



BUSINESS PAPER



Ordinary Meeting

29 September 2003



Penrith City Council

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

23 September 2003

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and Regulations thereunder, notice is hereby given that an **ORDINARY MEETING** of Penrith City Council is to be held in the Council Chambers, Civic Centre, 601 High Street, Penrith on Monday 29 September, 2003 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

2. LEAVE OF ABSENCE

Leave of absence has been granted to:

Councillor Bailey for the period 29 September to 20 December 2003 inclusive

Councillor Simat for the period 15 September to 5 October 2003 inclusive

Councillor Fowler for the period 19 September to 4 October 2003 inclusive.

3. CONFIRMATION OF MINUTES

Ordinary Meeting – 15 September 2003

4. DECLARATIONS OF INTEREST

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

Non-Pecuniary Interest

5. ADDRESSING THE MEETING

6. MAYORAL MINUTES

7. NOTICE OF MOTION

8. ADOPTION OF REPORTS AND RECOMMENDATIONS OF COMMITTEES

Policy Review Committee – 22 September 2003

9. MASTER PROGRAM REPORTS

10. URGENT REPORTS (to be dealt with in the master program to which the item relates)

11. QUESTIONS WITHOUT NOTICE

12. COMMITTEE OF THE WHOLE

*Enquiries regarding this Business Paper should be directed to the
Public Officer, Mr Steve Hackett on (02) 4732 7637*

ORDINARY MEETING
MONDAY 29 SEPTEMBER 2003
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PRAYER

“Almighty God, we acknowledge that you are sovereign over the nations of the World and in the lives of individuals. Our destiny is in your hands. Help us who are gathered here in this Council Meeting to seek your way and the welfare of the people we represent.

Guide us, we pray in our deliberations, in our differing opinions, to listen to each other with respect and interest. Help us to be fair in our judgements, wise in our actions, endeavouring to keep a spirit of harmony and peace, so that our city may prosper and our people live in contentment. In the name of Jesus Christ our Lord. Amen.”



Statement of Recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage

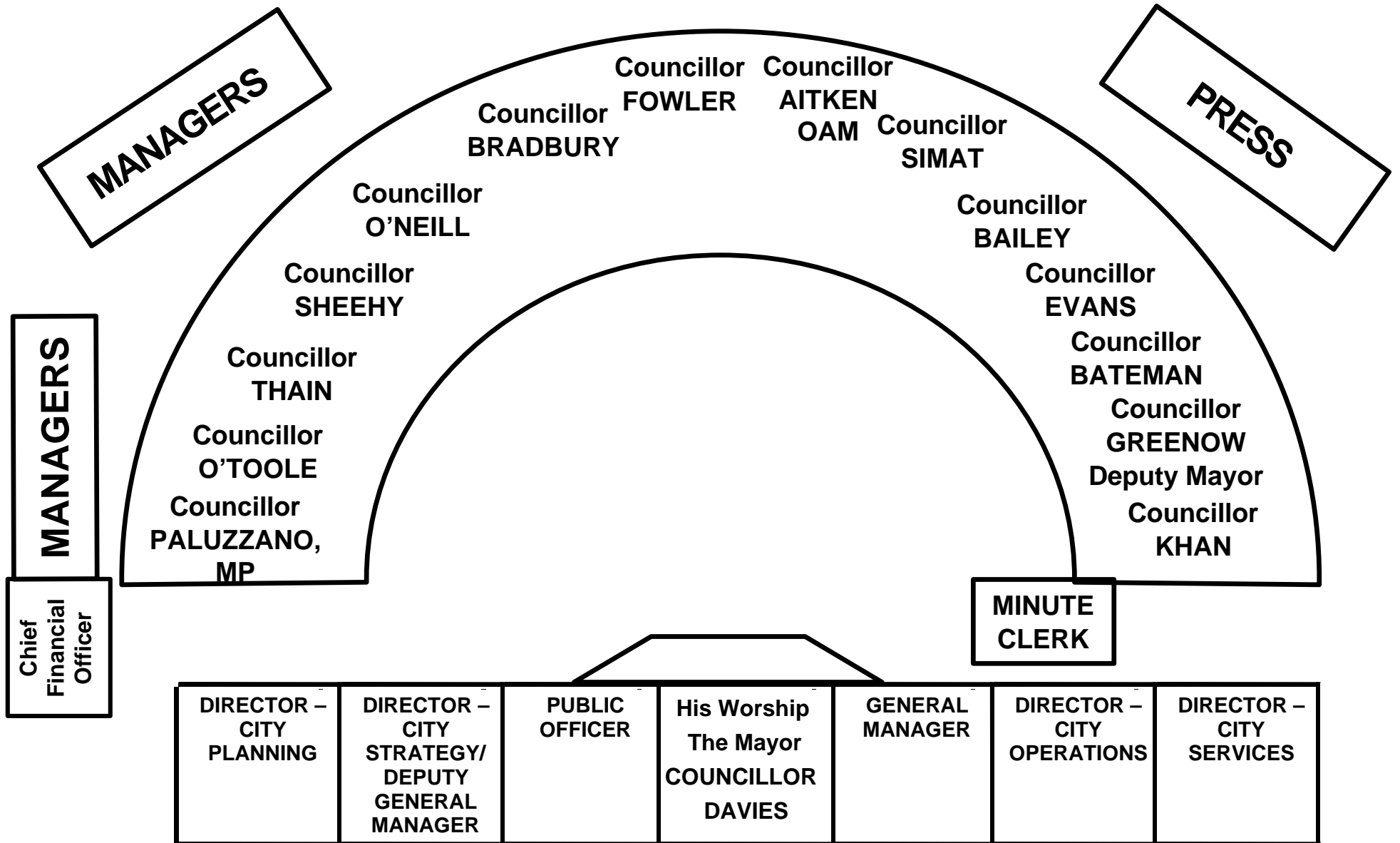
Council values the unique status of Aboriginal people as the original owners and custodians of lands and waters, including the land and waters of Penrith City.

Council values the unique status of Torres Strait Islander people as the original owners and custodians of the Torres Strait Islands and surrounding waters.

We work together for a united Australia and City that respects this land of ours, that values the diversity of Aboriginal and Torres Strait Islander cultural heritage, and provides justice and equity for all.



COUNCIL CHAMBERS SEATING ARRANGEMENTS



PENRITH CITY COUNCIL
MEETING CALENDAR
September 29 – December 2003

	TIME	SEPT	OCT	NOV	DEC
		Mon	Mon	Mon	Mon
Ordinary Meetings	7.00 pm	29	27	3 17#	1 15
Policy Review Committee	7.00 pm		20		8

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, Steve Hackett on 47327637.

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

* Meeting at which the Management Plan for 2002/2003 is adopted.

UNCONFIRMED MINUTES
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE
COUNCIL CHAMBERS, PENRITH
ON MONDAY 15 SEPTEMBER 2003 AT 7.07 PM

PRAYER

The meeting opened with the National Anthem. The Prayer was read by the Rev Neil Checkley.

STATEMENT OF RECOGNITION

His Worship the Mayor Councillor Greg Davies read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

PRESENT

His Worship the Mayor Councillor Greg Davies, Councillors J Aitken, D Bailey, J Bateman, D Bradbury, R Fowler, K Paluzzano, P Sheehy, and J Thain.

APOLOGIES

436 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Fowler that apologies be received and accepted from Councillor O'Toole and Councillor Khan.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Evans for the period 25 August to 15 September, 2003 inclusive.

Leave of Absence was previously granted to Councillor Simat for the period 15 September to 5 October, 2003 inclusive.

Leave of Absence was previously granted to Councillor Greenow for the period 12 September to 21 September, 2003 inclusive.

His Worship the Mayor Councillor Davies said that a request for leave of absence had been received from Councillor O'Neill.

437 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Fowler that Leave of Absence be granted to Councillor O'Neill for the period 15 September 2003 to 23 September, 2003 inclusive.

CONFIRMATION OF MINUTES

Ordinary Meeting - 1 September 2003

438 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Fowler that the minutes of the Ordinary Meeting of 1 September 2003 be confirmed.

DECLARATIONS OF INTEREST

Councillor Thain declared a non-pecuniary interest in Item 10 as he is a Director of the Henry Lawson Club in Werrington.

This is Page No 1 of the Unconfirmed Minutes of the Ordinary Meeting of Penrith City Council held in the Council Chambers, Penrith on Monday 15 September 2003

Unconfirmed Minutes of the Ordinary Meeting of Penrith City Council held in the Council Chambers, Penrith on Monday 15 September 2003

Councillor Bradbury declared a non-pecuniary interest in Item 10 as he is employed by a law firm as a solicitor and is currently engaged in a pro bono secondment to the Mt Druitt and Area Community Legal Centre Incorporated. He advised that the Mt Druitt and Area Community Legal Centre Incorporated currently has a number of funding applications before the local Community Development and Support Expenditure Scheme committee. He left the meeting when Item 10 was considered, taking no part in the debate or voting.

Councillor Aitken declared a non pecuniary interest in Item 2 as his business partner knows the applicant and he left the meeting when Item 2 was considered, taking no part in the debate or voting.

Councillor Aitken declared a pecuniary interest in Item 3 as he owns property in the area and he left the meeting when Item 3 was considered, taking no part in the debate or voting.

Councillor Aitken declared a non pecuniary interest in Item 2 of the Committee of the Whole business paper as his business partner knows the applicant and he left the meeting when Item 2 was considered, taking no part in the debate or voting.

Councillor Bateman declared a pecuniary interest in Item 4 and Item 5 of the Committee of the Whole business paper as he is the partner in a firm of solicitors acting for parties involved in the matters mentioned in the report and he left the meeting when Item 4 and Item 5 was considered, taking no part in the debate or voting.

SUSPENSION OF STANDING ORDERS

439 RESOLVED on the MOTION of Councillor Thain seconded Councillor Paluzzano that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:14PM.

Ms Neena Tester of Penrith addressed the meeting on Item 2 – Development Application: Construction Of 4 X 3 Bedroom And 1 X 4 Bedroom Attic-Style Units For Aged And Disabled Persons At Lot 3 DP 232928 (No. 36) Gough Street, Emu Plains.

Ms Tester said that she had liaised closely with Council officers to ensure that the application complied with all the SEPP 5 legislative requirements and that a quality development would be built. She also outlined statistics relating to the ageing population and asked Council to support the application.

Mr Geoff Brown of Cranebrook addressed the meeting on Item 1 – ADI Site St Mary's – Eastern Precinct Plan and Item 24 – Development Application for the Carrying Out of Bushfire Hazard Reduction Works on the Former ADI Site on Lot 2 DP 803832 (No. 1170 - 1172) The Northern Road, Llandilo.

Mr Brown asked a number of questions concerning the ADI Site St Mary's Eastern Precinct Plan. The questions related to the Regional Park were about contributions and funding, access, conservation values, of Ecological Sustainable Development, Endangered Ecological Communities, Biodiversity Assessments and the culling of kangaroos and emus.

His Worship the Mayor Councillor Davies said that the questions would be taken on notice and Council officers would provide responses in due course.

RESUMPTION OF STANDING ORDERS

440 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Thain that Standing Orders be resumed the time being 7:30PM.

REPORTS OF COMMITTEES

Local Traffic Committee - 1 September 2003

441 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Bateman that the recommendations LTC110 to LTC119 contained in the Report and Recommendations of the Local Traffic Committee meeting of 1 September 2003 be adopted.

Policy Review Committee - 8 September 2003

442 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Fowler that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting of 8 September 2003 be adopted.

SIGNING OF THE 2002/03 FINANCIAL STATEMENTS

His Worship the Mayor Councillor Davies advised the meeting that following the adoption of the Report and Recommendations of the Policy Review Committee of 8 September 2003 in which the Financial Statements of 2002/03 were reviewed and accepted, the Local Government Act requires that the financial statements be formally signed for lodging with the Department of Local Government.

The Financial Statements for 2002/03 were signed by His Worship the Mayor Councillor Davies, Chairman of the Finance Committee, Councillor Fowler, The General Manager, Alan Travers, and The Chief Financial Officer, Barry Husking.

MASTER PROGRAM REPORTS

Councillor Bailey left the meeting the time being 7:42PM.

THE CITY IN ITS REGION

Councillor Bailey returned to the meeting the time being 7:44PM.

1 ADI Site St Mary's – Eastern Precinct Plan

4130/2 Part 61

443 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Fowler

That:

A. Council make a written submission to Blacktown City Council in response to the exhibition of the Draft Eastern Precinct Plan stating that it has no objection to the adoption of the Plan and seeking:

- (1) The finalisation of the St Mary's Revised Transport Management Plan prior to the adoption of the Eastern Precinct Plan; and

Unconfirmed Minutes of the Ordinary Meeting of Penrith City Council held in the Council Chambers, Penrith on Monday 15 September 2003

- (2) The inclusion of the following roadworks within Part 3 of the Development Agreement for the Eastern Precinct prior to the adoption of the Eastern Precinct Plan:-
- Forrester Road and Links Road – Intersection Improvement – Transitway
 - Forrester Road and Christie Street – Intersection Improvement – Transitway
 - Werrington Road and Dunheved Road – Intersection Improvement
 - Christie Street – Road Widening Improvement (4 lanes) – Forrester Road to Werrington Road
 - Werrington Road – Dunheved Road to Parkes Avenue (Minor improvements).
- (3) Resolution of the north-south transport corridor which is required to provide an important transport connection between the Werrington Arterial, the ADI Site, M2 corridor/Western Sydney Orbital and the emerging urban lands to the north of the site.
- (4) Consideration of the status, and future management and funding arrangements of the Regional Open Space land adjacent to Forrester Road and the Eastern Precinct entry in relation to its likely future primary use by Eastern Precinct residents.
- B. Council write to the Department of Infrastructure, Planning and Natural Resources requesting that the following matters be resolved prior to the declaration of the Western Precinct or the Central Precinct as release areas:-
- (1) That SREP30 be amended to include all AHC listed bushlands, including the Part C Residual RNE lands, within the Regional Park zone;
 - (2) That a wide range of recreational uses and a limited number of appropriate commercial uses be permitted within the Regional Park;
 - (3) That a draft Plan of Management for both the Regional Park and the Regional Open Space be finalised as soon as possible;
 - (4) That the Minister for Environment permit Penrith City Council to have an input into the preparation of the Statement of Management Intent for the Regional Park;
 - (5) That the Transport Management Plan be completed as a matter of urgency.
 - (6) That the establishment of a robust model for the integrated provision of community services and facilities endorsed and committed to by all Government agencies and service providers.
- C. Council write to the National Parks & Wildlife Service seeking Council be given the opportunity for further comment on the final Macrofauna Management Plan and draft Plan of Management for the Regional Park, prior to their finalisation.

- D. Council officers organise a briefing session for all interested Councillors on the various management plans and strategies exhibited as part of the Draft Eastern Precinct Plan.

THE CITY IN ITS ENVIRONMENT

7 SEPP 5 - Housing for Older People or People with a Disability 4114/6

444 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Bradbury

That:

1. The information contained in this report be received and noted.
2. A further report, advising of the outcomes of the SEPP 5 Review currently being undertaken by the Department of Infrastructure, Planning and Natural Resources, be prepared for Council's consideration.
3. Council conduct a study of the emerging needs of the over-55 age group in the Penrith Local Government Area.

2 Development Application: Construction of 4 x 3 Bedroom and 1 x 4 Bedroom Attic-Style Units for Aged and Disabled Persons at Lot 3 DP 232928 (No. 36) Gough Street, Emu Plains, Applicant: Winter Group, Owner: Ms Neena Testa

DA02/2270

Councillor Aitken declared a non pecuniary interest in this item as his business partner knows the applicant and he left the meeting the time being 7.55PM.

1 Presence of the Public

CW1 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Fowler that the press and public be excluded from Committee of the Whole to deal with the following matter

2 Property Matter - Development Application - 36 Gough St, Emu Plains

DA02/2270

This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The Councillors adjourned to the Pasadena Room to consider the Committee of the Whole matter, the time being 7:56PM

The Councillors returned to the Council Chambers and the meeting resumed at 8.22 PM. The General Manager reported that the Committee of the Whole met at 8.00 PM on Monday 15 September 2003, the following being present.

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His Worship the Mayor Councillor Greg Davies, Councillors D Bailey, J Bateman, D Bradbury, R Fowler, K Paluzzano, P Sheehy and J Thain

and the Committee of the Whole excluded the press and public from the meeting for the reason set out in CW1 and that the Committee of the Whole submitted the following recommendations to Council.

RECOMMENDATION

CW2 RECOMMENDED on the MOTION of Councillor Sheehy seconded Councillor Thain that the report be received.

ADOPTION OF COMMITTEE OF THE WHOLE

445 RESOLVED on the MOTION of Councillor, Sheehy seconded Councillor Thain that the recommendation contained in the Committee of the Whole and shown as CW1 to CW2 be adopted.

446 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Thain

That:

1. The report relating to the development application for construction of units for aged and disabled persons at Lot 3 DP 232928 (No. 36) Gough Street, Emu Plains be received.
2. The Application be approved in accordance with the Council report of 4 August 2003.

A further motion was foreshadowed by Councillor Bailey relating to this issue.

447 RESOLVED on the MOTION of Councillor Bailey seconded Councillor Bateman

That:

1. As a matter of urgency an audit be undertaken of all SEPP5 development within the Penrith Local Government Area
2. The Audit confirm whether occupiers are aged and disabled
3. A management plan be developed to monitor occupation currently approved and approved in the future
4. Council release the contents of the report CW2 in tonight's business paper.

3 Urban Improvement Program - Werrington Enterprise Living and Learning (WELL) Precinct Strategy

4105/89

448 RESOLVED on the MOTION of Councillor Bradbury seconded Councillor Paluzzano

That

1. The matter be deferred and a further report be presented to Council

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2. The report to consider:
 - (a) Strategies designed to improve consultation with residents and private landowners within the precinct
 - (b) Appropriateness of hosting WELL precinct information on Council's website
 - (c) Appropriateness of dealing with areas in the WELL precinct that have already been rezoned and need not be held up by the WELL process.
3. Residents are given advice in advance that the report will be presented back to Council.

Councillor Aitken returned to the meeting the time being 9.00 PM.

4 Development Application - Retention of existing dwelling and erection of 2 x 3 bedroom dwellings with attic rooms at Lot 11 DP634145 (No.23) Troy Street, Emu Plains. Applicant & Owner: Messrs Smith & Simpson.

DA03/0819

449 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Fowler that the development application (DA03/0819) to extend the existing dwelling and erect an additional 2 x 3 bedroom villa units at Lot 11 DP 634145 (No.23) Troy Street, Emu Plains be approved subject to the following standard conditions, as adopted by Council at the meeting of 3 March 2003, and the following special conditions:

Standard Conditions

A001(Approved Plans), A008(BCA requirements), A010(residential Works DCP), A019(Occupation Certificate), A038(Lighting locations), A039(Graffiti), B001(demolition of existing structures), B002(Demolition), B003(Asbestos), B004(Dust), B005(Mud/Soil), B006(Hours of work), B007(Prescribed condition), D001(Sediment & Erosion), D003(Fencing protection to part of site or adjoining property), D008(Filling), D009(Covering of Waste Storage Area), D010(Waste Disposal), E002(BCA issues to be addressed), E005(Smoke Detectors), G002(Section 73 Certificate), G004(Integral Energy), H001(Stamped Plans/Site Notice), H002(All forms of construction), H005(Section 80A(2) matters), H009(Cut/fill details), H010(fill details), H013(Further details of building components), H015(Termites), H022(Survey), H026(Insulation), H028(Hot Water System), H033(clothesline), H041(Hours of Work), I003(Roads Act Approval), K025(Pavement Seal), L001(Landscaping- General), L002(Landscaping- Construction), L003(Landscape Report Requirement), P001(Costs), P002(Fees associated with Council land), Q001(Appointment of PCA), Q005(Occupation Certificate).

Section 94 Conditions

N001 (S94 – Open Space in Existing Residential Areas)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Open Space in Existing Residential Areas. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$2818 is to be paid prior to a Construction Certificate being issued for this development (the rates are subject to a quarterly review). If not paid within the current quarterly period,

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this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

The attached schedule should accompany the contribution payment.

The Section 94 Contributions Plan for Open Space in Existing Residential Areas may be inspected at Council's Civic Centre, 601 High Street, Penrith.

N002 (S94 – Library Facilities)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Library Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$953 is to be paid prior to a Construction Certificate being issued for this development (the rates are subject to a quarterly review). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

The attached schedule should accompany the contribution payment.

The Section 94 Contributions Plan for Library Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

N003 (S94 – Footpath Construction)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Footpath Construction. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$265 is to be paid prior to a Construction Certificate being issued for this development (the rates are subject to a quarterly review). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

The attached schedule should accompany the contribution payment.

The Section 94 Contributions Plan for Footpath Construction may be inspected at Council's Civic Centre, 601 High Street, Penrith.

N004 (S94 – Cultural Facilities)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$323 is to be paid prior to a Construction Certificate being issued for this development (the rates are subject to a quarterly review). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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The attached schedule should accompany the contribution payment.

The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Special Conditions

1. Prior to the issue of a Construction Certificate, a Schedule of External Finishes is to be submitted and approved by Council. The schedule is to provide details of finishes for components of the development, including fencing. The neighbours of the property are to be consulted in the selection of colours for the fencing. In this regard, a written statement from the neighbours, indicating that they have been consulted with regards to the proposed fencing colour, is required to be submitted with the schedule of external finishes.

Councillor Bailey left the meeting the time being 9.05 PM and did not return.

- 5 Development Application - Demolish an existing double carport and awning and erect an additional dwelling to create a detached dual occupancy at Lot 11 DP 870287 (No. 14) Nancy Street, St Marys. Applicant: D Mason. Owner: G & L Li** **DA03/0450**

450 RESOLVED on the MOTION of Councillor Bradbury seconded Councillor Thain

That:

1. The matter be deferred pending a further report to Council
2. A further report come back to Council for the purpose of establishing guidelines about obtaining legal advice when the Council seeks an alternative determination from that recommended by Council's officers for a development application.

Councillor Fowler requested a memo outlining the number of driveways allowed in a cul de sac.

- 6 Child Friendly Environments** **4114/2 Pt 2**

451 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Bateman that the matter be deferred.

- 8 Garden Competition** **1003/15**

452 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Fowler

That:

1. The information in this report concerning Council's sponsorship of the Penrith City Star's Garden Competition be received.
2. That the total sponsorship amount of \$5,000 be funded equally from each Ward's Voted Works.

24 Development Application for the Carrying Out of Bushfire Hazard Reduction Works on the Former ADI Site on Lot 2 DP 803832 (No. 1170 - 1172) The Northern Road, Llandilo. Applicant: Graham Duncan, Owner: Comland DA02/2331

453 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Aitken that Development Application No. 02/2331 for the carrying out of bushfire fire reduction works of the former ADI site on Lot 2 DP 803832 (No. 1170–1172) The Northern Road Llandilo, be approved subject to the following conditions of consent.

1. The development application must be implemented substantially in accordance with the stamped-approved plans issued by Penrith City Council, the Fire Management Plan, prepared by ERM, dated May 2002, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions of consent.
2. The implementation of the bushfire management works within Strategic Fire Advantage Zones A, B & C are limited to the inclusion of a 50 metre wide mown buffer zone (with vegetation maintained below 10 centimetres) around
 - The perimeter of the Strategic Fire Advantage Zones
 - Any buildings located with the Strategic Fire Advantage Zones
 - The boundaries of the Regional Park
 - The boundaries of all other AHC bushlands listed on the Register of the National Estate (known as Part B and C lands).

Bushfire Management Works, as defined in this condition, are not to be undertaken within the Regional Park or upon AHC bushlands listed in the Register of the National Estate.

3. This consent is limited to a period from the approval date to the 31 January 2007. Prior to the expiry dated of this consent, the applicant will be required to submit a new development application for any continuance of the use.
4. Waste generated from the implementation of the Bushfire Management Plan is to be disposed of in an appropriate and beneficial manner. Burning of the waste is not permitted. Details are to be submitted to Penrith City Council prior to the commencement of works.
5. Prior to the implementation of the Fire Management Plan, Penrith City Council and national Parks and Wildlife Service are to be notified of the works to be undertaken on the site. The notification should include and outline the extent and timeframe of works to be undertaken. Notification is to be provided a minimum of 48 hours prior to the commencement of works.

6. Prior to the implementation of the Fire Management Plan the adjoining property owners (as defined by National Parks & Wildlife Services) are to be notified on an annual basis of the works to be undertaken and the proposed timeframe of implementing the works during that year. A contact name and phone number for the person(s) responsible for the management of the works to be provided.
7. A suitably qualified ecological consultant is to be engaged to monitor the implementation of the Fire Management Plan. A report is to be prepared on an annual basis outlining the extent of works undertaken during the year and the outcomes/ impacts of the implementation of the Fire Management Plan. The report is to be submitted to Penrith City Council and National Parks and Wildlife Service within six months of works being completed.
8. No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

THE CITY AS A SOCIAL PLACE

12 Sydney International Regatta Centre (SIRC) - Venue Management Advisory Committee 2987/3

454 RESOLVED on the MOTION of Councillor Aitken seconded Councillor Sheehy that the Facilities Operations Manager, Mr Gary Dean be Council's representative on the Venue Management Advisory Committee for the Sydney International Regatta Centre replacing the Director – City Strategy.

14 Q Theatre - Management Subsidy 1050/9

455 RESOLVED on the MOTION of Councillor Aitken seconded Councillor Sheehy that Council agree to transfer to the Joan Sutherland Performing Arts Centre the amount of \$200,000 included in the 2003/04 budget being the allocation for the venue management costs of the Q Theatre.

16 2003 Local Government Aboriginal Network Conference 1105/15

456 RESOLVED on the MOTION of Councillor Aitken seconded Councillor Sheehy that Council endorse the proposal to nominate Penrith City Council as a host for the NSW Local Government Aboriginal Network Conference in 2005 as outlined in the report and this nomination be forwarded to the Network Executive for its consideration.

17 Cranebrook Town Centre Project 1027/6 & 1117/34

457 RESOLVED on the MOTION of Councillor Aitken seconded Councillor Sheehy that the report concerning the progress of the Cranebrook Town Centre Project be received.

9 St Davids Church, Llandilo 4124/47

458 RESOLVED on the MOTION of Councillor Aitken seconded Councillor Sheehy

That:

1. An interest free loan for two years from settlement date, of \$50,000 be provided to the Llandilo Hall Committee Trust (or incorporated body) for the purchase of the former St David's Anglican Church at Llandilo. Such loan to be repaid in full upon receipt of any funding from the Castlereagh Community Fund (CCF) or, if no funds are forthcoming from the Fund, within 12 months of refusal of the application put to the CCF, but no later than 24 months after settlement of the purchase of the Church.
2. Council officers arrange for the completion of all the relevant documentation associated with the purchase of the Church.

10 Implications on Council's budget due to the Gaming Machine Tax 1093/1

Councillor Bradbury declared a non-pecuniary interest in Item 10 as he is employed by a law firm as a solicitor and is currently engaged in a pro bono secondment to the Mt Druitt and Area Community Legal Centre Incorporated. He advised that the Mt Druitt and Area Community Legal Centre Incorporated currently has a number of funding applications before the local Community Development and Support Expenditure Scheme committee and he left the meeting, the time being 9.23 PM

This matter lapsed through want of a quorum.

Councillor Bradbury returned to the meeting the time being 9.24 PM

11 Penrith Whitewater Stadium - Board of Directors 2988/3

459 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Bateman

That:

1. Council endorse the nomination of Ms Rebecca Wright to fill the vacancy on the Board of the Penrith Whitewater Stadium.
2. A letter of appreciation be forwarded to Mr Ian Stainton.
3. Correspondence be forwarded to the unsuccessful nominees for the vacant Director's position on the Board of the Penrith Whitewater Stadium thanking them for their interest.

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13 Practice cricket nets at Howell Oval 3018/1 Pt2

460 RESOLVED on the MOTION of Councillor Aitken seconded Councillor Paluzzano that Council thank Cricket NSW and the Nepean and Grade Cricket Associations for their contribution for the practice cricket nets at Howell Oval.

15 Australian Sports Commission - Street Active Event at Jamison Skate Park 3209/15

461 RESOLVED on the MOTION of Councillor Bradbury seconded Councillor Paluzzano

That:

1. Council receive the information regarding the 'Street Active' at the Jamison Skatepark in October 2003.
2. Council contribute \$5,000 from the Community Safety budget to the Australian Sports Commission to assist in the conduct of the event.
3. The Council officers involved in securing the 'Street Active' event be congratulated.

18 International Links Program 1131/27

462 RESOLVED on the MOTION of Councillor Paluzzano seconded Councillor Bateman

That:

1. The report on the International Links Program be received;
2. The Director City Planning, Alan Stoneham, act as General Manager for the period between 5 October and 21 October 2003 inclusive;
3. Councillor Sheehy act as the Chairperson of the Policy Review Committee meeting of 20 October 2003.

19 Proposed Amendments to the Roads Act 1993 9011/28

463 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Paluzzano that Council refer this matter to the Review of the Roads Act.

Unconfirmed Minutes of the Ordinary Meeting of Penrith City Council held in the Council Chambers, Penrith on Monday 15 September 2003

20 City Operations Directorate Report to end of August 2003 153/2

464 RESOLVED on the MOTION of Councillor Sheehy seconded Councillor Paluzzano that the information contained in the City of Operations Directorate Report to end of August 2003 be received.

21 Motions for the 2003 National General Assembly of Local Government 750/58

465 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Sheehy that the 5 motions detailed in this report be submitted for inclusion in the 2003 Local Government Association NSW Conference Business Paper.

22 Council Property - Great Western Highway, Kingswood 304824 Pt.10

466 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Sheehy that Council engage Douglas Sanger Pty Limited, Architects and Urban Designers to assist in the compilation and preparation of a Development Application for Council's Great Western Highway site at Kingswood.

23 Summary of Investments & Banking 30 July 2003 to 26 August 2003. 6031/4

467 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Sheehy

That:

1. The Certificate of the Responsible Accounting Officer, Statement of General Fund Bank Balances as at 26 August 2003 and the Summary of Investments for the period 30 July 2003 to 26 August 2003 be noted and accepted
2. The graphical investment analysis as at 26 August 2003 be noted
3. The information regarding agency collection methods be noted.

GENERAL BUSINESS

QUESTIONS WITHOUT NOTICE

QWN 1 Councillor Bateman asked for a memo regarding the Bus stop at 114 Derby Street Penrith.

Unconfirmed Minutes of the Ordinary Meeting of Penrith City Council held in the Council Chambers, Penrith on Monday 15 September 2003

QWN 2 Councillor Bateman asked that Council provide funds for play equipment in Ladbury Avenue Penrith

His Worship the Mayor, Councillor Davies ruled that the matter be dealt with as a matter of urgency at the meeting.

468 RESOLVED on the MOTION of Councillor Bateman seconded Councillor Paluzzano that \$13,500 from South Ward Voted Works be provided for the provision of play equipment in Ladbury Avenue Penrith.

QWN 3 Councillor Aitken asked that a report be prepared for Council regarding the sewerage of rural villages. He asked that the following questions be put to Sydney Water.

1. What is the current status of the Priority Sewerage Program in regards to Mulgoa, Wallacia, Luddenham and Londonderry?
2. What are the impediments to the supply of this basic service to these villages?
3. How can Council and the residents help to secure a modern sewerage service to our villages?
4. When do you believe we will have the sewerage service that we need?
5. Could we have a time line showing the steps required to have a reticulated sewerage system operating in our villages?
6. As it seems a lost opportunity not to include Luddenham in the present plans, could we have an explanation of the impediments to the inclusion of Luddenham?
7. Could we have a short history regarding sewerage to the rural villages?

QWN 4 Councillor Aitken asked for a report to be prepared for Council regarding the proposed swimming pool for Glenmore Park which was to be in the Glenmore Park Centre near the shops, as he has had a number of residents inquiring as to when it is to be completed. It was apparently in the advertising and the plans for the centre.

QWN 5 Councillor Aitken asked for a memo explaining why yellow street signs are being used to replace green street signs in Glenmore Park and blue street signs in Blue Hills (when they need replacing). The memo should explain how these inconsistencies occurred and what Council can do to rectify the issue.

COMMITTEE OF THE WHOLE

469 RESOLVED on the MOTION of Councillor Bateman seconded Councillor Sheehy that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:47PM

1 Presence of the Public

Unconfirmed Minutes of the Ordinary Meeting of Penrith City Council held in the Council Chambers, Penrith on Monday 15 September 2003

CW3 RESOLVED on the MOTION of Councillor Bateman seconded Councillor Thain that the press and public be excluded from Committee of the Whole to deal with the following matters

3 Property Matter - Piggery, No. 146E Samuel Marsden Road, Orchard Hills 689106

This item has been referred to committee of the whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest..

4 Property Matter - Industrial land owner by Council - Mulgoa Road, Jamisontown

This item has been referred to committee of the whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

5 Property Matter - Lease of Council Property - Henry St, Penrith 320469 LE9

This item has been referred to committee of the whole as the report refers to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in open meeting would be, on balance, contrary to the public interest

The meeting resumed at 10:03PM and the General Manager reported that the Committee of the Whole met at 9:47PM on Monday 15 September 2003, the following being present

His Worship the Mayor Councillor Greg Davies, Councillors J Aitken, J Bateman, D Bradbury, R Fowler, K Paluzzano, P Sheehy, and J Thain.

and the Committee of the Whole excluded the press and public from the meeting for the reasons set out in CW3 and that the Committee of the Whole submitted the following recommendations to Council.

CONFIDENTIAL BUSINESS

3 Property Matter - Piggery, No. 146E Samuel Marsden Road, Orchard Hills 689106

RECOMMENDATION

CW4 RECOMMENDED on the MOTION of Councillor Sheehy seconded Councillor Thain

That

Unconfirmed Minutes of the Ordinary Meeting of Penrith City Council held in the Council Chambers, Penrith on Monday 15 September 2003

1. The report concerning the piggery at Lot 101 DP 841269 (146E) Samuel Marsden Road, Orchard Hills be received.
2. A further report be prepared for Council regarding the issues raised.

4 Property Matter - Industrial land owned by Council - Mulgoa Road, Jamisontown 716924 Pt 7

Councillor Bateman declared a pecuniary interest in Item 4 and Item 5 of the Committee of the Whole business paper as he is the partner in a firm of solicitors acting for parties involved in the matters mentioned in the report and he left the meeting the time being 10:02PM.

The matter lapsed through want of a quorum.

5 Property Matter - Lease of Council Property - Henry St, Penrith 320469 LE9

The matter lapsed through want of a quorum.

ADOPTION OF COMMITTEE OF THE WHOLE

Councillor Bateman returned to the meeting the time being 10:03PM.

470 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Sheehy that the recommendation contained in the Committee of the Whole and shown as CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:04PM.

PENRITH CITY COUNCIL

Procedure for Addressing Meetings

Anyone can request permission to address a meeting, providing that the number of speakers is limited to three in support of any proposal and three against.

Any request about an issue or matter on the Agenda for the meeting can be lodged with the General Manager or Public Officer up until 12 noon on the day of the meeting.

Prior to the meeting the person who has requested permission to address the meeting will need to provide the Public Officer with a written statement of the points to be covered during the address in sufficient detail so as to inform the Councillors of the substance of the address and a written copy of any questions to be asked of the Council in order that responses to those questions can be provided in due course.

In addition, prior to addressing the meeting a person addressing Council or Committee will be informed that they do not enjoy any privilege and that permission to speak may be withdrawn should they make inappropriate comments.

It should be noted that speakers at meetings of the Council or Committee do not have absolute privilege (parliamentary privilege). A speaker who makes any potentially offensive or defamatory remarks about any other person may render themselves open to legal action.

Prior to addressing the meeting the person will be required to sign the following statement:

“I (name) understand that the meeting I intend to address on (date) is a public meeting. I also understand that should I say or present any material that is inappropriate, I may be subject to legal action. I also acknowledge that I have been informed to obtain my own legal advice about the appropriateness of the material that I intend to present at the above mentioned meeting”.

Should a person fail to sign the above statement then permission to address either the Council or Committee will not be granted.

The Public Officer or Minute Clerk will speak to those people who have requested permission to address the meeting, prior to the meeting at 6.45pm

It is up to the Council or Committee to decide if the request to address the meeting will be granted.

Where permission is to be granted the Council or Committee, at the appropriate time, will suspend only so much of the Standing Orders to allow the address to occur.

The Chairperson will then call the person up to the lectern or speaking area.

The person addressing the meeting needs to clearly indicate:

- Their name;
- Organisation or group they are representing (if applicable);
- Details of the issue to be addressed and the item number of the report in the Business Paper;
- Whether they are opposing or supporting the issue or matter (if applicable) and the action they would like the meeting to take;
- The interest of the speaker (e.g. affected person, neighbour, applicant, applicants spokesperson, interested citizen etc).

Each person then has five minutes to make their address. Those addressing Council will be required to speak to the written statement they have submitted. Permission to address Council is not to be taken as an opportunity to refute or otherwise the points made by previous speakers on the same issue.

The Council or Committee can extend this time if they consider it appropriate, however, everyone needs to work on the basis that the address will be for five minutes only.

Councillors may have questions about the address so people are asked to remain at the lectern or in the speaking area until the Chairperson has thanked them.

When this occurs, they should then return to their seat.

Peter Huxley
Public Officer
02 4732 7649

August 2003

Mayoral Minute: The passing of Tony Aquilina

The purpose of this Mayoral Minute is to inform Councillors of the passing of a former Councillor and Mayor of Penrith City, Tony Aquilina.

Anthony S Aquilina was born on 25 July 1952.

He represented South Ward on Penrith City Council for 12 years from September 1983 to September 1995.

From September 1991 to September 1992 he was Mayor of Penrith City. Cr Bill Gayed served as his Deputy.

During Cr Aquilina's time as Mayor many achievements can be noted:

- Council meetings moved from Thursday to Monday nights.
- A sum of \$80,000 was established to work in conjunction with the Penrith Chamber of Commerce to conduct a study and then target suitable businesses to attract to Penrith. The position of Business Development Officer was created to support this endeavour to attract more jobs to Penrith and broaden the narrow tax base of the City, which depended heavily on revenue from the housing sector.
- The Penrith Business Advisory Centre was established.
- Tony supported the establishment of the Nindathana Aboriginal cultural centre in Regentville.
- Council received a certificate acknowledging Council's contribution to the State Government's Greenspace Program, principally in removing noxious weeds, cleaning up rubbish, constructing access paths and replanting trees and shrubs along the banks of the Nepean River in Tench Reserve, Weir Reserve and Regatta Park.
- Paper recycling was first trialled within Penrith City.

Tony Aquilina passed away on the evening of Wednesday 17th September 2003, at the age of 51.

The funeral service was held at St Nicholas Catholic Church in Penrith on Monday 22 September. The Council's flags flew at half-mast on that Monday as a sign of respect to the former Councillor and Mayor.

Tony is survived by his two sons, Daniel and Nicholas.

Council extends its condolences to Tony Aquilina's family at this time of bereavement.

Cr Greg Davies
Mayor



REPORT AND RECOMMENDATIONS

Committee: Policy Review Committee
Date: Monday 22 September 2003
Chairperson: His Worship the Mayor, Councillor Greg Davies
Declarations of Interest: None

The Policy Review Committee met at 7:05PM and concluded at 8:21PM and made the following recommendations.

Master Program Reports

The City as a Social Place

Item 1 Proposal for new rowing facility at Weir Reserve 3081/1 Pt3

PRC 93 RECOMMENDED on the MOTION of Councillor Sheehy seconded Councillor Aitken

That

1. Council receive the report and presentation from representatives of the University of Technology, Sydney Union, University of Technology Sydney Rowing Club and Sydney Boys High School Foundation regarding the proposal for a new centre of sporting excellence at Weir Reserve
2. Proponents be advised that Council supports in principle the project and that further investigations continue as outlined in this report.

Item 2 Penrith Regional Gallery & Lewers Bequest - Capital Improvement Masterplan 23/55

PRC 94 RECOMMENDED on the MOTION of Councillor Bateman seconded Councillor Aitken that Council receive the presentation and endorse the proposed capital improvement program at the Penrith Regional Gallery and Lewers Bequest.

Council's Operating Environment

Item 3 Service Specification Program - Service Reviews 36/35

PRC 95 RECOMMENDED on the MOTION of Councillor Bateman seconded Councillor Sheehy

That:

1. The information contained within the Service Specification Program – Service Reviews Report be received.
2. The Specifications for Services Marketing, Mapping Information, Risk Management and Insurance be adopted with an amendment to

MASTER PROGRAM REPORTS

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THE CITY IN ITS ENVIRONMENT		
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URGENT ITEM		
13	Penrith Rural Lands Study and Draft Strategy 4050/1 part 17	39
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The City in Its Environment

1 "Every Drop Counts" Water Conservation Program

5270-24 Pt 2

Compiled by: Bernadette Riad, Waste Officer

Authorised by: Steve Barratt, Acting Building Approvals & Environment Protection Manager

Management Plan 4 Year Outcome: <i>Water conservation strategies developed and implemented.</i>
--

Critical Action: <i>Develop and implement Water Conservation strategies.</i>

Purpose:

The purpose of this report is to inform Council of the progress of the "Every Drop Counts" Water Conservation Program.

Background

The Every Drop Counts (EDC) program was developed by the Sydney Water Corporation to assist customers in improving their water management practices in order to achieve long term reductions in water consumption. Originally developed for businesses, Sydney Water has extended the Every Drop Counts program to include Local Government.

Penrith City Council joined the Every Drop Counts program in April 2002 along with five other Councils in the Sydney Metropolitan area with the aim of reducing water consumption initially by at least 10%. Offered at no cost to Council, the only commitment sought from Council upon joining the program was to implement the recommendations of the program so that water consumption is reduced.

Water Consumption by Council

Sydney Water has identified Local Government as high consumers of water, with Councils residing within Sydney Waters' area of operation consuming approximately 25 million litres of water per day.

Based on recent figures, Penrith City Council consumes an average of 780,000 litres of water per day, which equates to 285,032,000 litres per year. In monetary terms, this translates to a cost of \$245,000 per year. (Note - these figures are for potable water only and exclude the water extracted from the Nepean River for the irrigation of some reserves).

Overview of Council's Progress to Date

Since joining the Every Drop Counts program in April 2002, Council has worked together with Sydney Water to investigate our water consumption and management practices, identify priority areas for improvement, and develop practical action plans in order to improve our water management.

Upon implementing the Every Drop Counts program, Sydney Water engaged consultants 'Energetics' to facilitate a diagnostics workshop in order to assist Council in examining our current water management practices.

The evaluation process used in the diagnostics is based on a five star rating system (one star being the lowest – five stars being the highest). A benchmark of three stars has been set for Local Government, with four and five star ratings generally only achievable by water intensive industries.

The results of the initial diagnostic held in July 2002 received an overall rating of one star. These results indicated that while Council was aware of the regulatory requirements associated with water and wastewater, there were no formal water management systems established to effectively manage water usage across the organisation.

Since that time however, Council has examined our overall water consumption, identified our water intensive facilities, monitored consumption at our top ten water consuming facilities, and has conducted water efficiency audits at six representative high water use properties. *Appendix 1* contains a list of water intensive facilities.

A follow-up diagnostic review held in June 2003 confirmed our progress in managing water consumption and raised our rating to a level of two stars. This rating recognises the basic water management practices introduced as part of the Every Drop Counts program, while also identifying the need for more permanent water management systems to be implemented in order to achieve our goal of a three star rating.

Water Efficiency Audits:

The objective of the auditing program was to carry out a comprehensive water efficiency audit of Council's water intensive facilities that would: -

- Examine current water usage
- Document the extent of existing water efficiency and re-use
- Identify water conservation opportunities (including re-use and rainfall capture)
- Recommend various water saving initiatives, demonstrating the costs & savings
- (including calculation of payback period).

Audits were conducted at six of Council's water intensive facilities so as to examine water consumption and management practices across the spectrum of our operations. The selection of sites from various areas of operation also provides Council with a record base to enable the replication of such audits throughout the organisation.

The sites audited to date include:

1. Ripples Leisure Centre
2. Penrith Swim Centre
3. Joan Sutherland Centre
4. Council Depot
5. Werrington Child Care Centre
6. Parker Street Reserve

The results of these audits confirm that there are considerable savings to be made in terms of both water consumed and money spent, with potential water savings ranging between 15% and 56%.

An overview of the potential to reduce water consumption at each of the audit sites is provided in Table 1A below.

Table 1A. Potential to Reduce Water Consumption

Facility	Water Use (kL/d)	Potential Savings (kL/d) (%)	
Ripples Leisure Centre	57.5	9.2	16%
Penrith Swim Centre	46.1	7.1	15%
Joan Sutherland Centre	4	1.4	35%
Council Depot	7	3.9	56%
Werrington Childcare Centre	3.9	1.3	33%
Parker Street Reserve	31.4*	>	>

* The figure quoted is the historical water usage as the usage recorded over the audit period was deemed to be an inaccurate account of actual water usage due to an unusually high amount of rainfall.

> Audit results indicate that water usage at this property is reasonably efficient, and while recommendations were made for the continued management of the site, no exact figures were provided for the potential savings.

These savings in water consumption convert to monetary savings (per property) of between \$1,250 and \$5,700 per annum. The potential monetary savings identified for each of the properties audited is provided in Table 1B below.

Table 1B. Potential Savings in Water Costs

Facility	Potential Savings (kL/d) (%)		Capital Cost (Total)	Savings (Total PA)	Payback (years)	Savings Over 4yrs
Ripples Leisure Centre	9.2	16%	\$7,000.00	\$5,700.00	1.2	\$15,800.00
Penrith Swim Centre	7.1	15%	\$6,100.00	\$4,400.00	1.4	\$11,500.00
Joan Sutherland Centre	1.4	35%	\$1,950.00	\$3,407.00	0.6	\$11,678.00
Council Depot	3.9	56%	\$980.00	\$3,048.00	0.3	\$11,212.00
Werrington Childcare Centre	1.3	33%	\$1,800.00	\$1,250.00	1.4	\$3,200.00

The recommended actions from the audits vary from site to site but range in scope from the installation of low flow showerheads and tap fixtures, through to the adjustment of sprinkler heads, changed irrigation and maintenance practices, and the installation of water saving devices such as pressure indicators at the swimming facilities. *Appendix 2* contains a summary of the recommended actions for each property.

The findings of these audits and the recommendations have been circulated amongst the managers of the individual facilities and other staff involved in the Every Drop Counts program.

Ripples Leisure Centre

The Board of Directors at Ripples Leisure Centre have accepted the recommendations made in the water efficiency reports and have approved the expenditure required for the purchase and installation of water saving devices as detailed in the audit reports.

Penrith Swim Centre

Penrith Swim Centre has advised that they are currently investigating the option of refurbishing the existing amenities and as such would include the recommendations made within the water efficiency report in their plans. The recommendation relating to installation of a pressure indicator to reduce the frequency and duration of backwash is to undergo further investigation.

The Joan Sutherland Centre

Staff at the Joan Sutherland Centre have advised that the faulty amenities have been repaired and that while the recommended maintenance and monitoring program has not yet been adopted, all efforts are made to ensure that any faults are quickly identified and repaired. The amenities are also scheduled to be retro-fitted with water efficient fittings as part of an energy efficiency contract that has been accepted. Investigations are being made into the adjustment of irrigation systems.

Council Depot

The recommendations made as part of the water efficiency report have been well received by the staff at the Council Depot, with the following actions already completed.

- Showerheads in the main amenities have been replaced with low flow shower heads
- Leaks in the irrigation system have been detected and repaired
- The wash bay hose reel has been replaced, preventing further leakages
- Monitoring of facilities is being undertaken by staff to assist in early detection and repair of leakages

Werrington Child Care Centre

Staff at Werrington Child Care Centre have advised that standard irrigation practices are actually in line with those recommended in the audit report. The extended irrigation as observed during the audit period was due to the need to replenish the grounds following an incident where the irrigation systems had been vandalized. The recommendations relating to the installation of low flow lever style tap fittings and water efficient cisterns have also been well received, with the parental advisory committee suggesting that volume restrictors (ie bricks or floats) be placed in the cisterns until funding to replace them is available.

Future Directions

As stated in the water efficiency audit reports, the water audit is merely the first step in a co-ordinated water management program. The action following the audits is of equal importance.

While the recommended actions identified in the water efficiency reports are of top priority, the next stage of the EDC program focuses on the development of 'people' systems within the organisation to support water wise practices. Actions planned for the next stage of the program include; developing our current reporting practices so that we are better able to monitor and report on water usage, allocating a responsibility for water management across the organisation, and developing an improved staff awareness.

A third diagnostics session scheduled for early 2004 will continue the monitoring of Council's progress under the program and identify further opportunities for improvement in Council's water management practices.

Additional Facility Upgrades

Following the diagnostics held in June this year, it was suggested that a facility upgrade be conducted across all Council owned and operated facilities. The upgrade would include the installation of basic water saving devices such as low flow devices for taps, shower heads, and toilet cisterns.

Investigations are currently underway to source funding and contractors for the retro-fit. Seed funding of \$35,000 is available from the Enhanced Environmental Program (EEP) budget. It is intended that this funding be repaid from the savings in water costs. Continued savings also have the potential be re-invested in additional works at Council Buildings to further reduce water consumption.

Conclusion

Since joining the Every Drop Counts program, Council has worked closely with Sydney Water to investigate both our water consumption and management practices, identify priority areas for improvement, and develop practical action plans in order to improve our management of water as a resource.

Water efficiency audits conducted as part of the program have confirmed that there are considerable savings to be made in terms of both water consumed and money spent. Potential water savings range between 15% and 56% and monetary savings range between \$1,250 and \$5,700 per property, per annum.

The continuation of this program and the continued improvements to Council's water management practices has the potential to not only reduce Councils' water consumption and related costs, but also provides Council with the opportunity to act a model for local businesses, industry, and the wider community in promoting water conservation. This is a program that has significant environmental benefits and is producing practical, measurable results.

RECOMMENDATION

That the report providing an update on progress with the "Every Drop Counts" water conservation program be received.



Appendix 1. - Councils' Top Ten Water Intensive Facilities

Property Number	Street Address	Suburb	Post Code	Other Address	PropertyType	Usage (kL/day)
4613456	Kalang Ave	St Marys	2760	Ripples Leisure Centre	Commercial	93.09
4770941	597 Great Western Hwy	Penrith	2750	Joan Sutherland Centre	Commercial	48.26
4770942	643 High St	Penrith	2750	Civic Centre	Commercial	45.24
4605569	669 Glebe Pl	Penrith	2750	Parker St. Reserve	Public Reserve	37.00
4607263	Adelaide St	St Marys	2760	Ridge Park	Public Reserve	30.44
4634196	Station St	Penrith	2750	Penrith Swim Centre	Commercial	29.86
4626975	375 Peppertree Dr	Erskine Park	2759	Peppertree Reserve	Public Reserve	25.06
4609247	114-116 Henry St	Penrith	2750	Community Connections	Commercial	24.99
4609255	140-142 Henry St	Penrith	2750	Allen Arcade	Commercial	22.90
4632820	Shepherd St	Colyton	2760	Shepherds Park	Public Reserve	20.60

Appendix 2. - Recommended Actions Identified in the Water Efficiency Reports

Facility	Recommended Actions	Cost	Savings (PA)	Payback (years)
Ripples Leisure Centre	• Install Pressure indicator to reduce frequency and length of backwash	\$ 1,000.00	\$ 2,000.00	0.5
	• Install air blower and scour to reduce backwash	\$ 6,000.00	\$ 3,700.00	1.6
Penrith Swim Centre	• Install Pressure indicator to reduce frequency and length of backwash	\$ 1,000.00	\$ 1,000.00	1.0
	• Install tap timers and review irrigation practices	\$ 300.00	\$ 1,550.00	0.2
	• Replace high flow shower heads	\$ 720.00	\$ 680.00	1.1
	• Replace cisterns in female amenities	\$ 4,000.00	\$ 1,100.00	3.6
	• Install flow control in basins	\$ 80.00	\$ 70.00	1.1
Joan Sutherland Centre	• Fix faulty toilet in female amenities	\$ 50.00	\$ 270.00	0.2
	• Replace high flow showerheads	\$ 100.00	\$ 339.00	0.3
	• Reduce the duration of irrigation from 1hr to 30min and remove sprinklers from areas not in use	\$ -	\$ 458.00	0.0
	• Downsize existing meter by installing a 40mm PSM	\$ 1,300.00	\$ 1,170.00	1.1
	• Apply for a revised SDF (once consumption has been reduced)	\$ 500.00	\$ 1,170.00	0.4
Council Depot	• Replace nozzle and hose in wash bay and repair faulty amenities	\$ 500.00	\$ 2,670.00	0.2
	• Replace high flow showerheads	\$ 480.00	\$ 378.00	1.3
Werrington Childcare Centre	• Reduce the duration of irrigation from 1hr to 30min and remove sprinklers from areas not in use	\$ -	\$ 600.00	0.0
	• Replace cisterns in both the children's and staff amenities	\$ 1,500.00	\$ 500.00	3.0
	• Install flow control in taps and replace taps with lever style heads	\$ 300.00	\$ 150.00	2.0

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The City as a Social Place

2 Regional Museum

4124/28

Compiled by: Grant Collins, Recreation and Cultural Facilities Planner

Authorised by: Ruth Goldsmith, Local Planning Manager

Requested by: Councillor Greenow

Management Plan 4 Year Outcome: <i>The City's cultural profile has been raised.</i>
Critical Action: <i>Investigate establishing a regional museum.</i>

Purpose:

The purpose of this report is to inform Council of the status of 'Four Winds', and to advise Council of the information gathered to date through the PLAN Study, in relation to the concept of a Regional Museum for the City of Penrith.

Background

The Study Brief, developed in 2002 for the 'PLANS for our Future' initiative, required the consultants to conduct a strategic examination of key sites and key facilities that had been identified as priorities for the City. This task included consideration for the need, location, management and funding options for a Regional Museum concept.

The City has an existing Museum, which displays objects and artefacts relating to the local history of the Nepean district, at the Arms of Australia Inn at Emu Plains. The Inn is owned by Council, and the Museum was established by the Nepean District Historical Society.

Community Attitudes and Aspirations Survey

The Community Attitudes and Aspirations Survey, conducted in 2002 as part of the PLAN Study, sought to identify the aspirations of the local community. The survey captured feedback from a broad range of respondents, and provides a reliable picture of the views and aspirations of the City's communities. Considerations included a focus on recreation and cultural facilities, broader infrastructure, services and facilities, and more general feedback on leisure and interests. One element sought feedback on the level of participation in recreation and cultural activities, and the level of interest in improving the City's recreation, cultural and community facilities.

Generally, the Survey found that participation in informal passive and active recreation, organised sport, a hobby, or art and craft activities, occurred more frequently than visiting an exhibition (museum, art gallery or performing arts). The Survey also identified whether the respondents participated in these various recreation and leisure activities within or outside the Penrith LGA. In general, people were more likely to leave the City area to attend an exhibition, and more likely to participate in other recreational activities within the City.

The Survey found that 27% of the respondents had attended an exhibition within the past twelve months. This level of visitation is close to the national average of 27.8% (1995), but lower than the 37% of NSW residents who visited an exhibition (1999 – 2000).

The respondents were also asked to rank the importance of improving the City's existing recreation and community facilities, including museums. The Survey found that more people

expressed a preference for improving the City's recreational facilities, including the nature reserves and waterways, playgrounds, parks, and walking and cycle paths. These elements were identified as a priority in comparison to other recreation and community facilities. Facilities which the respondents felt least needed to be improved were museums and art / craft galleries.

The Survey findings on community participation and interest levels have been incorporated into the draft Recreation and Cultural Facilities Strategy report, to provide guidance on potential future directions in relation to the proposed Regional Museum concept. The draft Report also includes trend analysis in recreation and cultural activity participation, and specific community feedback regarding potential museum concepts for the City of Penrith.

The consultants are currently responding to Council and stakeholder comments on the draft Report. As part of this response, they have been requested to expand on specific sections of the Report, including that section addressing the potential for a Regional Museum. In this regard, feedback to date has indicated some interest for a museum with a broader focus (rather than a specific 'heritage' theme), such as a multi-purpose centre that has wider family appeal, with exhibits that provide interactive and 'hands on' experience. This concept will be further considered in the draft Strategy.

'Four Winds'

'Four Winds' is a heritage item located on the Great Western Highway at Werrington. The place is owned and managed by the Department of Planning, Infrastructure and Natural Resources (DIPNR).

Council made a submission to the Department in 2001, when comments were invited in response to a draft Conservation Management Plan for 'Four Winds'. The draft Conservation Management Plan involved assessment of the conservation and management of the structures, as well as a large area of land to its east and south.

Heritage Status and Zoning

'Four Winds' is listed as a heritage item under the Penrith Heritage LEP. The heritage item status applies only to the building, outbuilding and the allotment within which it is located (Pt Lot 10 DP 202346).

The zoning of the property is 5(d) Special Uses Corridor, in which a range of uses including community facilities, public authorities activities, dwelling houses, home occupations, public buildings, public utility installations/undertakings, recreation areas are permissible with consent. The provisions of the Penrith Heritage LEP, however, provide a wider range of uses that might be considered, where that use would not affect the amenity of the area, and it would be likely to assist the conservation of the building.

The property is identified in DIPNR's Section 170 Register (under the NSW Heritage Act) of heritage items that it owns and manages. 'Four Winds' is listed as an item of 'local significance'. This means that the significance of the item must be conserved, through the imposition of mandatory minimum standards of maintenance and repair for the building. The standards in the Regulation relate to weatherproofing, fire protection, security, and essential maintenance.

History

The Conservation Management Plan notes that the residence, its outbuildings and surrounding archaeological remains provide evidence of one of the important tanneries previously centred at St Marys. Tanning, together with wagon making, provided the initial

phase of closer settlement of the St Marys district, commencing in the 1840s. The industries used plentiful supplies of timber and water to establish secondary processing of rural produce within the grazing lands on the Cumberland Plains, which were progressively cleared west of Sydney.

The Plan indicates that the remaining structures record the success of Martin Brell, a local tanner, whose construction of the 'Four Winds' residence on the site in 1922 culminated a successful business career spanning 53 years. It was noted the residence, with its American-influenced architecture (California Bungalow), records a rare example of the use of this essentially suburban building style in the then more rural setting of this part of St Marys.

Conservation Management Plan

The Conservation Management Plan provided a comprehensive overview of the buildings and site, and a review of the archaeological potential of the site. It identified potential uses and examined future management possibilities.

Council's submission suggested that the long-term management issues required a more comprehensive examination, and that the conservation policy, for the buildings and site, required revision to provide clearer, more concise direction for the conservation of the place. Council also supported a reassessment of potential uses, encouraging consideration of further uses that could be accommodated without compromising the heritage significance of the place.

Current Status

'Four Winds' is currently unoccupied. The property is surrounded by a security fence, and is protected by an alarm system that is monitored by a security company.

As 'Four Winds' is listed a 'local' heritage item, there is no requirement for referral of the Conservation Management Plan to the Heritage Council for endorsement. The CMP is essentially to guide DIPNR in the proper management of the place, and DIPNR is obliged to manage 'Four Winds' in accordance with the Plan. The Department is required to report annually on its management practices and outcomes in relation to all of its heritage items.

Conclusion

'Four Winds' is currently unoccupied, and DIPNR has taken steps to ensure its continuing protection. The protection status and significance of the item will be reviewed as part of Council's Citywide Heritage Review process, which has now commenced with consultants invited to submit tenders for the project.

The PLAN Study and the draft Recreation and Cultural Facilities Strategy includes consideration of the future potential for a Regional Museum in the City. The consultants are currently expanding on this, and other elements of the draft Strategy, prior to Council's further consideration.

RECOMMENDATION

That Council note the information regarding the future potential for a Regional Museum, and the status of 'Four Winds', contained in this report.



The City as a Social Place

3 Red Cross Calling Appeal 2004

961/7

Compiled by: Andrew Robinson, Recreation and Cultural Facilities
Coordinator

Authorised by: Gary Dean, Facilities Operations Manager

Requested by: Councillor Greg Davies, Mayor

Management Plan 4 Year Outcome: *Community recreation facilities and services in new and established areas meet contemporary needs.*

Critical Action: *Provide in partnership with others an agreed plan for delivery of recreation facilities and services based on available resources.*

Purpose:

To advise Council of a request from Australian Red Cross for Council's assistance with the launch of the Red Cross Calling Appeal in March 2004.

Background

Red Cross Calling, the largest fundraising appeal of the Australian Red Cross, has long been successful in the Penrith area and affiliated with the Council. To start the campaign in March 2004 the Australian Red Cross are seeking a new angle for the local launch. In March 2004, the Sydney Welsh Choir has offered to hold a concert in Penrith for the launch of the Red Cross Calling Appeal.

Current Situation

His Worship the Mayor met recently with representatives of the Australian Red Cross who requested Council's help in acquiring the Joan Sutherland Performing Arts Centre (JSPAC) as a venue for the launch and the concert. The Mayor requested Council officers establish the needs of the Red Cross and obtain a quotation from JSPAC.

A tentative booking has been made with JSPAC for Sunday afternoon, 7th March 2004. The venue costs will be \$1,760.00.

The event will attract an audience fee, which will be set at a later date. The Australian Red Cross Office will be selling tickets over the phone, on-line and in person for the concert. Volunteers will also be issued with tickets to sell throughout their local area.

Australian Red Cross volunteers would also like to collect donations during the intermission and after the event. All money raised from the concert will fund Australian Red Cross services that include: Disaster Response, Community Visitors Scheme and Breakfast Clubs.

The Australian Red Cross, with the help of Council, will organise publicity for the event. The concert will be featured in Red Cross' Quarterly Magazine 'Humanity', which is distributed to all Red Cross Members and Supporters. Details of the concert will be placed on the website and through a mailout to local branches. Details of the concert will be released to the local media and through Council information. Fliers will be placed in JSPAC and distributed to other key venues in the area.

The Mayor requested that when all the details were known about the Concert, that a report be submitted to Council for consideration.

RECOMMENDATION

That Council receive the information contained in the report regarding Red Cross Calling Appeal 2004.



The City as a Social Place

4 St Marys Tennis Courts Resurfacing and Minor Maintenance

2038/2

Compiled by: Erik Henriksen, Pools Superintendent

Authorised by: Gary Dean, Facilities Operations Manager

Management Plan 4 Year Outcome: *Community recreation facilities and services in new and established areas meet contemporary needs.*

Critical Action: *Provide in partnership with others an agreed plan for delivery of recreation facilities and services based on available resources.*

Purpose:

To advise Council of a request from St Marys Tennis Club Inc to fund the resurfacing of four synthetic grass courts (courts 10-13) and other minor maintenance matters. The report recommends a course of action.

Background

Council received a report in December 2002 overviewing the City's tennis court operations. Contained within that report was reference to two issues in need of attention. The two issues were - '*Urgent repairs to the St Clair Tennis Complex*' and '*Resurfacing of four synthetic grass courts (courts 10 to 13) at St Marys Tennis Complex*'. The St Clair project has been successfully completed.

At the time, upon inspection and under advice from some industry experts, and considering the demand on Council's Recreation Reserve as a result of the St Clair Tennis project it was determined that the four courts in question at St Marys were still in a reasonable condition and could sustain play for a further twelve to eighteen months. It was agreed to defer the resurfacing for twelve months.

Current Situation

Resurfacing of Tennis Courts:

Expressions of interest were sought for the resurfacing of four courts and to include the rejuvenation of four additional courts at the St Marys Complex.

Three quotes were received (all quotes are excl GST). The minimum product requirements for the synthetic grass were:

- 19mm pile height
- 10,000 denier yarn
- 1,000 g/m sq. yarn weight

All three quotes met this criteria and were priced as follows:

1.	Sports Technology International (previously Sportact)	\$73,260.00
2.	Court Craft Aust Pty Ltd (excl rejuvenation component)	\$79,820.00
3.	Gameplan Sports and Leisure Pty Ltd	\$64,000.00

The quotes were assessed by the Facilities Operations Manager, Parks Construction and Maintenance Manager and the Pool Superintendent. The President of St Marys Tennis Club Inc was consulted on the submissions received and was in agreeance of the recommendations for the preferred contractor and method of treatment proposed.

All three quotes offered suitable warranties (7 years on the product). Gameplan Sports and Leisure also advised of a four year guarantee on their workmanship.

Court Craft Aust Pty Ltd is the more expensive quote and does not offer a rejuvenation cost for the additional four courts.

Sports Technology International's price for the project is some \$10,000.00 more than that proposed by Gameplan Sports and Leisure Pty Ltd. Sports Technology International have provided good service to Council previously with the recent St Clair Tennis Courts project.

The quotation from Gameplan Sports and Leisure meets the required criteria, provides a four year warranty on workmanship and offers greater value for money on this occasion and is therefore recommended as the preferred option.

Other Matters:

In addition to the resurface / rejuvenation project, three other issues were identified which needed attention. The issues are:

- Replace cracked and broken tiles and install expansion joints where required around Clubhouse. Cost approximately \$1,600.00.
- Pressure-blast stormwater drains between courts and rear of building. These drains appear to be partially blocked and do not allow water to escape quickly enough during reasonably heavy rain, subsequently flooding the courts. Cost approximately \$2,300.00.
- Inspect and report on condition of light poles around the complex. Evidence of rust and decay is noticeable however, it is unclear whether the structures are unsafe without expert analysis. Cost approximately \$1,200.00.

The costs associated with these three items are contained within the \$70,000.00 requested for the overall project.

Senior Corporate Accountant Comment

“Prior to the establishment of the St Marys Tennis Club as an incorporated body, these tennis courts were administered by a S377 Committee. As part of the arrangements made at the time of changeover to the incorporated body, an amount of \$78,457 was transferred from the committee bank account to Council’s main account, and Council undertook to contribute an equivalent amount to the maintenance and upgrade of these facilities over time. The amount is currently held in the recreation reserve together with other amounts that have been earmarked for spending on recreational facilities. Once the \$78,457 is spent, the tennis club becomes primarily responsible for most maintenance issues at the courts.

Council has spent amounts on Tennis Court Maintenance that could be allocated against the funds held for St Marys Tennis Court but to date no specific allocation has been made. The Facilities Operations Manager advises that if a full audit of expenditure were conducted, it would likely be in the order of \$15,000 but that the

Tennis Club has also spent amounts that it could argue should have been funded by Council. A cooperative rather than a strict legal basis has been used for allocating costs between Council and the Tennis Club. It is therefore proposed that \$70,000 be allocated in full satisfaction of the earlier arrangements.”

Summary

The St Marys Tennis Centre has provided excellent tennis facilities for our community for many years. The courts are in need of upgrading which should now occur. Those surfaces being replaced have had constant use since 1985.

Funds are available to undertake the required work.

RECOMMENDATION

That:

1. The information contained in the St Marys Tennis Courts Resurfacing and Minor Maintenance report be received.
2. An amount of \$70,000.00 be allocated to the resurfacing/rejuvenation and other maintenance matters at St Marys Tennis Courts from the Recreation Reserve.
3. The quote from Gameplan Sports and Leisure Pty Ltd of \$64,000.00 for the resurfacing of Courts 10-13 and rejuvenation of Courts 8-11 at St Marys Tennis Courts be accepted.
4. The drainage system be upgraded, repairs be carried out to the Tennis Court Clubhouse and the light poles inspected at St Marys Tennis Courts as described in the report.



The City as a Social Place

5 Implications on Council's budget due to the Gaming Machine Tax

1093/1

Compiled by: Raphael Collins, Parks Construction & Maintenance Manager & Carol Joyce, Community Development Manager

Authorised by: Raphael Collins, Parks Construction & Maintenance Manager & Carol Joyce, Community Development Manager

Requested by: Councillor Aitken

Management Plan 4 Year Outcome: *Community recreation facilities and services in new and established areas meet contemporary needs.*

Critical Action: *Develop a comprehensive strategy and priority program to provide additional recreation facilities for the City, including more local active open space in established and new release areas, and more regional active open space.*

Purpose:

Councillor Aitken asked for information about the consequences for Council if licensed clubs in Penrith became unable to sponsor sporting and community service organisations they currently support due to the new gaming machine tax.

Background

The Community Development Support Expenditure scheme (CDSE) is a scheme that was introduced by the NSW Government in 1998. This scheme allows licensed clubs to receive a tax rebate if they donate 1.5% of gaming machine revenue above \$1million to the community. There are 13 Clubs in the Penrith Local Government Area that the CDSE applies to.

The scheme is divided into two categories. **Category 1** funding (0.75% of gaming machine revenue over \$1 million) is open for incorporated, not-for-profit organisations providing services to residents of the Penrith Local Government Area. Examples of the services funded include community welfare and social services, community development, community health services and employment assistance activities. This category considerably expands the traditional role of clubs which included donations to hospitals, charities and fund raising bodies.

The Penrith CDSE committee, which consists of representatives of participating clubs, Council, the NSW Department of Community Services and the general community, makes recommendations regarding **Category 1** funding allocation to club boards. This includes developing local needs information and criteria for ranking applications. The **Category 1** local committee process, now adopted across the state, was pioneered in Penrith.

This is an area of funding which has traditionally been largely the concern of the state government rather than local government. A cutback in this area will impact on local communities and may lead to an increased number of requests for donations from Council. Council's Community Assistance Program (CAP) has a current budget of \$37,500 per annum and has a limit of \$1000 per project.

Category 2 expenditure (0.75% of gaming machine revenue over \$1 million) is largely for the support of local sporting organisations. Funding for local sporting clubs is distributed directly from club boards to the various sporting associations.

According to Clubs NSW, the peak body for registered clubs, the expenditure on average by clubs in **Category 2** is 66% above the minimum mandatory level. This reflects the fact that support for local sporting organisations has been an area of involvement by clubs for many years.

Category 2 is a more traditional area of involvement by registered clubs in the local community than the considerably newer focus of **Category 1** in its present guise.

The following clubs in Penrith were contacted to obtain their expenditures for **Category 1** and **2** of the CDSE for 2001 and 2002. The Clubs were advised that this information was being sought for a report to Council. There was no objection raised by the Clubs. This information is publicly available in any event.

		StMary's Leagues	Penrith Panthers	Penrith RSL	Penrith GAELS
2001	<i>Category 1</i>	\$285,259	\$428,000	\$74,000	\$3,121
	<i>Category 2</i>	\$441,551	\$655,000	\$92,823	\$3,120
2002	<i>Category 1</i>	\$167,293	\$432,000	\$92,840	\$4,300
	<i>Category 2</i>	\$491,020	\$887,000	\$105,188	\$4,300

Comment

The proposed changes to the poker machine tax rates will be phased in from 1 September 2004 to 2010. These changes will affect all clubs. By 2010 all clubs with gaming revenue over \$10m per annum will be paying 49.09% tax on this revenue compared to the 26.25 % they are currently paying.

The clubs contacted believe that these new gaming taxes will impact on the expenditure currently distributed by clubs over the required minimum levels. This action will be necessary in order for the clubs to meet the proposed new levels of tax. The clubs believe that their future survival is at risk. By way of example, St Mary's Leagues Club distributes \$323,000 and Penrith Panthers distribute \$445,000 above their minimum contribution.

The extent to which clubs will cut back optional contributions to local groups is unknown. Certainly the tax reduces the capacity to make these contributions but the extent of the reductions will also be influenced by other future costs and revenues. If local groups receive less from the licensed clubs there could be additional requests for Council funding.

RECOMMENDATION

That the information concerning the possible implications of the proposed increased Gaming Machine Tax to be introduced by the NSW State Government be received.



The City as a Social Place

6 Namatjira Neighbourhood Centre - vacation care fees

1352/4

Compiled by: Tony Jarrett, Neighbourhood Facilities Co-ordinator

Authorised by: Gary Dean, Facilities Operations Manager

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

To re-consider the fee for use of Namatjira Neighbourhood Centre for vacation care

Background

The 2003/04 fee for use of Namatjira Neighbourhood Centre for vacation care was set in Council's Management Plan at \$5.00 per hour, being an increase from \$3.00 per hour.

Werrington Community Development Project had submitted objections to the fee increase. These objections were assessed at the time of finalising the Management Plan and the recommendation to increase the fee was adopted by Council.

Current Situation

Werrington Community Project have lodged an additional submission that provides greater detail about the impact the fee increase would have on viability of the vacation care service. The Project points out that no supporting funding is received from government agencies to provide the vacation care service. The Project argues that the service would not be viable at the \$5.00 per hour fee.

Community Development Manager's comment

Werrington Community Project have advised that they have applied to the Commonwealth Department of Family and Community Services and the NSW Department of Community Services for Child Care Benefit (CCB) vacation care allocated places.

When the service is allocated CCB places, parents will receive a subsidy to offset the costs of using vacation care. This will then put the Werrington Community Project onto the same financial footing as other vacation care services operating from Council-owned facilities. This will enable the Project to set fees sufficient to pay Council the same hourly rate for use of facilities as other similar groups, while keeping the cost to parents at an affordable level.

If the service is obliged to raise its fees to meet the standard charge for using the facility, it will be priced out of the reach of parents, will be disadvantaged in comparison to other services and will cease to be viable. It is strongly recommended that the cost to the vacation care service of using the Namatjira Neighbourhood Centre be returned to the rate effective last year, ie \$3.00 per hour, until the service is granted CCB allocated places.

RECOMMENDATION

That the Namatjira Neighbourhood Centre vacation care fee be reduced from \$5.00 per hour to \$3.00 per hour. This fee will be returned to at least \$5.00 per hour should Child Care Benefit (CCB) funding be received by Werrington Community Development Project.



The City as a Social Place

7 State Government Capital Contribution to the Proposed New North St Marys Community Facility 1359/10 Pt3

Compiled by: Erich Weller, Community Programme Co-ordinator

Authorised by: Carol Joyce, Community Development Manager

Management Plan 4 Year Outcome: *Agreed plan for delivery of community infrastructure has been implemented.*

Critical Action: *Include the established areas as part of the City-wide analysis of social disadvantage and develop a planned response in partnership with others.*

Purpose:

To inform Council of the financial contribution by Mt Druitt Community Solutions and the Department of Housing to the proposed new North St Marys Community Facility.

Background

At the Policy Review Committee meeting of 24th February 2003 Council received a report on North St Marys Neighbourhood Renewal. This report included a summary of the two Neighbourhood Renewal Community workshops held in August and December 2002, a preliminary description of the proposed new community facility for North St Marys, an assessment of the need for the project, and possible funding sources.

As a result of that report Council resolved to:

1. Council adopt the demolish and rebuild option (that is the Option 1 Concept Plan) as outlined in this report as the preferred option for the proposed North St Marys Community Facility Project.
2. Council advance \$100,000 in the current Management Plan year for project definition costs including full design documentation for the proposed new North St Marys Community facility.
3. A further report will be provided to Council once there are more definite costings for the design.
4. Council write to the State Member seeking his continued support in making representations to the relevant State Government agencies in relation to funding contributions towards the North St Marys Community Facility Project.
5. Council write to the State Member seeking his support in approaching the St Marys Rugby League Club and the St Marys Band Club in relation to funding contributions towards the proposed North St Marys Community Facility Project.
6. Community consultation be undertaken with residents in the immediate surrounds of the North St Marys Hall to ascertain their views about the proposed new facility.

This report will provide a brief update on resolutions 2-6, with major focus on funding related matters.

Design Documentation for the Proposed New Facility (Resolution 2)

The local Design Reference Group for the facility has met on eight occasions. The group is made up of representatives from North St Marys Neighbourhood Centre, the South Creek Mobile Youth Service (auspiced by the Neighbourhood Centre) and user groups of the existing neighbourhood centre in Poplar Street. Representatives from the Department of Housing Penrith office and St Marys Community Health Centre also participated. The Reference Group signed off on the final detailed design in mid-August. Full design documentation will be complete by mid October.

Updated Costing (Resolution 3)

An updated independent quantity survey will be undertaken once full design documentation is complete. This is expected to be obtained by late October, and will be reported to Council in November, 2003.

Representations by the State Member for Londonderry (Resolution 4)

Correspondence was forwarded to the late Mr Jim Anderson, MP, in early March 2003 requesting his assistance in continuing representations to relevant State Government agencies on financial contributions to the proposed North St Marys Community facility. With the unfortunate passing away of Mr Jim Anderson and the subsequent by-election the representation process was delayed until Mr Allan Shearan, MP, took office.

A briefing on the proposed North St Marys Community facility and other matters was held with the new State Member in August. Council officers sought the State Member's support with continuing representations to the State Government officers responsible for the Mt Druitt Community Solutions initiative and the Department of Housing.

In late August Council received correspondence from the Project Director, Mt Druitt Community Solutions and Crime Prevention Strategy confirming a combined contribution from Mt Druitt Community Solutions and the Department of Housing of \$200,000 towards the proposed new North St Marys Community facility. This contribution is one third from Community Solutions and two-thirds from the Department of Housing (from the sale of the existing Department of Housing dwelling currently occupied by the Neighbourhood Centre).

This combined contribution of \$200,000 is less than Council expected.

In previous discussions with the Premiers Department and Mt Druitt Community Solutions representatives in early February 2003, a Community Solutions contribution of \$100,000 and possibly slightly more was raised. Also the late State Member was advocating strongly for a Department of Housing contribution of the full sale cost (minus expenses) of the existing Department of Housing dwelling housing the North St Marys Neighbourhood Centre. The cottage is estimated to have a value of between \$250,000 to \$300,000.

Correspondence has been forwarded to Mr. Allan Shearan, MP expressing disappointment at the combined funding contribution from the State Government. A request for the State Member for Londonderry to make further representations to the Premier and Minister for Housing in relation to increasing the State Government contribution to the proposed community facility project has also been made.

The correspondence to the State Member also emphasised the importance of the proposed new neighbourhood centre for North St Marys in contributing to breaking the cycle of disadvantage that is evident in the suburb. Council also outlined the positive steps it has already taken to deliver a new community facility for North St Marys. This includes:

- Advance funding of \$100,000 in February this year to complete design documentation for the new facility
- Closely involving representatives from North St Marys Neighbourhood Centre and existing Centre user groups in developing a design to meet local needs including an outreach service capacity
- Determining the project's precise cost and developing a funding model
- And holding two community meetings with local residents and property owners in the area adjoining the site for the proposed new community facility as part of pre-development application consultation.

Support from St Marys Rugby League Club and St Marys Band Club (Resolution 5)

Council officers understand the late Mr Jim Anderson also had preliminary discussions with the two registered clubs about the proposed North St Marys Community facility.

Since that time the Mayor has written to the respective clubs indicating that Council will be in further contact to organise a formal presentation on the proposed community facility project and explore opportunities for contributions from the St Marys Rugby League Club and the St Marys Band Club.

Community Consultation (Resolution 6)

Two local community meetings have been organised for 24th September, one from 9.30am to 11.30am, the second in the evening from 6.30pm to 8.30pm. Approximately 130 property owners and residents have been invited to attend. Business operators in Parklawn Place were also individually approached and invited to attend the community meetings. As indicated by the resolution the primary purpose of the community meetings is to ascertain the views about the proposed new facility from adjoining residents and property owners.

The outcomes from these consultations will be included in a comprehensive report on the proposed North St Marys Community Facility project in November.

Other Matters

The Project Director, Mt Druitt Community Solutions and Crime Prevention Strategy has recently provided an update on the programs and projects that will be delivered through the strategy.

The Project Director has also clarified the NSW Government funding commitment to the Mt Druitt Community Solutions Strategy over the 2002-2006 period. Dollar allocations by year are as follows:

2002/03	\$2,982,509
2003/04	\$5,342,843
2004/05	\$4,233,648
2005/06	\$1,391,000
TOTAL	\$13,950,000

One project of particular relevance for North St Marys families is that appropriate referral pathways have been developed between Western Sydney Area Health Service and Wentworth Area Health Service to ensure identified North St Marys families are provided with Mobile Outreach Therapy for their 0-3 year olds or Sustained Home visiting help to ensure adequate parenting/learning support for 0-5 year olds. In effect this means both services, provided by Western Sydney Area Health Service out of the Mt Druitt Community Health Centre are available to their "out of area" Wentworth Area Health Service clients from

North St Marys through a range of operational protocols and linkages which overcome the traditional service based geographical boundaries.

Also, confirmation has been recently received that the Department of Sport and Recreation will run a vacation program for 7-14 year olds at North St Marys Public School during the upcoming September-October school holidays. This initiative will be funded by Mt Druitt Community Solutions. Given the program's location at the Primary School it is not expected to duplicate the South Creek Mobile Youth Service's North St Marys vacation program.

An analysis of the Mt Druitt Community Solutions and Crime Prevention Strategy is currently being undertaken to assess which specific projects and programs will service and benefit North St Marys residents. This analysis and assessment will also be included in the report to Council planned for November.

Summary

This report provides an update on resolutions adopted by Council in February this year in relation to Neighbourhood Renewal in North St Marys.

Council has received written confirmation of a combined contribution of \$200,000 from Mt Druitt Community Solutions and the Department of Housing towards the proposed new North St Marys Community facility. Council has requested that the Member for Londonderry, Mr. Allan Shearan, MP, make further representations to the Premier and Minister for Housing seeking an increased contribution to the proposed North St Marys community facility project.

A further report on North St Marys Neighbourhood Renewal will be submitted for Council's consideration in November. This will include the outcomes of the community meetings, a revised quantity survey cost for the North St Marys Community Facility project, a major project funding model, and an analysis of the programs and projects being developed as part of the Mt Druitt Community Solutions and Crime Prevention Strategy and their particular relevance to the North St Marys community.

RECOMMENDATION

That Council note the information contained in the State Government Capital Contribution to the Proposed New North St Marys Community Facility report.



The City Supported by Infrastructure

8 Unrestricted Car Parking in St Marys

9226/1

Compiled by: Lindsay Clarke, Road Network Services Engineer

Authorised by: David Burns, Asset Manager

Requested by: Cr Steve Simat

Management Plan 4 Year Outcome: *A register of all significant assets, their condition and standards determined and a plan for their maintenance is operating.*
Critical Action: *Determine and agree on appropriate standards for asset condition and functionality.*

Purpose:

The purpose of this report is to advise Council on the extent of unrestricted (all day) parking at St Marys station.

Background

Question Without Notice 5 at Ordinary Meeting on 18th August 2003:

Councillor Simat has received representations from residents who leave cars at the station, catch the train to work and have been fined because they had nowhere to park except for the three hour zone. Councillor Simat asked that a report be prepared for Council on the provision of extra unlimited parking spaces at St Marys station.

Current Situation

An inspection of all car parks in the St Marys CBD and station area was carried out on Thursday, 4 September 2003 to determine the availability of unrestricted car parking spaces. A summary of the results of the inspection follows:

<u>Car Park</u>	<u>Parking Restriction</u>	<u>Available Parking</u>
Harris Street	Unrestricted	Yes
East Lane (Station - Phillip)	3 hour	Yes
East Lane (Phillip - Chapel)	3 hour	Yes
East Lane (Chapel - King)	Unrestricted	Yes
West Lane (Nariel)	Unrestricted	Full
West Lane (Nariel – Belar)	Unrestricted	Yes
West Lane (Belar – Charles Hackett)	Unrestricted	Yes
West Lane (Charles Hackett – Crana)	Unrestricted	Yes
West Lane (Crana – Carsons)	Unrestricted	Yes

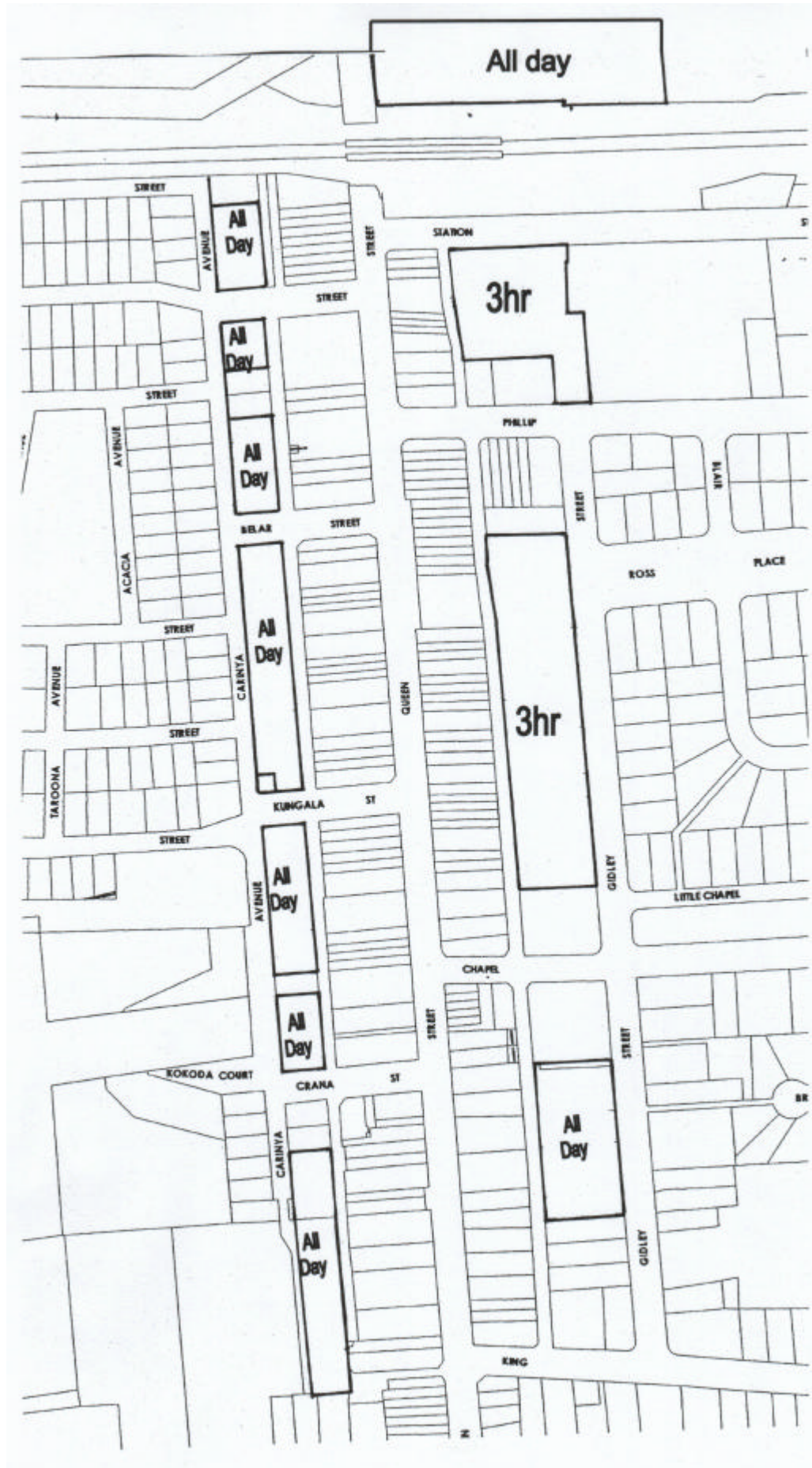
The majority of the car parks in St Marys are unrestricted allowing all day parking (see attached map). At the time of the inspection, a mid week day after 9.00am, only one unrestricted carpark had no spaces available, West Lane at Nariel Street. The 3 hour parking in East Lane is available for shoppers and at the time of the inspection had spaces available.

Presently, there is an ample supply of unrestricted car parking spaces within a short walk of St Marys railway station.

RECOMMENDATION

That unrestricted car parking in St Marys continue to be monitored.





The City Supported by Infrastructure

9 On-Street Parking

909/124

Compiled by: Noel Fuller, Co-ordinator Ranger & Animal Services
Authorised by: Barry Ryan, Waste & Community Protection Manager
Requested by: Councillor David Bradbury

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

Critical Action: *Manage parking in the City's CBDs and neighbourhood precincts.*

Purpose:

To inform Councillors of the progress of the Ranger Services' role in the regulation of on-street parking. In addition, information will be provided on the process where appeals against Penalty Infringement Notices may be determined by both the Infringement Processing Bureau and the local Courts.

Background

On 22 July 2002 the transfer of responsibility for the regulation of on-street parking from the New South Wales Police Service to Local Government was effected. Parking Patrol Officers formerly employed by NSW Police were also transferred to Local Government in accordance with an agreement reached between the Police and the Local Government & Shires Association.

A report to Council's Ordinary Meeting of 14 October 2002 informed Council of this transfer of responsibilities and provided general information on the proposed method of operation of the Rangers.

At the time of writing that report it was recommended and approved that any surplus above costs to provide the function be transferred to a car parking and traffic facilities reserve.

Current Situation

Council has employed four additional staff as Rangers whose primary role is to enforce on-street car parking restrictions in the Penrith Local Government area. Initially, two of these staff were transferred from NSW Police, while the other two staff were employed through Council's normal recruitment and selection process.

The purpose of regulating on-street car parking and Council's free car parking areas is two-fold. Firstly, to ensure that vehicles are parked in a manner that is safe and, secondly, that vehicles are moved within the prescribed time limit. Enforcement of disabled parking spaces is an important part of this function.

Whilst the majority of the workload involves the patrolling of streets and car parks within the CBD areas, there is an increasing demand to address issues of parking in areas adjacent to

schools and heavy vehicle parking in built up areas, which has also created additional demands on use of the Department's vehicles.

The additional Rangers have also been utilised to control littering, illegal advertising and to assist controlling other activities such as illegal driving of 4WD on public reserves.

Rangers have recently completed audits of all Council free car parking areas. The audits have collected information on the appropriateness of signage, line marking, restrictions applying to that car park, and any other minor issues such as littering that may be observed at that time.

Resulting from these audits additional signage will be required to be placed at the entrance to all Council free car parks to clearly inform motorists entering that car park that it is a restricted car parking area and the types of restrictions that apply to that car park. These additional signs (estimated installation cost of \$6,000), do not fall within the general Asset Management activities and should be funded from the car parking and traffic facilities reserve.

At Council's Ordinary Meeting of 1 September 2003, Councillor Bradbury requested further information on the process and cost of appealing a parking fine through the local courts.

Once a Penalty Infringement Notice (PIN) is issued, the person to whom it is issued has the right of appeal through two processes. Firstly, by writing directly to the Infringement Processing Bureau (IPB) and identifying all reasons or circumstances that the person believes should be taken into account in determining if the Infringement should stand. There is no cost for making these representations.

The IPB has guidelines to determine representations and generally these guidelines will determine that no further action will be taken on the Infringement if:

- There is an error in the Penalty Infringement that makes that Infringement Notice not legally sound; and,
- There are extenuating circumstances with supporting documentation that allows the assessor to determine that the offence was reasonably beyond the person's control.

Secondly, the person who has been issued with a PIN has the right to appeal to the local court. There is no cost to lodge an appeal in the local court, but if a person loses this appeal they are required to pay court costs of \$61, plus any penalty imposed by the Magistrate. If they decide to appeal the Magistrate's decision they must then pay \$73 to lodge an appeal in the District Court.

RECOMMENDATION

That:

1. The report on On-Street Parking be received.
2. \$6,000 be provided from the car parking and traffic facilities reserve for the installation of additional signage in Council's free car parking areas.



The City Supported by Infrastructure

10 Submission on the Interim Report on the Ministerial Inquiry into Sustainable Transport in NSW (9022/1)

Compiled by: Walter Sinnadurai, Transportation Planner

Authorised by: Craig Ross, Design & Technical Advice Manager

Management Plan 4 Year Outcome: <i>Accessible bus, train and taxi services improved (including between Penrith and St Marys).</i>
Critical Action: <i>Lobby to provide improved transport services throughout the City.</i>

Purpose

The purpose of this report is to seek Council's endorsement to the lodgement of a submission on the Interim Report - Ministerial Inquiry into Sustainable Transport in New South Wales, called by the Minister for Transport Services, The Hon Michael Costa MP.

Background

The Minister for Transport Services, The Hon Michael Costa MP, requested an inquiry into sustainable transport in NSW in May 2003. In the context of the Government's commitment to a safe and reliable public passenger transport system, the inquiry is to review:

- *The likely future needs of CityRail and STA Bus and Ferry operations, with regard to efficient operating and capital costs;*
- *Funding options to meet these revenue needs, as well as funding options for any future expansion of the public passenger transport system;*
- *Options for enhancing the optimum use of public passenger transport relative to other transport modes;*
- *Possible arrangements for incentive mechanisms with better link fares and service standards, including safety;*
- *Options for better targeting the funding and delivery of transport services to meet the needs of different groups in the metropolitan and non-metropolitan communities, including rural community and health transport needs.*

Council lodged a submission for this inquiry on 24 June 2003. The review presented an Interim Report to the Minister for Transport Services on 8 September 2003.

The Minister has now called for submissions on the Interim Report and has requested that these be lodged by 10 October 2003.

Current Situation

Council's previous submission raised issues of rail line capacity, commuter parking, Transitway link, connectivity, delivery of transport service, and funding.

The Interim Report has addressed these issues, however it is felt that the following items should be further addressed:

FAIR FARES

Ticket Products

The report acknowledged that the State Transit Authority (STA) is known to enjoy different levels of cost recovery from its different service areas, with the high patronage, short journey eastern suburbs service providing the highest cost recovery. Penrith LGA residents do not have access to the range of ticket products offered by Sydney bus services. These products offer a range of zone tickets (TravelTens), multi-modal weekly tickets (TravelPass), and a wide range of concession tickets such as the Pensioner Excursion Ticket, which costs \$1.10/day, and covers all forms of State provided public transport.

Council supports the use of multi-modal weekly tickets (TravelPass) and the associated range of concession tickets for private buses and State Rail patrons.

▪ *Smart Card*

There is merit in a 'smart card' ticket structure allowing for multi-modal journeys across both Government and privately operated services on one integrated ticket. This is on the proviso that the discount subsidies between private and Sydney buses in the metropolitan area have been addressed fairly.

▪ *Integrated Ticketing*

The Report examines various fare structures including flat fare, distance based, time based, and zonal. It also addresses fare integration between modes.

Council has been pressing for benchmarking of private operator services against those of State-run buses and the option of fare alignment within a mode would achieve that objective. The broader alignment between modes is one that Council has been pressing for, particularly for the concession fares.

FUNDING OPTIONS

The Ministerial Inquiry has made some valuable suggestions in terms of assessing funding options for transport infrastructure delivery ie, efficiency, effectiveness, equity and appropriateness. Various models have been examined including user pays, development charges, land value capture, public/private partnerships, private franchise, private investments, CBD employee tax, transport levy, and public debt.

Council has some important issues that need to be addressed and include the following:

- Funding for transport infrastructure to employment lands versus residential lands
- Ability for potential residents and businesses to pay for transport infrastructure provision
- Attractiveness/competitiveness of a user pay transport infrastructure provision
- Administrative costs to Local Government for collection, monitoring and assessing contributions.

CONCESSIONS AND COMMUNITY TRANSPORT

School Student Transport Scheme (SSTS)

The Interim Report has acknowledged that SSTS payments are based on estimates of the rates of school student travel pass usage rather than actual travel. The Report is promoting major reform for SSTS payments at the most basic level - payments should only be made on actual student trips, not for so-called 'phantom' travel. The report considered three options as follows:

- (a) Cap the level of subsidies for each student. The level of the cap could vary depending on the location and available transport services.
- (b) Cap the total amount the Government is spending on the SSTS.
- (c) Introduce an annual application fee indexed at the rate of inflation (\$30 annual fee for school travel pass).

Council should oppose any reduction in Government subsidies for SSTS payments and it is considered that either Option (b) or (c) could have an adverse economic effect on the parents of Penrith LGA school students. It is further considered that either of these options, with the current fragmentation of school bus services combined with low-income families, could tend to promote an increase in private vehicle usage.

Equitable Provision of Pensioner Excursion Tickets

Currently, Penrith LGA pensioners do not have access to the concession tickets such as the Pensioner Excursion Ticket, which costs \$1.10/day off ticket products offered by Sydney bus services. Council supports the abolishment of the existing metropolitan pensioner excursion ticket fare scales and replacement with a fare set at \$2.20 provided, as stated in the Report, that the higher fare scheme should be extended to users of private bus services. The Report does not specifically define how the \$2.20 was determined.

Wheelchair Accessible Taxi Scheme (WATS) that meets Community Needs

The Report offers two options regarding the provision of WATS:

- Provide incentive payments for WATS drivers that meet performance standards for response times.
- Dedicate wheelchair accessible vehicles and salaried employees of taxi networks to providing disabled and non-emergency health transport services. These vehicles would not be available for general hire.

It is considered that both options have merit and that a mechanism for government funding needs to be developed for either option. The first option is one that was proposed by the Physical Disability Council of NSW.

Approximately 6% of the taxis in the Sydney metropolitan area (including the Penrith LGA) are wheelchair accessible. All taxis in the metropolitan transport district may operate in any area bounded by that district, including the Penrith LGA. The choice is entirely up to the individual drivers. Concern has previously been raised by Council that the number of WATS operating in the Western Sydney Region at any one time may be below the metropolitan average. It is suggested that Council continue to press for a benchmarking of the number of WATS operating in the Penrith district, including frequencies, service levels, costs, social inequities and any subsidies, when determining the fair outcome.

Submissions originally closed on 10 October 2003, however an extension of time has been granted until 17 October 2003. It is proposed that a submission be lodged detailing the items listed above.

RECOMMENDATION

That Council endorse the lodgement of a submission to the Interim Report - Ministerial Inquiry into Sustainable Transport in NSW.



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Council's Operating Environment

11 2002/2003 Financial Statements

6037/32

Compiled by: David Thorpe, Financial Accountant

Authorised by: Barry Husking, Chief Financial Officer

<p>Management Plan 4 Year Outcome: <i>Maintain a sound financial position and liquidity.</i> Critical Action: <i>Ensure the timely provision of financial advice and information to support Council's decision making processes.</i></p>
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Purpose:

This report presents Council's audited financial reports, together with the auditor's reports in accordance with Sections 418 and 419 of the Local Government Act 1993. The auditor, Mr Dennis Banicevic from PricewaterhouseCoopers will be attending this meeting and will make a short presentation

Background

The Local Government Act has detailed provisions for the completion of the financial statements. The process is:

1. Council staff prepare the statements
2. Council issues a statement that the accounts are in order
3. Council refers the statements to its auditors
4. The auditors complete their work and return the statements with an audit opinion attached
5. The reports are put on public exhibition
6. The reports are presented with the auditor's reports at an ordinary meeting.

Council completed section 3 at its ordinary meeting of 15th September 2003. The Audit Certificates have now been issued and Council submitted its 2002/03 Financial Statements to the Department of Local Government on 16th September 2003.

The audited Financial Statements have been placed on public exhibition in accordance with the requirements of the Act. Public notice has been given of Council's intention to present these Statements to this meeting. Public submissions must be lodged in writing to Council by 9th October 2003.

The presentation of these reports completes the final stage of the annual Financial Statements' process.

RECOMMENDATION

That the 2002/03 Financial Statements report be received.



Council's Operating Environment

12 Rate Pegging Task Force

6503/4

Compiled by: Stuart Benzie, Rates Officer Administration

Authorised by: Barry Husking, Chief Financial Officer

Management Plan 4 Year Outcome: *Maintain a sound financial position and liquidity.*
Critical Action: *Review opportunities for sustainable and equitable increases to Council's income supported by the community.*

Purpose:

The purpose of this report is to provide an update on the work of the Rate Pegging Task Force.

Background

Earlier reports regarding the Rate Pegging Task force were presented to Council on 2 May 2002 and 3 Feb 2003. Council has previously shown support for the Task Force by contributing \$829 to the project, through the Local Government Association.

Under the current rate pegging system, the Minister for Local Government determines the percentage variation to General Income. Any Council that wishes to increase rates above the Minister's determination is required to apply to the Minister for a special variation.

The objectives of the Task Force are to make recommendations to the State Government regarding:

- The basis for determining the rate pegging limit
- Changes in the process of applying the limit
- The timing of the announcement of the limit
- The basis for granting special variations
- The relationship with special rates
- Options to enhance the operation of rate pegging in terms of council performance and community needs.

The Task Force evaluated expressions of interest for the consultancy service and subsequently offered the project in two-tiers. Tier one being a proposal for an annually determined index, was offered to National Economics and the second tier component looking at more specific needs of individual councils, was offered to Centennial Consulting.

Current Situation

The Task Force and National Economics have completed the Local Government Rate Determination Model (tier one of the project). The model was developed with consideration to the changes in operating costs of NSW Councils in relation to rate pegging limits and aimed to develop an index that best indicates the changing nature of those costs. It provides a Local Government-specific cost index as an alternative to the current rate pegging system.

A memorandum by Council's Chief Financial Officer, regarding the completion of the model was sent to all Councillors on 23 July 2003, along with the Executive Summary of the model.

The Chair of the Rate Pegging Task Force, Cr John Tate, and the Associations Presidents met with the Minister for Local Government, the Hon Tony Kelly MP, on 19 August to present the model. The Minister has indicated the State Government will seriously consider the Rate Determination Model and should make a decision on whether to adopt the model prior to the Local Government Association's Annual Conference in November.

Local Government Rate Determination Model Summary

The current formula for applying rate pegging in NSW includes the movement in the Consumer Price Index and Average Weekly Ordinary Time Earnings to maintain increases in rates, although the formula is not directly linked to these indices. It is felt that an annually determined index of which the Minister can take note when determining general rate increases would be more appropriate and would more accurately reflect increases in costs to Local Government.

An analysis was undertaken to review the changes in the major operating expense categories of Local Government in NSW. In total, NSW Councils have experienced significant increases in costs in the following categories:

- Employee costs including salary on-costs such as superannuation and training costs
- Materials and contracts
- Other expenses
- Planning and building control costs
- Environmental management and health expenses
- Net cost of recreation and leisure expenses
- Community services expenses.

Generally the research demonstrated that major Council expenses had not moved in line with general cost indicators such as CPI and that there were considerable movement in Council's expenses per category from year to year. In fact the study demonstrated the failure of any one index currently available to accurately track Council expenditure trends in New South Wales. As a result they are poor predictors of future changes in Council expenses.

The analysis reveals that over the period 1996-97 to 2001-02, the various growth indices predicted cumulative growth in expenses for NSW Councils by:

- 11.3 per cent using full CPI
- 22.4 per cent using Average Weekly Earnings
- 16.4 per cent using the existing rate pegging limits
- 24.3 per cent by the newly developed Local Government model.

As shown above the actual increase in expenses over the five-year period was 24.3%, compared to cumulative rate pegging limits of 16.4%. When applied to Penrith's current rate base the difference equates to additional annual rate income of \$4.0 million.

Effectively this means that Local Government in NSW has experienced a revenue shortfall as it strives to keep pace with increasing operating expenses. Councils have needed to look to other measures to maintain services.

The Rate Determination model provides a methodology linked to actual past increases in Council costs to provide an index with which general rate increases can be capped. Basically the model is a combination of indices mathematically brought together. It uses information published by the Australian Bureau of Statistics and supplied by Councils to the NSW Department of Local Government to form the base to forecast expense changes.

Conclusion

As demonstrated by the above information, the current system of rate pegging does not accurately compensate Local Government for increases in operating costs. The task force believes the Rate Determination Model more accurately reflects cost movements in Local Government and is superior to the current process.

The Department of Local Government is to review the model and more than likely make a decision prior to the Local Government Association's Annual Conference. It is felt that support should be given to the findings of the Rate Pegging Task Force and the Rate Determination Model.

The second part of the project concerning rate variations for individual Councils, intended to replace the current special variation system, is still in progress.

RECOMMENDATION

That:

1. the information contained in this report on the Rate Pegging Task Force be received
2. Council write to the Minister for Local Government expressing support for the adoption of a Local Government Specific Cost Index as an alternative to the current rate pegging system
3. Council seek the support of Local State Members of Parliament for the adoption of the Local Government Specific Cost Index.



The City in Its Environment

13 Penrith Rural Lands Study and Draft Strategy

4050/1 part 17

Compiled by: Mark Broderick, Release Area Unit Co-ordinator

Authorised by: Ruth Goldsmith, Local Planning Manager

Management Plan 4 Year Outcome: *The purpose and role of the City's rural areas are defined and secured, and their conservation is optimised.*

Critical Action: *Finalise and implement Council's Rural Lands Strategy.*

Purpose:

The purpose of this report is to present to Council the Penrith Rural Lands draft Strategy for its consideration and adoption.

The purpose of this Report is to -

- *Provide a background to the development of Penrith's Rural Lands Study and the issues that are driving the need for a Rural Lands Strategy,*
- *Provide commentary on the key issues raised by public submissions, consultations with public authorities, additional matters raised with particular resident groups, Councillor workshops and supportive studies,*
- *Present a revised Rural Lands Strategy, including amendments outlined in this Report, in response to the above commentary,*
- *Recommend the adoption of the draft Strategy with amendments, and*
- *Recommend the preparation of a new draft City-wide Rural Lands Local Environmental Plan, based on the adopted Strategy and land use designations.*

The report includes additional information following the previous reports to Council on 16 June 2003, 11 and 18 August 2003 and 1 September 2003.

All those who made submissions to the public exhibition of the Rural Lands Study and Draft Strategy, as well as those who have made more recent submissions in response to the recent report to Council, have been notified in writing of the presentation of this report to Council tonight.

Background

Planning for rural land is relatively new. In the past, Penrith Council rightly focused its efforts on planning for growth and development, particularly in the areas of urban lands and employment lands. However earlier planning schemes have simply referred to Penrith's Rural Lands as 'non-urban', with little acknowledgment of their identity, role or value. Rural land uses such as agriculture required no approvals, other than for dwellings.

The historical myriad of subdivision patterns that can now be found across all rural areas are often unrelated to land capability or environmental constraints. This has resulted in a legacy of inappropriate subdivisions, inconsistent zoning controls, land use conflicts and pressure for further development based on precedent in an uncertain rural environment. Council is also coming under increasing pressure to make decisions about competing land uses, in a climate

of rising land costs, changing rural land uses and agricultural production, and high expectations for returns on rural properties.

Council's previous review of rural lands in the 1980s was conducted in response to exactly the same issues, principally a response to increasing pressure for the subdivision of land for rural/residential purposes. It identified the legacy of inadequate planning for rural areas, being the continued fragmentation of Penrith's rural lands. It concluded that new controls should be devised to preserve remaining rural holdings as well as being responsive to the particular housing demands within Penrith. The resulting Rural Lands LEP 201 (gazetted in 1991) focused on land use controls and zoning for subdivision, and was largely about consolidating disparate planning controls into a single plan. It placed little emphasis on the longer term strategic management of those lands.

LEP 201 also incorporated views of the time that certain rural lands had urban potential. That urban potential has now been identified in Council's adopted Residential Strategy (1997), and acknowledged in Penrith's Growth Management Strategy.

More recently, a holistic view of planning for the rural environment has emerged, with an increasing focus on planning for conservation. Notable examples are the State's recent legislative changes that encourage ecologically sustainable development, and protect vegetation and water catchments, which have a direct bearing on rural land use decision making at a local level. Penrith's Growth Management Strategy and regional initiatives such as the 'Hawkesbury Harvest' complement our rural planning directions. If rural lands are to be conserved and valued as a resource, then it is appropriate to plan more vigorously for the conservation of that resource.

LEP 201 did achieve this aim in part, by limiting subdivision of existing rural holdings in much of the northern and southern areas, providing us now with an opportunity to re-examine those areas from a more comprehensive planning basis, in light of increased knowledge and data relating to contemporary issues including biodiversity and threatened species, effluent disposal and water catchments, salinity, and population growth management.

On 1 September 2003, Council considered a report that advised Council of its responsibilities regarding discussions and decision-making on the draft Rural Lands Strategy, and to outline the status of the draft Strategy.

That report outlined the provision of the Local Government Act 1993 (NSW) that empowers the Minister for Local Government to allow a Councillor who has a pecuniary interest in a matter to take part in the consideration and voting on that matter. The Department of Local Government's Legal Officer's view was that, as a quorum of Councillors would be present in respect of the issue relating to the draft Rural Lands Strategy, then the Minister is unlikely to apply the provisions of the Act.

That report also considered the position of Councillors where specific areas of the draft rural Lands Strategy were deferred for further consideration. The Legal Officer advised that Councillors – if they have no pecuniary interest – may participate in a meeting of the Council or Committee and speak about those areas and participate in decision-making about those areas. Where a Councillor has a pecuniary interest in a specific area however, they would still be precluded from speaking about that area. The report advised that it would be preferable to move ahead with the Rural Lands Strategy as a comprehensive approach to the future of the City's rural areas.

Current Rural Lands Study

Study context

In 1997 Penrith City Council adopted a Residential Strategy, which promotes a compact City and defines Penrith's urban growth limits. The Strategy confirmed that expected residential growth for at least the next 20 years can be accommodated within existing and future urban areas without resorting to any new urban release areas apart from those already being planned. With residential growth targets confirmed, it was timely for Council to review its planning policies and regulations as they related to Rural Lands. Council resolved on 22 February 1999 to progress the Rural Lands Study with the assistance of a consultant.

Another driver for the review was the "policy vacuum" which existed for many of the activities that were presenting in the rural areas. This has been highlighted in the Study and draft Strategy, which has recommended a new rural LEP which would respond actively to issues such as dual occupancies, rural trucks, landfill, clearing, fencing, as well as subdivision, with new controls that are relevant to each of the land use designations specific to each rural locality. A comprehensive planning approach to such controls would provide certainty for Council and the community now and into the future about land uses and associated provisions.

This current Study covers areas not examined in Penrith's earlier rural study conducted in the 1980s, and necessitated a level of research and fieldwork not previously carried out. Land use surveys and lot size analyses were conducted for every rural parcel of land in Penrith. To ensure that the social well-being of rural residents was considered, a social needs assessment was conducted as part of the Study. The outcomes of the social needs assessment are reflected in the actions in the draft Strategy. There was also a commitment to engage the public at every stage of the Study development.

Study aims

The aims of the Study were:

1. to reinforce Penrith's urban growth limits and promote a compact City by identifying and promoting the intrinsic rural values and functions of the City's Rural Lands,
2. to sustain healthy and diverse rural lands in Penrith, by conserving their biodiversity, maintaining the integrity of their ecosystems, maintaining their natural capital, and promoting the social well being of rural communities,
3. to promote agriculture and other rural land-uses that are sustainable in the longer term, through the use of appropriate resource and environmental management policies, plans, guidelines and practices,
4. to promote a sustainable economic environment that fosters economically viable rural development, employment, transport and future investment opportunities,
5. to increase the awareness of ecologically sustainable rural land use practices amongst landholders, land-users and the community generally, and promote responsible stewardship of Penrith's Rural Lands, and
6. to achieve outcomes which support and enhance Council's vision of a region with a harmony of urban and rural qualities with a strong commitment to environmental protection and enhancement, and which offers both the cosmopolitan and cultural lifestyles of a mature city and the casual character of a rural community.

These aims will be achieved through the recommended strategic actions outlined in the draft Strategy.

Study area

The Study Area comprises all of the Rural Lands in Penrith City. This includes the village areas (such as Mulgoa, Wallacia, Luddenham, and Londonderry), rural zoned land, South Creek and Ropes Creek corridor lands, land currently regulated by State and Regional

Environmental Planning Policies (Orchard Hills, Mulgoa Valley and Hawkesbury – Nepean catchments), and certain Commonwealth and State government lands.

The Study did not include the ADI lands, the Penrith Lakes Scheme lands, or lands the subject of new release area planning. Given the imminent listing of the Glenmore Park Urban Expansion Area on the Metropolitan Development Program, it will be recommended that these lands be removed from the Rural Lands Study Area. It will also be recommended that the Villages of Mulgoa and Wallacia LEP, which was gazetted on 1 March 2002, be incorporated into a new Rural Lands LEP.

Study milestones

The key milestones of the Study process to date are listed in **Attachment Three**.

Supporting this report is the following documentation:

Appendix One:	<i>Correspondence from DIPNR</i>
Attachment One:	<i>Key issues raised – lands uses and localities</i>
Attachment Two:	<i>Revised Final Draft Strategy</i>
Attachment Three:	<i>Key milestones of the Rural Lands Study process</i>
Attachment Four:	<i>Summary of key issues raised and recommendations</i>

Public consultation

The consultative processes followed in the formulation and exhibition of the Rural Lands Study and draft Strategy and have involved:

- Two *Information Gathering Workshops* with government agencies at the beginning of the process.
- *Issues Paper* prepared for discussion with Council. This paper identified known issues relating to Penrith's rural lands.
- *Information Flyer* mailed to all residents and landowners.
- Two rounds of *Community Workshops* conducted at rural venues around the City. These were well attended, with over 1400 people present. The issues raised by residents were included for consideration in the final draft Study and Strategy.
- Three *Councillor Information Workshops*. These workshops informed Councillors of the feedback received from the Community Workshops as well as progress reporting on the formulation of the Study and Draft Strategy.
- *Public Exhibition* and *Community Information Forums*. This part of the consultative process is reported separately below.
- Three additional *Councillor Outcomes Workshops*. These workshops provided Councillors with the opportunity to discuss submissions received and consider the proposed land use designations and other recommended actions proposed in the draft Strategy, prior to the formal reporting of the draft Strategy to Council for its decision on those recommended actions.
- Additional meetings with particular resident groups and government agencies. The matters arising from these follow-up meetings have been included in the assessment of issue section of this report.

In summary therefore, the Study process to date has involved 5 mailouts to every rural resident and landowner, 11 community workshops, 9 community information forums and 6 Councillor Workshops.

The conclusion of this extensive study and consultation process enabled the Rural Lands Study and draft Strategy to be reported to Council on 16 June 2003. All persons and groups that made submissions were advised by letter of the report's presentation. At that meeting, Council resolved to defer consideration of the report, to allow rural residents and landowners additional time to review recommendations in the draft Rural Lands Strategy.

That resolution provided rural residents and landowners with a further 8 weeks to consider the draft Rural Lands Strategy, as the report was then presented to the Policy Review Committee meeting of 11 August 2003.

Public exhibition

The Rural Lands Study and Draft Strategy were publicly exhibited from 6 August 2001 to 26 October 2001. The purpose of the exhibition was to present the findings of the Study and draft Strategic recommendations to rural residents, landowners, key stakeholders and agencies, and invite their input.

The public exhibition process followed an agreed communications strategy, which involved –

- Public exhibition for 12 weeks.
- Mayoral press release.
- Press article in local newspapers.
- Newspaper advertising.
- Letters to all rural residents, landowners and agencies, informing them of the public exhibition and inviting comments and attendance at community information forums (this was the 5th mail-out to rural residents in the course of the preparation of the Study).
- Community information forums, conducted in nine locations across the City between August and September 2001.
- Use of Council's website.

The community information forums were well attended, with nearly 500 local residents and stakeholders participating. The Penrith Rural Lands Study, and rural lands issues generally, have also attracted considerable local and wider press coverage.

Result of submissions received

183 submissions were received as a result of the public exhibition, including 12 from public authorities. A summary table of all submissions and planning commentary from the various localities was distributed to Councillors at the previous Councillor workshops. The key issues raised are outlined later in this report. The table below indicates the distribution of submissions by locality:

1.	AB	Agnes Banks	1
2.	BC	Badgery's Creek	2
3.	BP	Berkshire Park	5
4.	CA	Castlereagh	8
5.	CW	CITY WIDE	5
6.	CR	Cranebrook	9

7.	EP	Emu Plains	3
8.	ER	Erskine Park	0
9.	GP	Glenmore Park	3
10.	JA	Jamisontown	12
11.	KC	Kemps Creek	60
12.	LL	Llandilo	2
13.	LO	Londonderry	13
14.	LU	Luddenham	6
15.	MV	Mount Vernon	5
16.	MU	Mulgoa	12
17.	OH	Orchard Hills	21
18.	PA	Public Authorities	12
19.	PE	Penrith	0
20.	RE	Regentville	1
21.	SC	St Clair	1
22.	SM	St Marys	0
23.	WA	Wallacia	1
24.	WE	Werrington	1
TOTAL			183

Agencies submissions

Submissions were received from the following agencies:

Planning NSW (now Department of Infrastructure, Planning and Natural Resources (DIPNR))
NSW Agriculture
Department of Land & Water Conservation (now Department of Infrastructure, Planning and Natural Resources (DIPNR))
NSW National Parks & Wildlife Service
Sydney Water Corporation
Environment Protection Authority
Department of Mineral Resources
Roads & Traffic Authority
Department of Defence
Blacktown City Council
Liverpool City Council
Department of Transport and Regional Services

The agencies were generally supportive of the recommendations coming out of our Draft Strategy. Their detailed responses have informed the directions of the draft Strategy and its recommended Policy Actions, which have been revised accordingly.

Councillor workshops

Three Councillor workshops were conducted in July and November 2002, and March 2003. The workshops provided Councillors with an overview of the public exhibition, an analysis of written submissions received from the public and from other agencies and stakeholders, and key issues arising from land uses and localities in the City.

During the course of the workshops, presentations were made by Council's Rural Lands Study consultant, independent consultants engaged to examine the Kemps Creek locality, NSW Agriculture and DIPNR.

DIPNR (PlanningNSW) response

During the formulation of the Rural Lands Strategy we have sought a firm direction from DIPNR, particularly for areas such as Londonderry, Castlereagh, Kemps Creek and Orchard Hills. A number of meetings have been conducted with officers of DIPNR to provide an update and gain feedback on our Rural Lands Strategy. The position of DIPNR on the planning direction of Penrith's Rural Lands has been clarified and confirmed in writing on three occasions. Copies of the letters are attached to this report (refer to *Appendix One*).

DIPNR has indicated support for our Study process and direction to date. A number of significant issues have been responded to by DIPNR –

Subdivision - It was indicated that the Department's traditional approach outside the urban area has been to make agriculture the number one priority. While there are specific areas planned for rural-residential development, the Department doesn't encourage this form of development because it is an inefficient use of land that is not otherwise serviced for residential use. It was also indicated that an important issue to consider is that land which is not currently agriculturally viable may become so in the future.

DIPNR advised again on 10 September 2003 that unless compelling reasons are advanced, further rural development, including subdivision, is not supported.

Northern Rural Areas – While DIPNR had expressed initial concerns about further subdivision that could occur as a result of the Rural Living (Mixed Uses) designation proposed for the northern rural areas, it was indicated to Council at a subsequent meeting with DIPNR in September 2002 that the Department is now more comfortable with additional lots created as infill subdivision down to two hectare lots only, given it is theoretical and would be qualified by constraints such as the biodiversity hatching, on-site effluent disposal requirements, visual appearance, and protection of viable uses such as agriculture. It was also noted that Council intends to develop new controls to maintain current land uses in a sustainable manner.

Orchard Hills - DIPNR recognises the existing planning provisions under the existing SREP 25 for Orchard Hills. Little subdivision potential remains under SREP 25. The Rural Living (Mixed Uses) designation proposed would increase that potential in the form of infill development for two hectare lots only, subject the consideration of site constraints similar to the Rural Living (Mixed Uses) designation in the northern rural areas. DIPNR considers that the draft strategy recommendation for Orchard Hills represents a reasonable planning response for the management of this locality for the foreseeable future.

Kemps Creek – DIPNR has expressed particular concerns about the potential impacts of the possible reduction in lot size to one hectare (as requested by residents) on agriculture. The increased local population resulting from the reduced lot sizes would bring further impacts, such as traffic increases, to the locality. Again DIPNR's view is that it generally discourages

further rural-residential or large lot urban subdivision as it is an inefficient use of land, and it is unlikely that further rural-residential subdivision in the locality would be supported.

DIPNR has appraised the submissions from Kemps Creek residents, and the Independent Report. Its view at this time is that it supports the growth management strategy in the draft Rural Lands Strategy, that is, the aim of concentrating any additional rural-residential development around the existing villages. The Department does not view rural-residential subdivision at Kemps Creek as being consistent with this aim.

Current Status

Agnes Banks and Castlereagh

These localities are currently zoned Rural 1(a) or 1(b) with 40 hectare or 2 hectare subdivision minima respectively. The Study proposes a number of new designations that reflect both the prevailing settlement patterns in the locality as well as recognising land capability constraints and proposing conservation designations where appropriate.

The Rural Living (one hectare) designation over the existing village of Agnes Banks follows the Growth Management Strategy outlined in the Study by promoting growth in rural areas only around existing rural villages. Surrounding settlements patterns are predominantly two hectare parcels, except along the Nepean River, where the Rural Conservation (Agriculture) designation maintains these productive rural lands west of Castlereagh Road. The Rural Living (Mixed Uses) designation east of Castlereagh Road recognises both the prevailing lot patterns as well as the range of land uses found in the locality. The significant Crown lands defining the eastern edge of the Rural Living designation are currently zoned Rural, and have been designated Nature Conservation (Biodiversity) in recognition of identified biodiversity values. Recent additions to Agnes Banks Nature Reserve, negotiated by Council, will result in the designations over certain adjacent parcels changing from Rural Living to Nature Conservation.

Some submissions sought further subdivision in the vicinity of Castlereagh Road, Post Office Road and Hinxman Road. The submissions argued that an increase in local population would support existing facilities and attract additional services to the locality. As detailed in the key issues in ***Attachment One*** to this Report, the proposed Rural Living designation supports the character and pattern of development found in the locality, and reflects the capacity of the current services to accommodate that level of development. Any further development, particularly subdivision to one-acre lots as was requested, is well beyond the ability of the locality to adequately service.

Cranebrook

The locality currently comprises some “rural-residential” subdivision south of Vincent Road, rural zoned two hectare lots around Church Lane and Tadmore Road, Crown and Commonwealth government land, and significant existing bushland. The proposed Rural Living (two hectare) designation maintains a sustainable settlement pattern over predominantly two hectare parcels, while removing some lot size anomalies. The designation also signs off on draft rezoning originally considered by Council in 1995 for the Tadmore Road locality, which sought rationalising of subdivision controls. The designation also recognises the prevailing rural living environment by aiming to limit certain rural activities that may be inappropriate in the locality.

The proposed designation of Rural Living (one hectare) over the AirServices Australia land north of Vincent Road allows consideration of an appropriate rural living area. However further land capability studies are needed before a final development scenario is identified.

The land designated Residential (Large Lot 4,000 m²) south of Vincent Road reflects the planning controls for the existing North Cranebrook “rural-residential” zone.

Londonderry, Berkshire Park and Llandilo

These localities have a variety of land uses, predominantly being a mixture of rural residential, intensive agriculture, animal keeping, and significant areas of native vegetation. These localities are currently zoned Rural 1(a) or 1(b) with 40 hectare or 2 hectare subdivision minima respectively. Services and facilities are poor, with no sewer, and irregular water supply in some areas. These localities lie within the South Creek catchment. Some land uses have been found to be difficult to manage, particularly in respect of dog kennels, truck keeping, dual occupancies, rural industries, and minimum lot size requirements in Llandilo.

The Rural Living (Mixed Uses) designation proposed for these localities will substantially retain the existing settlement patterns without placing any significant additional burden on the catchment. The designation has specific objectives, which will ensure compatibility of future uses with rural residential living areas, the protection and improvement of water quality, and the conservation of native vegetation. It is aimed to provide better definitions and controls for land uses, and minimise land use conflicts.

Londonderry village is currently zoned residential. It is proposed to reinforce the village status with a village designation that extends over the Federal government land to the north. That land is expected to become surplus to government needs and the proposition of a village designation over that land is predicated on the bringing adequate sewer and water services to the existing village.

DIPNR has recommended that the further investigations into the impacts of additional development on the northern catchment be pursued, prior to finalising land zones for the Rural Lands LEP. This will be considered during the formulation of the LEP.

Emu Plains

Those parts of Emu Plains included in the Penrith Rural Lands Study occupy a variety of significant physical environments, from escarpment to river edge, and include both public and private holdings. Existing zoning controls are in some cases considered inappropriate. Contemporary land use designations have been drafted to more accurately reflect both the existing land uses but also limitations to certain sensitive lands in Emu Plains.

Council has for some time been working with the Emu Landcare Group to secure the preservation of bushland at the end of Bedford Street. Recent agreements have been reached with DIPNR to have the land identified as public reserve. It would be appropriate to change the designation, therefore, from Rural Conservation (Landscape) to Rural Conservation (Biodiversity) to reflect the current aspirations for the land.

Another submission has sought subdivision over land on the corner of Old Bathurst Road and Russell Street, which would allow development of five residential lots and an undetermined "employment zone". The land comprises some 20 hectares and is currently covered by an older rural zoning of 1(d) in IDO 93. The zoning permits subdivision into two hectare lots. The exhibited draft designation for this land is Rural Conservation (Landscape) which has a subdivision minimum of 20 hectares.

The subdivision potential that exists under the current zone would be predicated on an application being assessed against the flood constraint over the land. The submission does not examine the extent of this flood affectation, and no case has been made in this submission to address the need for further residential or employment land in the locality. Further, there is no evidence that the existing constraints over the land can be overcome. Our current Study represents a review of existing rural lands rather than a process of seeking further lands for either residential or employment uses. It is therefore considered appropriate that, for the moment, an amended land use designation of Rural Living (2 hectares) applies, which

reflects the current subdivision potential over the land, but with an added caveat of limiting development of the flood prone parts of the land.

Mulgoa and Wallacia

This locality falls predominantly within SREP 13, and extends to rural zonings on The Northern Road and the Nepean River. There was general support for the SREP 13 controls remaining over Mulgoa Valley, however the draft Strategy presents an opportunity to correct some planning anomalies and incorporate our recently gazetted village zonings into the plan.

The proposed Rural Conservation (Landscape) designation for the Mulgoa Valley provides for a range of planning controls similar to SREP 13. This has been recognised and supported by a majority of local residents and interest groups. Conservation and Rural designations are proposed over the remaining sensitive and identified agricultural areas.

Luddenham and Badgerys Creek

These localities exhibit strong rural characteristics both visually and productively. The draft Strategy has recommended Rural Conservation designations to protect these values.

That part of Luddenham west of The Northern road is considered contiguous with Mulgoa Valley and is designated Rural Conservation (Landscape) with a 20 hectare subdivision minimum. Land in Park Road is designated Agriculture to reflect and protect existing rural land uses. Luddenham village has attracted an expanded Village designation, subject to the provision of water and sewer. An action in the draft Strategy is to pursue this provision with Sydney Water. Land east of The Northern road is designated Rural Conservation with a 40 hectare subdivision minimum, which reflects existing zoning controls.

Jamisontown and Regentville

These localities are currently zoned rural, which reflects limited land use potential due to identified major flood affectation. A review of the zoning of land around Blaikie Road was conducted in conjunction with our previous rural lands review in 1990. This was carried out in response to requests from landowners, who were expecting further subdivision and development potential from their land, given the proximity to the Penrith CBD and other nearby developments.

In 1990, Council exhibited a draft LEP and DCP for the Blaikie Road area. That draft plan aimed to rationalise and update the existing rural zoning, and encourage low key tourist/recreational uses compatible with the nearby heritage precinct and the river. The draft plan aimed to foster consolidation of landholdings and ensure that future development was consistent with the environmental capabilities of the locality. Due to the flood prone nature of this locality, the draft plan focused away from residential uses. It was decided at the time not to proceed with that plan.

This precinct was included in the Penrith Rural Lands Study review due to the existing rural zoning. The exhibited draft Strategy proposed a Rural Conservation designation to reflect the existing zoning and flood constraints, and consequent limitations to further residential development.

Submissions received in response to the proposal generally called for further subdivision for 4,000 m² (one acre) lots. Justification for the requests called into question the flood risk of the locality. Since our previous examination of the locality in the 1990s, no new compelling reasons have emerged that would justify further subdivision.

The opportunities and constraints of this locality are well documented. Contemporary information on flood risk confirms that the area remains unsuitable for any intensification of residential development.

While the flood prone nature of the locality discounts further residential development, its location could present opportunities for a co-ordinated tourist and recreational precinct. Other development opportunities not yet explored may also present themselves in the future. By restricting further residential development, a non-urban designation does not add to the demonstrated flood risk. Future flood studies for the whole of the City will clarify this position, but for the moment, a non-urban designation is considered appropriate.

Coming out of the earlier consideration of the locality in 1990, it was concluded that the development potential for this precinct lies in a co-operative approach between landholders. To date landholders have been reluctant to pursue anything other than residential development. Since the preparation of a draft LEP in 1990, Council has consistently advised landholders of the flooding constraints in this locality.

Following public exhibition of the Rural Lands Study and draft Strategy, a different designation for the locality has been recommended that recognises the capacity of the area to accommodate a variety of compatible land uses, while recognising the limitations of flood liability. In order to promote this, it has been recommended that the Rural Conservation designation be changed to a new Rural Living (Mixed Uses) designation, with expanded opportunities for non-urban development, but with limits to subdivision and additional dwellings such as dual occupancies. Given the flood constraints described, the Rural Living designation reinforces the fact that this locality is unlikely to be considered for urban purposes in the future.

At the Policy Review Committee Meeting of 11 August 2003, there was some discussion about the potential of land in this locality to accommodate alternative employment uses. No case has been made for the need for further employment land in this locality. Further, given the flood liable nature of the land, there is no evidence that this constraint can be overcome. As previously stated, our current Study represents a review of existing rural lands rather than a process of seeking further lands for either residential or employment uses. This report is focusing on rural land and addressing current rural designations.

Previously, Council has recognised the development potential that might arise in this precinct from a co-operative approach between landholders. To date this has not happened. While it is not the role of the Rural Lands Study to investigate alternative land use outcomes of certain localities, a further review of our past dealings with the area, as well as a review of our information on the flood liability, may assist Council in reaching a decision for the locality. It is therefore recommended that a decision on the Jamisontown locality is deferred and a further more detailed report on the land capability of this area be brought back to Council in November.

Kemps Creek

Kemps Creek is currently zoned Rural with a 40 hectare subdivision limit. The majority of lots in the Aldington Road area are around 10 hectares.

60 submissions were received from the Kemps Creek locality as a result of the proposal to designate the area as *Rural Conservation – Agriculture*. In addition, a detailed submission was prepared on behalf of the Kemps Creek Landowners Association and the Mamre Road West Landowners Association.

A number of submissions indicated that residents of this area are seeking subdivision opportunities, and are no longer interested in practising agriculture. This desire is compounded by the value of the land, the age of the owners and problems associated with leasing the land for its use as agriculture by other parties. The methodology used to arrive at the land designations does not take into account these factors. Rather it is concerned with protecting the resource that exists and considers the size of the lots as well as the current uses.

In response to the public submissions from this locality seeking further rural-residential subdivision, Council engaged URS Planning Consultants to provide an independent review. The resulting report found that while traditional forms of agriculture in the locality may not be viable, alternative approaches to agricultural and rural pursuits are yet to be explored. From the review of information undertaken, URS have formed the view that the critical issue for the future strategic direction of the Kemps Creek and Mount Vernon is the need to preserve rural landscape character.

The report did not support the argument presented by landowners that rural-residential development, primarily one-hectare allotment subdivision is the most appropriate alternative landuse. The concept of one hectare allotment subdivision is arbitrary and appears to relate to the existing LEP controls for land that has been developed in Mt Vernon and Capitol Hill, rather than on any detailed investigation into the capability of the Kemps Creek area. The report identified significant implications that would result from one hectare sized allotments in this locality, namely –

- Significant impact on the rural landscape character that currently exists in Kemps Creek;
- Impacts on local drainage systems and creeks from runoff generated by additional impervious areas;
- Impacts on water quality in creeks, and impacts on flora and fauna resulting from the additional number of on-site effluent disposal systems;
- Increased levels of traffic in the locality, and the wider Penrith City area;
- Impacts of increased traffic levels on air quality;
- Impacts of rural-residential subdivision on biodiversity conservation;
- The implications of an increased population for local community facilities;
- The impacts of rural-residential development on existing agricultural, rural and extractive industry activities, as a result of land use conflicts, often associated with noise, dust and odour;
- The impacts of rural-residential development on salinity issues in the area; and
- Subsequent impacts on the quality of life of existing and future residents of the area (caused by additional traffic, environmental and social impacts).

It also considered that if agriculture is not viable in a given location, rural residential development is not the only alternative use for the land. The primary objective should be the preservation of the rural landscape character.

The agricultural report that formed part of the independent review identified limitations to the carrying out of traditional agricultural undertakings in the locality. These included landscape, lot configuration, land use conflicts, farm dam policies and rising land values.

Notwithstanding these limitations, the report outlined alternatives for future ecologically sustainable agriculture in Kemps Creek and Mount Vernon localities. The options outlined included some innovative approaches and models currently being employed in Australia and overseas. The report identified innovative farming alternatives for the locality, such as agri-tourism and specialised farm produce.

URS was of the view that any decision to allow further subdivision must be underpinned by further detailed investigation to define the rural landscape character of the locality. It emphasised that this was particularly important given a decision to allow rural-residential subdivision is irreversible. This course of action would require the implementation of a masterplan type process, involving a Landscape Structure plan and associated Conservation

and Land Use Management Plan to deliver a framework within which a range of land uses could be pursued by landowners whilst achieving the desired landscape character.

Kemps Creek locality needs to be considered in the broader City wide rural land context. This is fundamentally because the outcomes sought for this area have been called for by other landowners elsewhere, and the range of issues and impacts of further rural residential development are common across the whole of the City.

If one particular form of land use is not considered viable by the present landowner, it should not be assumed that the only alternative is to allow for a rural residential subdivision. Those proposals not only limit any genuine exploration of alternative and viable rural uses for those land holdings, but has the potential to impact on neighbouring rural land activities through the encroachment of an urban form of growth and its accompanying demands.

The intensification of land use, which would result from added subdivision would, in our opinion, be establishing an undesirable precedent if Council were to consider the Kemps Creek area any differently from that which has been the subject of calls for additional subdivision opportunities from other rural landowners.

Although the economics of traditional rural pursuits may not be viable, the Hawkesbury Harvest and the emerging success of "Farmers Markets" (such as that currently operating at Warwick Farm) are examples of new approaches that support the rural uses. The application of farming alternatives for Kemps Creek has yet to be explored.

Revised agricultural figures have been produced by NSW Agriculture and demonstrate that generally across the Sydney Basin there continues to be the potential for viable ongoing agriculture in many classes and in many locations.

Part of the reason for the debate about the viability of agriculture has arisen from the designation of the locality as *Rural Conservation-Agriculture*. The designation was arrived at from the land-use surveys conducted as part of the Rural Lands Study. Those surveys identified agricultural activity at a scale to warrant the "agriculture" designation. That is not to say that the locality could not have been designated in other ways, such *Rural Conservation*, which would recognise the landscape values of the locality.

This designation already exists to the west and would provide protection of these rural lands without particular emphasis on agriculture, but with the objective of protecting the rural landscape. This was the attribute most identified in the URS independent study for the Kemps Creek locality.

The Rural Conservation designation would permit a range of rural land uses similar to the Agriculture designation, but with a 40 hectare subdivision minimum instead of 20 hectares (most of the lots in the Kemps Creek locality are unable to be further subdivided at present and neither of the proposed designations would allow further subdivision with the exception of a small number of larger lots).

DIPNR has confirmed in writing the following pertinent points:

"It is unlikely that planning structures that sought to promote further rural-residential subdivision in Kemps Creek and/or Orchard Hills would be supported at this time. Further, it is considered that the broad direction suggested for these areas in the Rural Lands Study and draft strategy, when considered in concert with the suggested framework for other rural land elsewhere in the Penrith LGA and PlanningNSW's existing policy structure, represents a reasonable planning response for the management of this land for the foreseeable future."

Recent submissions for the Kemps Creek locality have since requested a change or deferral of the proposed *Rural Conservation* designation in the Kemps Creek locality, in view of perceived limitations to future land uses by the use of the word 'conservation', and in view of the *Ropes Park* proposal. Council considered a report on the Ropes Park Development Proposal at its meeting of 7 July 2003. The proposal included urban and employment development south of the pipeline.

Given the position of DIPNR in this matter, the findings of the studies to date, the absence of a compelling case to consider further subdivision in this locality, and debate about agricultural viability, it is recommended that the exhibited designation of *Rural Conservation-Agriculture* be changed to *Rural Conservation*.

Rural Conservation is the underlying designation across most of Penrith's rural lands. Kemps Creek is contiguous with these lands. The designation would provide protection of these rural lands without particular emphasis on agriculture, but with the objective of protecting the rural landscape. This was the attribute most significantly identified in the URS independent study for the Kemps Creek locality. This land use designation is intended to reflect the rural character of the area, recognise existing rural activities and enable their continuation into the future.

In respect of the Ropes Park proposal, DIPNR indicated that the Ropes Park proposal is located outside the study areas currently identified for regional structure planning in 2003, and will not form part of the South-West or North-West Regional Structure planning considerations, nor was it consistent with current guidelines for inclusion in the Metropolitan Development Program. (MDP).

DIPNR indicated that the proposal would be referred to its Metropolitan Policy Section so that it can be factored into longer term planning strategies for Sydney as a whole, and in particular, a proposed strategic evaluation in the context of planning for the Western Sydney Orbital (WSO). The studies are primarily focused on looking at opportunities for employment lands in the vicinity of the WSO.

The use of the word 'conservation' in the land use designation was discussed with DIPNR on 6 August 2003. In their view, the wording would not be an impediment to future alternative planning outcomes, as it relates to the protection of the broader rural attributes of the locality and not an area of specific environmental protection.

It is considered that the Rural Conservation designation continues to be the most suitable at this time. This underlying designation would give certainty to continuing existing land uses and would not preclude future processes or investigations for this land. A draft Local Environmental Plan for the City's Rural Lands is unlikely to be ready for public exhibition within twelve months, by which time we would have a clearer understanding of what strategic significance DIPNR is likely to place on the Ropes Park proposal.

Mount Vernon

Another recent submission related to the Capitol Hill Estate at Mt Vernon. The land adjacent the existing Estate was originally exhibited with a Rural Conservation designation. Since the public exhibition of the Rural Lands Study, Council has considered, and approved, a number of subdivisions over the land. These subdivisions extend the one hectare lot pattern over the land and, consequently it would now be appropriate to change the designation of the land to reflect the approved development. It is therefore recommended that the Rural Living (one hectare) designation be extended over the remaining Capitol Hill Estate lands (being Lot 166 DP 803478, Lot 4132 DP 857093 and Lots 1671 and 1672 DP 855001).

Orchard Hills

Orchard Hills is significant in that it provides a rural separation between the St Marys and Penrith urban areas. Orchard Hills represents to the region Council's protection of, and commitment to, its significant rural landscapes. Its scenic landscapes are a valued part of Penrith Valley, which are most notably viewed from the motorway as well as other vantage points. Those landscape and scenic values were recognised and identified in studies carried out in the 1980s that resulted in SREP 25. Subsequent decisions about new urban release areas in Penrith by both Council and the State Government have consistently excluded Orchard Hills from consideration because of its well recognised rural values.

Council considered a report in 1998, which flagged amendments to Orchard Hills Regional Environmental Plan No. 25. The report found that certain land uses such as places of worship, schools, boarding houses, bulk stores, caravan parks, food outlets, hospitals, institutions, racecourses, reception centres and stadiums were inappropriate for the locality. The report also identified that dual occupancies could be introduced as a permissible use with consent, to provide some consistency with this development across the City's rural lands.

Those amendments came into effect on 24 September 1999.

These decisions were reached following planning investigations that were carried out in response to increasing pressure on Council to consider applications for inappropriate development at Orchard Hills. Residents were generally supportive of maintaining the existing character of Orchard Hills. At the time, there was a majority opinion that, until such time as the Rural Lands review was undertaken and the long-term future of Orchard Hills was subsequently determined, prohibitions on inappropriate land uses should be pursued. These aspirations have been borne out more recently at the community consultations, where residents again indicated support for retaining existing rural character, even though more rural subdivision was also called for.

Council's Draft Design Assessment Guidelines for Urban and Rural Penrith (1999) have identified Orchard Hills as one of the principal landscapes that establish Penrith's identity. With rolling hills and ridges, deep soils, extensive views to the east and north across the Cumberland Plain, it is a unique landscape of smallholdings, reflecting a long and established tradition of orchards, vineyards and market gardens, highly visible on the slopes.

The current planning control (Sydney REP 25 – Orchard Hills) was formulated in the 1980s in response to the changing nature of land uses in that locality, the pressure for more subdivision, while recognising those characters and values that have been considered a significant part of Orchard Hills. SREP 25 came into affect in 1991 and emphasises the need to identify and protect agricultural and rural lands, as well as consideration of scenic quality, environmental heritage and future urban land use issues. Urban issues have since been resolved, with Penrith's adopted Residential Strategy limiting new urban release areas to north of Caddens Road. The Rural Lands Study provides a timely opportunity to examine planning directions and appropriate land uses for Orchard Hills.

The existing subdivision controls allow in certain cases for lots varying in size from 4000 m² lots to one hectare, provided that a density of one lot per two hectares is maintained. These controls were intended to preserve large residue landholdings for agricultural and rural purposes. Although there has been limited take up of these planning provisions, they are not widespread, however this has nevertheless resulted in pressure for further subdivision opportunities.

In response to the exhibition of the Study and draft Strategy, requests were made which sought subdivision for lots ranging from 4000 m² to one hectare. Submissions from the Orchard Hills Action Group have confirmed these requests.

The predominant subdivision pattern over Orchard Hills is two hectares. The Rural Lands Study looked at possible subdivision scenarios that could emerge if higher density subdivision was allowed. It found that subdivision at 1 hectare lots or 4,000 m² (one acre) lots could result in over 1,200 additional lots or over 3,300 lots respectively in Orchard Hills.

A recent meeting was held with the Orchard Hills Action Group to clarify their submission requesting further subdivision. This group continues to seek further subdivision, however conceded that there were some poor examples of “rural-residential” development in the locality and were prepared to work with Council in the forward planning of Orchard Hills.

The consequences of wholesale subdivision would seriously affect the landscape character of Orchard Hills. It would result in significant increases in local traffic, a high number of battle-axe lots (undesirable in rural situations), and a marked change in the rural landscape by the increased number of large homes in conspicuous locations, and unchecked impacts on the local water catchments (onsite sewer management inspections in “The Vines” estate at the end of Wentworth Road have indicated cumulative impacts on the adjacent creek).

The Rural Living designation as proposed would continue to allow a range of rural, agricultural and rural living uses, which broadly reflects the range of land uses found in the locality. Subdivision limits are therefore necessary to maintain the remaining rural character.

In relation to rural lot sizes generally, it is worth noting that, in addition to on-site effluent disposal, a range of factors needs to be taken into account in arriving at a suitable minimum area. They included the need for space between buildings, the need to accommodate outbuildings and other land use activities, particularly those associated with rural enterprise, and the need to ensure that buildings are sited sensitively to protect scenic values and landscape character. These last two elements are particularly relevant to Orchard Hills.

DIPNR has confirmed in writing the following pertinent points:

“It is unlikely that planning structures that sought to promote further rural-residential subdivision in Kemps Creek and/or Orchard Hills would be supported at this time. Further, it is considered that the broad direction suggested for these areas in the Rural Lands Study and draft strategy, when considered in concert with the suggested framework for other rural land elsewhere in the Penrith LGA and PlanningNSW’s existing policy structure, represents a reasonable planning response for the management of this land for the foreseeable future.” (Refer to DIPNR letters at *Appendix One*).

For these reasons, it is still considered that the subdivision minimum should stay at two hectares.

It is recommended that the Rural Living designation for both the northern and southern parts of Orchard Hills remain. Opportunities for the northern edge of Orchard Hills however, may emerge during the course of the planning for the WELL Precinct. At this time however, there is no justification for altering the recommendation of the Strategy.

There is also a concern about schools and churches in Orchard Hills. New schools and churches are currently prohibited in Mulgoa Valley and Orchard Hills. There is, however, a continuing demand for these land uses to be located in Penrith's rural lands, and submissions were made to the exhibition of the Rural Lands Study and draft Strategy that argued for this continuing need to be addressed.

The draft Rural Lands Strategy recommended that new schools and churches could be considered in the City's rural lands if they are adjacent to urban areas, and where they can be supported by appropriate services and infrastructure. Environmental requirements would also apply.

Given concerns about these developments in Orchard Hills it is also recommended that these land uses be deferred from both Orchard Hills and Mulgoa Valley pending further investigations and consultation.

Summary of key issues raised and recommendations

Set out in *Attachment Four* is a summary of key issues raised, recommendations and actions. The key issues are those that were considered to require a particular planning response.

Revised strategy

Revisions to the Strategy have been made as a result of the public exhibition, representations by government agencies and other matters discussed in this report. A revised Strategy can be found at *Attachment Two*.

Future Planning Process and PlanFIRST

Under planFIRST it is intended that there will be one State Plan, one Regional Plan and one Local Plan. The Local Plan is to be prepared by local councils, and include all of the relevant controls set out in the State and Regional Plans. It should be possible, under planFIRST, to look up the Local Plan and find all the controls (regardless of the level at which they originate) for a single block of land.

Whilst the planFIRST process is intended to apply to the preparation of a new Local Environmental Plan for the whole Local Government Area, the preparation of the new Rural Land LEP could provide us with the basis for developing our comprehensive planFIRST response. If the Rural Lands LEP is prepared along the model of a Local Plan, it would have the following features:

- it would incorporate the provisions of all relevant SEPPs and REPs, and all relevant DCP and policy directions
- planning controls are based on neighbourhoods, rather than zones, so they can be more specific
- the Local Plan model classifies development into categories based on likely compatibility with the desired future character of a neighbourhood, which provides greater flexibility in assessment
- improved levels of accessibility, as the Local Plan must be developed in an electronic format.

The Local Plan model is a substantial variation to traditional style LEPs, and is designed to create a comprehensive, flexible instrument that Council and the community can use to steer development of an area towards a clearly identified goal. Given the changes from the traditional LEP format, there will need to be comprehensive and frequent consultation with Council and the community during the plan preparation process.

Preparing the new Rural Land plan along the model of a Local Plan will provide Council with an opportunity to embrace the principles of a simpler more efficient planning system. The background work done in the Rural Strategy provides a good starting point for the Plan, which will ultimately result in one instrument replacing the multitude of instruments (LEPs, DCPs, SEPPs and REPs) which currently govern development of the City's rural areas.

Conclusion

Council has been under increasing pressure to identify and promote appropriate land-uses in our rural areas. Careful planning and management of these areas is essential to the preservation of the distinctive character and values of Penrith's rural areas for future communities. This approach will avoid speculation and uncertainty, and minimise conflicts that arise between rural and residential activities, particularly at the urban interface. To this end, Council decided to review rural land uses, and develop a new Rural planning instrument and supporting Development Control Plan.

The finalisation of a Rural Lands Study and final draft Strategy for Penrith draws together a comprehensive planning process which has examined in detail a broad range of rural issues, sought extensive community input and gained the support of relevant agencies. The Strategy will now provide Council and the community with a clear direction for the future of our Rural Lands, as well as providing objectives and actions to get us there. The Strategy provides a basis for the preparation of a new comprehensive Rural Lands LEP and DCP, by identifying draft land use designations that reflect the strategies and objectives for particular areas.

The adoption of the Rural Lands Strategy highlights a significant step in the achievement of one of Council's major planning responses. It provides a 'blueprint' for the new Rural LEP and DCP, that will ultimately permit more effective management of a range of land uses that are currently considered unsustainable or problematic in our rural areas.

Council has already embraced a significant action identified in the Strategy, that provides for incentives for continued rural production. For many years Council has been committed to the City's agriculture by applying reduced rates for those rural properties that carry the City's farming activities, providing a financial incentive for owners of active farming properties. Council's continuing support for rural production has been recently demonstrated in its proposal for a further rate rebate for rural areas – from 15% to 25%.

Given the concerns of the Orchard Hills community about schools and churches, it is considered appropriate that such land uses be deferred from any draft plan for Orchard Hills, pending further dialogue with the community.

The Jamisontown locality will be the subject of a further more detailed report to Council, addressing the history of planning investigations and land capability, in light of the flood impacts.

In light of the views raised by the Kemps Creek community, it is also recommended that the draft designation be changed from *Rural Conservation – Agriculture* to *Rural Conservation*.

Endorsement of the Rural Lands Study and Strategy, with amendments outlined in this Report, is sought.

RECOMMENDATION

That:

1. Council adopt the Penrith Rural Lands Strategy as exhibited and, where relevant, with amendments outlined in this report.
2. Pursuant to the provisions of the Environmental Planning and Assessment Act, Council prepare and publicly exhibit a draft Local Environmental Plan for the rural areas of the

City in accordance with the provisions and recommendations of the Penrith Rural Lands Strategy, as amended in this report.

3. The proposed Rural Lands LEP be developed in accordance with the principles of the planFIRST Local Plan.
4. The Penrith Rural Lands Study and Strategy be exhibited concurrently with the draft Rural LEP.
5. Council resolve to prepare and exhibit a draft Rural Lands Development Control Plan, following review of the existing Rural Lands DCP and other relevant codes and policies, to reflect the aims and objectives embodied in the new Rural Lands LEP.
6. Those persons who participated in the formulation of the Rural Lands Study and Strategy, and those who made public submissions to Council, be advised of Council's decision.
7. A report on the draft Rural LEP and DCP be brought to Council prior to its public exhibition.
8. A further report be submitted to Council on the history of planning investigations and land capability of the Jamisontown locality, in light of the flood impacts.
9. A further report be submitted to Council on the appropriateness of schools and churches in Orchard Hills following further dialogue with the community.

