

PENRITH CITY COUNCIL

BUSINESS PAPER



Students from Samuel Terry Primary School visit the Bushcare Display at Council's "Penrith Enviro Adventure" which was held at Werrington Lakes on World Environment Day on 5th June 2002.



Policy Review Committee Meeting

24 June 2002



Penrith City Council

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

19 June 2002

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 24 June 2002 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

Leave of Absence has been granted to:

Councillor Aitken - 24 June to 7 July 2002

Councillor Paluzzano - 28 June to 8 July 2002

2. CONFIRMATION OF MINUTES

Policy Review Committee - 27 May 2002

3. DECLARATIONS OF INTEREST

Pecuniary Interest (The Act requires Councillors who declare a pecuniary interest in an item to leave the meeting during discussion of that item)

Other Interest

4. ADDRESSING THE MEETING

5. MAYORAL MINUTES

6. NOTICE OF MOTION

7. REPORT & RECOMMENDATIONS OF WORKING PARTIES

Penrith Valley Community Safety Partnership Meeting - 29 May 2002

8. MASTER PROGRAM REPORTS

9. URGENT REPORTS (to be dealt with in the Master Program to which the item relates)

10. CONFIDENTIAL BUSINESS

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

PENRITH CITY COUNCIL
MEETING CALENDAR
July 2002 – December 2002

	TIME	JULY	AUG	SEPT	OCT	NOV	DEC
		Mon	Mon	Mon	Mon	Mon	Mon
Ordinary Meetings	7.00 pm	1	5	2		11	2
		15	19#	^16 30	14	18#	16
Policy Review Committee	7.00 pm	22	26	23	21	25	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

**REPORT AND RECOMMENDATIONS
OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY
COUNCIL HELD AT HAROLD CORR COMMUNITY CENTRE, WERRINGTON
ON MONDAY 27 MAY 2002 AT 7.04 PM**

PRESENT

His Worship the Mayor Councillor Pat Sheehy, Councillors J Bateman, G Davies, G Evans, R Fowler, J Greenow, C O'Neill, K Paluzzano, and S Simat (arrived at 7.07PM).

APOLOGIES

PR44 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Greenow that apologies be received and accepted from Councillor Aitken, Bailey, Bradbury, Khan O'Toole and Thain.

CONFIRMATION OF MINUTES

Policy Review Committee Meeting – 29 April 2002

PR45 RESOLVED on the MOTION of Councillor Bateman seconded Councillor Greenow that the minutes of the Policy Review Committee Meeting of 29 April 2002 be confirmed.

DECLARATIONS OF INTEREST

No declarations of interest.

REPORTS OF COMMITTEES

Finance Working Party – 30 April 2002

PR46 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Greenow that the Report and Recommendations of the Finance Working Party be adopted.

Ward Boundaries Working Party – 16 May 2002

PR47 RESOLVED on the MOTION of Councillor Davies seconded Councillor Bateman that the Report and Recommendations of the Ward Boundaries Working Party be adopted.

Councillor Simat arrived the time being 7.07PM.

MASTER PROGRAM REPORTS

THE CITY IN ITS ENVIRONMENT

1 Status of the City's Major Policy Program and Key Policy Projects

##

Roger Nethercote, Council's Environmental Planning Manager, introduced the report which brings Council up to date with what is happening in terms of the range and magnitude of planning projects in Council.

Roger introduced Louise Petchell, Council's Senior Environmental Planner, who gave a presentation on Sustainable Penrith Strategy, followed by Craig Butler, Council's Building Approvals and Environment Protection Manager, who gave a presentation on the Local State of the Environment Report 2000 – 2001 which has been circulated to all Councillors.

Councillor Simat left the meeting the time being 7.15PM.

Louise Petchell gave a brief presentation on Sustainable Penrith Strategy. Louise highlighted a strategy that involves a range of initiatives to assist our path to sustainability. These included:

- Promotional/Partnership initiatives
- Cities for Climate Protection Program
- ESD and Urban Release Area Planning
- The Mayoral Community Forum, and
- The Green Energy Learning Program.

Councillor Davies asked if there were any guidelines or stipulations for the use of solar power for the development of commercial and industrial buildings. Louise Petchell said that whilst Council does have an Energy Smart Homes Policy which looks at some solar aspects, we do not have any guidelines at the present time which relate directly to commercial or industrial developers. Councillor Davies asked for a further report which explores issues and opportunities for integrating solar power in commercial and industrial developments.

Councillor Paluzzano raised the issue of exploring opportunities for linking Council's environmental activities with those of other groups, particularly schools who are developing environmental awareness programs. Councillor Paluzzano suggested that officers link up with the Penrith Lakes education centre to develop programs for schools and the broader community.

Councillor Davies referred to Clean Up Australia Day and said it seems to have lost its impact. He requested a report outlining statistics on how much rubbish has been collected over the past 5 years. Councillor Davies suggested that Council write to Clean Up Australia Day and ask them to further promote the day to give it greater impact.

Councillor Simat returned to the meeting the time being 7.25PM.

Craig Butler, Council's Building Approvals and Environment Protection Manager, made a presentation on Council's Local State of the Environment Report for 2000-01. The statutory requirement for Council to produce an annual report was explained, as were the obligations for that report to inform and be responded to in the subsequent year's Management Plan. The benefits from the production of an SOE include:

- Provision of regular information to the public and government about the condition of the environment.
- Reporting on the effectiveness of environmental policy.
- Assessing progress of environmental sustainability.
- Integrating environmental, economic and social information.
- Identifying current and emerging environmental issues and knowledge gaps.
- Raising community awareness.

The inter-relationships between the national, state and local SOE Reports were explained. Much reference was made to the Regional SOE Report prepared for the 1999-2000 reporting period. The environmental indicators developed for this Regional Report have been carried through to the Local Report. The Local SOE Report for 2000-2001 has just been released. It adopts the pressure state response model, and additionally identifies potential for sustainability. The report covers the eight environmental themes required to be reported on under the legislation. Considerable effort was directed towards making the report both attractive and acceptable to the public. The report is available on Council's website, and a copy of the report (both in paper and CDROM form) has been distributed to all schools in the City.

An overview was provided about the various chapters dealing with the eight environmental themes. It was acknowledged that for future reports there is a need to:

- Develop more environmental indicators.
- Improve data collection throughout the reporting period.
- Attempt to respond further to the potential for sustainability actions.
- Increase the evidence-base supporting the report's recommendations.
- Improve community involvement in the report's development and data collection.

The core team responsible for developing the report (Wayne Mitchell, Helen Bakker, Pat Coleman and Helen Sorensen) were thanked for their efforts in producing a quality document.

Councillor Davies said that Western Sydney Waste Board had previously updated Council on what they were doing. The Board has now been disbanded. Councillor Davies asked if Resource NSW could update Council on what their strategy is for the future.

Craig Butler advised that they recently met with Resource NSW on initiatives such as drop-off centres and they have volunteered to work closely with them. Craig offered to arrange a presentation to Council by Resource NSW.

Councillor Greenow congratulated Craig Butler and his team for their efforts in the production of the report.

Councillor Paluzzano referred to the slide in the presentation which related to Castlereagh Cemetery . Councillor Paluzzano said she recently went to the site and said stone masons had uncovered some stairs. Councillor Paluzzano asked for further information.

Councillor Fowler referred to the Penrith City Centre Draft Brief and in particular the map on page 5 of the attachment on the Penrith City Centre Study area. Councillor Fowler asked why it did not include the area West of Mulgoa Road and the precinct bordered by the river.

Roger Nethercote, Council's Environmental Planning Manager, said that the primary area for consideration was the commercial areas of the Penrith CBD. He also advised that the study should consider relationships and linkages to other adjacent precincts, including North Penrith Army land, showground/Penrith Stadium recreation precinct and the Carpenter Site. Bruce McDonald, Council's Director - City Strategy, said the study can be extended West of Mulgoa Road to include the Carpenter Site and Penrith Panthers. It was acknowledged that the study area map and related description would be amended to show more detail.

Councillor Paluzzano left the meeting the time being 8.00PM.

Councillor Paluzzano returned to the meeting the time being 8.01PM.

PR48 RESOLVED on the MOTION of Councillor Simat seconded Councillor Fowler that the report on the Status of the City's Major Policy Program and Key Policy Projects be received.

2 IPART - Fare Increases for Public Transport Services

9001/8 Part 16

Craig Ross, Council's Design and Technical Advice Manager, introduced the report.

Councillor Davies asked if there is a difference in taxi fares when crossing the river.

Craig Ross advised that there were some differences but it depended on the taxi. He said that there did not appear to be any consistency in the fare application and passengers were required to negotiate a fare. This issue was included in the submission.

PR49 RESOLVED on the MOTION of Councillor Simat seconded Councillor Bateman that the submission made to IPART on public transport fares be endorsed.

3 Supply Policies

Barry Husking, Council's Chief Financial Officer, introduced the report. Barry introduced Mal Ackerman, Council's Supply Co-ordinator, who gave a presentation on Penrith City Council Supply Policy Review and Other Projects.

Mal Ackerman gave a presentation in support of a report proposing implementation of changes to the existing Supply Policies and Guidelines. The presentation outlined key areas

This is Page No 4 of the Report and Recommendations of the Policy Review Committee Meeting of Penrith City Council on Monday 27 May 2002

for change in both Tendering and Disposals. Additional areas covered were future Supply Projects within Penrith City Council and the WSROC Supply Management Group. This includes new Supply Contracts for Telecommunications, Fuel Card, Toner cartridges and standardisation of products and services required by Children's Services taking advantage of collective bargaining opportunities.

Councillor Davies congratulated Barry and Mal on the report and said Council should make substantial savings, especially in Children's Services.

Councillor Davies asked for a report on how Councillors can make on-line requests for matters to be actioned and reported to council.

PR50 RESOLVED on the MOTION of Councillor Simat seconded Councillor Fowler that the review and documentation of Tendering and Disposal Policies and Guidelines be noted for further action.

4 Finance Health Check

6035/17

Barry Husking, Council's Chief Financial Officer, introduced the report outlining the Local Government Managers Association role in developing the Finance Health Check. There are a range of new indicators, including asset maintenance, which will be used to assess a council's financial health.

PR51 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Paluzzano that the information in this report be noted.

General Business

Councillor Greenow highlighted recent discussions from representatives of the Xi Cheng District Peoples Government of Beijing City in Penrith who are developing a program in local government management. Councillor Greenow said they asked many interesting questions, in particular regarding the way Council votes.

Councillor Davies passed on his congratulations to all judges, organisers and participants who were involved in raising money for the Cancer Council.

His Worship the Mayor Councillor Pat Sheehy requested that the Department of Housing be invited to a future Policy Review Meeting to give Council a list of projects they are running, in particular at Cranebrook.

There being no further business the Chairperson declared the meeting closed the time being 8.25PM.

Confirmed
Chairperson

**REPORT AND RECOMMENDATION
OF THE PENRITH VALLEY COMMUNITY SAFETY PARTNERSHIP OF
PENRITH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, PENRITH
ON WEDNESDAY 29 MAY 2002 AT 7.00 PM**

PRESENT

Councillors G Davies, D Bradbury (arrived 7.25 pm)

IN ATTENDANCE

Yvonne Perkins, Community Safety Officer, PCC; Sharon Maddox, St Marys Police; Laura Williams, WINC; David Burns, PCC; Wendy Herne, St Clair-Erskine Park Community Safety Association Inc; Ian Drummond, PCCA; Belinda Giblin, UWS Nepean; Simone Baumgarten, Glenmore Park resident; Barry Ryan, PCC; Jeni Pollard, PCC; Gary Lawson, PCC; Mark McLachlan, PCC; Ben Artup, CRRI-UWS; Cathie Brown, Penrith Police; Dave Hill, St Marys Chamber of Commerce / St Marys Town Centre Management; Gary Dean, PCC; Ernest Kaucis, Senior Citizens' Centre.

APOLOGIES

PVCSP9 RESOLVED on the MOTION of Laura Williams, Seconded Wendy Herne that apologies be received and accepted from Councillors J Greenow, R Fowler and K Paluzzano.

CONFIRMATION OF MINUTES

Penrith Valley Community Safety Partnership – 17 April 2002

PVCSP10 RESOLVED on the MOTION of Dave Hill, Seconded Barry Ryan that the minutes of the Penrith Valley Community Safety Partnership of 17 April 2002 be confirmed.

DECLARATIONS OF INTEREST

No declarations of interest.

**1 Presentation of the St Marys Central Business District-
Community Safety Audit Program Report**

1117/29 pt 4

A Powerpoint presentation was given by Yvonne Perkins and Sharon Maddox on the St Marys CBD Community Safety Audit program.

Yvonne Perkins tabled the audit report.

Both Yvonne Perkins and Sharon Maddox worked through the presentation explaining the comprehensive nature of the audit and the level of participation by relevant stakeholders. The CBD was divided into 5 sectors and the overall audit took six months to complete. An audit guide was developed to assist the participants.

The presentation highlighted the 'before' and 'after' impact.

Yvonne Perkins outlined the strategy for progressing the recommendations of the audit.

Ernest Kaucis asked why the audit area was allowed to deteriorate to the present state. Yvonne Perkins offered an explanation.

Dave Hill suggested the areas depicted are not restricted to St Marys alone.

Councillor Greg Davies suggested that the deterioration occurred over a long period of time. Council is concentrating on improving the area and ensuring new developments contain conditions that address graffiti, litter, etc.

Councillor Davies congratulated Yvonne Perkins and Sharon Maddox on the work done.

PVCSP11 RESOLVED on the MOTION of Ben Artup seconded Laura Williams

That:

1. The report containing an update on the St Marys Community Safety Audit be received.
2. The presentation of highlights and outcomes of the audit program be received.
3. Congratulations to Yvonne Perkins and Sharon Maddox.

**2 Housing, Crime and Stronger Communities Conference
presented by the Australian Institute of Criminology and the
Australian Housing and Urban Research Institute**

1117/29/pt 4

The Facilities Operations Manager, Gary Dean, spoke of Council's attendance at the recent Melbourne conference. He spoke of some of the highlights from that conference, in particular the work being done in Eagleby and South East Queensland. Also another highlight was the program in the City of Greater Dandenong - there is a real focus on 're-connecting' the community.

Councillor Davies spoke of his request to hold a future conference in Penrith.

There was agreement above inviting a guest from Eagleby.

PVCSP12 RESOLVED on the MOTION of Gary Dean, Seconded Laura Williams

That:

1. The Partnership note the information contained in this report.
2. A list of Conference papers be made available to Partnership members.

3. A guest speaker from Eagleby, Queensland be invited to address the Partnership's September meeting to present a "grass roots" perspective on the Eagleby Project.

3 City of Melbourne/Crime Prevention and Community Safety 1117/29 pt 4

The Asset Manager, David Burns, gave a presentation on Community Safety with an emphasis on the engineering input. David spoke of the changing culture in Council, and specifically in his department.

The Asset Manager moved from the general to the specific focusing on the City of Melbourne. Visiting Melbourne recently David Burns and Yvonne Perkins met with representatives of Melbourne City Council. This Council provided information on community safety, lighting strategy and the Skatesafe Program.

The presentation included photographs of areas of Melbourne which are now considered 'unsafe' and non-conforming. Photographs included outdoor dining and trading, signage and street beautification - all examples of 'best practice' planning.

The examples presented were matched with the strategies in the Penrith Valley Community Safety Plan.

An outline of the "Skatesafe" Program was given.

The Asset Management Department will have a major input into the new Community Safety and Neighbourhood Renewal program in 2002/03.

Ian Drummond asked about Lygon Street footpaths - are they the same width as Penrith? No. Ian Drummond felt that the street arrangement of furniture could be introduced in Penrith.

PVCSP13 RESOLVED on the MOTION of David Burns, Seconded Belinda Giblin that the information contained in the report be received.

4 Partnership Members Nominated Key Areas of Interest 1117-29 Pt 4

Yvonne Perkins explained that the table in the report represented the preferences made by the Partnership members to each of the focus areas. She explained it was difficult to satisfy everyone's requests and the times that the groups should meet.

There was general agreement.

PVCSP14 RESOLVED on the MOTION of Laura Williams, Seconded Councillor David Bradbury

That:

1. The information in the report be received.
2. The recommended timeslots are adopted on a trial basis.

5 Regular Items

- **St Marys** - Sharon Maddox presented the following statistics:

St Marys LAC					
Incident Category	Jan	Feb	Mar	Apr	(2002)
Assault	87	90	82	86	
Break & enter	97	155	116	120	
Malicious Damage	110	146	105	112	
Robbery	13	16	13	13	
Stealing	227	209	177	181	
Stolen Vehicle/Vessel	76	86	100	102	

- **Penrith** - Lawrie Bonello presented the following statistics:

Penrith LAC					
Incident Category	Jan	Feb	Mar	Apr	(2002)
Assault	92	73	96	87	
Break and Enter	119	126	118	106	
Drug Detection	29	48	19	32	
GIC/Receiving	23	37	17	22	
Malicious Damage	106	78	96	79	
Robbery	12	13	8	7	
Stealing	273	255	276	267	
Stolen Vehicle/Vessel	83	94	90	119	
Street Offence	49	48	68	93	
Traffic Offence	442	497	685	552	

Ernest Kaucis asked why Police do not respond to calls for Police to attend suspected stolen vehicles that are reported to Police. Laurie Bonello provided an appropriate response.

Sharon Maddox and Laurie Bonello were thanked for their presentations.

Media

Yvonne Perkins advised of the 'media folder' that has been prepared. Members welcome to view the details in the folder.

6 General Business

1117-29 Pt 4

1. Ben Artup has received valuable feedback from several members - changes made where appropriate. Time is running out for feedback.
2. Ben Artup tabled the draft community safety brochure. Need a slogan for the brochure - members to consider some suggestions and report back next meeting or sooner if possible.

Wendy Herne suggested an amendment to the Partnership objections.

3. Councillor Davies advised that the Youth Needs audit report will be presented to the June meeting by Jeni Pollard, Council's Senior Social Planner.
4. Councillor Davies thanked those members who attended the social/arts management plan workshop on 15 May 2002. Public meeting 30 May 2002 at 7.30 pm in the Nepean Room.
5. Yvonne Perkins advised that the results of several recent audits will be presented to the June meeting.
6. Sharon Maddox advised of a trial Community Team now established at the St Marys LAC. Similarity with partnerships objectives. It is understood that there will be a review of the program effectiveness after the trial period.
7. Councillor Davies advised of representations he has received regarding the use of the PCYC bus, particularly in North St Marys area. Money was needed to support the program.

PVCSP15 RESOLVED on the MOTION of Councillor Greg Davies, Seconded Councillor David Bradbury

That investigations be carried out, including funding opportunities, for the PCYC bus being introduced into the City for use in conjunction with a structured youth program.

Cathie Brown of Penrith Police pointed out Penrith PCYC was willing to allow their buses but cannot staff the buses operations.

There being no further business the Chairperson declared the meeting closed the time being 8.25pm.

Confirmed
Chairperson

POLICY REVIEW COMMITTEE MEETING

MONDAY 24 JUNE 2002

TABLE OF CONTENTS

MEETING CALENDAR

CONFIRMATION OF MINUTES

REPORT AND RECOMMENDATIONS OF COMMITTEES

MASTER PROGRAM REPORTS

MASTER PROGRAM REPORTS

Item		Page
THE CITY IN ITS REGION		
1	Adi Site, St Marys 4130/2 Pt 59	1
THE CITY IN ITS ENVIRONMENT		
2	Badgerys Creek Airport 9000/2	15
THE CITY AS A SOCIAL PLACE		
3	Joan Sutherland Performing Arts Centre Extensions 961/19	17
4	Companion Animals 7028/10	25
5	Naidoc Week Activities - July 2002 1105/23 Pt4	27
6	Social Indicators 1042/2	32
7	Operation Of Council's Cemetery Services 1004/7	35
8	Lemongrove Gardens (Hostel) And Lemongrove Gardens Retirement Village 1012/6 Pt2	42



The City in Its Region

1 ADI Site, St Marys

4130/2 Pt 59

Compiled by: Tony Crichton, Senior Environmental Planner

Authorised by: Roger Nethercote, Environmental Planning Manager

Management Plan 4 Year Outcome (Page 11): *Greenfield development is sustainable and preserves the natural environment.*

01/02 Critical Action: *Lobby for the inclusion of AHC listed land not already included in the proposed Regional Park on the former ADI Site.*

Purpose:

The purpose of this report is to advise Council of the recent proposal by the Minister for Planning to declare three precincts within the ADI site as a Release Area and to obtain Council's endorsement for the issues to be raised in Council's submission to the Minister. The report also seeks to update Council on a range of matters including the NHT Application, the REP implications, the Development Agreement and the AHC listed lands.

Lend Lease representatives have been invited to provide a presentation to tonight's Committee meeting on their updated development proposal for the ADI site.

Background

Council considered a report on the ADI site at its Ordinary Meeting of 4 March 2002.

That report detailed that on 19 February 2002, Council received formal notification by Senator Abetz, Special Minister of State, that the additional 250 hectares of bushland listed by the Australian Heritage Commission (AHC) on the Register of the National Estate (RNE) would be conserved. The letter also advised that prior to implementation of the Government's commitment, a number of legal requirements need to be satisfied.

In giving consideration to that report, Council resolved that:-

- 1. A copy of the advice from Senator Abetz, Special Minister of State, be forwarded to Planning N.S.W.*
- 2. Council refresh its requests to the State Ministers for Planning and Environment to reconvene the ADI site Joint Steering Committee to commence a review of the REP and the future management arrangements for the additional bushlands to be conserved.*
- 3. Council writes to Dr. David Kemp, Minister for the Environment and Heritage, seeking further information about the Commonwealth Government's pre election commitment to conduct a comprehensive review of all Commonwealth owned lands in Western Sydney.*

Formal correspondence was sent regarding the above resolutions. A response was received from the State Minister for the Environment advising that the Commonwealth Government had at that time not officially notified the NSW Government nor the National Parks & Wildlife Service of any decision regarding the ADI site. The Minister indicated that

discussions would advance between PlanningNSW, the NPWS and Penrith and Blacktown Councils regarding the implications of the Commonwealth Government's decision as it relates to the on-site conservation area.

A response was also received from the Minister for Planning indicating that special reference groups to carry forward the planning work for the site would continue to be convened and that he had carefully noted Council's position and our concerns would be fully addressed in the work as it progresses.

No response has been received from the Federal Minister for Environment and Heritage.

PlanningNSW has recently advised Council of the Minister for Planning's proposal to declare the Eastern Precinct and the North and South Dunheved Precincts as the first release areas within the ADI site. A copy of that letter is appended and is discussed later in this report. A map indicating the location of these precincts is also appended.

Lend Lease has provided a recent advice to Council which outlines their position in regard to a number of key aspects relating to the development of the ADI site. Those matters are:

- Development scale and sequence;
- Regional Park;
- Development agreements;
- Transport issues;
- Filling of flood plain;
- Resources;
- Dunheved Precinct.

These issues are discussed in the following sections of the report.

Release Area Proposal

PlanningNSW has recently advised Council of the Minister for Planning's proposal to declare the Eastern Precinct and the North and South Dunheved Precincts as the first release areas within the ADI site. The Eastern Precinct is located entirely within the Blacktown local government area. The North and South Dunheved Precincts are located within the Blacktown and Penrith Council areas respectively.

The Eastern Precinct incorporates that portion of the former Ropes Creek Precinct not located within AHC listed bushland. The remainder of the former Ropes Creek Precinct is now located within the additional 250 hectares of bushland removed from development by the decision of the Commonwealth Government at the last Federal Election. The intended release area announcement does not include any of the AHC listed bushland.

Under the provisions of Sydney Regional Environmental Plan (REP) No 30 - St. Marys, Council must provide comments to the Minister on this proposal within 40 days. Comments must be forwarded to the Minister by 5 July 2002. The Minister is obliged to consider the views of Council and of any other public authority consulted before making the Release Area Declaration.

Councillors may recall that the then Department of Urban Affairs and Planning originally commenced negotiations regarding the possible release of the Western Precinct (adjacent to the Northern Road) at the beginning of 2001. Council provided comments on this proposal in March 2001 and the release did not proceed. No further action is proposed to be taken by PlanningNSW regarding the Western Precinct at this stage.

No objections are raised in principle to the current release area proposal. However, it is important that there is a commitment by the Minister to amend SREP 30 to incorporate all of the additional 250 ha of AHC listed bushland within the Regional Park Zone, prior to the declaration of the proposed release area. Lend Lease has indicated agreement to this and note that this will be a fundamental element in the developer agreement finalised with State Government.

Lend Lease has also indicated that the precinct planning for the Western Precinct (Penrith LGA) will not commence until SREP 30 has been amended to incorporate the AHC listed bushland. We agreed with that proposition.

Notwithstanding the first housing precinct will be in Blacktown Council area, it will be important for Council to participate in the setting of the key urban development outcomes which will be transported to the Western and Central Precincts. It is noted half of the proposed Dunheved employment precinct is within Penrith LGA and will require our direct involvement in the precinct planning for this area. We are discussing the means of how these plans will be advanced with Blacktown Council. It is appropriate that the Dunheved employment precinct be brought forward as part of the first release given that it provides an early opportunity for the provision of employment development.

Development Scale and Sequence

Lend Lease advise that the decision to preserve the additional AHC listed bushland has substantially reduced the project's scale. They indicate the development will now provide:

- A 900 hectare Regional Park (covering over 60% of the total site area);
- 68 hectares of employment zoned land;
- Approximately 4,800 residential dwellings, located in three distinct urban villages.

It should be noted the existing Regional Park zone comprises 630 hectares. Some of this land is not included within the final AHC listing. The advice from Senator Hon Eric Abetz, Special Minister of State, to Council in February this year confirming the Commonwealth Government's position, indicated that commitment had been given to an additional 250 hectares of bushland on the site being protected. That measure ensured the entire 828 hectares on the Register of the National Estate would be preserved, providing for the protection of some of the largest remnants of Cumberland Plain Woodland in Western Sydney. Lend Lease's proposal now adds this to the precinct Regional Park zone.

Lend Lease advise the key rezoning objectives of conservation, employment, housing diversity and sustainable development remain as core project objectives. They also indicated that the Federal Government's decision to conserve all of the AHC listed bushlands has necessitated a change to the development sequence. That has now been confirmed in the advice from PlanningNSW concerning the Minister for Planning's proposed release area declarations.

The indicative development timing for the project Lend Lease estimate as follows:

<i>Precinct</i>	<i>First DA's lodged</i>	<i>Complete</i>
East & Dunheved Precincts	2003	2007
Western Precinct	2004/05	2009
Central Precinct	2008	2011

Regional Park

We have engaged in recent discussions with PlanningNSW, NPWS, Blacktown Council and Lend Lease concerning the implications of the Commonwealth Government's decision to conserve the AHC listed lands. Those discussions have focused on the appropriate ownership and long term management of the bushland areas to be conserved. We have pursued the option for the additional AHC listed lands to be conserved to be added to the existing Regional Park zone, owned and managed by the NPWS.

Lend Lease advise that as part of their NSW Government Deed discussions, it has been agreed that the extra AHC listed land will be incorporated in the Regional Park. This will be conditional upon a satisfactory financial arrangement being agreed with NPWS for the ongoing management of the Park. NPWS are currently considering a proposal from the Joint Venture in this regard. Lend Lease advise that this issue must be resolved to the satisfaction of NPWS and PlanningNSW prior to the first release area being declared.

In our view, it would be appropriate for a rationalisation or smoothing of the boundary between the AHC lands and the Urban Zone occur in order to minimise undesirable "edge effects" between the two zones. This land should also be included in any REP amendment. Lend Lease has, however, advised that it would be extremely time consuming in getting both State and Commonwealth agencies to agree with that process and that the likely outcome would be additional land would be required to be added to the Regional Park beyond that which has already been nominated. This has emerged from the view expressed by Environment Australia that any rationalisation of the AHC listed boundary would involve no net loss of bushland.

Lend Lease advise that they are prepared to accept the AHC boundaries of the bushland areas proposed to be added to the Regional Park at this stage. Nonetheless, to ensure that there is an effective management arrangement for the urban interface with the proposed Regional Park, the orientation, nature and scale of activities adjacent the park boundaries needs to be carefully considered through the precinct planning processes.

In our view, it would be appropriate that all parties examine management options for the Regional Park during the precinct plan preparation, and that a discussion paper be prepared to accompany the precinct plan. Commitment should be sought from PlanningNSW and NPWS in this regard so that a Plan of Management process can be implemented promptly once the Regional Park land is transferred to the State Government.

Development Agreements

It will be recalled that the proposed Development Agreement for the ADI site comprised three fundamental parts. Part 1 is general requirements and provisions relating to the operation of the Agreement. Part 2 is the proposed rights and obligations of the Joint Venture and the Minister for Planning and describes the commitments for the delivery of key infrastructure elements required to be provided by the Joint Venture and the various State Government agencies. Part 3 is intended to be rights and obligations of both Penrith and Blacktown Council and the Joint Venture and will outline the local infrastructure and facility provision including elements such as human services and local open space, water cycle management, urban design, and local road improvements.

Lend Lease advise that the Development Agreement proposed to be entered into between the Joint Venture and State Government is currently being re-negotiated with PlanningNSW in consultation with various Government agencies.

The Draft Development Agreement has recognised the opportunity for Council to not sign the Development Agreement at the same time as it is signed by the other parties, ie, when Part 2

of the Agreement is executed. In discussions with PlanningNSW we have indicated, along with Blacktown Council, that it would be preferable for all parties to sign off on the Development Agreement at the same time. This is primarily aimed at ensuring both Councils are party to the commitments entered into by the State Government and the Joint Venture and not entirely severed from them.

However, this has proven difficult to date as the Commonwealth Government decision to conserve a larger proportion of the site has caused the need for the project scale and related facilities provision to be revisited. Signing off on the Development Agreement now in the absence of advancing the detailed precinct planning processes is also potentially problematic in as much as it does not afford an opportunity to examine alternative means by which community facilities and infrastructure might be delivered, potentially in partnership with others, and more innovative ways in which facility provision may be arranged over time.

In recognition of this dilemma, Lend Lease has proposed that any separate agreement entered into with Council will be read as part of the Agreement entered into with State Government. This will enable the final Agreement to represent the positions and agreements of all of the stakeholders in “partnership” and would seek to ensure that there is a connection between the responsibilities of the State Government and the delivery of its infrastructure responsibilities and that of the councils in the delivery of local infrastructure.

The amended development sequence for the project will have implications for the timing and cost of facilities to be provided under the Development Agreement. For that reason, it would be prudent for the Development Agreement to not specify the costed amounts related to the delivery of each of the facilities to be provided, but rather focus on the details of the specification for each of the facilities nominated. The details of the local facilities provision will emerge as we move through the precinct planning process at the appropriate phase.

Lend Lease acknowledge the preference for an outcomes based approach to any agreement and advise they will work together with Council to ensure that the agreement for local facility provisions is completed and executed before a draft precinct plan within Penrith LGA is finalised and submitted.

Staging of the Development Agreement so as to require certain matters to be finalised prior to declaration of the first release area (ie, Part 2 of the agreement between the Joint Venture and State Government) and the other remaining matters agreed prior to finalisation of the relevant precinct plans (ie, Part 3 of the agreement between the Joint Venture and the councils) is accepted as the most practical approach.

However, Council has previously raised concerns that it should be included in the deliberations between the Joint Venture and the State Government in relation to the extent and nature of the commitments between those parties in relation to the significant infrastructure elements for which the State Government has responsibility. This was particularly evident in relation to the negotiations concerning the provision of transport infrastructure. It is important that this principle is again raised to PlanningNSW in relation to the current agreement so that we have an opportunity to input into the finalisation of key aspects of the agreement such as transport infrastructure and Regional Park management issues.

Council’s support for the declaration of the first release areas should be contingent on our involvement in the finalisation of these significant aspects of the agreement.

Transport Issues

The amended development proposal has precipitated a review of the proposed transport infrastructure and delivery mechanisms. A network analysis model will be used to determine

the extent of the transport infrastructure upgrades required and the appropriate apportionment of costs for these works.

We have met with Blacktown Council representatives and agreed upon the study inputs and the model to be used to determine the transport requirements. PlanningNSW has engaged a consultant team to review the ADI Transport Study. Discussions are continuing in relation to the apportionment of the transportation infrastructure costs with the Joint Venture and Government agencies.

Lend Lease has foreshadowed that the reduced development size also reduces their capacity to contribute to road improvements which are not identified as necessary in the remodelling.

Blacktown Council has continued to press for preserving an opportunity for a transport corridor through the Eastern Precinct which could accommodate a future heavy rail line linking St Marys with future urban releases of Riverstone and Marsden Park. Lend Lease advise they have requested their transport consultants to consider this issue. Their report concludes that it is inappropriate to preserve this link via a heavy rail corridor for the following reasons:

- The route through the St Marys site would be aligned too far west from the new population centres to ensure sufficient patronisation of the rail service in accordance with the objectives of “SEPP66 – Land Use And Transport Planning”;
- The geometry of the rail corridor between St Marys station and the site is grossly inadequate to cater for future commuter rail traffic;
- Environmental issues would also present substantial difficulties in locating a rail line so far west;
- Other corridor options are located further East. These would enable a more suitable alignment, closer to the planned growth areas; and
- Flexibility is able to be preserved for bus-based public transport links utilising existing and planned new roads, incorporating shared or dedicated busways, at a fraction of the cost of heavy rail.

The previous planning exercise for ADI identified the rail corridor as a bus transit way route between the site and St Marys station which at that stage did not contemplate co-existence with rail in the same corridor. The previous studies did not determine that there was a critical mass emerging from the ADI site to warrant the provision of a heavy rail link to it.

Blacktown’s request for preservation of a rail corridor between St Marys station and the Richmond line at Riverstone is noted. This may however have significant implications in as much as the Marsden Park development for which detailed planning investigations have not yet commenced may not in itself provide the ultimate population to justify the significant infrastructure expenditure to provide the rail link. Further release area development in the South Creek corridor could be required. Council’s current urban growth management strategy and the work emerging from our Rural Lands Study and Draft Rural Lands Strategy does not contemplate this. Similar concerns were raised with the rail proposal connecting St Marys to Sydney West Airport.

Notwithstanding the rail issue, Council’s position is one of preserving opportunities for public transport links through the estate and Council’s priority has been focused on the Werrington Arterial and its connection with the M2 corridor.

Filling of Floodprone Land

Lend Lease advise that the development of the Dunheved Employment Precinct will involve seeking approvals to fill land currently below the 100 year and PMF flood levels. Council

has previously raised concerns about the filling of the flood plain within the ADI site, in particular the housing area comprised in the Central Precinct. Lend Lease has noted Council's concerns regarding the potential consequences of filling flood-affected land without providing for adequate storage and will prepare a comprehensive submission addressing this issue.

Resources

Lend Lease has acknowledged that the precinct planning processes will be designed to provide councils with opportunities for regular input in the development of the draft plans. Consistent with the shared goal of achieving the best quality urban outcomes possible in the development of the site, Lend Lease understand assistance is required to ensure Council resources can be made available when required. We will be further negotiating Lend Lease's contributions in this regard with them.

Dunheved Precinct

The LGA boundary between Penrith and Blacktown Council areas traverses the middle of the Dunheved Precinct. We have commenced discussion with both the Joint Venture and Blacktown Council on how best to approach the precinct planning exercise for these areas. It has been recognised that protocols will need to be developed so that the precinct planning processes can advance in a consistent and integrated fashion.

Other Issues

Decontamination

An extensive process of researching the levels of site contamination present as a result of previous site activities and the progressive remediation of the land has been ongoing for some years. That process is now largely completed, however there needs to be a clear sign-off obtained that the site is now suitable for a range of urban purposes. The completion of this process and its independent certification should be obtained prior to finalisation of the precinct plans.

NHT Application

Council on 28 July 2000 lodged an amended Natural Heritage Trust (NHT) application for funding to enable the transfer of all of the 178 hectares of Cumberland Plain Woodland listed on the Register of the National Estate to the NPWS. Environment Australia (EA) has advised Council in writing (refer Appendix 2) that the NHT Application has been "cancelled" since the required area has now been preserved from development.

Council proposed that the funding could be used not only for acquisition of the additional bushland but for funding offsets for both the landowner and to NPWS for establishment, administration and management costs. EA has verbally advised Council that as NHT funds were not used for acquisition of the AHC listed bushlands, then they could not be used for set up and management planning costs. It was their expectation that the National Parks and Wildlife Service (NPWS) should absorb the costs of a larger Regional Park.

It is indeed disappointing that EA has declined our NHT application on the basis of a technicality. In our view there ought to be an obligation on the Commonwealth to provide funding to ensure that the expanded Regional Park is able to be effectively established and appropriate management plans put in place. This appears to be the case with the recent Commonwealth decisions in relation to the Harbour Foreshore land and the establishment of the related Harbour Foreshore Federation Trust.

It is recommended that Council write to EA expressing its disappointment and seeking a reconsideration of the Government's obligations in relation to providing funding for the effective establishment and management planning for the expanded Regional Park.

Conclusion

In principle, no objections to the declaration of the proposed release areas are raised subject to the State Government accepting the key aspects which are addressed in this report.

In our view, it is imperative that REP 30 be amended as soon as practicable so as to include all of the additional 250 ha of AHC listed bushland within the Regional Park Zone. Council should continue to make strong representations to the Minister for Planning and Minister for Environment that REP 30 and the Development Agreement be amended and all AHC listed bushlands transferred to the NPWS prior to the preparation of any precinct plans.

It will be important for Council to remain engaged in the process as it moves forward, particularly given that parts of the proposed precincts to be declared initially as release areas are located within Penrith LGA. We will continue our discussions with both the Joint Venture and PlanningNSW on the substantive matters to be contained within the proposed Development Agreement and provide a report back to Council when these aspects are more clearly defined.

RECOMMENDATION

That:

1. Council write to PlanningNSW in response to their request advising that Council raises no objection to the Minister's proposed release of the Eastern and Dunheved Precincts, subject to:
 - (a) Acceptance by the State Government of the transfer of the additional 250 hectares of AHC listed bushland and its inclusion as Regional Park to be managed by the NPWS.
 - (b) A commitment by the Minister for Planning to amend SREP 30 to incorporate all of the additional 250 hectares of the AHC listed bushland within the Regional Park zone.
 - (c) Commitment from PlanningNSW and NPWS for a plan of management process to be implemented promptly once the Regional Park land is transferred to the State Government and this process being integrated with the precinct planning of the adjoining urban areas.
 - (d) PlanningNSW providing full opportunity for Council to input into the finalisation of Part 2 of the Development Agreement, when reviewed, prior to it being executed by the Joint Venture and State Government.
 - (e) An agreement being reached between the parties on the nature and extent of transport corridor, if any, to be established through the ADI site and its inclusion within the Development Agreement.
 - (f) A commitment being received from the Joint Venture and PlanningNSW that the site decontamination processes will be completed and signed-off prior to the completion and adoption of the first precinct plans.
2. Council write to Environment Australia expressing its disappointment at the determination of its NHT application and seeking that authority's reconsideration of the use of that funding source, or alternative funds, for the initial set-up and

management planning processes related to the establishment of the expanded Regional Park.

3. Council again write to the Commonwealth Minister for Environment & Heritage, the Hon Dr Kemp, seeking further information about the Commonwealth Government's pre-election commitment to conduct a comprehensive review of all Commonwealth owned lands in Western Sydney.





Henry Deane Building
20 Lee Street Sydney NSW 2000
GPO Box 3927 Sydney NSW 2001
T 02 9762 8000
www.planning.nsw.gov.au

Allan Travers
General Manager
Penrith City Council
PO Box 60,
PENRITH 2751
Att Roger Nethercote

Contact: Peter Newton
Our reference:
P98/000195/005
Your reference:

Sydney Region West
Level 8, Signature Tower
2-10 Wentworth Street
Parramatta NSW 2150
PO Box 404, Parramatta NSW 2124

Telephone: 02 9895 7633
Facsimile: 02 9896 6270
Email: duapwest@dup.nsw.gov.au

PENRITH CITY COUNCIL	
File No.	4130/2 PT 59
RECEIVED	31 MAY 2002
EP m 3/15 CA	22/28468

Dear Mr Travers

Sydney Regional Environmental Plan No 30 – St Marys : Proposed Release of Eastern Precinct and North and South Dunheved Precincts.

Sydney Regional Environmental Plan No 30 – St Marys, gazetted on 19/01/ 2001, rezoned the former ADI site at St Marys for conservation, urban and employment purposes. Before development can commence on the areas of the site zoned Urban or Employment, the Minister must first declare the land to be a Release Area and a Precinct Plan must be adopted.

The Lend Lease/ComLand Joint Venture has recently advised that it wishes to commence development of the site in the Eastern Precinct and has requested that the Minister declare this Precinct to be a release area. It has also requested that the North and South Dunheved Precincts be released to enable employment development to occur in line with population growth. A map showing the proposed release areas is attached.

In accordance with Clause 7 of the SREP I am writing to seek the views of your organisation regarding the proposed release.

Should the Minister decide to release the Eastern and Dunheved Precincts, the land owner will then prepare precinct plans addressing all of the issues prescribed in clause 10 of the SREP. The matters to be addressed by the Precinct Plan include identifying the location of major land uses, transport routes, open space and drainage facilities, as well as the preparation of management plans addressing biodiversity, cultural heritage, and soil and salinity constraints. Further detail on the content of Precinct Plans is also prescribed in the St Marys Environmental Planning Strategy 2000.

The draft development agreement between the State, the Lend Lease/ ComLand Joint Venture, and potentially Penrith and Blacktown City Councils, is being revised and will be executed prior to the release of any land on the site. Obligations under the agreement will commence with the first land release.

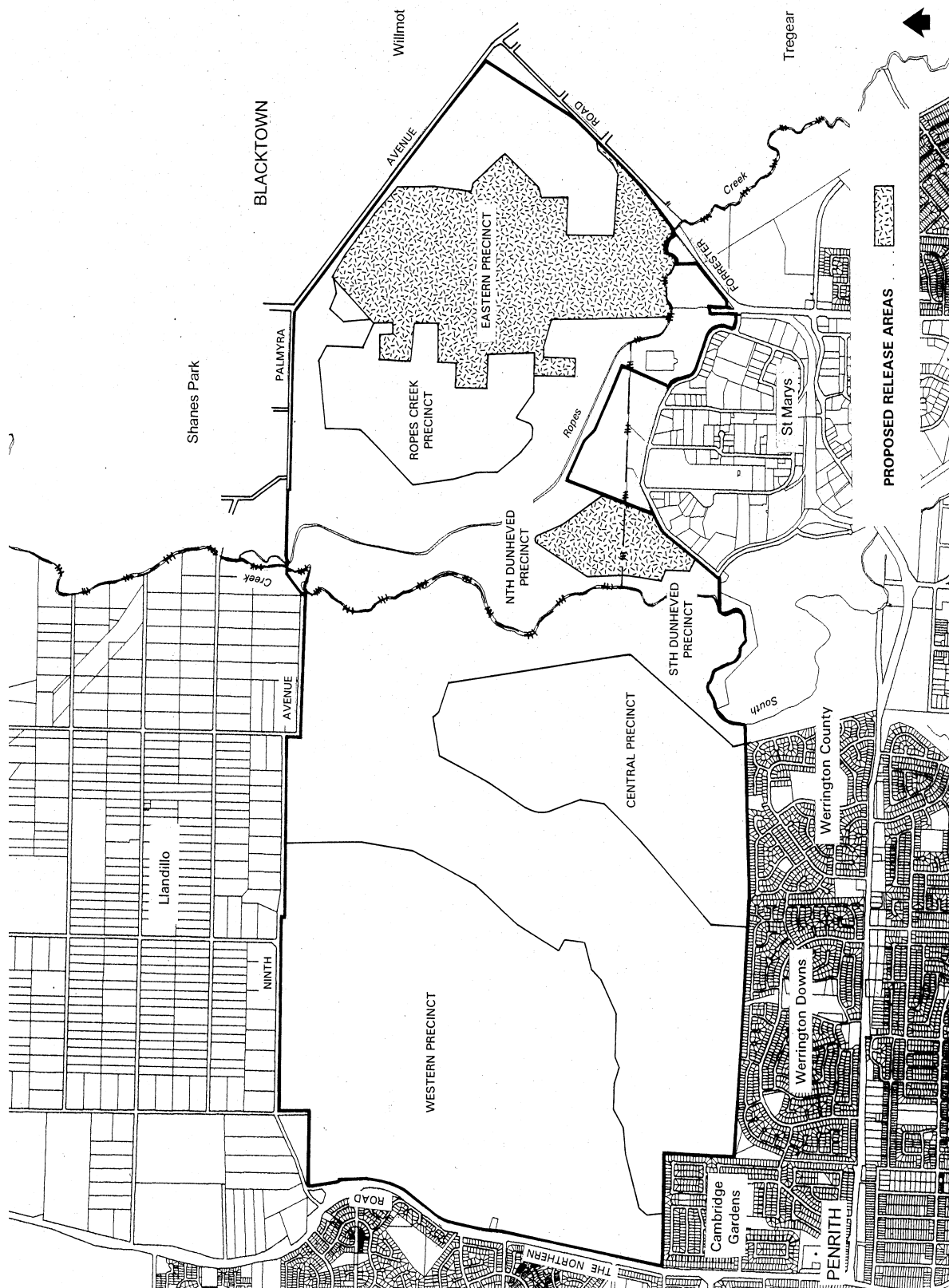
- 2 -

You may recall that the Department commenced consultations regarding the possible release of the Western Precinct at the beginning of 2001. This release did not proceed and no further action is proposed to be taken regarding the Western Precinct at this stage.

Any comments on the proposed release of the Eastern and Dunheved Precincts must be provided within 40 calendar days from the date of this letter. Should you require any further information with regard to this matter please do not hesitate to contact myself or Peter Newton (Ph 9895 7633).

Yours sincerely


Stephen Driscoll
Regional Planning Coordinator
Sydney Region West
28.5.02





Department of the Environment and Heritage

Mr Roger Nethercote
Environmental Planning Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751

PENRITH CITY COUNCIL	
File No.	41302 P158
RECEIVED 22 APR 2002	
EDM	IM/10113

Dear Mr Nethercote

① DM
② SA

Amended NHT Application – ADI site, St Marys

I refer to your revised proposal dated 28 July 2000 for Commonwealth Government assistance to purchase approximately 178ha of Cumberland Plain Woodland listed on the Register of the National Estate.

As that area has been included in the Regional Park inline with your desired outcomes, I wish to advise that your proposal is cancelled.

I would like to take this opportunity to congratulate you and your council on this successful outcome that you worked long and hard to achieve. Should your council have further protected area proposals suitable for consideration under the Natural Heritage Trust, I look forward to hearing from you.

Thank you for your interest in the protection of our natural heritage.

Yours sincerely

David Forsyth
Director
National Reserve System Section

19 April 2002



GPO Box 787 Canberra ACT 2601 Telephone 02 6274 1111 Facsimile 02 6274 1666
Internet: www.environment.gov.au



This page has been left intentionally blank

The City in Its Environment

2 Badgerys Creek Airport

9000/2

Compiled by: Gary Dean, Facilities Operations Manager

Authorised by: Alan Stoneham, Director - City Planning

Management Plan 4 Year Outcome (Page 31): *Sydney's second airport is not located in western Sydney.*

01/02 Critical Action: *Support the activities of the Western Sydney Alliance.*

Purpose:

To receive a presentation from Mr Noel Child, consultant to the Western Sydney Alliance (WSA) regarding the status of the governments position on Badgerys Creek Airport and the current strategy of the WSA to defeat the airport proposal.

Background

The Western Sydney Alliance, which comprises ten (10) Western Sydney Councils was formed in 1997. Each of the Councils are represented by the respective Mayors (or nominee) and a technical officer. The alliance executive comprises the Mayors of Holroyd and Penrith.

Over the last 5 years the Alliance has maintained a consistent and active campaign of opposition against the proposition to build an airport at Badgerys Creek. A vital component of this campaign has been about engaging the community in the campaign.

The Alliance has been able to gain the support of many key peak organisations for its opposition.

In December 2000 the then Federal Government announced the deferral of any further consideration of an airport at Badgerys Creek until 2005.

Current Situation

Notwithstanding that deferral decision the Alliance has continued its campaign to abandon an airport at Badgerys Creek.

Earlier this year the Alliance adopted its 2002 strategy, a copy of which was distributed to all Councillors. Key elements of this statement are:

- to press Federal Labor about adopting a position of opposition;
- to promote community interest to seek an integrated transport solution;
- to capitalise on the NSW Government's clear statement of opposition;
- to press for the completion of the VHST study;

- to have a sustainable 'out of basin' solution site linked to the sale of Sydney KSA.

At Council's meeting on 20th May 2002 a report was requested on recent developments regarding the airport proposal and the 'axing' of the scoping study into the east coast VHST.

To address this request the Alliance consultant Mr Noel Child, has been invited to tonight's meeting to make a presentation.

RECOMMENDATION

That Council receive the presentation from Mr Noel Child regarding Badgerys Creek Airport.



The City as a Social Place

3 Joan Sutherland Performing Arts Centre Extensions

961/19

Compiled by: Gary Dean, Facilities Operations Manager

Authorised by: Steve Hackett, Director - City Services

Management Plan 4 Year Outcome (Page 46): *The City's cultural profile has been raised.*

01/02 Critical Action: *Develop a program and funding to complete the extensions to the Penrith Regional Gallery and Lewers Bequest, and Joan Sutherland Performing Arts Centre, and establish the Penrith City Arts and Cultural Centre in the St Marys Community Precinct.*

Purpose:

To receive a presentation from the Consultant Architects on the extensions project and an indicative cost and to consider Councils funding strategy for the project.

Introduction

Over the last six (6) years Council has been investigating ways to fund and construct extensions to the Joan Sutherland Performing Arts Centre (JSPAC). During that time various development plans have been prepared and refined.

The project includes the following components:

- A new 400 seat drama theatre
- Additional backstage facilities and dressing rooms
- New unloading and workshop facilities
- Fifteen (15) teaching rooms for the music conservatorium
- New multi-purpose foyer and display area
- Upgrade existing western foyer including air conditioning.

Many of the present Councillors would not be familiar with the details of the extensions project. Tonight Suters Architects will make a presentation to Council on the project.

Background

The Joan Sutherland Performing Arts Centre (JSPAC) opened in March 1990 and has subsequently played a significant regional role in impacting upon and enhancing the culture of many thousands of people in outer Western Sydney.

The JSPAC can be seen to be a victim of its own success. This success has led to many operational difficulties.

In 1996 investigations commenced with a view to developing options for the modification of and extensions to the existing Centre.

One option was to extend the music school, upgrade the administrative and foyer areas, expand the dressing room provision and Allan Mullins Room and revise the seating layout of

the Concert Hall. Another option was to add a multi purpose entertainment performance venue.

Consultant architects were engaged to assist Council in developing the options and cost plans.

During 1999, Council resolved to make applications for funding to both the Federal and State Governments. Council had also included this project in its major projects funding model.

The Federal Government subsequently advised Council that its Federation Fund application had been successful.

Our representations to the State Government did however continue, so did our refinement on the project scope of works.

In March 2001, the NSW Premier announced a \$4.5 million funding package for the JSPAC extensions project. The announcement, whilst welcomed, did however contain a comment that "...*Railway Street will be housed in the newly expanded Centre...*"

The requirement to include live theatre space, which was not contemplated in the initial proposal, did add significantly to the initial project cost. Accordingly Council officers and JSPAC representatives continued to meet with the Minister for the Arts pressing for an acceptable funding solution.

In January this year the NSW Premier announced, that in response to Councils submission for further funding for the project, that the NSW Government agreed to provide a further \$1.9 million.

Council at its meeting on 3rd June 2002 resolved to accept the \$6.4 million funding offer from the NSW Government subject to the conditions contained in the grant.

Consultant Architects

At its meeting on 3rd July 1995 Council formed the 'Joan Sutherland Performing Arts Centre Extensions Steering Committee'. At its initial meeting on 28th July 1995 it was determined that Council officers prepare a design brief for the project that would be provided to the appointed Architects and that 'expressions of interest' would be invited from suitably qualified persons for architectural services for the project.

In February 1996 Council received twenty two (22) conforming tenders for Architectural services. The Steering Committee subsequently shortlisted the following five (5) architectural practices:

- Feiko Bouman
- Cox Richardson
- Gordon and Valich Pty Ltd
- Suters Architects
- Hassell Pty Ltd

Each of these practices were provided with \$7000 to prepare concept plans and a fee proposal for presentation to the Steering Committee which occurred on 23rd October 1996. The Committee determined that Suters Architects and Cox Richardson be invited to a later Policy/Review Meeting.

Council at its meeting on 16th December 1996 resolved,

'that Suturs Architects Snell be appointed to complete architectural design and costings for the Joan Sutherland Performing Arts Centre Extensions Project in accordance with their tender submission'.

Legal Officers comments:

I have considered the documentation. Council went through a formal tender to appoint an architect to this project in 1995/96. That process was as required by the Local Government Act. The requirements have not changed since that time.

Suturs were the successful architect in that process. What Council is now engaged in is, the completion of that project, that was started in 1995/96. Despite the length of time, I do not think there is any bar to Council continuing the engagement of Suturs under the Local Government Act.

It is proposed that if Council adopts to continue with the engagement of Suturs then the agreement with Suturs would be brought up to a more contemporary standard.

Architect's Fees

At the time Suturs were appointed various sub consultants were nominated to form part of the project team and the fees nominated at that time reflected that. Since that time the project has undergone various changes and Suturs has provided professional services on an ongoing basis in response to Councils requirements. The current project has therefore required a re-assessment of the Architects terms of engagement and fee proposal.

Suturs has made the following submission:

'Our previous correspondence at the time of the limited architectural competition nominated various Sub-consultants. Each of the firms originally nominated was asked to provide us with a new proposal. Some of the firms no longer exist in the original form (e.g. Miller , Milston & Ferris), and others (e.g. Geoffery Britton – Landscape Architect) have declined on the basis of too much current work. Where we have considered it appropriate and representing good value to the Council, we have nominated new Sub-consultants. Suturs Architects have worked with all of the firms nominated, and can attest to their credentials for a project of this type.

The fees presented represent an all-up figure of 8.87% of a construction cost of say \$11 Million with the architectural component being 5.62%. These figures include a Contract Administration Stage (Construction Services) which was not included in the percentage figures included in our 1996 proposal. Excluding this stage gives an all-up figure of 6.28% with the architectural fee for the work carried out to date.

Design and Technical Advice Manager's Comments:

'The Architect's submission has been assessed. The following options for Council to consider are:

- ◆ *Re-tendering on consultants' services*
- ◆ *Engaging the Architect on a design and construct contract*
- ◆ *Adjusting the Architect's fees to reflect the current project*

The first option would require a new project brief and additional time for re-tendering would be added to the program. The project is currently advanced to the Development Application

Stage. Additional costs would be incurred to bring the project up to the same stage with a new consultant team.

The second option would transfer the architect's services from Council to a builder. An architect providing design services to a design and construct contractor is in quite a different relationship to the owner from that which exists in the ordinary architect-client arrangement. Ordinarily the architect is in contract with the owner and has a duty to the owner but if in contract with the builder, the contractual duty of the architect is to the builder and the design is subject to the builder's decisions and not necessarily the owner's decision. Design and construct services are often offered as 'project management services'. In essence if the 'project manager' were also the builder the contractual duty of the architect would be the same as above.

The third option, which is also the recommended option, retains the existing relationship between the architect and Council. As indicated above the architect has submitted a revised fee proposal including the sub-consultants' fees based on the current project and estimated construction costs. The proposed fees, which are consistent with the original fee proposed in 1995-1996, are set in accordance with the relevant organisations' standards and adopted practices for professional fees and are considered fair and reasonable. This also takes into fees already paid for preliminary work done to date'.

Project Management

In 1995 Council formed the 'JSPAC Extensions Steering Committee' which comprised nominated Councillors, Council Officers and representatives of the JSPAC, and its purpose was to oversee the development and refinement of the project.

In addition to this Committee there was a consultative team which comprised representatives of both the JSPAC and RST. The architects met with this team during the plan development /refinement stage.

Following the announcement of the further funding from the government the project has become a viable proposition.

In February this year the JSPAC Board resolved that it establish two committees involving JSPAC, RST and Council. Following that decision Council officers assisted in these Committees formation. The Committees are:

Project Definition

The purpose of this Committee is to

- Define the physical elements of the project
- Resolve differences that may arise
- Represent the interests of JSPAC and RST
- Provide advice to Councils Steering Committee / Policy Review Committee
- Instruct the Architects on the elements of the project
- Review project cost plan and budget

This Committee comprises:

Valda Silvy	}JSPAC	Dallas Lewis	}RST
Malcolm Borland	}	Gillian Appleton	}

Chief Financial Officer, Director City Services, Director of City Operations, Ministry for the Arts representative and His Worship the Mayor.

This Committee had its first meeting on 7th June 2002. A number of issues were identified which are being considered by the architects.

Change Management

The proposed purpose of this Committee is to:

- Facilitate changes associated with the new management arrangements between JSPAC and RST
- Provide advice relating to the management of both venues (JSPAC and RST), resolution of operational issues and the development of short and long term business plans.
- Address the longer term issues relating to the development of management, operational and financial plans for the expanded facility including arrangements to accommodate RST, conservatorium of music and the attraction of a broad spectrum of performing arts performance and other appropriate activities such as conferences etc.

This Committee comprises :

Valda Silvy	}JSPAC	Dallas Lewis	}RST
Malcolm Borland	}	Gillian Appleton	}

Chief Financial Officer, Director City Services and His Worship the Mayor.

The Facilities Operations Manager will provide support to both Committees.

Councils Funding Strategy

The Architects have engaged a Quantity Surveyor to prepare an initial cost estimate on the refined plans. That estimate at present is \$12.2 million (construction budget, contingency, Consultant and Council fees).

The Governments commitment now represents \$6.4 million. Council will be responsible for the balance of the project cost.

Council officers have prepared a draft funding model for the project which includes Council's share. This has been previously reported to Council in conjunction with the preparation of the 2002/03 budget. The JSPAC extensions project forms part of Council's major projects funding model, a copy of which is attached to the report.

Chief Financial Officer's Comments:

The attached model for the JSPAC extensions project shows total future estimated costs of \$12.0 million funded as follows:

<u>Funding Source</u>	<u>\$ Million</u>
<i>Government Grant</i>	<i>6.4</i>
<i>Property Development Reserve</i>	<i>2.9</i>
<i>Proposed Section 94 city wide Cultural Plan</i>	<i>2.0</i>
<i>Contribution from JSPAC</i>	<i>0.4</i>
<i>Asset Construction Reserve</i>	<i>0.3</i>
<u>Total</u>	<u><u>12.0</u></u>

The architects for this project presented budget estimates to the Project Definition Committee on 7 June 2002. The estimate provided was \$12.2 million, excluding car parking construction costs which were estimated to be \$1.2 million and are included within Council's estimated project cost of \$12.0 million.

A more detailed assessment of car parking needs and the extent to which existing car parking can accommodate increased demand generated by the new facilities is currently being carried out. A review of proposed project staging is also being undertaken to determine possible savings which can reduce the latest project estimate.

Final estimates will of course not be known until a tender for the project is awarded. Prior to proceeding to tender the Committee will need to review project estimates for Council's consideration and determination of a funding strategy.

Summary

The extensions to the JSPAC will clearly add to the versatility of the Centre allowing it to better present the full range of performing arts and will consolidate it as a world class venue.

The project definition Committee and Council officers will continue to work with Suters to resolve the design issues raised by JSPAC and RST so that the project can be finalised. The continuing development of the project design will be done in consultation with the cost planners to ensure the project equals available funds.

One important issue is carparking. Council officers will continue to work closely with Suters in the resolution of this. Council is aware of discussions underway with Lend Lease about 'joint-use' of the Plaza carpark.

Suters are also working in consultation with Lend Lease regarding the 'interface' between the JSPAC and the Plaza.

Finalising the project to Development Application stage will also be done in consultation with Council's Development Advisory Unit.

The next stage is the lodgement of the Development Application. Suters will be instructed to prepare documentation suitable for the tender process so that the development application and tender can be done concurrently. The latter will only occur once we are confident that the project can be achieved within the available budget. Council will receive a further report confirming this position prior to Council officers proceeding to invite formal tenders.

Council's support to the approach of advancing the Development Application and tender process concurrently is sought.

RECOMMENDATION

That Council:

1. Receive the presentation from Suters Architects and the information contained in the report regarding the JSPAC extensions project.
2. Agree to the ongoing engagement of Suters Architects for the JSPAC extensions project on the basis that the agreement is contemporarised to the satisfaction of the Facilities Operations Manager and Legal Officer and fee proposal be negotiated consistent with the content of this report..
3. Adopt in principal the funding strategy for the JSPAC extensions project as set out in the report.
4. Agree to the lodgement of a development application and concurrent tenders for the JSPAC extensions project subject to all the design and development issues and project cost being satisfactorily resolved.



Joan Sutherland PAC

Project No.	Expenditure	Approved Proposals					Total	Actual 2003/02 as at 12/6/02
		Prior Yrs	2001/02	2001/02	2002/03	2003/04		
RC04600	Consultants / Tendering						127,995	
	Development Approval / Professional Fees						1,190,000	
	Carpark Construction		185,000		790,000		1,200,000	
	Project - Western Section of Music Hall				812,000	8,221,400	1,200,000	9,610,000
	- Stairs, Lift, Central Foyer & Admin Area						47,000	
	- Temp. Stage delivery & loading Facilities						1,200,000	
	- Maintenance of Teaching Rooms						576,600	
	- Alan Mullins room upgrade							
	- Upgrade of Foyer & Entrances							
	- Upgrade Richard Bonnyge Hall							
	- Completion of Stage & loading Facilities							
- External Work								
127,995			185,000	790,000	168,000	47,000	127,995	
				812,000	8,221,400	1,200,000	1,190,000	
						576,600	1,200,000	
							9,610,000	
							0	
							0	
							0	
							0	
							0	

Total		127,995	0	185,000	1,602,000	8,389,400	1,823,600	12,127,995	0
Source of Funds									
Property Development						2,900,000		2,900,000	
Section 94						2,000,000		2,000,000	
Grants/Contributions			4,900,000		1,500,000	200,000	200,000	6,800,000	
Reserves					102,000	198,000		300,000	
Revenue								127,995	
External Loan								0	
Internal Loan								0	
Total		127,995	0	4,900,000	1,602,000	5,298,000	200,000	12,127,995	
Surplus / (Unfunded)		0	0	4,715,000	0	(3,091,400)	(1,623,600)	0	

The City as a Social Place

4 Companion Animals

7028/10

Compiled by: Robert Webster, Acting Safety & Emergency Co-ordinator

Authorised by: Barry Ryan, Waste & Community Protection Manager

<p>Management Plan 4 Year Outcome (Page ##): <i>Heightened community awareness of companion animal ownership.</i></p> <p>01/02 Critical Action: <i>Develop and implement a strategy in response to the Companion Animals Act.</i></p>

Purpose:

To present to Council the draft Strategy for actions proposed to ensure that the level of compliance with requirements of the Companion Animals Act is maximised, and for the promotion of responsible companion animal ownership.

Background

The critical action under Council's 2000 – 2002 Management Plan identifies an area of responsibility to be addressed so as to achieve an improvement in community awareness of the legal requirements on owners of companion animals.

The need for such action is highlighted by the community responses to an apparently increasing number of serious dog attacks and the expectation that owners should be held accountable for the actions of their pets.

Current Situation

The draft Strategy has been prepared and sets out a series of actions, either proposed or already in place, that will achieve the objectives set out in the Management Plan.

Some examples of initiatives recently undertaken with considerable success include the companion animal information day held at the Civic Centre on 4 May. Attendance exceeded 250 people, more than 80 of whom brought their dogs to take part in planned activities. The identification and registration program held during Seniors' Week was also successful with 48 senior citizens taking up this initiative.

Also of note is the success of a recent advertising campaign aimed at increasing the number of dog registrations that resulted in a 20% increase in registration numbers over the advertising period.

Staff have maintained an involvement in a group of Councils (14 in total) who are addressing issues related to Companion Animals, Councils Unite for Pets (CUPS). The Department of Local Government has recently provided \$20,000 funding for a program "dog watch" aimed at reducing the amount of dog waste being left in public areas in 7 participating Councils. This program was launched on the 11th June 2002, and will continue for a 3 month period.

The draft Strategy addresses six key areas that are recognised as of greatest importance in meeting requirements of the legislation and satisfying community expectations. These are:

1. Public Education;
2. Identification and registration of companion animals;
3. Off-leash areas for dogs;
4. Dangerous dogs and restricted breeds;
5. Cat management;
6. Policy development.

Considerable emphasis is placed on public education within the Strategy as it is a common thread in all six areas discussed. It focuses on educating children primarily and the production of easy to read and understand brochures. Staffed displays at shopping centres and other high profile venues where people have convenient access to staff and high quality literature are seen as important tools in achieving the objective of lasting voluntary changes in human behaviour.

Greater use of the print media is also to be utilised as a means of reaching the broader community.

A task (no 13.8) of the current Management Plan relates to the formation of Companion Animals Advisory Committees. The formation of such committees in each Local Government area was a requirement under the act when first introduced, the primary purpose of the committees being to advise Council on issues related to companion animal management and in particular the development of policies related thereto.

Recent amendments to the Act have removed the requirement to establish the committees hence the inclusion in the Strategy document of a section relating to policy development.

RECOMMENDATION

That the draft Strategy for companion animal management be adopted.



The City as a Social Place

5 NAIDOC Week Activities - July 2002

1105/23 Pt4

Compiled by: Erich Weller, Community Programs Co-ordinator;
Carol Gartside, Aboriginal Liaison Officer

Authorised by: Carol Joyce, Community Development Manager

Management Plan 4 Year Outcome (Page 54): *Council has demonstrated leadership in developing a better understanding and greater cooperation with Aboriginal and Torres Strait Islander communities.*

01/02 Critical Action: *Develop and implement strategies which increase understanding and co-operation between ATSI communities, Council and the wider community.*

Purpose:

The purpose of this report is threefold:

- *to inform Council of the activities proposed to be undertaken during NAIDOC Week 2002 in Penrith City.*
- *to inform Council of the significance of the Aboriginal and Torres Strait Islander flags and propose permanently flying the Aboriginal flag at the Council Civic Centre.*
- *to inform Council of the particular significance of the Aboriginal flag donated to Council at the Mulgoa Aboriginal Children's Home Reunion, held at Mulgoa in October, 2001.*

Mr Robert Lester, Councillor for the NSW Aboriginal Land Council Western Metropolitan Region will outline to Councillors the symbolic and practical importance of the Aboriginal flag to Aboriginal people.

Background

NAIDOC Week is the outcome of a long history of Aboriginal and Torres Strait Islander efforts to bring issues of concern to the attention of Governments and the general public. These efforts go back to the early 1920's with the establishment of the Australian Aboriginal Progressive Association in Sydney, and the Australian Aboriginal League in Melbourne in the early 1930's.

These two organisations combined to hold a Day of Mourning on January 26th, 1938, the 150th anniversary of the First Fleet landing at Sydney Cove. In 1940 the Sunday preceding the Australia Day holiday became the first "Day of Mourning" Aboriginal Sunday. In 1957, the National Aborigines' Day Observance Committee (NADOC) was formed with the support of churches and major Aboriginal organisations of the day. It was at this time that National Aboriginal Day, a day of remembrance of Aboriginal people, culture, and heritage was changed to the second Sunday in July.

In 1991, NADOC became known as NAIDOC to include Torres Strait Islanders. Today NAIDOC Week is a celebration by Aboriginal and Torres Strait Islander people of their survival. It is also a celebration of the uniqueness of their traditions and cultures and recognition of the ongoing struggle for justice and equity for their peoples.

NAIDOC Week 2002 Activities in Penrith City

Council will again host the NAIDOC Week Aboriginal and Torres Strait Islander Flag Raising Ceremony and Civic Breakfast on Monday 8th July. Details of time will be forwarded to Councillors under memorandum.

Councillor Peter Woods, President of the Local Government Association, has accepted Penrith Council's invitation to attend as Guest Speaker at the Civic Breakfast. Councillor Woods has been President of the Association since 1990 and is the longest serving President in the history of the Association. Amongst his many Committee and Board responsibilities, Councillor Woods has also been a member of the NSW Reconciliation Committee. He was also instrumental in achieving the change to the rules of the Association to allow for the affiliation to the Association of the 13 Regional Aboriginal Land Councils. Councillor Woods has a well-known long standing commitment to Indigenous rights in Australia.

Elected representatives from the ATSIC Sydney Region Council, the NSW Aboriginal Land Council, the Deerubbin Local Aboriginal Land Council, and a number of other guests from local Aboriginal organisations will be invited to the breakfast.

Council will again be a partner with the Penrith Aboriginal and Torres Strait Islander Neighbourhood Workers Project (auspiced by South Penrith Youth and Neighbourhood Services) and a number of local and regional Aboriginal organisations in organising the Family Fun Sports Day on Friday, 12th July at Jamison oval. In each of the last two years this activity has drawn over 1,000 participants. Further details will be provided to Councillors by memorandum.

Recognition, Rights and Reform – the NAIDOC Week 2002 Theme

The right to self determination is a fundamental principle of international human rights and is included as the first Article of both the United Nations International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights.

The Aboriginal and Torres Strait Islander Commission, the national advisory body on Indigenous affairs to the Commonwealth Government, is advocating for five basic rights for Indigenous people in Australia. They are:

- To maintain our distinct identities as Aboriginal and Torres Strait Islander peoples
- To enjoy life and security in our country
- To have sustainable livelihoods
- To receive appropriate social services
- To be heard.

ATSIC and State and regional Indigenous organisations are undertaking extensive consultation in Aboriginal and Torres Strait Islander communities on the detail of the Rights Framework.

The Commission has also recently held two major conferences to assist in the formulation of the Rights Framework – the National ATSIC Policy Conference in Canberra in late March, 2002 and the Indigenous Governance Conference in April, 2002.

The Aboriginal and Torres Strait Islander Flags

The Aboriginal and Torres Strait Islander flags are important symbols for their respective peoples.

The Aboriginal flag is divided horizontally into equal halves of black (top) and red (bottom) with a yellow circle in the centre.

The black symbolises Aboriginal people and the yellow represents the sun, the constant renewer of life. Red depicts the earth and also represents ochre, which is used by Aboriginal people in ceremonies.

The flag – designed by Harold Thomas of the Lunitja/Wompai people in Central Australia – was first flown at Victoria Square, Adelaide, on National Aborigine's Day on 12th July, 1971. It was used later at the Tent Embassy in Canberra in 1972.

Today the flag has been adopted by all Aboriginal groups and is flown or displayed permanently across Australia by different levels of government. A number of Councils including Sydney City and Blacktown already fly the Aboriginal flag on a permanent basis.

The Torres Strait Islander flag – designed by the late Bernard Namok – stands for the unity and identity of all Torres Strait Islanders.

It features three horizontal coloured stripes, with green at the top and bottom and blue in between – divided by thin black lines. A white dhari (headdress) sits in the centre, with a five-pointed white star underneath it. The colour green is for the land, and the dhari is a symbol of all Torres Strait Islanders. The black represents the people and the blue is for the sea.

The five-pointed star represents the island groups. Used in navigation, the star is also an important symbol for the seafaring Torres Strait Islander people. The colour white of the star represents peace.

Council recognises the unique status of Aboriginal and Torres Strait Islander peoples as the original owners and custodians of lands and waters (Council resolution, 9th October, 2000). Council, at its NAIDOC Week Flagraising Ceremony, acknowledges and recognises the importance of the Aboriginal and Torres Strait Islander flags.

The Aboriginal Flag at Penrith Council

At Council's NAIDOC Week Civic Breakfast last year Aboriginal elected representatives raised the matter of Council permanently flying the Aboriginal flag on a Civic Centre flagpole. This matter has also been raised by Aboriginal organisations consulted in relation to progressing Council's proposed Indigenous Consultative Committee. This proposal only relates to the Aboriginal flag because Aboriginal people were the original owners and custodians of the mainland.

In October last year at the Local Government Association Conference in Wollongong the Association adopted a motion that:

“The Association calls on all Councils to display the Aboriginal and/or Torres Strait Islander flags as appropriate in conjunction with the Australian flag in all state and local government places where flags are exhibited and that the State Government introduce a protocol to facilitate this process”.

By permanently flying the Aboriginal flag at the Penrith Council Civic Centre, Council can demonstrate that it values the unique status of Aboriginal people as the original owners and custodians of lands and waters in Penrith City.

The Mulgoa Aboriginal Children's Home Reunion – 17th October, 2001

When the Japanese bombed Darwin in 1942, Aboriginal women and children were evacuated from missions located throughout the top end of the Northern Territory. These missions were run by various church groups.

Aboriginal women and children from about 40 families were sent to a large mission home at St Thomas, Mulgoa (this home was demolished in the 1950s) while teenage boys were sent to Mt Wilson in the Blue Mountains. The Aboriginal women and children lived at Mulgoa for seven years, attending the local primary school and Penrith High School. Many friendships were made with local Mulgoa residents, some of whom also attended the Reunion.

In 1949 the majority of women and children were removed to a home in Alice Springs by the Commonwealth Government. Boys were removed to Semaphore in South Australia. This decision by the Commonwealth was made despite the efforts of the local Mulgoa community, the Penrith Chamber of Commerce and most importantly Mr Bill Ferguson, an Aboriginal member of the Aborigines Protection Board, to have the people remain at Mulgoa.

A small number of Aboriginal women were allowed to remain in Penrith because they had obtained employment, were married or in the case of two women, had commenced a nursing career.

Mrs Joyce Dukes (nee Herbert) was the main organiser of the Mulgoa Reunion. Mrs Dukes had been a resident of Emu Plains for many years where many family members continue to reside.

Mr Harold Thomas' (designer of the Aboriginal flag) mother, "Sporty" Pierce, was at the Mulgoa Mission, although Mr Thomas was born in Alice Springs after World War II. Mr Thomas' mother's sister still lives in Emu Plains.

The Aboriginal flag used for the Mulgoa Reunion ceremony was donated to Mrs Dukes by the Central Coast Reconciliation Group and forwarded to Darwin for Mr Thomas' signature.

In Mrs Dukes' words:

"In memory of all the men, women and children who were evacuated from the Northern Territory in 1942 and resettled at Mulgoa it was our pleasure to donate the Aboriginal flag to Penrith City Council, who were so supportive of the Mulgoa Reunion Project and their positive approach to Reconciliation". (from notes provided by Mrs Joyce Dukes)

Councillor Jim Aitken represented the Mayor, Councillor Pat Sheehy, at the Mulgoa Reunion on 17th October last year and received the Aboriginal flag on behalf of Penrith City Council from Mrs Dukes and the other participants at the Reunion.

It is proposed that this Aboriginal flag signed by Mr Harold Thomas be put on public display in a prominent secure glass cabinet or case.

Summary

This report has provided Council with an overview of the importance of NAIDOC Week and the Aboriginal and Torres Strait Islander flags for Aboriginal and Torres Strait Islander peoples. It also summaries Council's proposed involvement in NAIDOC Week 2002 and the meaning of the NAIDOC Week 2002 theme – Recognition, Rights and Reform.

The report also provides Council with some detail on the Mulgoa Aboriginal Children's Home Reunion in October, 2001 and the donation to Council of the Aboriginal flag signed by Mr Harold Thomas, the designer of the flag.

RECOMMENDATION

That:

1. Council permanently fly the Aboriginal flag at the Penrith Civic Centre.
2. Council display the Aboriginal flag signed by Mr Harold Thomas and donated to Council by the organisers of the Mulgoa Aboriginal Children's Home Reunion in a prominent public place.



The City as a Social Place

6 Social Indicators

1042/2

Compiled by: Mick Fell, Community Programme Co-ordinator

Authorised by: Carol Joyce, Community Development Manager

Management Plan 4 Year Outcome (Page 54): *Equity of access to social services and facilities is increased for identified communities.*
01/02 Critical Action: *Conduct an analysis of social disadvantage within the City, and develop a planned response in partnership with others. Conduct a comparative analysis of social advantage and disadvantage of the City within its metropolitan context.*

Purpose:

The purpose of this report is to introduce a presentation that will be made to the meeting regarding an innovative method of analysing and presenting information on social advantage and disadvantage.

It also recommends that Council convene a workshop involving relevant stakeholders to address issues of relative disadvantage in the North St Marys area.

Background

The primary source of data regarding the demographic characteristics of Australian society is the Population Census, conducted by the Australian Bureau of Statistics every five years. Broad areas covered by the Census include:

- age
- gender
- birthplace
- household and family type
- languages spoken, education
- housing,
- employment
- income

The most recent Census data available now is that from the 1996 Census and its value is becoming somewhat limited in the face of continued growth and demographic change. Preliminary data from the most recent Census (2001) is due to be released in late June. Final data will be available in about November 2002.

Council is both a major user of the Census for its own purposes, and a key source of information on the area for other organisations. It is important that Council is prepared to analyse, interpret and disseminate the information which can be derived from the 2002 Census accurately and in a timely manner as soon as it becomes available. In some instances, the 2002 Census will confirm that areas of relative disadvantage identified in the 1996 Census persist and must be further addressed. This can be expected to be the case for the St Marys area, parts of Werrington, parts of Cranebrook and parts of Cambridge Park. In other

instances, changes will be identified and new initiatives may be required. This can be expected to be the case in the newer release areas.

The amount of data collected and released is vast and, at times, overwhelming. Policy makers, planners and other decision-makers are constantly seeking fresh approaches to the problem of "making sense of the Census" and bringing its wealth of useful information to a broader audience.

Report

Australia's Census is one of the most thorough and reliable in the world. While most countries survey a sample of their total population and extrapolate the results to cover the whole society, the Australian Census seeks, and largely obtains, information on each individual person.

For the purpose of distributing and collecting Census questionnaires, the country is divided into tens of thousands of *Collector Districts*, each of which contains a few hundred households.

Following collation and aggregation, data is available at the national, state, postcode, local government area and collector district level. As an indication of the amount of data available, the Penrith LGA alone contains over 250 collector districts and some 2000 data items are available for each - a total of over 500,000 data items.

Traditionally, Census data has been presented in tables and in this form is at best difficult to comprehend and, at worst, misleading for those unaccustomed to dealing with this format. Graphs have been used more recently and this has greatly assisted in the understanding of Census data and most particularly for illustrating trends revealed by Censuses held over a period of time. The extent to which data lends itself to graphical depiction and the extent to which this is a useful method of presenting it, however, is limited. The interpretation of graphs requires some degree of expertise and familiarity with the process. Incorrect preparation of graphs, or inadvertent misinterpretation, can lead to misleading conclusions.

The most recent development in the analysis of Census data is the use of maps such as those prepared by WESTIR for Council and presented tonight.

Maps can effectively tie the information obtained from the Census to particular areas, can illustrate the differences between areas and can clearly indicate emerging trends. The approach that will be demonstrated to the meeting (using 1996 Census data) has significant potential for use throughout Council, for research purposes, for school students and for the general public. It will be of great value in ensuring that Council makes the best use of the data available from the 2001 Census.

Areas of Disadvantage

The maps being used for the presentation, based on 1996 data, clearly show the relative disadvantage of the St Marys area (particularly North St Marys) and areas along the railway line. Current indications are that this will continue to be strongly demonstrated in the 2002 data.

Indicators of relative disadvantage in the North St Marys area include a high level of reported crime, adverse health indicators, a high level of public housing and a shortage of appropriate local support services.

Following the shooting of a local shopkeeper, a public meeting demonstrated the high level of concern of the local community. Initiatives taken to respond to this include Council's Community Safety Audit of the Parklawn shopping precinct and the involvement of the St Marys Police Command in a range of new crime prevention strategies.

Council has also been for some time in discussions with the Department of Housing and local community development projects regarding the social needs of the North St Marys area.

It is recommended that Council convene a workshop involving all stakeholders to address the issues identified through the 2001 Census data and other information collected by each organisation. These stakeholders include the Police, Department of Housing, local schools, local community service organisations, Wentworth Area Health Service, Council and others.

RECOMMENDATION

1. That the presentation on the use of mapping in the analysis of Census data be noted.
2. That a further report detailing indicators of social advantage and disadvantage be made to a Policy Review meeting of Council using 2001 Census data when available.
3. That Council convene a workshop of all relevant stakeholders to address the issues of disadvantage in the North St Marys area.



The City as a Social Place

7 Operation of Council's Cemetery Services

1004/7

Compiled by: Tony Jarrett, Neighbourhood Facilities Co-ordinator

Authorised by: Gary Dean, Facilities Operations Manager

Management Plan 4 Year Outcome (Page ##): *Social Services and facilities are established and operating to meet community needs.*
01/02 Critical Action: *Provide well-managed and optimally-used Council-owned facilities, to support local communities.*

Purpose:

To provide Council with an overview of the Council (Penrith Valley Cemeteries) cemetery operations.

Background

Council has been responsible for managing three operating cemeteries since 1967 when Church and Trust management was transferred to local government. The day to day management was then undertaken on Council's behalf by a local funeral director. The operating cemeteries are located at:

- Penrith General - Cox Avenue, Kingswood
- St Marys General - Sydney Street, St Marys
- Emu Plains General - Short Street, Emu Plains

Council is also directly responsible for the maintenance of St Stephen the Martyr cemetery in Fulton Lane, Penrith and also monitors the general condition and heritage values of a number of church and private cemeteries across the City.

It is now more than 5 years since the milestone event (on 1 January 1997) of taking responsibility for all cemetery management and administration. This action necessarily replaced the previous managing agent arrangement.

The management of the cemeteries includes scheduling burials, arranging grave digging, approval of monuments and headstones, sales of burials sites and niches, placement of ashes, and maintenance activities. New facilities and services are implemented with funds from the Cemetery Enhancement Reserve in an annual Cemeteries Improvement Program.

In those 5 years, the cemetery operations have been significantly enhanced for the benefit of the local and regional communities. Programs have been set in place to implement further improvements over the coming decade.

Major works in place

The Cemetery Enhancement Reserve has been hugely successful in firstly retaining cemetery income within the function as the Crown Reserve Trust requires, and secondly applying accumulated funds into cemetery works.

Annual maintenance costs of around \$50,000 are met by the operating income. Works funded from accumulated cemetery income includes:

- Penrith columbarium precinct and Columbarium 1 (\$75,000)
- Penrith Lawn Section 2 (\$6,000)
- Penrith Lawn Section 1 extension (\$4,000)
- Penrith perimeter fence, gates and entrance pillars (\$140,000)
- St Marys Lawn Section (\$5,000)
- Emu Plains rail fence (\$6,000)
- Site signs – wooden routed (\$4,000)
- Projects in non-council historic cemeteries (\$25,000)
- St Stephens monument works (\$3,000)

In this Management Plan year the first Memorial Garden was established at Penrith (\$5,000); road and drainage plans prepared for each cemetery (\$50,000); and the first stage of the signage program completed (\$15,000).

2002/03 Cemetery Enhancement Program

In the 2002/03 Management Plan, the \$111,000 Cemetery Improvements Program will include the following works:

- Penrith Columbarium 2 (\$25,000)
- Stage 2 signage (\$20,000)
- St Marys general improvements (\$15,000)
- Castlereagh site development studies (\$10,000)
- St Stephens drainage works (\$7,000)

The Columbarium 2 project will be income generating, with \$50,000 income expected to be received over some 5 – 8 years. In simple terms, \$1 spent on income generating projects within the cemeteries is expected to return at least \$2 for re-investment.

Current demands for burial sites

At **Penrith** there is considerable burial space available in the more demanded Catholic and Anglican Sections, enough for some decades. Similarly, the smaller denominational areas of Salvation Army and Presbyterian have sufficient space for a few decades. A new area has been allocated as a Greek Orthodox Section however no burials have occurred as yet.

Preliminary discussions are underway with a new community group to establish a Section of around 200 sites. Another ‘monument on beam’ style of Lawn Section will need to be established in the near future. A program of extending rows to the site perimeter is underway

in the Catholic Section which will maximise land utilisation with the existing area, rather than having to create new rows in the currently unused portions of the cemetery.

At **St Marys** there are extreme shortages of burial land in all denominational areas. In the Presbyterian, Greek Orthodox and Methodist Sections the last rows are being used. In the Anglican Section only 1 site is machine accessible, although some dozens may be available throughout the Section. The Catholic Section has some 80 sites available with the capacity to extend into another row of 50. The informal carpark arrangement has been changed (again) to accommodate another Catholic row. No more sites are being sold pre-need in the Coptic Orthodox Section.

To fully utilize available land, a full examination of all land use options will be undertaken, including examination of innovative approaches to use of roadways etc.

At **Emu Plains** there remains reasonable available lands relative to the size of the cemetery and its demand. The cemetery appears to have significant lands vacant, however there remains uncertainty about whether some areas have actually received burials.

Marketing

The cemeteries have not been well marketed in a strategic sense and tremendous opportunities exist to better place the cemetery products in the local and regional context. In 1997 and 1998, Funeral Directors were surveyed regarding grave digging and Council administration and management services. These surveys will be repeated next year.

Greater use is being made of advertising opportunities such as magazines and newspaper features. The new Catholic Lawn was advertised successfully in 'Catholic Outlook'.

A website (www.penrithcity.nsw.gov.au/PCC/cemetery_services.htm) has been developed. Enquiries are able to be made via email from the site.

The name *Penrith Valley Cemeteries* has been chosen to describe the business unit approach to the management and operations of Council's cemeteries. This name is being registered as a Business Name.

Council recently adopted the *Penrith Valley Cemeteries* logo. This logo is now on all documentation and is the feature of site signage that is currently being installed .

On January 1 1997, the extent of services offered was limited to:

- monumental burials at Penrith, St Marys and Emu Plains
- a lawn (monument on beam) section at Penrith.

Our community is changing, and demands for burial and memorialisation services change. In recognition of this, the services offered to our community has been expanded to include:

- a lawn section at St Marys;
- a columbarium, memorial garden, Catholic Lawn and 'plaque on beam' Lawn Section at Penrith

Examination of future development opportunities

A number of development opportunities continue to be examined, to ensure a continued provision of burial services to the local and regional communities for many decades ahead.

Council was appointed Manager of the Trust for Portion 245 Church Road, Castlereagh in 1995. A Flora and Fauna Study was commissioned to examine in some detail the characteristics and quality of the site. New burials grounds in the greater Sydney area are urgently required. Discussions are underway with the Department of Land and Water Conservation to examine approaches to bringing forward examination of development options (crematoria and/or burial ground) for the site.

Depending on development schemes adopted, Penrith General Cemetery has the capacity for some 6,000 burials – catering for demand for anything from 40 to 100 years. Even as a burial ground, there is the capacity to cater for many thousands of ashes memorialisation sites.

There is land available for a crematoria at Penrith General Cemetery. Notwithstanding Council's decision some years ago to reject the concept of crematoria, the site is technically capable of siting a crematoria. Informal discussions have occurred with a crematorium manager to gain a better understanding of the operations of a crematoria.

Links to community and social activities

A strong relationship has been forged with Mission Australia regarding Work for the Dole programs within the cemeteries. Mission Australia have designed and installed the planting scheme at the Penrith memorial garden. This garden is a great example of attractive and colourful native plantings. They are also installing Section signs throughout the cemeteries.

A mass tree planting (of 900 trees) occurred in August 2001 at Penrith in partnership with St Josephs Primary School. This occurred as a National Schools Tree Planting Day activity. It is hoped to arrange another such activity for this year's Planting Day.

Maintenance and operations

Some significant improvements have been made to grass maintenance at the cemeteries by allocating additional funds to this activity. The Parks Construction and Maintenance Department now commits a team to maintain the Penrith Lawn sections on a weekly basis.

In the broad sense, the physical standard of the cemeteries has improved. However, there remains a significant amount of 'non-grass' and on-going maintenance that is not being dealt with to community expectations.

To address this, a proposal is being examined to employ two cemetery operations staff in a Team, funded from operating income. The primary purpose of the Team would be to enhance services through small area mowing, whipper-snipping etc; timely attention to issues affecting the amenity of the cemeteries; introduction of regular close maintenance, not currently provided; undertaking of minor repairs and embellishment works; tending to the upkeep of graves, pathways and roads; attending burials as Council's representative; and erecting a canopy for mourners at Lawn burials.

Community Advisory Panel

The 1989 Don Godden and Associates Conservation Plan for the City's cemeteries recommended the formation of a Community Advisory panel. This panel will be established and will provide input to development of strategies to preserve and conserve historic elements, advise on strategic development of Council's cemeteries, direct stakeholder interests constructively into capital and service enhancement works. Key stakeholders would include Funeral Directors, Church and community groups, family history groups, monumental masons, and the community at large.

NSW Cemeteries and Crematoria Association

Council enjoys the benefits of membership of the NSW Cemeteries and Crematoria Association (CCA). Regional meetings are held 5 times a year. The CCA is working with training partners to develop a training package for operational and management staff in the cemetery and crematoria industry. The CCA is supporting short workshops and other events to ensure that practices reflect industry, professional and community standards.

The CCA has granted funds to Penrith Council for production of a training video to practically demonstrate the methods for preserving and conserving monuments. The video will be shot at Castlereagh Anglican Cemetery.

The Funeral Industry Council is the peak industry group, and includes representatives of the CCA. Council's Cemeteries Officer, Mary Thorne represents the interests of local government as one of two CCA members on the Funeral Industry Council.

Heritage elements within Council's cemeteries

In 1989, Council commissioned an extensive study of the thirteen cemeteries in the City. The final report by Don Godden and Associates included basic Conservation Plans for each cemetery and recommendations for action in administrative, maintenance and historical aspects of the management of each site.

Operational cemeteries at Penrith (Kingswood), St Marys and Emu Plains, and St Stephen the Martyr cemetery in High Street, Penrith are included in the Penrith Local Environmental Plan 1991 (*Environmental Heritage Conservation*) as they contain elements that document the social history of the City.

The Godden report remains one of the primary references for conservation works in the City's cemeteries. While some specific aspects say in relation to maintenance techniques may have been superseded, the essence of the Godden approaches remain contemporary.

A set of guidelines has been established to formalise the approach to properly dealing with monuments, headstones, grave furniture and other historic elements within Council's cemeteries. The guidelines have been reviewed and amended by Council's Heritage Advisor.

In a practical sense, the guidelines will enable all persons undertaking works in the cemeteries to better understand the social and historic value of the elements, and to do appropriate works. The guidelines will also enable *Penrith Valley Cemeteries* to manage works within known parameters. They will apply to Council's own staff as well as any

external contractor and individual. Some aspects will require training for work supervisors and staff.

The next five years

The *Penrith Valley Cemeteries* vision is to “provide the community with the most dignified, serene and attractive cemeteries for the repose of the deceased”.

Significant steps have been taken in the last five years. So what about the next 5 years?

For *Penrith Valley Cemeteries* generally:

- Cemetery operations team in place and undertaking all maintenance and small projects
- Section, row and interpretative signage completed
- Significant enhancement in grave side services and presentation, including seating, canopies, lowering frames etc
- All records computerised
- Photographs of deceased and monuments linked to burial records
- Obituaries collected and published on the website – where the community is invited to celebrate the life of a friend or relative in an informal, anecdotal and personal story
- Rights to sites that have remained unused for 60 years will revert to Council, for resale
- Renewable tenure will be an option in new Sections or cemeteries to maximise land use

For *Penrith General Cemetery*:

- Perimeter landscaping completed
- Site office
- 3,000 camelias planted beside avenues and roads
- Main east-west avenue plantings continued
- Columbarium 3 installed
- Garden 2 installed

For *St Marys General Cemetery*:

- Drainage problems resolved
- Perimeter landscaping completed
- All available sites sold, and a closedown plan in place
- Roads resurfaced

For *Emu Plains General Cemetery*:

- Metal perimeter fence installed
- Perimeter and internal landscaping completed
- Sonar investigation of certain areas to determine if burials have occurred

For *St Stephen the Martyr Anglican Cemetery*:

- Fence along Fulton Lane
- Restoration works on significant monuments

For *Castlereagh (Portion 245)*:

- options for development prepared and considered
- Crematoria or burial area commenced

RECOMMENDATION

That the report on the operations of Penrith Valley Cemeteries be received.



The City as a Social Place

8 Lemongrove Gardens (Hostel) and Lemongrove Gardens Retirement Village

1012/6 Pt2

Compiled by: Mick Fell, Community Program Co-Ordinator
Stephen Britten, Legal Officer

Authorised by: Steve Hackett, Director - City Services

<p>Management Plan 4 Year Outcome (Page ##): <i>Social Services and facilities are established and operating to meet community needs.</i> 01/02 Critical Action: <i>Provide well-managed and optimally-used Council-owned facilities, to support local communities.</i></p>

Purpose:

To inform Council in the issues relating to Council owned Retirement Complexes. The report suggests the setting up of a working party.

1. Lemongrove Gardens Hostel

Background

In 1986 Council completed the construction of the Lemongrove Gardens Aged Care Facility. This facility was located immediately east of Council's self-care units, which Council manages directly. In 1986 Council entered into an agreement with the Anglican Retirement Villages (ARV) to manage the facility on Council's behalf. This agreement was in the form of a lease and a Management Deed. The basis of this agreement was structured around the payment by residents of an entry contribution that, when paid, reverted to Council after a short period of time. Soon after the agreement was entered into, the laws relating to entry contributions was significantly changed whereby Council and ARV could only retain a portion of the entry contribution and when the resident left the centre the balance of the contribution had to be returned to the resident. After this time entry contributions were known as accommodation bonds.

On a number of occasions in the past, Council Officers have attempted to contemporise the agreement, but due to the difficulties and the priorities of the organisations, all attempts have not been successful. With the agreement nearing the end of its term in 2006 and with the increased requirements with accreditation, it is now necessary to deal with this issue.

Last year fruitful discussions were convened and the accounting situation with regards to entry contributions/accommodation bonds and payments to Council were agreed upon between Council's Finance department and ARV's finance department. Advice was also received from PriceWaterhouse Coopers with regards to the situation.

Current Situation

There are a number of issues that remain outstanding or the subject of discussion. They are as follows:

1. **Deposit Bonds:** These have not been reviewed since 1986. Presently in the industry, the Legislation allows for a contribution of a little over \$100,000. ARV tell us most providers in the district are charging accommodation bonds of this amount for similar facilities. This has been confirmed at the Edinglassie Aged Care Facilities. Presently ARV is charging, \$40,000 on Council's behalf.
2. **Accreditation:** This year and in 2008, there is the need to undertake significant work to upgrade the facility in order to meet accreditation requirements. With the increased frailty of residents in the facility, there is the need for significant work including the provision of a lift for the facility to meet accreditation standards in 2008. The first such works will be undertaken this year, the cost of such to be met from the interest ARV owes to the Council from the accommodation bonds or deposits held (this will cost approximately \$150,000). The works that must be undertaken in 2008 will require Council, with the present accommodation bond levels, to expend funds or make provisions through increased accommodation bonds.
3. **Increased size:** ARV has indicated that the size of the facility is smaller than what they consider to be a viable facility. Presently, the facility accommodates approximately forty five (45) residents. ARV has indicated that they consider a sixty (60) resident facility as the accommodation requirements to make the facility viable.

When Council first entered into the agreement with ARV in 1986, the Council and ARV could after a short period of time, keep the accommodation bond (after 5 years). This bond was applied to a number of areas including repayment of capital costs of construction, refurbishment of units etc. In the early 1990's the Legislation was changed so that Council could only keep approximately \$2,800 per year for the first five years out of the accommodation bonds, and then Council held the balance on trust for the resident. Accordingly, Council could only use the interest from the balance for upgrading works etc. With the level of accommodation bonds held by ARV on Council's behalf it will be difficult in the future to meet the maintenance commitments for the facility.

As indicated above, ARV has stated that the size of the facility affects its viability. ARV have indicated a commitment to the Penrith Local Government area and if Council is to make this a viable facility, then Council should consider upgrading and increasing the size of the facility and if this project should be identified in Council's Major Works Programme.

As also indicated above, ARV have agreed to meet this years upgrading works required for accreditation from the interest owed to Council presently, and future interest from the accommodation bonds. This will allow for the works to occur and Council not have to provide for the balance of the monies (approximately \$100,000) from this year's budget.

It is important given the future commitment to the facility that the resolution of the situation with the accommodation bond, the size of the facility and the terms of the new agreement occurs in order that the 2008 accreditation requirements are met.

2. Lemongrove Gardens Retirement Village

Background

Council's Lemongrove Retirement Village consists of 30 self-care units and provides accommodation for 37 residents.

The village was built by Council and officially opened on 10th December, 1971. At the time of its construction, there few options for aged accommodation in the Penrith area and the

Village was one of the very few facilities available locally. It has been managed by Council since its establishment.

Council reviewed the operation of the village in 1990, following the enactment of the Retirement Village Act (1989) by the New South Wales State Government. This review brought the administration of the village into line with the standards and expectations prevailing at that time.

Since then, a raft of legislative and other changes have affected retirement villages, including changes to the following:

- Disability Discrimination Act
- Building Codes of Australia
- Access Standards
- Privacy laws
- Retirement Villages Act, 2000
- Local Government Act, 1993.

Concurrent with these changes, and to some extent driving them, are demographic and attitudinal changes in our society as both the overall population and the proportion of older people increases. Increasingly, it is expected that people should be able to treat retirement village accommodation as a housing choice, rather than a form of institutionalisation.

Current Situation

A number of issues relating to the operation of the Retirement Village have been identified and are outlined below:

1. Criteria for Entry:

There are currently no clear criteria setting out the target group for this facility.

People from any part of the country can apply for entry to the village without any consideration of whether or not they have an existing or prior connection with Penrith and with no restriction as to income or assets owned by them.

The current waiting list includes the names of people who first applied for inclusion on it twenty years ago. They rise to the top of the list and can then take up residence at any time, which suits them – perhaps preventing the entry of others in dire need of accommodation due to circumstances beyond their control.

There is also no clear policy regarding the status of people who marry or enter into a de facto relationship with a person currently residing in the village. Is their status automatically that of a resident? Do they have to buy in? Is it a form of queue jumping? Do we have any right to be involved in this aspect of resident's lives? As people look forward to an increased lifespan and good health into their advanced years, this issue will increase in prominence.

A further issue linked to this is the right of persons marrying or entering into a de facto relationship with a resident with respect to being entitled to a place in the Lemongrove Gardens Hostel via the arrangement currently in place between Council and Anglican Retirement Villages.

2. Finance

The current level of payment on entry to the village is one of the lowest in New South Wales. In addition, the operation is subsidised by Council to the extent that wages and other costs associated with administration are absorbed into Council's overall budget.

There is a strong case for evaluating this situation and, in particular, for investigating the possibility of ensuring future financial independence for the operation of Lemongrove, including adequate funds for refurbishment and improvements.

As an initial step, a five-year financial plan detailing the effects of various funding models should be prepared. This should include the accurate identification of all costs, including those currently met from Council revenue.

3. Legal Agreements

The legal agreements signed by residents on entry were last reviewed nearly ten years ago. It would be prudent to reassess them to ensure that they remain appropriate and adequate for current conditions.

4. Disability

There is currently no policy regarding the admission of people with disabilities as residents. Many such people can utilise self-care accommodation, provided that suitable modifications are made. But, who will pay for this? To what extent does recent Disability Discrimination legislation affect the situation? Could Council be held liable if a discrimination case is taken to court?

5. Role of the Committee

The committee in place at the village consists of all residents, but in practice, for a variety of reasons, many residents never attend meetings. The reasons for this range from ill health to personality clashes between residents.

The role of the committee in the management of the village, and its effectiveness in bringing to the attention of the Council issues and concerns on behalf of residents, needs to be re-examined in the light of this. There is currently a degree of confusion and ambiguity regarding the relationship between the committee, its office bearers and Council staff.

The committee's accountability to Council and the scope of its independent capacity for action should form one of the subjects for evaluation. There should also be an examination of the extent to which Council involves the committee in decision making and the extent to which Council is obliged to provide information to them.

6. Rules

The scale of Lemongrove, and the number of people who live within it, requires that clear guidelines be established to facilitate sharing and co-operation between residents.

This needs to be balanced, however, against the need to respect privacy and the need for autonomy.

The current rules, as set out in the information booklet given to each resident on entry, have proven to be at times ambiguous and at other times a bone of contention between residents.

The residents themselves have expressed the view that the current rules should be revised, re-examined and perhaps altered to reflect the current thinking within the village itself and the broader community.

7. Future Management Options

An important subject for consideration during the review will be the long-term management of the Village. In particular, Council's long-term involvement should be closely examined in order that a decision regarding the continuation or cessation of this involvement can be made.

Continued operation by Council could perhaps be better facilitated by the formal creation of a separate business unit. Alternatively, it may be that an outside auspice may be more appropriate than continued management by Council.

This issue needs to be addressed and examined against the changes in aged care which have taken place in Penrith since the establishment of the Village.

There are now more care providers in the area, including large organisations, which can provide staged care - self care units, hostel accommodation and nursing home beds, as appropriate. The continued operation of a small self-care facility by Council, with few formal links to other organisations, and no pathway for residents into more intense levels of care (other than the arrangement with RVA regarding Lemongrove Gardens Hostel), may no longer be desirable. The ever increasing complexity of retirement village operation, and the fact that such an operation is outside of Council's core activities, must also be taken into account in the review.

REVIEW

Given the concerns raised above, it is recommended that a comprehensive review of the management of Lemongrove Gardens Retirement Village and Hostel be conducted.

The review should encompass:

- criteria for entry
- finance
- legal agreements
- disability
- role of the committee
- rules
- future management options

It is recommended that a Council Working Party be established to oversee the review. This Working Party should include representation from:

- elected representatives
- residents
- Community Development Department
- Financial Services Department
- Building Construction and Maintenance Department
- Legal Services Department

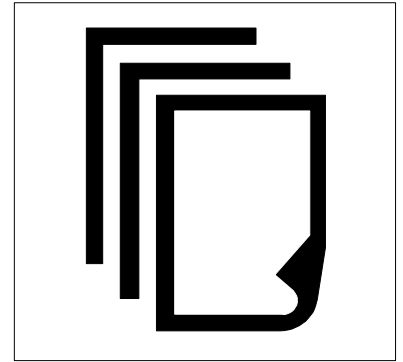
RECOMMENDATION

That:

1. The information in the report be received.
2. That a working party be formed to considered the issues raised by the report and interested Councillors nominate for the working party.



ATTACHMENT



Date of Meeting: 24 June 2002

Master Programme: The City as a Social Place

Programme: Community Safety

Report Title: CAMPANION ANIMALS

Draft Strategy – Companion Animals

Purpose

To increase community awareness of the responsibilities of companion animal ownership through the implementation of a range of strategies covering both legislative aspects and a public education program focussing on animal management issues.

The Strategy addresses six key areas that are seen as essential to a successful program. These areas are:

1. Public Education
2. Identification and registration of companion animals;
3. Off-leash areas for dogs;
4. Issues relating to dangerous dogs and restricted breeds;
5. Cat Management;
6. Policy development.

1. Public Education

Education is the key to lasting voluntary changes in human behaviour and is a common thread running through all the issues covered in this document. The strategies involve companion animal owners, prospective owners and the animals themselves. A successful program will also include non-owners, especially children, showing them how to behave around animals.

To be effective, the program needs to be designed and implemented with care taking into account identified priorities. It will consider both formal education by way of brochures, media releases and informal education such as fun clubs designed especially for children.

New legislation and changing community expectations means innovative educational approaches are now required as there is increasing recognition that enforcement approaches will not on their own, result in lasting changes in behaviour but need to be supplemented by a range of other tools that support passive and voluntary approaches to achieving responsible pet ownership.

Strategies – Public Education

- (i) Develop activity programs comprising displays and easy to read brochures relating to issues surrounding animals and safety. The display to be transportable and particularly suitable for use in schools.
- (ii) Produce a series of brochures / leaflets on relevant topics including the following:
 - owner responsibilities under the Companion Animals Act;
 - dealing with nuisance dogs;
 - dangerous dogs and restricted breeds;
 - off-leash areas for dogs.
- (iii) Provide companion animal information displays at major shopping centres and other high profile areas throughout the City area.
- (iv) Erect signage in selected areas advising of restrictions relating to companion animals in public places.
- (v) Install waste disposal bag holders and disposal bins at identified locations.
- (vi) Maintain a public awareness in issues relating to Companion Animals through local media.

2. Identification and Registration of Companion Animals

Identification and registration are crucial components of animal management. The process creates a data base of information that facilitates the return of lost pets to their owners, identifies certain offending animals and as a means of communication with owners.

Also, importantly, income received by the State Government and Councils provides funding for educational and enforcement programs.

The Act provides for a two step process covering both dogs and cats, requiring that they be microchipped from 12 weeks of age (or on change of ownership) and registered from the age of six months.

Strategies – Increasing the Level of Identification and Registration of Companion Animals

- (i) Actively promote the benefits of identification and registration through a targeted education program.
- (ii) Undertake an extensive registration compliance campaign aimed at identifying animals that have been microchipped but not registered.
- (iii) Conduct a minimum of one “microchipping” day per year in each Ward to provide a convenient means of having animals identified.
- (iv) Advise all owners of dogs currently registered under the repealed Dog Act (annual registrations ceased 30 September 2000) of the need to comply with lifetime registration and identification provisions of the Companion Animals Act.
- (v) Actively enforce provisions of the Act through patrols and inspections.

3. Off-Leash Areas for Dogs

An off-leash area is space set aside where dogs are permitted to run free. They are provided by and maintained by Council. Currently there are two such areas in the Penrith LGA, one at Werrington and the other at St Marys.

Strategies – Development and Improvement of Off-Leash Areas

- (i) Promote the responsible use of off-leash areas through a targeted advertising campaign.
- (ii) Provide improved facilities and maintenance program to encourage the responsible use of off-leash areas.
- (iii) Provide appropriate informative signage, waste disposal bags and bins in each off-leash area.
- (iv) Identify additional suitable sites for the establishment of off-leash areas.

4. Dangerous Dogs and Restricted Breeds

The Companion Animals Act provides that Councils may declare dogs kept within its area to be dangerous. Such action can be the result of an attack or repeated threat of attack, or upon the recommendation of the police or in the opinion of an authorised officer that the dog is dangerous.

The exercise of this authority must be judiciously used as the owner of a declared dangerous dog must comply with stringent conditions including desexing of the animal.

In relation to restricted breeds the Act specifies five breeds namely pit bull terriers, American pit bull terriers, Japanese tosas, Argentinean fighting dogs and Brazilian fighting dogs as being restricted breeds.

Owners of such breeds must also comply with specified conditions as for dangerous dogs without the desexing component.

Strategies – Dangerous Dogs and Restricted Breeds

- (i) Conduct twice annually inspections of all premises known to house declared dangerous dogs or restricted breed to ensure compliance with the statutory conditions.
- (ii) In the event of non-compliance with requirements, prompt action to be taken by way of interviewing the owner and considering the issue of an infringement or summons.
- (iii) Promotional material addressing the issues relating to such dogs or breeds to be developed and distributed.

5. Cat Management

Issues relating to cat management are historically difficult to deal with. The roaming nature of cats and the difficulty of restraining them to within an owner's property are major issues. Apart from these matters noise and defecating are also sources of complaints of cat behaviour.

The devastating impact of cats, both domesticated and feral, on wildlife is a significant problem and one that requires the co-ordination of various agencies if it is to be managed with any level of success.

Strategies - Dealing with Cat Management Issues.

- (i) Develop educational material covering such topics as housing, curfews and protection of wildlife. Cat management to be an important component of public displays.
- (ii) Investigate the feasibility of introducing a Council sponsored subsidised desexing program for cats.
- (iii) Establish a co-operative relationship with appropriate agencies with the view of undertaking a program of identifying and trapping large feral cat colonies in bushland areas.

6. Policy Development

The Companion Animals Act prescribes certain responsibilities on the owners of companion animals and on Councils. It is incumbent upon Councils to adopt and regularly review policy in relation to companion animal management issues. Such policy development and review will be in response to changing public attitudes, be based on humanitarian views or may reflect the opinions of peak interest groups.

Issues such as limiting the number of dogs that may be kept on premises or seeking to prohibit certain dog breeds from a Local Government area are just two issues that may be the subject of policy consideration.

The adoption of common procedures for dealing with matters such as barking dog complaints, dog attack incidents or animals at large in public places could also be tied to policy development.

Strategies – Policy Development.

- (i) Maintain an active membership in CUPS (Councils Unite for Pets).

- (ii) Establish a close relationship with bodies such as the Canine Council of NSW, Animal Welfare League and other peak interest groups.
- (iii) Support lobby groups seeking changes in legislation where such changes are seen by Council as beneficial and reflect the majority public view.

**POLICY REVIEW COMMITTEE MEETING
URGENT REPORTS
CONTENTS**

MASTER PROGRAM REPORTS

Item **Page**

COUNCIL'S OPERATING ENVIRONMENT

9 Review Of Section 2D Of The Trade Practices Act. 49



Council's Operating Environment

9 Review of Section 2D of the Trade Practices Act.

Compiled by: Peter Browne, Senior Corporate Accountant

Authorised by: Barry Husking, Chief Financial Officer

Management Plan 4 Year Outcome (Page 107): *Effective corporate governance has been maintained.*

01/02 Critical Action: *Respond effectively to legislative change.*

Purpose:

To advise Council of a review of Section 2D of the Trade Practices Act.

Background

In April 1995, the Commonwealth, State and Territory governments agreed to implement the National Competition Policy. Part of that agreement involved the application of the Trade Practices Act to the Public sector. Until that time, the application of the Act to Local Government was unclear. Various pieces of legislation were amended and the Trade Practices Act (TPA) received new sections 2B, 2C, and 2D limiting the scope of the Act which now applied to the public sector. Section 2D is specific to Local Government while 2B and 2C apply to other levels of government. Section 2D exempts the licensing decisions and internal transactions of Local Government from Part IV of the Trade Practices Act. Part IV regulates restrictive trade practices.

In October 2001, the Productivity Commission received a reference from the Assistant Treasurer requiring an inquiry into section 2D of the Trade Practices Act. The Productivity Commission is the Federal Governments principal review and advisory board on microeconomic policy and regulation.

The LGSA made a submission to the enquiry. The Productivity Commission has issued a draft report and invited further comment.

Current Situation

The LGSA supports the retention of section 2D but argues that it should be expanded to give local government the same protection as other levels of government. The Productivity Commission is clearly not interested in pursuing this option. Such a recommendation appears to be outside the terms of reference and the Commission's intent is clearly to pursue fine-tuning which improves the productivity of the nation.

The LGSA has advised that it intends to make further submissions.

Apart from the pure economic argument contained in the report there are also some legal opinions on the application of the Act as it now stands.

The definition of related entities appears to say that Council, Ripples, Whitewater Stadium, PAC etc would be treated as a single organisation for the purposes of this Act and therefore

Council has no problems with co-operation between the organisations being deemed to breach anti-collusion provisions. The Commission saw one of the provisions of s2D as attempting to achieve this but concluded that it was superfluous as the related entity provisions already provide the same protection.

The Productivity Commission is seeking submissions on a suggestion that 2D be amended to limit the application of Part IV to business activities. Basically this means that Council's obligations not to engage in restrictive trade practices would be limited to business activities. The paper notes that opinions are divided as to whether there is a risk that some governmental activities are capable of breaching this Act. Advice from the Australian Government Solicitor suggests that the provisions are capable, at least in theory, of being infringed by a Council engaging in non-commercial activity.

It is proposed to make a submission to the Productivity Commission supporting the LGSA submissions already made and further arguing that the provisions of the Trade Practices Act should be limited to declared business activities pursuant to Department of Local Government guidelines. It is noted that the Commission is examining this one piece of legislation at present while the NCP agreement requires State and Federal Governments to review all legislation in the light of NCP. It is difficult to consider the impact of any particular change without knowledge of how the other legislation will read after it is reviewed. The submission will argue that the best approach is to assume that the states will enact any required reforms and not try to cover any possible faults that might presently exist. If we can get clear delineation based on Business Activity / non-business activity using a single definition of Business Activity, it will make for a much more user-friendly environment.

RECOMMENDATION

That Council make a submission to the Productivity Commission supporting the LGSA's position in regard to the review of Section 2D of the Trade Practices Act 1974 and, further, recommend that the provision of the Trade Practices Act be limited to declared business activities pursuant to Department of Local Government guidelines.

