households and administers rent assistance to approximately 44,000 households annually to enable them to access private rental housing. In 1998/99 2,000 (20%) of allocations were assessed as priority. Over 80 local client-service teams provide direct services to applicants and tenants. Many of the existing tenants require co-ordinated support services for mental illness, disabilities and drug and alcohol abuse to enable them to sustain tenancies. Dwelling modifications may be necessary for some tenants to enable them to live independently.

Community housing is delivered by approximately 400 community-based providers. About 180 of these provide long-term housing through 6,500 properties. Around 18 organisations now manage 60% of the community housing sector's stock, more than 200 properties each. A further 220 organisations provide short and medium term housing in approximately 950 properties for people who are homeless or in crisis.

The **Aboriginal Housing Office**, established in 1998, is progressively taking on the key responsibility for administering housing assistance for Aboriginal people in NSW and working with public and community providers to ensure access for Aborigines. This responsibility includes about 3,800 properties managed by the Department of Housing on behalf of the Aboriginal Housing Office, and all properties managed by community-based Aboriginal housing organisations. Information on the size of the community based sector is limited, but it is estimated that it currently comprises over 200 providers owning around 3,000 houses. In the Penrith LGA the Deerubbin Local Aboriginal Land Council manages approximately 30 dwellings for Aboriginal households.

The **Home Purchase Assistance Authority** provides housing assistance to over 10,000 households and assistance with home loan repayments to over 2,000 eligible households. Another important role is the provision of home purchase advice and referral.

Under the **Tenant and Community Initiatives Programme** (TCIP), social housing tenants are encouraged and resourced to have a greater say in and control over their living environment. Information, referral and advocacy services and community development initiatives are funded through this programme. In Cranebrook the Department of Housing funds Barnardos to employ a Housing Community Assistance Programme Community Worker to initiate and develop programmes and activities that foster independence and mutual support for public housing tenants in Cranebrook.

In a recent Background Paper prepared by the Department of Housing titled **Directions for Housing Assistance Beyond 2000** the future for housing assistance was summarised as follows:

- the affordability of the private rental sector is declining and home ownership rates also continue to decline
- CSHA funding is certain until 2003 but is much reduced
- the future of Commonwealth funding for housing assistance after 2003 is uncertain and the funding model is likely to change
- demand for housing assistance continues to grow as reflected in waiting lists for social housing and requests for other forms of assistance
- the needs of people requesting assistance seem much more complex than even five years ago, requiring different sorts of responses and management.

Representatives of the Department of Housing Western Sydney region will provide a profile of social housing in Penrith City. The representatives will also inform Council on progress with the Community Renewal Scheme in Cranebrook.

6.4 Other State Government Initiatives

6.4.1 NSW Ministerial Task Force on Affordable Housing

The Ministerial Task Force on Affordable Housing was established in 1997 by the Hon. Craig Knowles, M.P., Minister for Urban Affairs and Planning and Minister for Housing. The Report was released in mid 1998. The Taskforce included members from the development industry, the LGSA, community housing, academics and consultants in the field, as well as from Bankstown, City of Sydney and Blacktown Councils.

The data on housing affordability, whether for purchase or rental, has already been covered in earlier sections of this Council Report. What is of more interest is the broad direction of the Recommendations in the Taskforce Report. The main elements of the package are as follows:

1. Numerical targets at the State and regional levels for reducing the proportion of lower-income households paying unaffordable housing costs.
2. A system for establishing affordable housing quotas which projects must meet if they wish to obtain particular forms of government assistance.
3. An expanded system of training and standards to improve the supply of qualified managers of affordable housing.
4. An investment intermediary to create and promote opportunities for financial institutions to invest in affordable housing.
5. Greater encouragement and powers for local councils and other planning authorities to promote provision of affordable housing, including through development of local housing strategies.
6. Improved capital funding for public and community housing providers and more effective use of their existing assets.
7. Greater use of Landcom land and surplus government land to provide affordable housing.
8. Reconfiguration of government assistance provided through subsidies and tax concessions in order to improve their impact on the supply of affordable housing.
9. Encouragement of design and building practices which improve affordability while also achieving appropriate quality of housing.
10. Facilitation of affordable long-term residential leases under appropriate conditions.
11. Development of a team of expert brokers to stimulate and assist affordable housing projects, especially where partnerships between for-profit and non-profit organisations may be feasible.
12. Improved information about needs for affordable housing, its importance to the general community, and means by which it can be provided.

It is anticipated that the quotas for the provision of affordable housing (Recommendation 2) will be identified, in the relevant local government areas, through the draft SEPP mentioned previously.

Recommendation 5 is primarily addressed through the EPA Act amendments, which give consent authorities (where a planning instrument has first set out an affordable housing

scheme) the ability to require, as a condition of consent, dedication of land / units or payment of a monetary contribution.

Implementation of Recommendation 9 is a focus that is likely to further involve local councils in future. Options for implementation may include requirements for developers to provide a percentage of small, quality dwellings (with single garages and no ensuites) to minimise construction costs and thus ensure affordability. These dwellings may be adaptable to allow for later extensions, or may be retained 'as is', at the smaller end of the dwelling market, as 'affordable' houses. These design and construction options are currently being investigated through pilot projects, and the outcomes will no doubt guide the direction of other local councils.

6.4.2 Partnership Against Homelessness

In recognition of the increasing incidence of homelessness and the complexity of its causes, the State Government has developed a **Partnership against Homelessness Initiative**. The partnership is a cross agency mechanism for improving the State Government's response to homelessness.

One key strategy in the Partnership is "Strengthening Local Co-ordinated Support Services". A pilot project to deliver this outcome in the Nepean Area (Penrith, Blue Mountains and Hawkesbury LGAs) is currently being led by the regional office of the Department of Community Services. A working group has been established to prepare a Strategic Implementation Plan for Homelessness in the Outer Western Sydney Area. The Working Group includes representatives of the Department of Community Services, the Department of Housing, Wentworth Area Health Service, Department of Juvenile Justice, Commonwealth Centrelink and the three councils.

At this stage key initiatives proposed in the Strategic Implementation Plan include:

- improving the quality and distribution of information about services and needs to stakeholders
- preventing homelessness through a jointly funded interagency pilot project to provide multi-disciplinary support for homeless people
- improve the provision of crisis accommodation and support by providing additional brokerage funding to provide crisis accommodation for high need groups including single women and women with children
- improve support by health services, including mental health, to homeless people by ensuring better linkages between health services and other support services
- improve service co-ordination by developing local service agreements to collaboratively manage complex cases requiring interagency assistance.

The Draft Plan is expected to be distributed for public consultation early in 2002.

7. Local Government Role

7.1 Planning Response to Affordable Housing

Council's recent reforms to residential planning and management have aimed to increase housing opportunities and housing choice. The platform for these reforms is the Penrith Residential Strategy, which reinforces the principle of a compact City and recommends higher density housing in and around town centres.

7.1.1 Penrith City Centre

In 1997 Council adopted the Residential Strategy, as well as the Penrith City Centre Local Environmental Plan, which allowed for certain higher density residential housing to occur within the City Centre. The Penrith City Centre Affordable Housing Study (1999) provided some key directions regarding the role of housing in the CBD, recognising its proximity and access to services, facilities and transport.

The Study confirmed that the Penrith LGA offers lower rental and purchase prices than the inner and middle ring LGAs and is comparable or lower than the other outer ring LGAs. It suggested that, at the time, Penrith enjoyed a relatively high level of rental affordability for local residents on median household incomes or above. Development of 'affordable' or low cost housing on its own, however, was found to be limited, in economic feasibility, in the Penrith City Centre.

The Study concluded that while market intervention is not required with respect to affordability, housing choice generally should be encouraged. The Study found that the wide range of services and facilities in Penrith City Centre makes it a suitable location for higher density housing which, in turn could attract a component of affordable housing.

The Study recommended that Council pursue a supply-driven approach to housing that encourages housing choice. At the time, it was recognised that Council did not play a direct role in the supply of affordable housing, but that it did have an advocacy and leadership role in encouraging appropriate housing opportunities in the City. The amendments proposed to the Penrith City Centre LEP and DCP, therefore, provided incentives for increased housing development opportunities.

A report on the Penrith City Centre Affordable Housing Study was presented to Council together with information on the WSROC Affordable Housing Study in July 1999.

7.1.2 New Urban Release Areas

In the past decade, the development response to affordable housing has been primarily directed towards the construction of smaller (and therefore more affordable) dwellings. Examples of these dwellings - often dual occupancies - can be found in the later stages of the North Cranebrook release area. Depending on the local markets, however, the continuing affordability of these dwellings could not be guaranteed.

This raises the question of the appropriate means by which local government can ensure that their affordable housing scheme/s can be delivered, and that the houses remain affordable. This needs further investigation, particularly in the context of our City.

In planning for two of the City's more recent urban release areas, the specific provision of affordable housing has been required. On the ADI site, 3% of the total housing must be affordable (the basis for the figure of 3% is not clear). The provision mechanism has yet to be finalised, but may be through the 'hand-over' of land (a number of lots in each precinct) to a community housing agency or agencies.

The same requirement, of 3% affordable housing, has been included in the planning for Penrith Lakes. An option for meeting that obligation off-site, rather than in the Penrith Lakes proposed urban area, has been raised, and may be met through a financial contribution to specified agencies or authorities.

These approaches reflect Council's current strategy of seeking to meet affordable housing needs through the provision of a range of housing types and opportunities - as new urban release areas and different housing types are developed, the older areas maintain a level of affordability. However, as both home purchase and private rental affordability decline, broader issues of financial assistance and strategic planning arise. Further research is

required to best identify how Council could respond to these housing issues at a strategic level.

7.2 Homelessness

Earlier this year the **Local Government and Shires Association of NSW** adopted a **Local Government Model Policy on Homelessness**. The policy clearly states:

“Primarily homelessness is a result of ineffective macro economic, housing and social policies that are the responsibility of State and Commonwealth governments

Diverse, multi-disciplinary strategies are required to address this growing problem at a range of levels. Key strategies must involve the adequate provision of effective support services and a range of housing options. These are primarily a State / Commonwealth government responsibility”.

The Policy recognises, however, a number of ways in which local government can assist and complement the work of other levels of government, the private sector and support services. Strategies recommended for implementation ³ by councils include (please note the paragraphs in italics below indicate Council action, already completed, underway, or planned):

- as part of a council’s commitment to social planning, in partnership with key stakeholders, identify the extent of homelessness in the local area and region, monitor trends in homelessness, and develop appropriate strategies for generating action to address homelessness.

Council’s participation in the Strategic Implementation Plan for Homelessness in the Outer Western Area is an example of this. Some non-government community housing providers have applied for Council Community Assistance Program grants over the last four years. This includes Cawarra Women’s Refuge, Marist Community Services, Penrith Streetwork Project, and more recently the Richmond Fellowship. Further the preparation of this report also provides as comprehensive an overview of homelessness in the City as can be provided with the available resources. Council officers will include this work in its Access and Equity Activity Report to the Department of Local Government.

- participating in community forums and consultative structures that examine issues of homelessness in the local area.

Council officers have had discussions with a number of stakeholders providing support services to homeless people in the City. These include the Department of Housing, Department of Community Services, Wentworth Area Community Housing and Penrith Women’s Health Centre.

- advocating to State and Commonwealth Governments for changes in macro economic, housing and social policies that are linked to the cause of homelessness.

In partnership with local Aboriginal organisations and other agencies Council has developed an action/research project to further investigate Aboriginal homelessness. The Project will also develop co-ordinated strategies to reduce the impact of homelessness amongst Aboriginal residents of the City. An application has been forwarded under the Western Sydney Area Assistance Scheme to fund this project.

- advocating to State and Commonwealth Governments for adequate funding for existing homeless support services and for financial support to develop new innovative local approaches to homelessness.

³ **Local Government Model Policy on Homelessness** - Local Government and Shires Associations of NSW – 2001 p.4

- work with other public and private sector institutions that manage public space (these institutions include National Parks, RTA, State Rail, Department of Health and Education, Public Works, Australia Post, etc. and large commercial retail outlets) to ensure the rights of homeless people are protected. And together, identify how each could contribute land or buildings to the development of alternative models of housing.
- actively implement State Environmental Planning Policy No. 10 - Retention of Low Cost Rental Accommodation (SEPP 10).

SEPP 10 aims to retain the existing stock of low-rental residential buildings in LGAs, by prohibiting their demolition, alteration, change of use or subdivision. The definition of low-cost rental accommodation in the SEPP is complex, however it principally applies only to those buildings that are low-rental residential buildings as at 28 January 2000, and does not apply to any building that becomes a low-rental residential building after that date. A low-rental residential building means a boarding house, hostel or residential flat building that contains a low-rental dwelling. SEPP 10 does not apply to single dwellings, backpackers accommodation, motels, licensed hotels, strata subdivisions, or housing for older people or people with a disability. The role of SEPP 10 in the Penrith LGA would appear limited, given the few known low-cost rental accommodation buildings.

- identify strategies to encourage the provision of affordable housing options.

Council's Penrith City Centre Affordable Housing Study (1999) investigated affordable housing options in the Penrith CBD. See Section 7.1.1 of this report for more detail.

Council's Building Approvals and Environment Protection Department will invite the Affordable Housing Service of DUAP to make a presentation to a local developers forum early next year to support the identification of affordable housing partnerships.

- ensure that homeless people are not denied access to council public services and facilities and that positive measures are taken to encourage use by high need groups such as homeless people
- ensure that urban design strategies do not discriminate against homeless people and encompass the provision of designated space and facilities that provide a protective environment for homeless people
- provide appropriate training to council staff involved in planning of the urban environment, facilities and services to ensure that the needs of homeless people are taken into account and incorporated into designs
- use Council's community information strategies to provide information to homeless people about where they can access support services and accommodation
- develop and implement policies that ensure that staff who come into contact with homeless people do so in a manner that is consistent with social justice principles
- develop policies that require staff to actively refer identified homeless people to designated support services
- provide appropriate training to council staff who have contact with homeless people, to talk to them about their needs and provide them with relevant information

Information from the Acting Safety, Emergency and Waste Services Manager indicates Council rangers are not coming into contact with homeless people. This may partly be as a result of the hours of operation of Council rangers.

- in line with current commitments in council's management plan, where appropriate, provide services to homeless people.

8. Other Councils

Affordable housing schemes and affordable housing contributions plans are currently operating or are being formulated in six inner ring LGAs:

South Sydney LGA	Green Square affordable housing scheme
Sydney City LGA	City West affordable housing scheme
Willoughby LGA	St Leonards affordable housing scheme
North Sydney LGA	Affordable housing contributions plan
Randwick LGA	Affordable housing contributions plan
Waverley LGA	Affordable housing contributions plan

As an example, in the Green Square development, the Council must be satisfied that a prescribed amount of total floor area to which the development application relates will be used for the purpose of affordable housing, in accordance with the affordable housing principles. The Council may also accept a monetary contribution in lieu of the required affordable housing provision if it is satisfied that the contribution will be provided for use for the purpose of providing affordable housing within Green Square.

These schemes and plans are validated in the recent amendments to the Environmental Planning and Assessment Act.

9. Other Major Initiatives

A summary of some of the issues in relation to Affordable Housing identified by a recent national study, **Affordable Housing in Australia: Pressing Need, Effective Solution**, was provided on the last page of Section 3 of this Council report.

This study identified a preferred funding option for the provision of additional dwelling units for low-income households – thus tackling the supply side. The preferred option (the three options investigated in the study are discussed more fully in the Stage 3 Report of the Study) provides for a direct government subsidy for private investment in affordable housing. For every \$1 billion raised for this affordable housing option there would be a gross cost to the Commonwealth Government of \$220 million (the net cost is \$90 million after taking into account tax receipts). This investment would assist 7,450 tenant households. The study uses a range of efficiency, equity and effectiveness criteria to assess the options considered in more detail in the Stage 3 Report.

The Study concludes:

“Implementation of this option would enable the development of a new public-private partnership – a partnership that enables government to access a large amount of institutional investment dollars to make a significant contribution to addressing housing stress. For every dollar of government subsidy provided in this way, three or four private sector dollars would flow into expanding the stock of affordable housing. This level of “leverage” is necessary to mount a convincing attack on the looming crisis outlined earlier.

Funds would be directed to the construction of new affordable dwellings, thus significantly increasing the number of affordable dwellings available for rent and directly responding to the shortage of affordable rental housing stock.

Through the debt instrument, institutions are at arm’s length from the property market and not subject to the risks involved in direct equity investments.

Because it reduces key risks, it also overcomes some of the barriers to investment identified earlier, and consequently there is potential to attract significant levels of investment funds.

Management of the stock by State housing authorities ensures that the assistance would be provided to those in need. In doing so, it would go part of the way in redressing current inequities in levels of assistance provided". (pp.32-33 Executive Summary)

10. Non-Government Service Provision in the Nepean Network

As indicated in the summary of the Supported Accommodation Assistance Program (Section 5.4 above), non-government community organisations play a major role in providing refuge and medium-term accommodation as well as other support services for eligible clients.

In the NSW Department of Community Services Nepean Network (Penrith, Blue Mountains and Hawkesbury LGAs plus the western half of the Blacktown LGA) there are twenty-nine (29) different SAAP funded services provided by 21 community organisations. 12 of these 29 services are based in the Penrith LGA and are provided by 11 different organisations.

One feature of homelessness in the Outer Western Sydney Area is the large proportion of young homeless people and the relative prominence of services for this target group. In the DOCS Nepean Network 55% of the agencies funded under the SAAP Program target primarily young people, and receive approximately 53% of recurrent SAAP funding.

A particular issue is the number of homeless young people for whom conventional forms of crisis accommodation and support are unsuitable. They include young people who are not accepted by the majority of agencies because of their use of drugs or alcohol, or because their behaviour is challenging and disruptive.

Another group of homeless people who are particularly visible in the Outer Western Sydney area are women and children who are the victims of domestic violence. Approximately 29% of SAAP funding for the area goes to agencies which target this group.

A further feature of homelessness in the Outer Western Sydney area is the large number of homeless people who have a mental illness or who exhibit significantly challenging behaviour. Young people are most visible in this group. Limited services are available for this target group.

Non-government housing service providers have strong networks and inter-service referral processes. These referral processes also include government service providers such as the Departments of Housing, Health and Community Services.

Given the complex needs of many clients it is essential that non-government services staff receive regular professional development training and have access to current information on service vacancies.

The current SAAP IV Implementation Plan discussed in Section 5.4 of this report will assist in the further development of a responsive and effective accommodation service network in the Met West Area, including in the Nepean Network.

10.1 Wentworth Area Community Housing

Wentworth Area Community Housing (WACH) is the largest community based housing provider in Outer Western Sydney. Its head office is in Penrith with branch offices in the Hawkesbury and Blue Mountains LGA's.

The aim of WACH is to provide affordable, accessible, appropriate and secure housing that is responsive to people's needs, and empowers people with a sense of ownership and participation in the management and membership of the organisation.

State Government policy is to support the expansion of housing stock managed by community housing providers in NSW. It provides an alternative social housing option to that offered by the Department of Housing. Tenants are encouraged to participate in the management of the organisation.

To join the housing waiting list of WACH, clients must meet the Department of Housing income eligibility criteria. Community Housing providers such as WACH are supported and monitored by the Office of Community Housing which reports to the Director-General of the Department of Housing.

WACH currently manages 424 properties in the Nepean Region, 240 of these are located in the Penrith LGA.

WACH is a key housing organisation in the city, also providing a broader tenants advice service, advocacy on housing issues, and an information and referral service for persons with accommodation issues.

10.2 The Deerubbin Local Aboriginal Land Council

The Deerubbin Land Council is also a community housing provider for Aboriginal households in Penrith City. They manage approximately 30 dwellings in the City. This stock is additional to the Housing for Aboriginal Families programme provided by the Department of Housing. Aboriginal Community housing providers are supported by the NSW Aboriginal Housing Office, which is overseen by a ministerially appointed Board.

10.3 For Profit Service Providers

A particular characteristic of accommodation for homeless people or people at risk of homelessness is that there are very few for profit boarding houses in Outer Western Sydney.

Council Officers understand there are very few such providers in the City.

We also do not know how transient the "residents" of these boarding houses are.

10.4 Service Deficiencies

While it is believed that homelessness is a significant problem among Indigenous people in the Outer Western Sydney area, there is a lack of information about the dimensions of the problem. 5% of clients of SAAP services identify themselves as Aboriginal or Torres Strait Islander, compared with the New South Wales average of 14%. Indigenous people comprise 1.7% of the State's population, a similar percentage to the Penrith LGA.

Significantly, homeless people are drawn from the Outer Western Sydney area to other parts of Sydney, especially to the inner city and Parramatta. This places additional pressure on services and support in those areas and also means that homeless people from the Outer Western Sydney area are being disconnected from their communities. Anecdotal evidence suggests that some homeless people move between the city and the Outer Western Sydney area with some regularity.

The most likely cause of homeless people being drawn to the inner city and Parramatta, is lack of accommodation and support in Outer Western Sydney. For some groups, such as young gay and lesbian people or people with intellectual disabilities, it may also be

associated with finding a congenial social group and an environment where one can be accepted or invisible.

A major service gap in Outer Western Sydney is the lack of “not-for-profit” service provision for overnight accommodation for homeless men over the age of 25 west of Parramatta. This gap has been identified by the Homeless Persons Information Centre as well as local service providers.

The further development of the Strategic Implementation Plan for Homelessness in the Outer Western Sydney Area referred to in Section 6.4.2 of this report **under Other State Government Initiatives** will, Council officers expect, also include this need.

Fundamentally the demand for housing and housing related services from low-income households is significantly greater than the resources available.

11. Homeless Summit

In Councillor Paluzzano’s request for this report on Affordable Housing and Homelessness, Council officers were requested to review the recommendations from the Homeless Summit held at the NSW Parliament in May this year. The Summit was convened by a small group of M.P.’s from a number of political parties who are particularly concerned about homelessness. There were 17 recommendations adopted at the Summit.

The majority of the recommendations target the Commonwealth and State Governments. Those dealing with SEPP10 – Retention of Low Cost Rental Accommodation and the proposed SEPP for Affordable Housing are dealt with in Section 6.1.2 of this Report.

Recommendation 9 concerns the protection of tenants rights in residential caravan park accommodation. In relation to local government the recommendation adopted by the Summit seeks that Councils be required to inspect parks annually to ensure compliance with the government regulations and conditions of consent and complete an audit certificate detailing the condition of the park.

Advice from Council’s Building Approvals and Environmental Protection Department is that Councils already inspect caravan parks annually to ensure the health and safety of residents and that facilities meet the requirements of building regulations and conditions of consent.

The fee that Council charges to undertake this inspection is set under the Local Government Act. Unfortunately the recommendation from the Summit does not indicate what, if any, additional inspections are intended to be included in an audit. If additional work is intended then Council would require the current fee regime to be reviewed to reflect the increased workload.

Recommendation 13 states that amongst other things, DOCS “should be the lead agency in the development of that part of Councils Social Plans that deal with homelessness issues”. This is probably an unrealistic expectation of DOCS given the number of Councils in NSW. A strategic partnership approach is preferable where Councils provide input to DOCS in the development of specific action plans to reduce the impact of homelessness. This is occurring with the SAAP IV Implementation Plan and the Partnerships against Homelessness Initiative. This does not preclude Councils from taking advocacy positions on specific issues.

A subsequent part of Recommendation 13 requires DOCS to implement those parts of Council Social Plans that lie within the area of responsibility of the Department. This again is an unrealistic expectation as a blanket requirement. However a commitment from the State Government to adequately fund community services in NSW according to priority needs is

reasonable. Advocating for this outcome in Penrith City is already a task in Council's Management Plan (Task 14.16).

12. Conclusion

The range of issues that exist in the areas of affordable housing and homelessness are complex and varied. What is common to both areas is the capacity of households to access secure housing.

As indicated in the Local Government and Shires Association of NSW Local Government Model Policy on Homelessness the provision of affordable housing and housing options and support services for homeless people are primarily the responsibility of the Commonwealth and State Governments. The policy also recognises that local government can make a contribution in carefully targeted areas. In some cases this work may require additional resources.

In the area of affordable housing the release of the Affordable Housing SEPP is imminent. This is likely to have a significant impact on the way in which local government responds to affordable housing. A further report will be presented to Council when the SEPP is released for public consultation by DUAP.

In the area of homelessness there are also a number of government initiatives. In Penrith City these initiatives involve government agencies, the non-government sector and local government. The networks and referral mechanisms are well developed. However the needs of many homeless people are complex and require significant resources and inter-agency responses.

It is recommended that Council continue to participate in partnerships exploring ways of reducing the impact of homelessness.

The release of the 2001 Census data in July/August 2002 will also provide Council with an opportunity to review housing and related socio-economic trends. This information will be reported to Council when it has been analysed.

This report has outlined what Penrith City Council is currently doing or has done in response to the issues of affordable housing and homelessness.

RECOMMENDATION

That:

1. Council continue to participate in the Partnership against Homelessness Initiative convened by the Department of Community Services.
2. Council continue to participate in the development of the Supported Accommodation Assistance Programme (SAAP) IV Implementation Plan.
3. Council hold discussions with key government and non-government stakeholders to further explore holding a workshop on Homelessness in the Penrith LGA to develop strategies to reduce the impact of homelessness.

4. Council request the NSW LGSA assess and advise Council of the merits of the **Affordable Housing in Australia: Pressing Need, Effective Solution** report in relation to its recommendations for a preferred funding model for increased public/private investment in affordable housing.



ATTACHMENT 1

The tables below correspond to Figures 1 to 6 in the report.

Table 1 – Penrith LGA Population 1971-1996

	1971	1976	1981	1986	1991	1996
Penrith LGA Population	60,316	79,042	108,720	135,342	149,619	163,122

Table 2 – Population and Dwellings Summary 1981-1996

Year	Total Population	Total Households	Dwellings Owned	Dwellings being Purchased	Dwellings Private Rental	Dwellings Govt.
1981	108,720	31,846	5,989	17,729	4,464	1,778
1986	135,342	40,625	9,720	21,587	5,697	2,205
1991	149,619	46,080	13,690	20,637	6,666	2,723
1996	163,122	52,920	17,017	20,200	10,043	2,587

Table 3 – Population and Dwellings Summary Percentage Change 1981-1996

Census Period	Population Increase %	Household Increase %	Home Owned % Increase	Being Purchased % Change	Private Rented: % Increase	Public Rented: % Change
1981-1986	24.5%	23.7%	62.3%	21.8%	27.6%	24.0%
1986-1991	10.5%	13.4%	40.8%	-4.4%	17.0%	23.5%
1991-1996	9.0%	13.8%	24.3%	-2.1%	50.1%	-5.0%

Table 4 – Real Estate Institute of NSW Median House Prices – Penrith LGA 1996-2000

	House Price	Annual Change
Dec Quarter 1996	\$133,000	1.5%
Dec Quarter 1997	\$137,000	3.0%
Dec Quarter 1998	\$145,000	6.0%
Dec Quarter 1999	\$175,000	21.0%
Dec Quarter 2000	\$195,000	11.0%

Table 5 – Housing and Data Analysis Service - Median House and Strata Unit Prices – Penrith LGA 1998-2000

	House Price	Annual Change	Strata Unit Price	Annual Change
Sept 1998	\$150,000		\$110,000	
Sept 1999	\$165,000	+10%	\$132,000	+20%
Sept 2000	\$191,000	+16%	\$120,000	-9%

Table 6 – Housing and Data Analysis Service – Weekly Median Rents - Houses and Flats/Units – Penrith LGA 1998-2000

	Houses				Flats/Units			
	2 br	Ann Change	3 br	Ann Change	1 br	Ann Change	2 br	Ann Change
Dec 1998	\$155		\$185		\$110		\$130	
Dec 1999	\$165	+6%	\$195	+5%	\$120	+9%	\$135	4%
Dec 2000	\$170	+3%	\$210	+8%	\$120	0	\$140	4%

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The City as a Social Place

2 Penrith Whitewater Stadium Ltd - Annual Report and Board of Directors

2988/15

Compiled by: Gary Dean, Facilities Operations Manager

Authorised by: Ray Moore, Director - City Operations

<p>Management Plan 4 Year Outcome (Page 41): <i>Community recreation facilities and services in new and established areas meet contemporary needs.</i></p> <p>01/02 Critical Action: <i>Provide in partnership with others an agreed plan for delivery of recreation facilities and services based on available resources.</i></p>
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Annual Report

This report to Council follows the third Annual General Meeting of the Company held on Thursday 18 October 2001 for the period ended 30 June 2001.

The Chairman of the Board and Stadium Manager will be in attendance tonight to make a short presentation. Following are their reports extracted from the Annual Report.

Chairman's Report

"It gives me great pleasure to present the Chairman's Report to the Third Annual General Meeting of Penrith Whitewater Stadium Limited.

The highlight of the year was undoubtedly the staging of the canoe/slalom events for the Sydney 2000 Olympics. The efforts of the International Canoeing Federation, Australian Canoeing Federation and Penrith City Council in securing the facility have certainly been vindicated. The investment by the Penrith community will be returned many times over.

During the last year, and taking into account the closure of the facility for several months during the Olympic period, the Stadium has traded exceptionally well. The financial results for the year ended 30 June 2001 disclosed a surplus before depreciation, amortisation and interest of \$456,874 which was achieved on a turnover of \$1,543,444. Capital Expenditure by the company during the year was \$295,111.

The continuing success of the Whitewater Stadium is a credit to the employees. Centre Manager Peter Flowers and the management team of Jack Hodge, Teena Doyle, Simonetta LoPo' and Jeff Barratt together with the other staff at the Stadium, are to be congratulated.

Penrith Whitewater Stadium has continued to generate a great deal of publicity both nationally and internationally. The Centre acts as an exciting recreational venue for greater Sydney and yet continues to provide low cost world class training facilities for elite athletes. We welcome the partnership with Australian Canoeing to continue to provide training facilities for elite and up and coming athletes. The Stadium has made a commitment to growing the sport through participation of local high schools and basic training and educational initiatives.

The proposed urban development of the Penrith Lakes area will further provide opportunities for Penrith Whitewater Stadium Limited both from a business and community perspective.

I would like to take this opportunity to thank my fellow directors for their continuing input and commitment to the operations of Penrith Whitewater. I would also like to acknowledge the contribution of the former Centre Manager Sherry Spurlin to the establishment and initial operations of the Centre.

The challenge now, is to grow the business, continue with the training and educational initiatives and perhaps one day, help produce a local Olympic champion.”

The Stadium Manager’s Report states

“On the 15 November Penrith Whitewater re-opened its doors to the general public following the Sydney 2000 Olympic Games.

The games were extremely successful from the venues point of view proving it to be a world leader in the area of Canoe/Kayak competition. Media exposure was enormous with the competition being shown live in many countries around the world. The task now lies ahead of us to ensure that the business capitalises on this.

Following the Olympics many challenges were faced by the business. The first of these was the massive job required in order to move operations back into our own premises and to prepare for the reopening. At this stage modification and rectification works were carried out by OCA including the removal of all Olympic buildings, tents and structures and the reclamation of damaged grassed areas that this caused. We also saw the paving of the grassed area under the main roof.

Following the Olympics the facility’s café was reopened with temporary tenants. This proved to be an unsuitable arrangement and so Penrith Whitewater embarked on refitting the café and managing this facility itself. This also involved the appointment of a full time café supervisor. The café reopened on the 28 June.

Other significant gains have been made by the business with the introduction of the Canoe/Kayak Instruction Program, The Schools Instruction Program and the Corporate Rafting Program. All three of these whitewater programs have grown in strength and have exceeded initial business predictions.

In the administration area a new booking system was developed during the Olympics and has now been introduced. The development of this has been ongoing since its introduction.

The major events conducted at the venue throughout the past 12 months included:

<i>Sydney 2000 Olympics</i>	<i>- September 2000</i>
<i>Penrith Whitewater Freestyle Champs</i>	<i>- November 2000</i>
<i>2001 Sydney Youth Olympics</i>	<i>- January 2001</i>
<i>Penrith Whitewater International Slalom Series (A National Slalom Team Selection Event)</i>	<i>- February 2001</i>
<i>Penrith Whitewater Freestyle Challenge (A National Freestyle Team Selection Event)</i>	<i>- March 2001</i>

The business has continued to support the National Canoe/Kayak Slalom Team through an agreement with Australian Canoeing which sees the National Team athletes supplied with paddling passes and water for team training slots.

Our community profile has been enhanced throughout the year. Firstly through participation in the Colo River Program in conjunction with the National Parks and Wildlife Services. In this Penrith Whitewater trains participants in rafting and then provides equipment and staff for the river clearing expeditions. The company mounted a display and stand at the Royal Easter Show and has participated in a number of local displays. A charity program has also been introduced whereby Rafting Gift Certificates have been donated to various charity organisations.

During the year planning began on a wide range of projects to be introduced next year including:

- *a digital photo system*
- *landscaping*
- *an integrated sound system*
- *channel modifications*
- *staff uniforms*
- *building extensions*

After a successful year we now look forward to further future expansion and growth.”

Copies of the Annual Report have been provided to Council.

The profit of the Company for the period after providing for depreciation and amortisation of \$136,735 amounted to \$195,791. On a statement of cash flow basis the Company operated with a surplus of \$636,358 (\$327,861 – 2000). The Company operated with an accumulated profit at the end of the period of \$209,274 (\$13,483 – 2000). Employee benefits have been fully taken up. There was no benefit received (or due and receivable) by Directors from entities in the economic entity and related bodies corporate.

Board of Directors

The Articles of Association of the above company provide, in part, that:

1. To provide continuity the members of the Board shall resign on a rotating basis. At the First Annual General Meeting, three (3) Directors (including one (1) Councillor) shall resign. At the Second Annual General Meeting, three (3) members shall resign (including one (1) Councillor). Thereafter, the members of the Board, except the Council Officer, shall resign after they have served on the Board for three (3) years after appointment or re-appointment to the Board.
2. All retiring Directors shall be eligible for re-appointment.

Council should note that as the per Articles of Association Alexander Ozog and Ian Stainton resigned at the Third Annual General Meeting of Penrith Whitewater Stadium Ltd held on 18 October 2001 and nominated for reappointment. It was resolved at the Third Annual General Meeting of Penrith Whitewater Stadium Limited that Penrith City Council be requested to endorse the appointment of Alexander Ozog and Ian Stainton as Directors of Penrith Whitewater Stadium Ltd.

RECOMMENDATION

That:

1. The information concerning Penrith Whitewater Stadium Limited Annual Report and Board of Directors be received.
2. Council agree to underwrite the operations of Penrith Whitewater Stadium Limited for the twelve months to end June 2002, subject to receipt of Penrith Whitewater Stadium's budget.
3. Alexander Ozog and Ian Stainton be appointed as Directors to fill the vacancies that occurred at the Third Annual General Meeting of Penrith Whitewater Stadium Ltd.



The City as a Social Place

- 3 City of Penrith Regional Indoor Aquatic and Recreation
Centre Ltd - Annual Report and Board of Directors 2986/8**

Compiled by: Gary Dean, Facilities Operations Manager

Authorised by: Ray Moore, Director - City Operations

<p>Management Plan 4 Year Outcome (Page 41): <i>Community recreation facilities and services in new and established areas meet contemporary needs.</i></p> <p>01/02 Critical Action: <i>Provide in partnership with others an agreed plan for delivery of recreation facilities and services based on available resources.</i></p>
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Annual Report

This report to Council follows the seventh Annual General Meeting of the Company held Tuesday 9 October 2001 for the trading period 1 July 2000 to 30 June 2001.

The Chairman of the Board and General Manager of Ripples will be in attendance tonight to make a short presentation. Following are their reports extracted from the Annual Report.

Chairman's Report

"It gives me much pleasure to present the Chairman's Report to the Seventh Annual General Meeting of the City of Penrith Regional Indoor Aquatic and Recreation Centre Limited.

Over the last year the Centre has traded extremely well. Operating Revenue is up some 2.75% on last years record with the Operating Profit for the year being \$108,994. This result is after providing \$112,646 for depreciation, paying Salary and Wages of \$1,264,178 and Expenditure on Repairs and Maintenance of \$115,089. The company continued to invest in the Centre with Capital Expenditure during the year being \$200,677.

The success of these operations is a result of the continuing dedication of the employees of Ripples. Geoff Yates the General Manager, the Management team and staff are to be congratulated on the efficient and effective operations of the Centre and the excellent manner in which services are delivered to the community. The facility continues to be recognised within the aquatic industry as a leader in its field.

Construction of the Hydrotherapy Centre commenced in December 2000 and is now completed with an anticipated opening date of 8 October 2001. The opening of the Hydrotherapy Centre will prove to be an exciting challenge for the staff and management of Ripples and will add to opportunities available to staff.

The Centre continues to market itself successfully and is more than holding its own with the increasing competition.

I would like to take this opportunity to thank my fellow Directors for their continuing input and commitment to the operations of Ripples, ensuring that the facility continues to provide the best of services to the community. I would also like to acknowledge the contribution of those Directors who retired during the year namely Steve Hackett and Dion Bailey.

The major challenge for the New Year is the successful opening and operation of the Hydrotherapy Centre. The success of Ripples continues to place demands on services provided, the continuing challenge is to deliver those products and programmes to the community in an efficient and effective manner. I am confident that this can be achieved."

Centre General Manager's Report states

"It is with pleasure that I present the General Manager's Report to the 7th Annual General Meeting of the City of Penrith Regional Indoor Aquatic and Recreation Centre Limited. The 2000/2001 year has been one of the challenges which have produced another successful year in the operations of the Centre.

This year saw a decrease in patronage over the previous years record with attendances totalling 677,878. This downturn was mirrored throughout the industry post-Olympics and was not a reflection on Ripples performance.

Membership sales continue to be strong with new programmes being introduced which is attracting new members and retaining a greater number of existing members. Body Pump and Body Combat have been extremely successful with these classes continually full, following their introduction to the Centre's Fitness Programme.

The Learn to Swim and Squad Programmes have maintained their strong performance. Participants in our Gold Squad continually exceed their personal best times at various Carnivals they attend and are a credit to the Centre, the Coaching Staff and themselves.

Maintenance is always an issue especially as the Centre becomes more popular. Plant and equipment continue to be refurbished as necessary to meet the needs of the Centre's operations. Stability in pool temperatures has been a major step forward this year with very few patron complaints regarding pool water temperature.

The Hydrotherapy Centre has become a reality with the additional funding being provided by Council. Construction of the Centre commenced in December 2000 with building well under way by the end of the financial year.

Once again the Centre was nominated as a finalist in the Champion of Champions Small Business Awards and St Marys / Mt Druitt Small Business Awards. It is pleasing the Centre continues to be recognised for its achievements by its patrons.

Other challenges that the Centre faced this year was the introduction of the GST and the collapse of the Healthland group which caused a crisis in confidence by patrons to all fitness centres. I am pleased that our staff took these challenges in their stride and remained extremely positive throughout some uncertain times.

This leads me to our staff. Ripples could not have achieved the result it has without the commitment of all members of the Team and I thank them for their dedication to our aims and vision.

I would also like to thank the Board for their support, help and guidance over the last year.

The year ahead is exciting with the Hydrotherapy Centre opening and ensuring that the main Centre continues to meet the needs of our community. I have every

confidence in the abilities of the Management Team and all Staff to meet these challenges.”

Copies of the Annual Report have been provided to Council.

The profit of the Company for the financial year after providing for depreciation of \$112,646 and repairs and maintenance of \$115,899 amounted to \$108,994. On a statement of cash flow basis the Company operated with a surplus of \$588,831 (\$493,673 – 2000). The Company undertook major capital expenditure during the year amounting to \$200,677 which included gym extension works, new gym equipment and new air conditioning replacement in the gym area, and pool cleaning equipment in the aquatics area. There was no income received (or due and receivable) by Directors from entities in the economic entity and related bodies corporate.

Board of Directors

The Articles of Association of the company provide, in part, that:

1. To provide continuity the members of the Board shall resign on a rotating basis. At the First Annual General Meeting, three (3) Directors (including one (1) Councillor) shall resign. At the Second Annual General Meeting, three (3) members shall resign (including one (1) Councillor). Thereafter, the members of the Board, except the Council officer, shall resign after they have served on the Board for three (3) years after appointment or re-appointment to the Board.
2. All retiring Directors shall be eligible for re-appointment.

Council should note that as per the Articles of Association, Councillor Greg Davies, Christine Keeble, Rodney Watson and Lynette Crossley resigned at the Annual General Meeting of the company held 9 October 2001 and nominated for re-appointment. It was resolved at the Seventh Annual General Meeting of the City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd that Penrith City Council be requested to endorse the appointment of , Councillor Greg Davies, Christine Keeble, Rodney Watson and Lynette Crossley as continuing Directors of the City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd.

The Board also resolved to nominate to Council the re-appointment of David Ernest Trist (76 years of age) as a candidate who is of or over the age of 72 years in accordance with the Companies Act 1981 (S226) as a Director of the City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd until the conclusion of the next Annual General Meeting of the Company.

RECOMMENDATION

That:

1. Council agree to underwrite the operations of the City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd for twelve months to end June 2002, subject to receipt of Ripples – St Marys Leisure Centre’s budget.
2. Councillor Greg Davies, Christine Keeble, Rodney Watson and Lynette Crossley be appointed to fill the vacancies that occurred at the Seventh Annual General Meeting of the City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd.

3. David Trist be appointed as a Director of the City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd until the conclusion of the next Annual General Meeting of the company.



The City as a Social Place

4 Crime Prevention Through Environmental Design

1027/14 Pt 3

Compiled by: Yvonne Perkins, Community Safety Officer

Authorised by: Barry Ryan, Acting Safety Emergency & Waste Services
Manager

Management Plan 4 Year Outcome (Page 49): *A City-wide Community Safety Plan, supported by the community, is in place.*
01/02 Critical Action: *Incorporate the consideration of community safety into Council's decision making process.*

Background

A report to Council's Ordinary Meeting in October 2001 outlined that a presentation would be made to a future Policy & Review Committee Meeting on Crime Prevention through Environmental Design (CPTED). The information presented at tonight's meeting outlines the key principles of CPTED and Penrith City Council's current actions in this area. It will also cover the framework for the future development of planning strategies to minimise the opportunities for crime and anti-social behaviour to be used in new release areas, assessing development applications and assessing community safety in older areas of Penrith.

Council's Community Safety Officer, Environmental Planners, Architect and Landscape Design Supervisor (all of whose work is impacted on by the need to employ CPTED strategies) have either completed or are currently attending a "Safer by Design" training course conducted by the NSW Police Service and facilitated by Chief Inspector Phil McCamley.

What is CPTED?

CPTED maintains that a climate of safety can be created in a community right from the start by designing a physical environment that positively influences human behaviour. The concept of crime prevention linked with environmental design provides a framework in which to assess opportunities for crime.

The built environment does not cause criminal or anti-social behaviour, but it can increase or decrease the likelihood of this behaviour occurring. CPTED seeks to influence the perception or reality that the risk of committing crime far outweighs the benefits that result from crime.

There are four key principles that are applied when examining areas to determine the levels of risk to public safety, fear of crime and minimisation of opportunities for crime.

Guidelines incorporating these principles are also provided as part of a broad approach to reducing crime by the State Government's Department of Urban Affairs & Planning.

Council is currently using these principles in assessing development applications to ensure proposed developments do not create or exacerbate crime risk.

These principles include:

- ◆ Surveillance
- ◆ Access Control

- ◆ Territorial reinforcement
- ◆ Space management

Surveillance

People feel safe in public space when they can see and be seen. Clear lines of sight around public buildings, effective lighting, clear walkways and use of vegetation that does not provide opportunities for offenders to hide are important components to be considered under this criteria.

Access Control

Physical or symbolic barriers (both built and natural) can be used to attract, direct or restrict the movement of people. This principle is used to assess how these barriers encourage and channel people's movements into, out of and within designated areas. Care needs to be taken that these barriers are not used to create compounds and discourage movement of people in and around the area.

Territorial Reinforcement

Locations that create feelings that an area is well used and cared for encourage use by more people. This creates a feeling of ownership and some responsibility for its condition, increasing the likelihood that people will respond quickly by reporting crime. Well used places with clearly defined boundaries between public and private space also reduce opportunities for crime and increase risk to criminals.

Space Management

Closely linked to territorial reinforcement, space management ensures that space is appropriately utilised and well cared for. Active management of a site ensures that there is rapid repair of vandalism and removal of graffiti, and ongoing refurbishment of decaying physical elements.

Applications for CPTED

These CPTED principles have a number of applications including:

- Crime Risk Assessments (conducted in conjunction with local Police).
- Community Safety Audits/Assessments.
- Examination of development applications (a protocol for liaison with local Police to be developed for this).
- Development of Community Safety Management Plans.
- Development of a CPTED Development Control Plan or other planning instrument.

The principles of CPTED have been included in the Residential DCPs, and are currently being integrated into any new planning instrument Council prepares (eg Werrington Signals DCP). They will also be recognised in the planning for our other urban release areas, and included in the Rural Land LEP and DCP. As our City-wide planning instruments are reviewed and consolidated, these principles will be progressively included. This provides a clearer and integrated package of requirements for both developers and Council officers to apply.

Through the Residential DCPs, the principles of CPTED are currently being applied in the assessment of development applications. In some of our more recent commercial and industrial developments the principles of CPTED are considered as part of the development process.

Whilst the EPA Act currently requires consideration of this issue under the broad ‘heads of consideration’ for any development application, it may be appropriate to articulate the CPTED principles that are particularly relevant to the City, in an interim DCP until they have been integrated in our consolidated planning instruments.

Council officers are currently undertaking training in regard to the application of CPTED principles. It is proposed to involve these officers in the preparation of an interim CPTED DCP for the City, that will provide detailed guidelines. It is anticipated that this process will commence early next year, and a report will be presented to Council seeking formal resolution to prepare a draft Development Control Plan at that time.

RECOMMENDATION

That:

1. the report on Crime Prevention Through Environmental Design be received;
2. the presentation on Crime Prevention Through Environmental Design by Council’s Community Safety Officer be received.



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The City Supported by Infrastructure

5 Traffic Offenders' Programme

(9011/19 Pt 11)

Compiled by: Cathy Edwards, Road Safety Supervisor

Authorised by: Craig Ross, Design & Technical Advice Manager

Management Plan 4 Year Outcome (Page 91): *Traffic congestion and accident trauma reduced within the City.*

01/02 Critical Action: *Co-ordinate local traffic planning and implement the Road Safety Strategic Plan.*

Purpose

The purpose of this report is to consider the provision of facilities and the administration of the inaugural Penrith Traffic Offenders' Programme.

Background

The Penrith Traffic Offenders' Programme Development Committee (whose members represent Council, Police Prosecutors, Penrith Highway Patrol, WESDARC Drug and Alcohol Resource Centre, NSW Ambulance Service, Penrith Court and Enough is Enough, and through consultation, Probation and Parole Penrith and the Department of Public Prosecutors), is currently developing a new traffic offenders' programme. The aim of the programme is to provide an educational intervention that will change attitude and behaviour of traffic offenders that leads to a reduction in re-offending and consequently, safer roads. This aim is identified in the PCC Road Safety Action Plan 2000/2001 under Community Education, Young Drivers 17-25 years old with Speed, Alcohol and Drugs as an issue.

The programme objective is to reduce the re-offending rate of traffic offenders appearing before the court for the first time.

The programme plans to provide six weekly educational sessions that will last for a minimum of 1½ hours and a maximum of 2 hours. Participants will be selected for the programme according to a set criteria of entry. The programme will be self-funding with course fees charged to each participant for the six week programme. Course fees will be secured prior to each six week programme beginning.

Each programme will have a maximum of 25 participants to achieve class interaction and peer support activities. Weekly sessions are governed by controlled learning outcomes with a variety of speakers. After each session, the participants will be required to prepare an assessment task, which will be submitted to the Programme Administrator and then to the Court. All participants will be required to arrive and leave on time and with appropriate class conduct and attire. During the evening there will be a refreshment break. Most participants will travel to the course via public transport or with friends and family, as the majority have lost their licence.

Roads and Traffic Authority research indicates that Traffic Offenders' Programmes can achieve a 25% reduction in re-offending. Given this considerable achievement throughout NSW, it is clear that a Penrith Traffic Offenders' Programme has the potential to reduce offences relating to drink/drug/drive and speeding. This could translate into a significant increase in road safety for the Penrith community.

Council's Operating Environment

6 Council's Negotiation & Consensus Policy

20/10

Compiled by: Jennifer Coburn, Assistant Legal Officer

Authorised by: Stephen Britten, Legal Officer

Management Plan 4 Year Outcome (Page ##): *Effective corporate governance has been maintained.*

01/02 Critical Action: *Maintain internal and external legal services.*

Purpose of this Report

This report discusses the draft Negotiation and Consensus Policy that has been prepared, and the benefits to Council of adopting such a Policy. The report further seeks Council's endorsement of the proposed Negotiation and Consensus Policy.

Introduction

For some time, Council has had the responsibility of ensuring that any disputes between members of the community and Council, are effectively managed.

As the responsibility for managing disputes increased, it was recognised that a more formal approach would be required. Council therefore engaged the services of the Australian Commercial Disputes Centre, to prepare a Dispute Resolution Policy for Council.

In addition to this, Councillor Bateman has also had discussions with Council's Legal Officer, where the adoption and implementation of an alternative dispute resolution policy was encouraged. A project bid was prepared, but was deferred until the formal adoption of a Policy.

Background

In an attempt to make the Policy more tailored towards Council's specific requirements, the original document prepared by the Australian Commercial Disputes Centre has been amended. The amendments include a move towards plain English drafting, and a recognition of the informal dispute resolution processes that are already undertaken by Council Officers on a day to day basis.

The revised draft Policy was presented to Council's Policy Review Committee of 26 June 2000, where requests for further information were made by certain Councillors. These requests were addressed in a report presented to Council's Development Regulation Working Party on 24 August 2001. An extract of this report dealing with these requests is attached.

At the Development Regulation Working Party, certain requests for amendments were made by Councillor Bailey and Councillor Fowler respectively. These amendments were made, in consultation with Councillor Bailey and Councillor Fowler. The amended Policy is attached to this report.

The Draft Negotiation and Consensus Policy

When developing a policy in this area, Council has sought to be proactive and forward thinking in creating a document that will demonstrate to the community and Council staff, our commitment to best practice in this area.

The Law Society of New South Wales Planning and Development Sub Committee has established a guide for Local Government entitled 'Best Practice for the Management of Environmental Disputes'. The guide focuses on the effective administration of an environmental dispute management programme, and acknowledges the difficulties inherent in Council's dual role as a service provider and as a consent authority.

The guide states "It is important that applicants and objectors understand the difference between the Council's role as the provider of an environmental dispute resolution service and its role as the statutory consent authority for development." In addition, the guide has been referenced in the review of the Policy.

The aim of the review of the Policy was to ensure that it:

- Clearly explains the principles of consensus based dispute resolution
- Provides a legible framework for managing dispute resolution processes, including a hierarchy of dispute resolution approaches
- Properly recognises the less formal negotiations that assessing and project officers regularly undertake, and
- Encourages the resolution of disputes before they escalate

To assist both Council staff and members of the community, the Policy clearly states the types of disputes that will not be suitable for mediation (as they may involve matters outside Council's jurisdiction, or may be matters that are covered by an existing Council policy).

Administration and Management of the Policy

In developing a Policy in this area that was consistent with the principles of best practice in managing disputes, it was necessary to ensure that a system of management and administration was adopted that placed control of the policy clearly with Council.

There are different approaches to managing disputes, adopted by various Councils. Some of these see a matter referred to dispute resolution where a specific number of objections are received, while others place the discretion to refer matters with the appropriate Council Officer. There is also the option of placing control of the process with the parties involved in the dispute, but this removes all Council discretion over the management of the Policy, and is not consistent with the principles of best practice.

The draft Negotiation and Consensus Policy clearly stipulates that Council officers will decide, on the merits of a case, whether it is suitable for dispute resolution. The management and administration of the Policy will initially rest with Council's Legal Officer, and its daily implementation will be the responsibility of relevant managers and supervisors.

A Council Dispute Resolution Officer

The Law Society guide recommends that "For the programme to be successful, it needs to be well managed. This requires a dispute resolution manager, appointed on a full or contract or part time basis, or a dedicated function as part of an existing position." At present, Council does not have a dedicated staff member to administer the policy and the issues that arise as a result of its operation. The assessing officer, Manager and Legal Officer often co-ordinate the administration of the policy and associated issues.

With the implementation of a formal Policy, it is likely that a full time staff member will be needed. The staff member would facilitate training and education programmes, meet with disputing parties, and arrange for the appropriate dispute resolution methods to be commenced. A bid will be placed for the creation of this staff position in the next Project Evaluation Bid.

At this time, it is considered a priority to establish the policy and focus on staff education and training. A dedicated position will, nevertheless, facilitate the implementation of the Policy and associated procedures, and will also avoid the current demands on those officers being diverted from their work responsibilities by managing complex and protracted disputes.

Benefits of the Policy

By having a formal Policy in place, Council will be able to manage disputes far more effectively. The Policy will encourage the early resolution of disputes, before the parties have become so entrenched in their positions that the matter is incapable of resolution.

In addition, the use of dispute resolution processes by Council will see a reduction in the cost associated with legal proceedings, as well as the time that is often wasted while waiting for matters to be heard in Court. In comparison to other Councils, Penrith City Council's legal budget is not large. This is due in part to a commitment already in place at Council to seek out alternative forms of dispute resolution where possible. Notwithstanding this, it is likely that Council will actively reduce the overall expenditure on legal matters by making full use of the Policy.

It is a feature of a negotiated resolution that it is "owned" by the parties. When the parties to the dispute develop the solutions themselves, it is more likely that they will respect and abide by the agreed solution. During the process of negotiating their solution, the parties will be empowered and involved in creating the most workable long-term solution.

The Policy will further assist in clarifying Council's various roles of decision-maker, service provider and law enforcer. This is in line with the best practice principles developed by the Law Society.

Council has also called for expressions of interest for the provision of certain mediation services. These services would be provided in accordance with the Policy, and would ensure that all of the dispute resolution processes were followed with the expert advice of an independent mediator.

A communication strategy is also being developed to make staff and the community aware of the existence of the Policy. When information about the Policy is distributed, it will make clear the fact that the processes in the Policy are at the discretion of Council. It will also demonstrate Council's commitment to alternative forms of dispute resolution.

Conclusion

The Policy recognises that many Council officers engage in alternative dispute resolution practices such as negotiation, on a daily basis, either over the telephone, during site visits, or at meetings with applicants and objectors. It is important that these practices are recognised and encouraged, as they are invaluable in managing disputes.

This dispute resolution policy will be a critical tool for Council in the effective management and resolution of disputes. The key to effective implementation of the policy will be in its promotion and use, which is achieved through staff training and community education. The experiences of other councils can also guide our use of the policy.

The Policy creates an open and voluntary framework for the resolution of disputes. It is central to the policy that a consistent focus on alternative dispute resolution is encouraged, which will have the added benefit of reducing legal costs and involvement in the Court system.

Integrating the principles of alternative dispute resolution into the practice and procedure of Council will demonstrate not only to staff, but to the community, Council's commitment to a consensus based forum for the early and effective resolution of disputes.

RECOMMENDATION

That the report be received and the policy be adopted as Council's Negotiation and Consensus Policy.



Council's Operating Environment

7 Council's Meeting Calendar for 2002

Compiled by: Peter Huxley, Executive Officer

Authorised by: Steve Hackett, Director - City Services

Management Plan 4 Year Outcome (Page 107): <i>Effective corporate governance has been maintained.</i>
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01/02 Critical Action: <i>Undertake effective local government.</i>
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Background

Council will recall that at the Policy Review Committee on 25 June 2001, a report on "More Effective Meeting Arrangements and Use of Councillors' Time" was considered. Arising out of that report was a series of recommendations that ranged across a number of issues.

This report addresses those recommendations that seek to put in place a more ordered schedule for Councillors to deal with the following meetings and forums:

- Ordinary Meetings
- Policy Review Meetings
- Working Parties and Taskforces
- Civic Recognition Forums (civic receptions and citizenship ceremonies)

In addition, this report addresses the principle of securing up to two "no-go days" per week.

Ordinary Meetings

For 2002, Ordinary Meetings have again been scheduled to occur on the first and third Mondays of each calendar month excluding January and when a public holiday falls on either the first or the third Monday. In these instances, Ordinary Meetings have been scheduled for the second and fourth Mondays of that month, with one notable exception. In September, due to the fact that October 1st is a Tuesday, it is suggested that an Ordinary Meeting occur on Monday 30 September, in order to avoid a situation where two successive Council meetings would only occur four weeks apart if the principle, detailed about were to be strictly applied..

Care has also been taken to avoid known commitments such as the Local Government Association of NSW Conference and the Australian Local Government Conference, the Hawkesbury River County Council, WRROC, Westpool, various Board meetings and other scheduled, Council-related commitments of Councillors and of the organisation.

Policy Review

Policy Review Meetings have been scheduled to occur on the fourth Monday of each calendar month where possible. Due to known commitments, Policy Review will be held on an alternate Monday during the months of October, November and December. As trialled successfully during the latter half of 2001, this meeting will again be preceded by a meal that will be served at 6.00pm.

Working Parties and Taskforces

Times have been allocated throughout the proposed calendar for the conduct of working party and taskforce meetings. These are generally scheduled to occur on the second Monday of each month where possible. Times for these meetings will, wherever possible, be scheduled at the outset to define the period over which deliberations will occur and to facilitate better co-ordination of the remaining working parties and taskforces

“Spare” Mondays will also be used for the conduct of workshops such as the Management Plan Workshops that occur during the development of each year’s Management Plan and other Council-related activities.

Civic Recognition Forums

The draft 2002 calendar suggests that Civic Recognition Forums occur on designated Wednesdays of each calendar month. Apart from some long standing arrangements, Tuesdays have been deliberately avoided. In scheduling those activities and meetings that are not yet known about during 2002, every effort will be made to “sanction off” Tuesday nights from council-initiated bookings. In the same vein, Thursdays have been avoided where this is possible. In the past there has been problems encountered with parking outside the Civic Centre due mainly to late night shopping and the occasional function at the Joan Sutherland Performing Arts Centre. Where functions and meetings cannot be held other than on a Thursday, arrangements will be put into place to direct and advise invitees about any special parking arrangements both in advance and on the night.

“No-go Days”

As stated in the report to Policy Review, Councillors have many demands on their time. In putting together the proposed calendar for 2002, both Tuesday and Friday evenings have been deliberately avoided as days where no Council-initiated meeting or forum is organised.

Conclusion

The draft calendar for 2002 has been prepared based on the above criteria and the principles outlined in the report that was considered by Policy Review in June of this year. Adoption of the draft Council Meeting Calendar is sought.

RECOMMENDATION

That the draft Council Meeting Calendar for 2002 be adopted.



PENRITH CITY COUNCIL
DRAFT MEETING CALENDAR
January 2002 – December 2002

MINUTE NO

TIME	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT		OCT		NOV		DEC	
									Mon	2	Mon	4	Mon	4	Mon	2
Ordinary Meetings 7.00 pm		4 18#	4 18	8 22	6 20#	3 *17	1 15	5 19#	2 ^16	2 30	14	18#	16			
Policy Review Committee 7.00 pm		25	25	29	27	24	22	26	23	21	11	9				

Council has two Ordinary Meetings per month where practicable. Extraordinary Meetings are held as required.
Policy Review Meetings are held monthly.
Members of the public are invited to observe at meetings of the Council. Should you wish to address Council, please contact The Public Officer, Peter Huxley on 47327649.
Meetings at which the Management Plan quarterly review is tabled and discussed.
* Meeting at which the Management Plan for 2002/2003 is adopted
^ Mayoral Election

Council's Operating Environment

8 Presentation of Finance 1 Reporting Format

Compiled by: Peter Browne, Senior Corporate Accountant

Authorised by: Barry Husking, Chief Financial Officer

Management Plan 4 Year Outcome (Page 112): *Maintain a sound financial position and liquidity.*

01/02 Critical Action: *Ensure the timely provision of financial advice and information to support Council's decision making processes.*

Background

On 6 November 2000, Council resolved to accept the tenders of Technology One and Proclaim for new Finance and Property Systems. This was the outcome of an extensive research and tender process. Finance One and Proclaim had been determined to be the preferred tenderers at the Council meeting of 11 September 2000 and a significant amount of work determining how the system should be configured commenced at that time. Full use of the systems commenced with live processing on Monday 2 April 2001.

Finance 1

Finance 1 replaced the Citipac financial system which Council has utilised since September 1991. The new finance system was also introduced at the same time as a new HR/Payroll system, Empower, and a new property system, Proclaim. Concurrent implementation of these systems caused an unusually heavy workload, however this is now beginning to be paid back as the advantages of the new technology are delivered.

Finance 1 is a flexible system that enables many views of financial data. A variety of on-screen reports are available to all users as part of the Finance 1 package. In addition, specialised reports will be able to be produced to satisfy particular reporting needs.

New financial pages within Master Programmes have been developed for the quarterly Management Plan reviews and a presentation of the new format will be made to Councillors at the Policy Review Committee meeting.

It is significant that the reports are at a higher level to that previously and provide both an operating statement view, which equates with end of year financial reporting requirements under the accounting standards, and a funds statement which reflects the annual budget surplus or deficit. This is a major achievement and is best practice for this type of reporting.

Further enhancements to financial reporting from Finance 1 are being made and more improvements to reporting at an organisation and Council level can be expected.

RECOMMENDATION

That the information contained in this report and in the presentation of the new finance system reporting format be noted.



Council's Operating Environment

9 Industrial Issues

929/18, 929/6 Pt2

Compiled by: Linden Barnett, Workforce Development Manager

Authorised by: Steve Hackett, Director - City Services

<p>Management Plan 4 Year Outcome (Page 115): <i>A flexible, skilled, motivated, responsive and valued workforce is in place.</i></p> <p>01/02 Critical Action: <i>Provide a safe and equitable workplace.</i></p>
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Introduction

The purpose of this report is to inform Council of progress in negotiations towards a new Local Government (State) Award and the development of a new Council Agreement.

Award Status

A new Local Government (State) Award was made on 1 November 2001. The new Award followed protracted negotiations between Unions, Associations and the LGSA. The major features of the new Award are:

- Salary increases of 3.3%, 3.25% and 3.25% over three years with minimum payments of \$17.50. The first increase will take effect from the beginning of the first pay period to commence on or after 1 November 2001 and thereafter at that date for 2002 and 2003.
- The introduction of maternity leave provisions into the Award. It is interesting to note that the leave provisions are identical to that adopted by Council with the introduction of its Parental Leave Policy which took effect from 1 October, 2001. (Council is to receive a further report on the application of adoption provision following issues raised at the Policy Review Committee Meeting of 27 August 2001).
- The inclusion of a salary sacrifice clause which will allow employees to sacrifice a portion of the pre-tax ordinary pay for benefits including motor vehicles, child care and additional Superannuation. A lead time of six months for introduction has been allowed for in the Award.
- The increase of casual loading by 5% to 25%
- Changes to the redundancy provisions by expanding the entitlements for redundancy on completed years of service
- Variations to the salary system clause with the inclusion of minor amendments
- Variations to the travel allowance clause to clarify when the travelling allowance is applicable.

Council Agreement

Negotiations towards a new Council Agreement have been taking place over the past ten months. The major element in the negotiations was in respect to the development and implementation of Council's salary administration system and skills and knowledge assessments. At a meeting of the parties on 21 September attended by the General Manager,

the following was agreed to in principle on the understanding the Council endorsement would be required:

All eligible staff will be progressed through Council's salary structure in advance of introduction of the skills and knowledge assessments in accordance with the following criteria.

- Progression of eligible staff will be in accordance with the provisions of the Salary Administration System Procedure Policy (Clause 12 Transitional Arrangements – extract of provisions attached) ie minimum increase of 2% for the first salary movement
- To be eligible for progression through the salary range staff will need to have been in their current position for a minimum period of 12 months from the date that the agreement is promulgated.
- The operative date for salary progression will be from 1 July 2000 for the first progression.
- Future progression by staff will continue when the skills and knowledge based assessment process is undertaken and will apply from the anniversary date of appointment of staff to their current position or the date of appointment to a new positions. This second phase will commence retrospectively from 1 July 2001.
- Staff will still be eligible to undertake the skills based assessment when the process is up and running.

Whilst in principle agreement has been reached to the terms of the Draft Agreement as detailed above, a formal response by the MEU is awaited. The Association of Professional Engineers, Scientists and Managers (APESMA) has indicated its agreement to the proposal. An MEU response is expected about mid to late November. Should this response be positive, the terms of the Draft Council Agreement can be finalised and steps taken to have the Agreement endorsed by all parties.

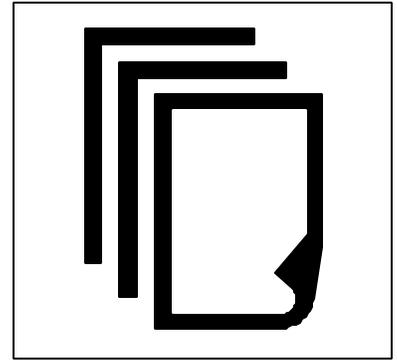
The implementation of the processes as detailed in this report concerning the salary system and skills assessment is seen as a key element in Council's being able to move towards finalisation of the salary system development project which will provide significant benefits for both Council and its staff.

RECOMMENDATION

That the information regarding the new Award and Council Agreement negotiations be received.



ATTACHMENT



Date of Meeting: 12 November 2001

Master Programme: Council's Operating Environment

Programme: Management of the Organisation

Report Title: COUNCIL'S NEGOTIATION & CONSENSUS
POLICY

Questions raised by Councillors

At a Policy and Review Committee meeting on 26 June 2000, certain Councillors asked questions about the Mediation Policy. These are as follows:

- **Cr. Fowler - Position of the Mediator in Litigation**

- All mediation is governed by a confidentiality principle.
- This applies to all parties, irrespective of whether they are the disputants themselves or the mediator.
- The parties must agree to the confidentiality of the mediation, and will generally be required to enter into a written agreement to this effect.
- Any document prepared for the purposes of the mediation, and anything said in the mediation, is inadmissible in later proceedings involving the parties.

- **Cr. Paluzzano - Should general manager be the person who delegates and not directors and managers**

- It may be that the person who delegates should be the person who has day-to-day care of matters involved in the mediation policy.
- The General Manager may have a power of veto over decisions of Directors and Managers regarding mediation, but perhaps the Directors and Managers should be able to delegate responsibility for the administration of the policy.

- **Cr. Paluzzano - Instances where Council will pay for the cost of mediation**

- Council will inevitably incur costs when conducting mediation.
- If a full time staff member is to be engaged to deal predominantly with mediation, then this will be a significant expense to be borne by Council. Notwithstanding this, any costs incurred will only be a small percentage of the legal expenses that would otherwise result.
- While experiences with other Councils will not act as precedent, it may be that their experiences should be observed as a good example of how the costs of the mediation policy may possibly affect Council.
- It may be that there will be some way to require the disputants to contribute towards the overall cost of the mediation. For example, if one of the parties is a large organisation, they may be capable of partially funding the mediation.
- In the case of Newcastle City Council, additional costs were incurred in educating the community as to the availability and benefits of mediation. These costs included producing leaflets and brochures, and conducting forums.

- **Cr. Paluzzano - measures in place aimed at educating the community about the availability of mediation**

- If the mediation policy were to be implemented, it would be necessary to undertake a programme of staff education. This would involve teaching Council staff about the use and benefits of mediation, as well as equipping them with the skills to recognise when a dispute may be about to arise, and arranging to have the matter dealt with appropriately.
- In the case of Newcastle City Council, a leaflet is enclosed with a notification letter. This alerts residents to the fact that if they have a problem with the

development that is proposed to be carried out, there are mechanisms in place which allow them to resolve their dispute themselves.

- Mediation should be promoted in the community as an example of the processes of Local Government working to assist them.
- In addition, the education programme should promote confidence in the community that there are benefits to be gained in resolving disputes on a personal level.
- **Cr. Davies – Amending the name of the policy**
- The name “Dispute Resolution Policy” may imply that Council will actively resolve community disputes itself.
- In order to remove Council from the role of provider of solutions to disputes, the name of the policy may need to suggest that the mediation offered by Council is merely a facilitative process for assistance only, and is at Council’s discretion.
- It may be that the location of the mediation session will also assist in this aim. For example, instead of holding mediation sessions at Council, the meetings could be held at the nearest Community Justice Centre instead. This would place the process further at arms length.

In addition to these questions, at a Council meeting of 18 December 2000, Cr Bateman raised an issue regarding applicants and proponents of Development Applications meeting to discuss issues. Also, he requested an urgent report on a policy for mediation and the appointment of a Mediation Officer.

Cr Bateman also recommended that a mediation programme be established in Council to deal specifically with Building and Development Applications.

Negotiation and Consensus Policy

1. Introduction

Council is responsible for providing a range of facilities and services, and for making decisions on land uses and development. In carrying out its responsibilities, Council can become the focus for conflict that has developed over a land use proposal, a specific development activity, or some other matter. Disputes over such issues can involve Council, government, developers, businesses, residents, interest groups and community organisations.

Council has recognised the need to implement a policy that will enable such disputes to be managed in a consistent, fair, and timely manner. The policy seeks resolution of disputes through a range of consensus-based approaches, which can assist participants in working through issues, exploring options and developing solutions. Council will have regard for any consensual outcomes when it makes a decision.

The policy first reiterates Council's commitment to early consultation and community participation, a process through which potential conflicts may be avoided. This approach is encouraged as a means of establishing partnerships with proponents, interest groups, community organisations and individuals, as well as Council.

The policy describes the consensus-building processes (conciliation, facilitation and mediation), and the necessary administrative procedures. It also outlines Council's role in assisting with the consensus building processes, and defines its statutory, decision-making responsibilities.

2. Objectives

This policy aims to provide structured, consensus-based approaches to assist parties to resolve disputes that have arisen, and which involve Council in some way. The objectives of the policy are to:

- minimise the potential for escalation of conflict
- deal with disputes in a timely manner, and at the earliest opportunity
- assist participants in identifying issues, exploring options, and developing solutions
- build consensus and achieve agreed solutions
- build on partnerships between Council and its communities, individuals and other stakeholders
- facilitate a change in community and Council attitudes to conflict
- achieve a best practice and consistent approach to dispute management
- reduce staff stress, and
- control legal costs.

3. Definitions

Dispute Resolution

Dispute - where there is a disagreement between two or more people about an activity, proposal or application

Consensus - achieving agreement from all parties about the issues, options and possible solutions

Consultation - a process where information about a proposal is provided to all stakeholders, so that early discussions can identify and address potential issues before a conflict emerges

Conciliation - a process, managed by Council, where separate meetings with the assessing officer are held with the stakeholders, and the proponent, to discuss the proposal, identify issues and explore options that may lead to resolution through consensus

Facilitation - a process, managed by Council, where the disputing parties meet together with a senior Council officer to discuss the proposal, identify issues, explore options, and develop possible solutions through consensus

Mediation - a process, managed by Council, where the disputing parties meet together with an independent mediator to discuss the proposal, identify issues, explore options, and develop possible solutions through consensus

Procedural

Assessing or Project officer - the Council officer who has been delegated to consider and evaluate the application or proposal

Case Manager - the Council officer who is responsible for managing the dispute resolution process

Council - Penrith City Council

Parties - all people or groups involved in the dispute resolution process, including the proponent and all stakeholders

Process - each of the dispute resolution methods outlined in this policy, and the relevant, accompanying procedures

Proponent - a person who has submitted an application or proposal to Council for consideration

Stakeholder - any person or group that has taken a public position on the application or proposal.

4. Principles for Dispute Resolution

Application of the Policy

This policy applies to situations where a dispute has emerged through Council's regulatory or service provider activities. It may not be appropriate where complex legal issues are involved, or where there are regulations that Council cannot vary, and must apply. Council will determine whether or not a dispute is suitable for the dispute resolution processes outlined in this policy.

The policy does not apply to matters that do not involve Council (eg. disputes over fences, or issues involving neighbours or families). Parties involved in these types of dispute will be encouraged to seek assistance from the local Community Justice Centre, or other community dispute resolution agencies.

Suitability of Matters

Dispute resolution processes are not suitable for all cases, and some matters may not be resolved. The Manager of the relevant Council department, in conjunction with Council's Legal Officer, will determine whether the matter is suitable for conciliation, facilitation, or mediation, and will make the decision to initiate Council's dispute resolution processes. They will also appoint the case manager.

The principles for identifying matters suitable for dispute resolution include where -

- maintaining relationships or community cohesion is a priority
- time spent identifying the issues is beneficial, even if the matter is not ultimately resolved, and
- a strict application of the law won't necessarily resolve the issues.

Dispute resolution processes are not suitable where -

- public scrutiny of the full process is required
- the issues in dispute are about Council policy
- a key stakeholder won't participate or negotiate
- a precedent, legal or otherwise, is required
- an allegation of fraud or criminality is involved
- parties are not prepared to enter into genuine negotiations, or are not prepared to genuinely participate in consensual problem solving, or
- insurmountable hostility exists between the parties, or violence is threatened or perceived.

Withdrawing from the Process

Council may withdraw from the dispute resolution process if it considers that it is not in the community interest to continue, or all parties are not genuinely participating in, and committed to, the process. The parties, or the mediator, may withdraw from the dispute resolution process at any time.

5. Consultation

Council has a separate policy that details its consultation and community participation processes. Consultation regarding any activity, proposal or application is about providing information to all stakeholders, and encouraging early discussions that can identify and address potential issues before a conflict emerges.

It is a formal process, generally carried out by the assessing or project officer, where individual letters of notification, and local advertisements, will provide initial information about the proposal.

Council seeks to encourage this early collaboration and participation between all the parties, as a means of establishing effective and continuing partnerships. This first step may be seen as a preventative measure, which may avoid the need for any further involvement in the formal processes of dispute resolution.

6. Council's Dispute Resolution Processes

General

Council cannot delegate its decision-making responsibilities to external parties. Decisions on activities, proposals and applications are made by Council officers, or by the elected Councillors in a formal Council meeting. A proposal must still be determined by Council, even where solutions are developed through a consensual process of dispute resolution, and agreed by all parties.

Council officers have some decision-making responsibilities for activities, proposals and applications. Where the Council officer conciliates a minor dispute, and agreed outcomes are achieved, a decision on the proposal may be made by that Council officer. Where disputes are more complex or involve facilitation, a senior Council officer will make a decision on the proposal, or it will be referred to Council.

Where a Council officer is involved in a dispute resolution process, and subsequently involved in a decision related to the matter, then the Council officer will ensure that the conciliation or facilitation sessions are conducted in a manner which will not compromise their independence or impartiality in decision making.

Councillors have the final decision-making responsibilities for these matters. Councillors should not participate in a dispute resolution process as a representative, adviser, or assistant to a party, because of their statutory decision making role. Their participation may compromise their ability to make an independent decision about the matter before Council. Councillors should also not attend *conciliation*, *facilitation* or *mediation* sessions as it may encourage lobbying, and compromise the consensus-seeking focus of the process.

In some circumstances, disputing parties will seek to discuss issues with individual Councillors to raise support for their position. In their role as elected community representatives, these discussions about disputes are acknowledged. In their role as decision-makers, however, Councillors will not be involved in Council's formal dispute resolution processes.

There are circumstances, however, where a Councillor is involved in a dispute in an individual capacity, or as a member of the Board of a company that is involved in a dispute. In these circumstances, it is acknowledged that a Councillor may be involved in the mediation session in a private commercial capacity, or as a member of the Board of a company.

All *conciliation, facilitation or mediation* sessions are private, and will be attended only by the relevant parties, Council officers, and independent mediators where appropriate. Public meetings, which involve not only the parties, but other members of the public, interest groups, and often Councillors, may be held separately but are not considered suitable as a forum to seek consensual solutions, as they often lead to parties' positions becoming entrenched and not open to negotiated solutions.

Council will generally undertake to bear the costs of the mediation fees and administration costs. However, any advice from independent experts chosen by the parties, is to be paid for by the parties themselves.

Council will demonstrate its commitment to these dispute resolution processes, and this policy, by -

- meeting the administrative and management costs, and the cost of employing the external mediator, and
- by having regard for the identified solutions and agreed outcomes, and incorporating those outcomes in the decision.

Conciliation

This is the first formal step in Council's dispute resolution policy. Council's *conciliation* process is less formal than the following *facilitation* and *mediation* processes.

When a dispute first emerges (and Council considers it is suitable for conciliation) Council's assessing or project officer will be the case manager. The officer will arrange a conciliation session with the stakeholders, and a separate conciliation session with the proponent. This provides a forum where the details of the proposal can be examined and concerns raised without pressure. There may be issues identified, and possible solutions discussed, without individuals feeling the need to defend their position in front of other parties.

Council's officer, in the role of conciliator, will discuss issues, and any solutions that emerged through the separate conciliation sessions, with the other parties and seek consensus. Where consensus is achieved, the assessing or project officer will make, or recommend, a decision on the proposal that incorporates the agreed outcomes.

Facilitation

This is the second formal step in Council's dispute resolution policy. When a dispute has emerged and has not been resolved though conciliation, Council must consider its suitability for facilitation. Some matters may be referred for the facilitation process without first being conciliated.

Council will appoint a case manager for all facilitated disputes. The case manager may be the assessing or project officer, or another Council officer. The officer will arrange a facilitation meeting with all parties, including the stakeholders and the proponent.

A senior Council Officer (eg. Manager or Director) will facilitate the meeting, with relevant Council officers attending to provide technical advice. The senior Council officer will be trained in facilitation techniques, and will possess an appropriate understanding of the issues involved in dispute resolution.

This provides a forum where the details of the proposal can be discussed, and concerns raised. The focus will be on identifying issues, exploring options, and developing possible solutions through consensus. Where consensus is achieved, the senior Council officer will make, or recommend, a decision on the proposal that incorporates the agreed outcomes.

Mediation

This is the final step in Council's dispute resolution policy, to be implemented where Council considers it is appropriate, and all other avenues for dispute resolution have not been successful. The focus of the mediation session will still be on bringing the parties together to discuss their issues, and seeking consensual outcomes.

Council will appoint a case manager for all mediated disputes. The case manager may be the assessing or project officer, or another Council officer. The officer will arrange a mediation session with all parties, including the stakeholders and the proponent. An external, independent mediator will be appointed by Council to mediate the session, with relevant Council officers attending to provide technical advice.

Council officers may be required to attend a mediation meeting to provide information and technical advice where relevant. The mediator may request the assistance of Council staff to advise on matters of law or Council policy to ensure that any agreed outcome is lawful and practical. Their role is to provide substantive information only, and not to participate in the mediation itself.

The mediation session will provide a formally structured forum where the details of the proposal can be discussed, issues identified, options explored, and possible solutions developed through a consensual process. Where consensus is achieved, Council will make a decision on the proposal that incorporates the agreed outcomes.

The Mediator

The role of the mediator is to assist the parties to reach a satisfactory understanding of the issues, and help them develop solutions. The mediator has no authority to make binding decisions on behalf of the parties, or Council. The mediator is authorised to conduct joint and separate confidential meetings with the parties, and may end the mediation whenever, in their opinion, further efforts will not contribute to a resolution of the issues between the parties.

Mediators will be impartial (ie. with no vested interested in the outcome of the dispute) and will adhere to recognised ethical standards. Council will appoint an external mediator where required, from either -

- a panel of external mediators, established by Council
- external organisations specialising in dispute resolution services, or
- a register of accredited mediators (eg. the Law Society of New South Wales, or the Community Justice Centre).

7. After the Dispute Resolution process

Where consensus is achieved

If all parties reach agreement in a conciliation or facilitation session, a Council officer will summarise the agreed outcomes for consideration and inclusion in the decision for the proposal.

If all parties reach agreement in a mediation session, the mediator or the parties will draft and sign an agreement that summarises the agreed outcomes. In the case of planning and development matters, the mediated agreement may also include the parties' concurrence to withdrawal of their previous objections, conditional upon the mediated agreement being implemented in the development approval.

Any agreement reached in these matters is still subject to consideration of the application or proposal by Council, and does not affect the statutory power of Council to make a decision that may be contrary to that outlined in the agreement.

If proceedings have been commenced in Court, the parties may need to file certain documents with the Court relating to the mediated agreement. This is the responsibility of the parties themselves or their legal representatives.

Where consensus is not achieved

In disputes where the parties do not resolve the dispute, but wish to express their views to the Council, a Statement of Outcome may be drawn up. The Statement of Outcome generally includes

- the parties' agreed outcomes for the issues that were resolved, and
- the parties' views on the outstanding issues.

8. Education and Awareness of the Consensus and Negotiation Policy

Community Information

Council will seek to inform its communities about this policy by making the policy generally available. Council will also distribute information about the policy when a dispute first arises, to ensure all parties are aware of the different processes that are available to assist in identifying issues and seeking consensus.

Skills and Training

Council staff will be advised of the policy, and assisted in integrating its processes in their daily tasks. Staff training in *negotiation*, *conciliation*, and *facilitation* techniques will focus on ensuring that officers can effectively manage disputes when they first arise, and when more complex issues emerge.

9. Council's Dispute Resolution Framework

