

BUSINESS PAPER



The Mayor, Councillor David Bradbury conducting the Penrith Symphony Orchestra, at the Mayoral Musicale on Saturday 16 June in the Joan Sutherland Performing Arts Centre.

Ordinary Meeting

5 July 2004

30 June 2004

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 5 July, 2004 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 Jim Aitken OAM for the period 17 May to 12 July 2004 inclusive
3. **CONFIRMATION OF MINUTES**
Ordinary Meeting – 28 June 2004
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**
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**

**ORDINARY MEETING
MONDAY 5 JULY 2004
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PRAYER

“Sovereign God, tonight as we gather together as a Council we affirm that you are the giver and sustainer of life. We come together as representatives of our community to make decisions that will benefit this city and the people within it.

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

As we meet, our concern is for this city. Grant us wisdom, courage and strength.

Lord, help us. We pray this in the name of Jesus Christ our Lord. Amen.”



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

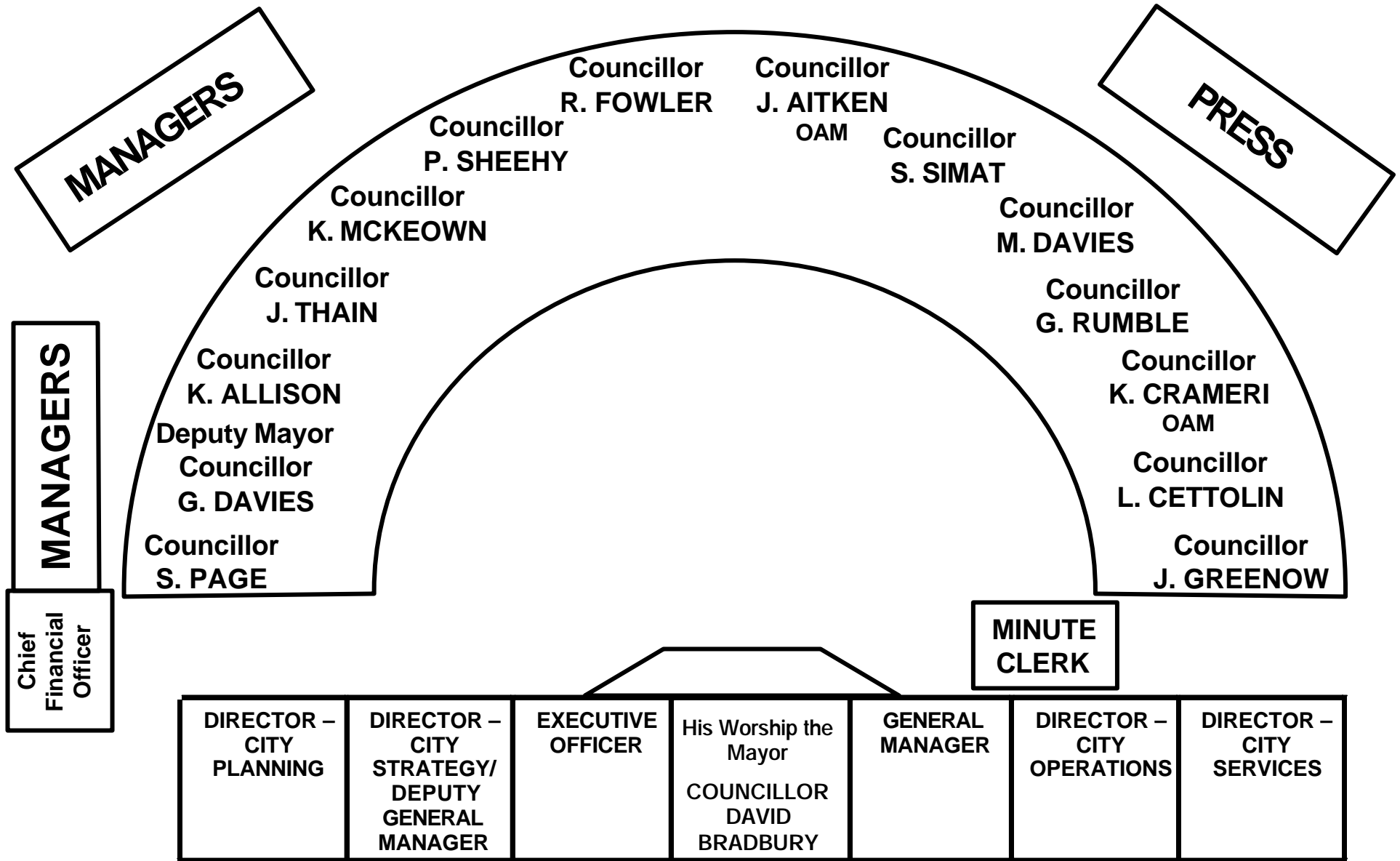
Council values the unique status of Aboriginal people as the original owners and custodians of lands and waters, including the land and waters of Penrith City.

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





MEETING CALENDAR

July 2004 - December 2004

	TIME	JULY	AUG	SEPT	OCT	NOV	DEC
		Mon	Mon	Mon	Mon	Mon	Mon
Ordinary Meetings	7.00 pm	5	2	6	11	1	6
		19	16 #	27+	18	15 #	20
Policy Review Committee	7.00 pm	26	23			22	13

Meetings at which the Management Plan quarterly review is presented.

* Meeting at which the Management Plan for 2004/2005 is adopted.

+ Mayoral Election.

- Council has two Ordinary Meetings per month where practicable.
- Extraordinary Meetings are held as required.
- Policy Review Meetings are held monthly where practicable.
- Members of the public are invited to observe meetings of the Council.
Should you wish to address Council, please contact the Executive Officer,
Glenn McCarthy on 47327649.

UNCONFIRMED MINUTES
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE
COUNCIL CHAMBERS, PENRITH
ON MONDAY 28 JUNE 2004 AT 7.04 PM

NATIONAL ANTHEM AND PRAYER

The meeting opened with the National Anthem and the Prayer read by Reverend Neil Checkley.

PRESENT

His Worship the Mayor Councillor David Bradbury, Councillors Kaylene Allison, Lexie Cettolin, Kevin Crameri OAM, Greg Davies, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Pat Sheehy and John Thain.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor David Bradbury read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage

APOLOGIES

244 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler that apologies be received and accepted from Councillor Steve Simat.

LEAVE OF ABSENCE

Leave of Absence had previously been granted to Councillor Jim Aitken for the period 17 May to 12 July 2004 inclusive.

CONFIRMATION OF MINUTES

Ordinary Meeting – 7 June 2004

245 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Garry Rumble that the minutes of the Ordinary Meeting of 7 June 2004 be confirmed.

DECLARATIONS OF INTEREST

Councillor Kevin Crameri declared a non pecuniary interest in Item 1 as he lives approximately 1 km from the ADI site and he reserved the right to speak and vote.

Councillor Kevin Crameri declared a non pecuniary interest in Item 12 as he is a member of the Llandilo Rural Fire Brigade and he reserved the right to speak and vote.

Councillor Ross Fowler declared a pecuniary interest in Item 5 as he is a Director of the Company that owns land adjacent to the Penrith RSL Club and he took no part in the debate or voting.

Councillor Ross Fowler declared a pecuniary interest in Item 8 as the Applicants are clients of his Accounting firm and he took no part in the debate or voting.

Councillor Lexie Cettolin declared a pecuniary interest in Item 8 as she is the Owner/Applicant of the property and she took no part in the debate or voting.

SUSPENSION OF STANDING ORDERS

246 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jackie Greenow that Standing Orders be suspended to allow Mr Geoff Brown, Mr David Thomas, Mr Vernon Horne and Mr Tony Vella to address the meeting, the time being 7.09PM

Mr Geoff Brown, representing the ADI Residents Action Group (ADI RAG) requested permission to address Council on Item 1 – ADI Site, St Marys – Status of Plans of Management for Regional Park and Regional Open Space. Mr Brown spoke against the recommendation.

Mr Brown stated that the ADI RAG believes Penrith City Council must review its overall policy to the development of the ADI site and consider lobbying for the entire Central and Dunheved Industrial Precincts to be spared from development. The ADI RAG want more conservation areas added so that a better environmental outcome is achieved.

His Worship the Mayor, Councillor David Bradbury advised Mr Brown that his 5 minutes had expired, the time being 7.14PM.

247 RESOLVED on the MOTION of Councillor Kevin Cramer seconded Councillor Ross Fowler that an extension of time be given to Mr Brown.

On behalf of the ADI RAG, Mr Brown asked that the Council make the NSW Government understand the environmental, social and political implications associated with development of the Central and Dunheved Precincts.

Mr David Thomas, Emu Plains requested permission to address Council on Item 6 – Proposed Extension of Trading Hours – O'Donoghue's Irish Pub, Lot 1 DP228683 No. 99 Great Western Highway, Emu Plains. Applicant/Owner: Corpers 605 Pty Ltd. Mr Thomas spoke for the recommendation.

Mr Thomas endorsed Council's recommendation not to extend the trading hours of O'Donoghue's Irish Pub, Emu Plains as he lives near the establishment and he has observed excessive noise and music, vandalism, and reckless driving. Mr Thomas stated that robberies are excessive to the area and there have been cases of cars being stolen that are parked adjacent to the Emu Plains Station.

Councillor Lexie Cettolin earlier declared an pecuniary interest in Item 8 as she is the Owner/Applicant of the property.

Councillor Cettolin left the meeting the time being 7.21PM

Mr Vernon Horne, Cranebrook requested permission to address Council on Item 8 - Development Application for parking of one concrete pumping truck on Lot 200 DP 811535 (No. 28) Grays Lane, Cranebrook. Applicant/Owner: Lexie & Giovanni Cettolin. Mr Horne spoke against the recommendation.

Mr Horne outlined his concerns regarding noise created by truck movements at 5 am; the amenity of the neighbourhood which extends to Cranebrook Village and residents; sleep disturbance and deprivation and the policing of conditions regarding noise.

Councillor Cettolin returned to the meeting the time being 7.26PM.

Mr Tony Vella requested permission to address Council on Item 9 - Development Application for an Intensive Livestock Keeping Establishment (Cattle) At 52 Timothy Road, Londonderry. Applicant: Mr Gerald Micallef. Owner: G & M Micallef. DA04/0190. Mr Vella spoke against the recommendation.

Mr Vella asked Council to defer Item 9 for 2 weeks to enable the applicants consultant to Council as to why the Development Application should be approved.

RESUMPTION OF STANDING ORDERS

248 RESOLVED on the MOTION of Councillor Fowler seconded Councillor Greenow that Standing Orders be resumed the time being 7.27PM.

MAYORAL MINUTES

249 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Greg Davies
That:

1. The Mayoral Minute on the election of Councillor Greenow, Councillor McKeown and Councillor Page to the executive of the Australian Local Government Women's Association be received
2. Former Councillor Claire O'Neill be thanked for her contribution as a member of the ALGWA Executive during her term as a Councillor
3. The General Manager and Staff involved in ALGWA be thanked for their support and contributions.

250 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Greg Davies that the Mayoral Minute on Local Recipients of the 2004 Queen's Birthday Australian Honours be received.

REPORTS OF COMMITTEES

Local Traffic Committee Meeting – 7 June 2004

251 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler that the recommendations LTC54 to LTC70 contained in the Minutes and Report of the Local Traffic Committee Meeting of 7 June 2004 be adopted.

Policy Review Committee Meeting – 21 June 2004

252 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Greg Davies that the recommendations PRC179 to PRC187 contained in the Minutes and Report of the Policy Review Committee Meeting of 21 June 2004 be adopted.

MASTER PROGRAM REPORTS

1 ADI Site, St Marys - Status of Plans of Management for Regional Park and Regional Open Space 4130/24

253 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Pat Sheehy
That:

1. The information contained in the report on the status of the ADI Regional Park and Regional Open Space Plans of Management be received
2. A letter following up previous representations be sent to the Commonwealth Government in relation to the proposed sports complex
3. A report on BASIX sustainability assessment tool be presented to a future Policy Review Committee Meeting
4. An information report be submitted to a future meeting on Council's position on the key aspects relating to the planning of the ADI Site, including the proposal to fill the floodplain and related need for compensatory storage, treatment of the electricity transmission lines, smoothing of the Regional Park boundary, Dunheved Golf Club involvement in the proposed Sports Complex and what would comprise the Regional Park.
5. Discussions be held with Blacktown City Council regarding the appropriateness of the LGA boundary through the ADI Site.

2 New Blueprint for Metropolitan Sydney 4100/23 Pt 2

254 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Greg Davies
That:

1. The information contained in the report on the Metropolitan Strategy be received
2. A letter be sent to the Minister for Infrastructure, Planning and Natural Resources, the Hon. Craig Knowles, MP expressing Council's appreciation for the level of consultation to date

4 **Glenmore Park Noisewalls, M4 Motorway** **DA99/0677**

255 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that the information contained in the report on the Glenmore Park Noisewalls, M4 Motorway be received.

7 **Development Application for Integrated development including the demolition of an existing two storey dwelling and construction of a two storey dwelling at Lot 28, DP 596325, (No. 31) Bellevue Road, Regentville. Applicant: R & J Associates Pty Ltd. Owner: Jason & Heidi Van De Broek** **DA03/3314**

256 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain
That :

- A. The information contained in the report for Development Application for Integrated development including the demolition of an existing two storey dwelling and construction of a two storey dwelling at Lot 28, DP 596325, (No. 31) Bellevue Rd, Regentville, be received
- B. The Development Application Development Application for Integrated development including the demolition of an existing two storey dwelling and construction of a two storey dwelling at Lot 28, DP 596325, (No. 31) Bellevue Rd, Regentville be approved subject to the attached conditions:

A001 (Approved plans) A008 (BCA Requirements), A009 (Residential Works DCP), A019 (Occupation Certificate), A043 (Air conditioner), B001 (Demolition of existing structures), B002 (Demolition), B003 (Asbestos), B004 (Dust), B005 (Mud/ Soil), B006 (Hours of work), B007 (Prescribed condition), D001 (Sediment and Erosion), D007 (Cut and Fill operations), D008 (Filling), D009 (Covering of Waste Storage Area), D010 (Waste Disposal), E001 (BCA Compliance), E005 (Smoke detectors), H001F (Stamped Plans/ Site Notice), H002 (All forms of construction), H013 (Structural Details), H015 (Termites), H022 (Survey), H027 (Insulation), H028 (Hot Water Systems), H030 (Roof Finishes), H033 (Clothes Line), H041 (Hours of work), I003 (Roads Act Approval), K010(1% AEP), K011(Flooding and Floor levels), K013(Flooding AHD Level and Survey), K014(Flood Proofing), L012 (Landscaping Plan to be submitted), Q01A(Appointment of PCA), Q005 (Occupation Certificate)

DIPNR CONDITIONS

The Department recommends that the following condition be included in the consent: “The Construction Certificate will not be issued until a copy of the Part 3A Permit, issued by the Department of Infrastructure Planning and Natural Resources (DIPNR) has been provided to Council”. The reason for this is that works prescribed in the R&FI Act cannot commence before the Applicant obtains a Part 3A permit

Requirement for Permit

1. Any work which requires a permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 ("Part 3A permit") is not to commence until such time as a Part 3A permit has been applied for, and subsequently issued by DIPNR. Any work the subject of a Part 3A permit must be carried out in accordance with drawings and any other documents required by these conditions, and which are approved by DIPNR, and which will accompany the Part 3A permit

Standard of Work

2. All works proposed must be designed, constructed and operated so that they result in NIL or minimal harm to aquatic and riparian environments and do not cause erosion, sedimentation, or increase flood levels of protected waters. Works that result in net positive outcomes for aquatic and riparian environments are encouraged
3. All activities at the Site are to be undertaken by persons suitably experienced in that aspect of the work they are doing, and such persons must be under the direction and supervision of a person with knowledge, qualifications and experience to industry standards in the relevant aspect of the operations being undertaken

Cessation of Works

4. If, in the opinion of a DIPNR officer, any work is being carried out in such a manner that it may damage or detrimentally affect protected waters or protected land, or damage or interfere in any way with any work, such work shall cease immediately upon oral or written direction of such officer
5. Should any of the conditions of the Part 3A permit not be complied with, DIPNR may issue a Stop Order on Part 3A permit related operations at the Site until the conditions have been complied with

Work as Executed Plans

6. If requested by DIPNR, work as executed survey plans of a professional standard, and including information required by DIPNR, shall be forwarded to DIPNR within 14 calendar days of such request

Remedial Works

7. The Part 3A permit holder shall carry out any instructions given by DIPNR with a view to preventing damage to the environment of protected waters or protected land
8. If any Part 3A permit condition is breached, the permit holder shall follow DIPNR directions to address the breach and shall rehabilitate the Site as directed by, and to the satisfaction of, DIPNR. If any breach of the permit conditions requires a special site inspection by DIPNR, then the permit holder shall pay a supplementary permit fee for this inspection and for each and every subsequent inspection until the breach has been rectified

Disposal of Vegetation

9. Any vegetation or other material removed from the area of operations shall be disposed of lawfully to an appropriate site where the debris cannot be

swept into protected waters during a flood. Burning must not be carried out unless an approval has been obtained from the relevant authority(ies)

Location of works

10. The works shall not be located closer to the Nepean River than indicated on *Detail and Contours Plan* by Stephen Conroy Surveyors Pty Ltd Drawing no. VR02, Job Ref 12240/1 dated 11 February 2004

Geotechnical Assessment Required

11. No earthworks or fill or the construction of the swimming pool is to be carried out until a geotechnical assessment, prepared by a suitably qualified and experienced person and approved by DIPNR and Penrith City Council, **has demonstrated that the proposal will not in anyway destabilise the river bank**

Works must not alter the riverbank profile

12. The proposal is to be modified to ensure that no fill is to result in any reduction of the cross sectional area or flood storage of the Nepean River and that works do not protrude from the natural riverbank profile. That is, the riverbank profile is not to be altered such that a lessening of river flood flow capacity, or flood storage, occurs. A statement from a qualified and experienced flood engineer is to be provided, and approved by DIPNR and Penrith City Council, prior to the issue of the 3A Permit

Stormwater to Drain to Street System

13. Stormwater discharge from the Site is to drain to the existing street system as described in the submitted *Site Plan* and **must not** drain directly to the Nepean River

Drainage Issues

14. The development is to satisfy all requirements of Council in relation to drainage issues, but in so doing, must not compromise in any way the form and function of the works required by these conditions

Soil Suitability

15. Wherever possible, riparian zone soils should be those naturally occurring at the Site. In the event that importation of soil material into the riparian zone is unavoidable, such soil is to be weed free and similar to that which occurs naturally in local riparian areas. Any soil selected for importation must be suitable for the establishment and on-going viability of riparian vegetation. Such soil must be tested and certified by a NATA registered soils laboratory to be:

- i) similar to the naturally occurring local soil
- ii) suitable for the establishment and on-going viability of riparian vegetation
- iii) free of any weed propagules

iv) free of any contaminants. Documentation arising from this testing and certification must be provided to DIPNR prior to the placement of any soil

16. Any fill material placed in a riparian zone that is inconsistent with the requirements of the previous condition must be removed and relocated beyond the riparian zone or taken off-Site and disposed of in a lawful manner

Soils not to be compacted

17. The structure of the soils in the riparian zones must be suitable for the vegetative rehabilitation of the Site and are therefore not to be proof rolled or subjected to other unsuitable compaction unless otherwise approved by DIPNR

Water Quality and Environmental Protection

18. The Applicant must ensure that the amount of dirty water and sediment from the Site that enters protected waters or that is exposed to the flow of protected waters, or that is likely to detrimentally affect water quality, riparian vegetation or habitat or the environment, is minimised in a manner acceptable to DIPNR

Site Water & Sediment Runoff Management

19. The Applicant must submit a Soil and Water Management Plan (SWMP) indicating how the works at the Site will achieve the outcome required in the previous condition. The SWMP must be prepared by a person, with professional qualifications, knowledge and experience to industry standards, and to the satisfaction of Council and DIPNR, and approved by DIPNR, **prior to the issue of the Part 3A permit**. The SWMP must cover all works on protected land and in protected waters, and staging and maintenance requirements. The SWMP must meet the requirements outlined in the NSW Department of Housing's publication *Managing Urban Stormwater: Soils and Construction* (3rd Ed.)(1998). The SWMP is also to meet any EPA licence requirements

20. All works and activities at the Site are to satisfy all requirements of Council in relation to water pollution issues. Oils and greases, or any other contaminants, must not be permitted to pass to protected waters

21. All relevant Site drainage and sediment and erosion control works and measures, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site

Maintenance of Erosion and Sediment Control Measures

22. All erosion and sediment control measures at the Site are to be inspected and maintained as required on a weekly basis and immediately following any rainfall events to ensure the efficient operation of these devices. This obligation remains until the Site has been fully stabilised

Decommissioning of all Sediment and Erosion Controls and water diversion structures

23. Decommissioning of all sediment and erosion controls and any water diversion structures must be documented in detail to the satisfaction of DIPNR. Decommissioning must meet the requirements outlined in the NSW Department of Housing's publication *Managing Urban Stormwater: Soils and Construction* (3rd Ed.)(1998). The timeframes for decommissioning are to be cross-referenced to the implementation of any riparian zone plantings. Decommissioning of sediment and erosion controls is not to detrimentally affect the implementation of the VMP

Resolution of Inconsistencies

24. In the event that there is any inconsistency between the drawings, other documentation and the conditions herein, the interpretation that will result in the best outcome for the stabilisation of the Site and the subsequent rehabilitation and maintenance of the Site and protected land and protected waters is to prevail. Such interpretation is to be applied in consultation with, and with the approval of, DIPNR

Any Part 3A permit issued to be kept current

25. Any Part 3A permit issued for works proposed under the DA, and as required by these conditions, must be kept current by payment of the appropriate fee until such time as the Site has been fully stabilised and rehabilitated, and any required maintenance satisfactorily completed and reported on, in accordance with these conditions. Any application for renewal is to be lodged at least 1 month prior to the expiry date of the Part 3A permit

General Advice

- a) A Part 3A permit, subject to conditions, will be issued for the proposed works upon application
- b) Any Part 3A permit granted for works the subject of the DA will be for a period of one year
- c) Prior to the issue of the Part 3A permit the applicant must provide DIPNR with the following:
 - A copy of Council's development consent including all conditions of approval
 - Any approval from NSW Fisheries required by these conditions
 - Sufficient number of sets of plans and other documentation that satisfy DIPNR's General Terms of Approval, and any associated recommendations, for distribution to: the proponent, Council, DIPNR and any other approval body likely to be affected by DIPNR requirements
 - The appropriate Part 3A permit fee paid and the required bond provided to DIPNR
 - Full details on land ownership of all areas affected by the proposed works, and authorisation for the works by the relevant landowners

- d) The rehabilitation of the Site in accordance with the Part 3A permit conditions and to the satisfaction of DIPNR is the responsibility of the Part 3A permit holder and the owner or occupier of the land
- e) The Part 3A permit holder and the owner or occupier of the land are responsible for construction of works or any excavation or removal of material undertaken by any other person or company at the Site
- f) Any Part 3A permit granted is not transferable to any other person or company without written approval from DIPNR and does not allow operations at any other site
- g) Any Part 3A permit granted does not give the holder the right to occupy any land without the consent from the owner(s), nor does it relieve the Part 3A permit holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the Site of the work and/or the activities proposed to be undertaken
- h) A “person” for the purposes of these General Terms of Approval (GTAs), means a person, persons or organisation authorised by the recipient of the consent for the DA, or their agent, should such consent be issued, to undertake any of the requirements of these GTAs
- i) These GTAs are issued with the proviso that operations shall be carried out on freehold land. Should operations be on Crown Land, any Part 3A permit is rendered invalid for such Crown Land and has no force or effect on the same, and the occupier of Crown Land should contact the Department of Lands and Rural Affairs for their requirements.

Councillor Ross Fowler earlier declared a pecuniary interest in Item 5 as he is a Director of the Company that owns land adjacent to the Penrith RSL Club.

Councillor Ross Fowler left the meeting the time being 8.07PM.

5 Modification of S94 fees for Extension to RSL, CLub and Deck Car Park, Lot 1000 DP1037634, Cnr of Castlereagh and Lethbridge Streets, Penrith.

DA00/0232

257 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies
That:

- A. The information contained in the report on Modification of S94 fees for Extension to RSL, CLub and Deck Car Park, Lot 1000 DP1037634, Cnr of Castlereagh and Lethbridge Streets, Penrith be received
- B. Council modify Development Consent 00/0232 as follows:
 - Amend Condition No. 16 by changing the Community Facilities contribution amount from \$97,837 to \$65,062.

Councillor Ross Fowler earlier declared a pecuniary interest in Item 8 as the Applicants are clients of his Accounting firm.

Councillor Lexie Cettolin earlier declared a pecuniary interest in Item 8 as she is the Owner/Applicant of the property.

Councillor Cettolin left the meeting the time being 8.09PM.

8 Development Application for parking of one concrete pumping truck on Lot 200 DP 811535 (No. 28) Grays Lane, Cranebrook. Applicant/Owner: Lexie & Giovanni Cettolin.

DA03/1018

258 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jackie Greenow
That:

- A. The information contained in the report on Development Application for parking of one concrete pumping truck on Lot 200 DP 811535 (No. 28) Grays Lane, Cranebrook, be received
- B. The Development Application for parking of one concrete pumping truck on Lot 200 DP 811535 (No. 28) Grays Lane, Cranebrook be approved subject to the following conditions:

Standard Conditions

A002: D001; A029 (5am to 7pm Monday-Friday and 5am to 5pm on Saturdays, No operations on Sundays or Public Holidays); I003 Komirra Road (vehicular footway crossing)

Special Conditions

1. "This consent is limited to a period of six months from the date of this notice of development consent. Prior to the expiry of this consent the applicant shall submit a request to have the time limitation reviewed."
2. Provision of a 40cm high lattice screen on top of the of existing 1.50m high lapped and capped wooden fence (located immediately adjoining the proposed truck parking area) within one month of the consent
3. Provision of 6 advanced (1.2m to 1.5m high) fast growing native shrubs or trees at a distance of 1.5m apart (located within the landscaping area provided on the west of the wooden fence). This is to be completed within one month of the consent
4. The truck parking area shall be covered in road base material. The first 10m of the driveway from the lot boundary is to sealed in bitumen

5. No more than 1 truck is to be stored on the property. The truck is to be stored in the area indicated on the plan submitted with the development application. The truck is to be only operated by the occupier/s of the property
6. A suitable qualified acoustic consultant shall certify that the noise mitigation measures recommended in the Acoustic report prepared by NAL Consulting Technical Services dated May 2001 have been implemented. The same consultant shall also certify whether the development complies with the Environmental Protection Authorities relevant Amenity, Intrusive and Sleep Disturbance criteria. The certification shall be submitted to Penrith City Council within 3 months of the consent
7. The truck's clutch fan is to be serviced by an authorised repairer in accordance with the applicant's Noise Consultants recommendation. Certification of the repair, including copies of receipts is to be submitted to Council within one month of the consent
8. The following operating procedures are to be in place at all times when operating the truck on the property:
 - The truck shall not be left idling for in excess of 5 minutes at any time
 - Minor repairs only are permitted to be carried out on the at the property. All vehicles washing, servicing and other repairs are to be carried out at authorised repairers and truck washing facilities off the site
 - Only two vehicle movements on each day are permissible for the truck during the approved hours of operation
- C. Those persons who made submissions in respect of the development application be advised of Council's decision in writing.

Councillor Ross Fowler returned to the meeting the time being 8.14PM.

Councillor Lexie Cettolin returned to the meeting the time being 8.14PM.

**3 Public Exhibition of Draft Local Environmental Plan for
Claremont Meadows Stage 2**

4133/8

259 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown
That:

1. The information contained in the report on the public exhibition of the draft Local Environmental Plan for Claremont Meadows Stage 2 be received

2. The draft Local Environmental Plan for Claremont Meadows Stage 2 incorporating the amendments outlined in this report included in attachments be adopted and referred to Parliamentary Counsel for an Opinion as to whether the plan can be legally made
3. Following the opinion from Parliamentary Counsel, the draft Local Environmental Plan be forwarded to the Minister for gazettal
4. All those who made submissions to the exhibition of the draft LEP be informed of Council's decision
5. Council authorise the Legal Officer to affix the Seal of Council to the Deed of Agreement with Landcom, outlined in the report, once the Deed has been finalised.

6 Proposed Extension of Trading Hours - O'Donoghue's Irish Pub, Lot 1 DP228683 No.99 Great Western Highway, Emu Plains. Applicant/Owner: Corpers 605 Pty Ltd S.96 DA99/1847

260 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Pat Sheehy that the item be deferred until a site inspection is held and a report brought back to Council outlining the number of Police callouts, illegal signage, location of objectors to the proposal and noise levels.

9 Development Application for an Intensive Livestock Keeping Establishment (cattle) at 52 Timothy Road, Londonderry. Applicant: Mr Gerald Micallef. Owner: G & M Micallef. DA04/0190

261 RESOLVED on the MOTION of Councillor Thain seconded Councillor Sheehy That:

- A. The information contained in the report on Development Application for an Intensive Livestock Keeping Establishment (cattle) at 52 Timothy Road, Londonderry, be received
- B. The Development Application for an Intensive Livestock Keeping Establishment (cattle) at 52 Timothy Road, Londonderry, be refused for the following reasons:
 1. The application is not satisfactory for the purpose of Section 78A (8)(a) the Environmental Planning and Assessment Act in that the application is designated development and was not accompanied by an environmental impact statement
 2. Insufficient information was provided with application for Council to be satisfied that there will be adequate arrangements or management practices for wastewater management. Particular concerns are:
 - a) The construction and operation of the wetland system

- b) The capacity of the system to retain and treat wastewater after a significant rainfall
 - c) Wastewater not being managed entirely within the site, and the quality of discharged water
 - d) Ensuring that stormwater and wastewater streams will not combine
 - e) Means to deal with wastewater generated by activities within the undercover feeding area
 - f) How domestic wastewater management is integrated into the operations on the site
 - g) The need for buffer distances to ensure environmental and health risks are minimised or prevented
 - h) The sufficiency of the available disposal area when considering nutrient/water balance, suitable areas and buffer distances
- 3. The application is not satisfactory for the purpose of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act in that the application is not able to satisfy the provisions of clause 7 of State Environmental Planning Policy 30 – Intensive Agriculture
 - 4. The application is not satisfactory for the purpose of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act in that the application is not able to satisfy the provisions of clauses 6(8) and 11(11) of Sydney Regional Environmental Plan 20 – Hawkesbury Nepean River
 - 5. The application is not satisfactory for the purpose of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act in that the application is not able to satisfy the objectives for the Rural “A” Zone – General in clause 9(3) of Penrith Local Environmental Plan 201 – Rural Land
 - 6. The application is not satisfactory for the purpose of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act in that the application is not able to satisfy the provisions of Part D 4 of Penrith Rural Development Control Plan
 - 7. The application is not satisfactory for the purpose of Section 79C(1)(b) of the Environmental Planning and Assessment Act in that the operation and management of the activity will have negative impacts upon the natural environment, and the amenity of the locality
 - 8. The application is not satisfactory for the purpose of Section 79C(1)(c) of the Environmental Planning and Assessment Act in that impacts arising from the nature and operations of the feedlot, and the public submissions received, are such that this site is not suitable for this development
- C. That the matter be referred to the Development Compliance Unit to take necessary steps to have the use cease.

10 St Marys Community Arts Centre

1034/15 Pt8

262 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Kevin Cramer that the information contained in the report regarding fees and charges at the St Marys Community Arts Centre be received.

11 Arms of Australia Inn Management Committee

4127/3 Pt4

263 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Kevin Cramer
That:

1. The information contained in the report Arms of Australia Inn Management Committee be received.
2. Council under Section 355 of the Local Government Act approve of the following additional persons to be included on the Arms of Australia Inn Management Committee:
 - Pam Menz – Committee Member
 - John Kelaher – Committee Member
 - John Gribble – Committee Member
3. Council under Section 377 of the Local Government Act, delegate the management of the Arms of Australia Inn to the Committee formed under Section 355 of the Local Government Act 1993 and comprising those additional and existing persons listed in this report.

14 Devlin Road Upgrade and River Access Facility

1027/14 pt 7

264 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Kevin Cramer
That:

1. The information contained in the report on Devlin Road Upgrade and River Access Facility be received.
2. Council approves the submission of grant applications to DIPNR and the Waterways Authority for 50% funding for this project.
3. Council authorise the Property Development Manager to commence acquisition of the private property affected by this project.
4. Council accept a contribution of \$14,454 from the Roads and Traffic Authority towards the construction of the Rain Garden component of the storm water management system.

12 NSW Rural Fire Service Funding 1033/4

265 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Karen McKeown

That:

1. The information contained in the report on NSW Rural Fire Service Funding be received
2. Council makes representations to the Minister for Emergency Services requesting a review of the estimated NSW Rural Fire Service contribution for 2004/2005
3. A further report be presented to Council on the NSW Rural Fire Service Funding
4. Council formulate a motion to the 2004 Local Government Association Conference regarding NSW Rural Fire Service funding.

13 CPTED 2004 (Crime Prevention through Environmental Design) Conference, Brisbane 13th – 16th September 2004 1027/14 pt 7

266 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow

That:

1. The information contained in the report on the CPTED 2004 Conference in Brisbane from 13th – 16th September 2004 be received
2. Council agree to the attendance of Councillors Greenow, Cettolin, Rumble and Simat at the CPTED 2004 Conference in Brisbane from 13th – 16th September 2004 together with any other Councillors interested in attending
3. Leave of absence be granted to all Councillors attending the Conference

15 City Operations Directorate Report to end May 2004 153/2

267 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Greg Davies that the information contained in the City Operations Directorate Report to end of May 2004, be received.

Councillor Greg Davies left the meeting the time being 8.36PM.

16 Amendment to Local Government Act - Election of Mayor 10/11 Part 5

268 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Susan Page that the information contained in the report Amendment to Local Government Act - Election of Mayor be received.

18 Annual Insurance Renewals - Westpool 6011/61

269 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Susan Page

That:

1. The information contained in the report on Annual Insurance Renewals – Westpool be received
2. Council retain its \$10,000 claims excess for Industrial Special Risk and General Property cover and agree to pay a contribution of \$359,000 to Westpool.
3. Council retain its \$75,000 claims excess for Public Liability and agree to pay a contribution of \$898,000 to Westpool for liability cover.

20 Summary of Investments & Banking 28 April 2004 to 25 May 2004 6021/4

270 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Susan Page

That:

1. The Certificate of the Responsible Accounting Officer, Statement of General Fund Bank Balances as at 25 May 2004 and the Summary of Investments for the period 28 April 2004 to 25 May 2004 be noted and accepted
2. The graphical investment analysis as at 25 May 2004 be noted
3. The information regarding agency collection methods be noted.

**21 Council Property - Easement to Drain Water over Lots 118 & 119, D.P. 243599 and Lot 21, D.P. 714873, Braddon Street, Oxley Park.
Owner: Penrith City Council
Applicant: Construction Management Services 154102**

271 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Susan Page

That:

1. The report on Council Property in creating an Easement to Drain Water over Lots 118 & 119, D.P. 243599 and Lot 21, D.P. 714873 Braddon Street Oxley Park be received
2. Council grant an easement to drain water over the Open Space land on Lots 118 & 119, D.P. 243599 and Lot 21, D.P. 714873, Braddon Street, Oxley Park in favour of Lot 114, D.P. 243599 and Lot 4, D.P. 540496 at No. 71 Brisbane Street, Oxley Park
3. Payment of compensation by the applicant in the amount of \$5,000 plus GST is required for the creation of the easement over Lots 118 & 119, D.P. 243599 and Lot 21, D.P. 714873, Braddon Street, Oxley Park
4. The applicant to be responsible for all survey, legal and registration costs associated with the creation of the easement
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation to effect registration of the easement.

**22 Council Property - Easement to Drain Water over Lot 3, D.P. 255380, Nepean Street, Emu Plains
Owner: Penrith City Council
Applicant: Austilt Constructions**

667727

272 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Susan Page
That:

1. The report on Council Property in creating an Easement to Drain Water over Lot 3, D.P. 255380, Nepean Street, Emu Plains be received
2. Council grant an easement to drain water over the Open Space land at Lot 3, D.P. 255380, Nepean Street, Emu Plains in favour of Lot 3, D.P. 232928 at No. 36 Gough Street, Emu Plains
3. Payment of compensation by the applicant in the amount of \$5,000 plus GST is required for the creation of the easement over Lot 3, D.P. 255380, Nepean Street, Emu Plains
4. The applicant to be responsible for all survey, legal and registration costs associated with the creation of the easement
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation to effect registration of the easement.

**23 Council Property - Easement to Drain Water over Lot 101, D.P. 618270, John Street, St Marys
Owner: Penrith City Council
Applicant: Colpani Constructions**

655124

273 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Susan Page
That:

1. The report on Council Property in creating an Easement to Drain Water over Lot 101, D.P. 618270, John Street, St Marys be received
2. Council grant an easement to drain water over the Open Space land at Lot 101, D.P. 618270 John Street, St Marys in favour of Lot 6, D.P. 1432 at No. 20 John Street, St Marys
3. Payment of compensation by the applicant in the amount of \$2,000 plus GST is required for the creation of the easement over Lot 101, D.P. 618270 John Street, St Marys
4. The applicant to be responsible for all survey, legal and registration costs associated with the creation of the easement
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation to effect registration of the easement.

17 City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd "Ripples" 923/2 & 2986/14

274 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler
That:

1. The information contained in the report Councillor Representation on the Board of Ripples be received
2. Council elect Councillor Steve Simat to represent Council as a Director on the Board of The City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd (St Marys Leisure Centre – "Ripples") in lieu of Councillor Greenow who has resigned as a Director of the Company.

19 Annual Financial Statements Award 2003 6037/10

275 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Pat Sheehy That:

1. the information contained in the report on Annual Financial Statements Award 2003 be received
2. Congratulations be forwarded to Council's Chief Financial Officer and Financial Services Manager on their success in achieving runner up in the Annual Financial Statements Award
3. Congratulations be forwarded to Ben Collins and Nick Catterson for winning scholarships to attend the 2004 Finance Professionals Conference.

Councillor Greg Davies returned to the meeting the time being 8.40PM

24 2004-2005 Management Plan

36/47

276 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Pat Sheehy
That

1. The information contained in the report on the 2004-2005 Management Plan be received
2. The recommended actions as detailed in the report be adopted and those which relate to variations to the exhibited draft plan be incorporated into the Management Plan
3. The 2004-2005 Management Plan as amended be formally adopted
4. An application be made to the Minister for Local Government for a Special Variation to General Rate Income of 4.81% for 2004-2005
5. Council, subject to the Minister for Local Government allowing an increase in General Rate Income of 4.81%, approve for expenditure the budget as detailed in the 2004-2005 Management Plan and on that basis formally vote these funds for the 2004-2005 financial year
6. Those individuals and organisations who made submissions on Council's Management Plan be thanked for their input and advised of Council's decision
7. Those projects in the 2003-2004 Management Plan which were approved by Council in the March Quarter Review 2004 to be carried forward be added to the adopted Management Plan and Budget for 2004-2005.

26 Additional Matters Regarding the 2004-2005 Draft Management Plan

36/47

277 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Additional matters regarding the 2004-2005 Draft Management Plan be received
2. The actions recommended in this report be incorporated in the actions to be implemented under Item 24 on tonight's business paper, 2004-2005 Management Plan.

25 Making of Rates and Charges for 1 July 2004 to 30 June 2005 6503/4

278 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Pat Sheehy

That:

1. That the information contained in the report on Making of Rates and Charges for 1 July 2004 to 30 June 2005 be received
2. **Ordinary Rate**
In accordance with Section 535 of the Local Government Act 1993, an ordinary rate named Residential ordinary in accordance with Section 543(1) of point four one three one (.4131) cents in the dollar being ad valorem amount on the land value of all rateable land in the City categorised as residential under Section 493 and that an ordinary rate named Farmland ordinary of point three zero nine eight (.3098) cents in the dollar on the land value of all rateable land in the City categorised as Farmland and that an ordinary rate named Business ordinary of point nine six five four (.9654) cents in the dollar on all rateable land in the City categorised as business and that an ordinary rate being a subcategory of Business rate named Penrith CBD Rate of one point zero seven seven eight (1.0778) cents in the dollar and that an ordinary rate being a subcategory of Business rate named St Marys Town Centre Rate of one point three seven four five (1.3745) cents in the dollar be now made for the period 1 July 2004 to 30 June 2005 subject to a minimum rate under Section 548(5) of five hundred and fifty three dollars and fifteen cents (\$553.15) in respect of each separate parcel of land categorised as Residential and Farmland and that each separate parcel of land categorised as Business or as a subcategory of Business be subject to a minimum rate under Section 548(5) of the Local Government Act, 1993 of seven hundred and seven dollars and seventy cents (\$707.70).
3. **Service of Rate Notices**
The rate or charge for the 2004/05 rate year be levied on the land specified in a rates and charges notice by the service of that notice and the General Manger be and is hereby authorised to prepare and serve such notice for and on behalf of Council.
4. **Charges**
The charges attached to the report to the Ordinary meeting on 28 June 2004 titled Making of Rates and Charges for 1 July 2004 to 30 June 2005 be made (see attachment).
5. **Interest**
For the purpose of calculating the interest on overdue rates and charges in accordance with Section 566(3) of the Local Government Act, 1993 Council make the interest charge for 2004/05 nine (9.0) percent per annum.
6. **Pension Rebate**
All eligible pensioners under Section 575 of the Local Government Act, 1993 be granted a rebate of 50% of the ordinary rate and domestic waste

management service up to a maximum of \$250.00 under Section 575(3) of the Local Government Act, 1993.

QUESTIONS WITHOUT NOTICE

- QWN1 Councillor Jackie Greenow advised that she had received complaints from residents of St Marys about dust and smell from the old tip site at Claremont Meadows and requested a memo reply. **7022/1 Pt 5**
- QWN2: Councillor Jackie Greenow requested a memo reply regarding the status of Council's investigations into woodfires including a comment on a scheme used by other Councils where they offer a rebate to encourage people to change from woodfires. **7018/2 Pt 3**
- QWN3: Councillor Jackie Greenow requested a report to a future Policy Review Committee Meeting regarding the "BASIX" sustainability assessment tool and including a comment on the impact of its requirement for on site water storage on environmental flows in the Hawkesbury Nepean River system. **7011/46 Pt 2**
- QWN4: Councillor Garry Rumble requested a report on Council's policy on use of playing fields including details of users' responsibility for maintenance in view of the advice given in City Operations report of 28 June 2004 which states "Due to the lack of rain or town water on Council's playing fields there has been a sharp increase of injuries". What advice are we giving the users? **3000/5**
- QWN5: Councillor Garry Rumble requested that a meeting be arranged with all stakeholders surrounding Southlands Shopping Centre, to discuss future plans concerning development and partnerships between Council and the following: Jamison High School; Southlands Shopping Centre; South Penrith Neighbourhood Centre; Guides, Youth Centre and Council (Park and reserves). Councillor Garry Rumble requested that a report be brought back to Council after this meeting has been held. **143151 Pt 3**
- QWN6: Councillor Fowler informed Council that he had been made aware that former Penrith resident, Con Gouriotis OAM, had made the 2004 Queen's Birthday Australian Honours list. Councillor Fowler asked if a letter of congratulations could be sent to Mr Gouriotis OAM who is now the Director of the Casula Powerhouse Arts Centre and the Liverpool Regional Museum. **1129/1 Pt 3**
- QWN7: Councillor Thain requested a site meeting at 171 Mayo Road, Llandilo to inspect the fence around the property and other surrounding properties. Councillor Thain requested a memo reply after the inspection. **DA03/3000**
- QWN8: Councillor Greg Davies requested a report to Council outlining the economic benefits to Penrith of having a local University; information as to what percentage of local residents are attending or plan to attend UWS and canvass the views of local schools and TAFE on the advantages of a properly funded University for their students. **1026/2 Pt 13**

QWN9: Councillor Greg Davies requested a report to a future Policy Review Committee Meeting into the status of the study on the Penrith and St Marys CBDs including details of any comment or submissions received so far.

4200/6 Pt 5

COMMITTEE OF THE WHOLE

279 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Greg Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8.57PM.

Councillor Kevin Cramereri left the meeting the time being 8.58PM.

1 Presence of the Public

CW1 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Greg Davies that the press and public be excluded from Committee of the Whole to deal with the following matters

Council's Operating Environment

2 Freedom of Information Applications **74/0266**

Council's Operating Environment

3 Staff Matter **909/91 Part 7**

The meeting resumed at 9.27PM and the General Manager reported that the Committee of the Whole met at 8.57PM on Monday 28 June 2004, the following being present

His Worship the Mayor Councillor David Bradbury, Councillors Kaylene Allison, Lexie Cettolin, Kevin Cramereri OAM (arrived 9.02PM), Greg Davies, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Pat Sheehy and John Thain.

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

CONFIDENTIAL BUSINESS

2 Freedom of Information Applications **74/0266**

Councillor Kevin Cramereri returned to the meeting the time being 9.02PM.

CW2 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the information contained in the Report on a Freedom of Information Applications Report be received.

This is Page No 23 of the Unconfirmed Minutes of the Ordinary Meeting of Penrith City Council held in the Council Chambers, Penrith on Monday 28 June 2004

3 Staff Matter

909/91 Part 7

CW3 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Greg Davies that the information contained in the report on a staff matter be received.

ADOPTION OF COMMITTEE OF THE WHOLE

280 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Pat Sheehy that the recommendation contained in the Committee of the Whole and shown as CW1 to CW3 be adopted.

QWN10: His Worship the Mayor, Councillor David Bradbury advised that he had visited Year 6 students at Samuel Terry Public School and he was asked whether Council would consider building a Skate Park in the Cranebrook area. The Mayor requested a report to a future Ordinary Meeting regarding possibility of building a Skate Park at Cranebrook

There being no further business the Chairperson declared the meeting closed the time being 9.28PM

Confirmed
Chairperson

MASTER PROGRAM REPORTS

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The City in Its Region

1 Election of President and Committee Members - Western Sydney Region Of Councils (WSROC) 19/1

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

Authorised by: Roger Nethercote, Environmental Planning Manager

<p>Management Plan 4 Year Outcome: <i>Penrith is recognised widely as an innovative vibrant and attractive City with an identify distinguishing it from other parts of Sydney.</i></p> <p>Critical Action: <i>Participate in activities of appropriate regional organisations.</i></p>

Purpose:

To inform Council of the recent election of WSROC's President and Committee Members. It is recommended that the report be received, and that Councillor Page be congratulated on her appointment to the Executive Management Committee.

Background

WSROC – the Western Sydney Regional Organisation of Councils Ltd – is one of Australia's oldest and most respected local government lobbying organisations and a key advocate for Western Sydney.

Every four years, immediately after the local government elections, WSROC calls on each of its member Councils to nominate two Councillors as representatives, or Directors, to the WSROC Board.

WSROC's mission is to secure – through research, lobbying, and the fostering of cooperation between councils – a sustainable lifestyle for the people of Western Sydney and the provision of infrastructure such that no one should have to leave the region to have access to the sorts of amenities, services and opportunities others in urban Australia take for granted.

Penrith City Council is one of 11 Western Sydney Councils which form the membership of WSROC. The other member Councils are Auburn, Bankstown, Baulkham Hills, Blacktown, Blue Mountains, Fairfield, Hawkesbury, Holroyd, Liverpool and Parramatta.

Council recently resolved to appoint Councillors Jim Aitken, OAM, and Susan Page as Directors of WSROC Limited. Council also nominated Councillors Lexie Cettolin and Karen McKeown as Alternate Directors to WSROC Limited when the nominated Directors are unable to attend a meeting of the Board due to leave of absence.

The following Councillors have been appointed as Directors of WSROC Ltd from the other member Councils:

Auburn Council	Clr Chris Cassidy (Mayor) Clr George Campbell
Bankstown City Council	Clr Helen Westwood (Mayor) Clr Richard McLaughlin
Baulkham Hills Shire Council	Clr Raymond Harty (Deputy Mayor) Clr Tony Hay
Blacktown City Council	Clr Ron Alder

	Clr Barbara Gapps
Blue Mountains City Council	Clr Adam Searle Clr Alison McLaren
Fairfield City Council	Clr Denis Huynh Clr Sarah Trapla
Hawkesbury City Council	Clr Barry Calvert Clr Bart Bassett
Holroyd City Council	Clr Mark Pigram Clr Doug Bouchier
Parramatta City Council	Clr Maureen Walsh (Deputy Mayor) Clr Paul Barber

Administrator Gabrielle Kibble currently represents Liverpool City Council

WSROC Executive Positions

The WSROC Board has elected Council Helen Westwood, the Mayor of Bankstown Council, as the organisation's new President following the local government elections held earlier this year.

The Board also elected Councillor Tony Hay (Baulkham Hills) as Senior Vice-President and filled the following other Executive Management Committee positions:

Junior Vice President: Councillor Barry Calvert (Hawkesbury City Council)

Treasurer: Councillor Sarah Trapla (Fairfield City Council)

Members: Councillor Chris Cassidy (Mayor, Auburn Council)

Councillor Adam Searle (Blue Mountains City Council)

Councillor Maureen Walsh (Deputy Mayor, Parramatta City Council)

Councillor Susan Page (Penrith City Council)

At the WSROC Executive Management Committee meeting held Thursday 24 June 2004, Councillor Susan Page was also elected as Spokesperson on Health, Wellbeing and Community Services.

RECOMMENDATION

That

1. The information contained in the report on Election of President and Committee Members – Western Sydney Regional Organisation of Councils (WSROC) be received
2. Councillor Page be congratulated on her appointment to WSROC's Executive Management Committee.



The City in Its Environment

2 Penrith Lakes Environs – Status of the Planning Process

4107/28

Compiled by: Paul Battersby, Senior Environmental Planner

Authorised by: Roger Nethercote, Environmental Planning Manager

Management Plan 4 Year Outcome: <i>New release areas deliver quality urban environments.</i>

Critical Action: <i>Plan new release areas to achieve quality urban environments.</i>

Purpose:

To advise Council of the status of the planning process for the Lakes Environs project and particularly the RTA's request that Stockland, the developer of the site, contribute towards upgrading regional road infrastructure. It is recommended that the report be received.

Background

Penrith Local Environmental Plan 1998 (Lakes Environs) and Penrith Development Control Plan 1998 (Lakes Environs) came into effect on 13 March 1998. These statutory planning documents enable the development of the site for urban and employment purposes, the primary feature of which is the creation of an integrated lake system through the centre of the site to provide water quantity, quality and aesthetic attributes.

These planning documents envisaged the delivery of housing in the form of 'integrated development', a development mechanism that involves approval of the dwellings at the subdivision stage, resulting in the marketing of a constructed house and land package.

Stockland purchased the majority of the site in August 2003, with the last residential parcels acquired in June 2004. Stockland have proposed an alternative housing delivery strategy that involves a combination of 'integrated development' and traditional land only sales. Housing development will be supported by a Landscape Masterplan, Landscape Guidelines and Housing Design Guidelines. Council at the Policy Review Committee Meeting of 23 February 2004, confirmed at the Ordinary Meeting of 1 March 2004, resolved to support Stockland's alternative strategy and prepare and exhibit the necessary amendments to the adopted LEP & DCP.

Development applications for lake construction, associated earthworks and wetland rehabilitation over the entire site were approved by Council in September 2003. Stockland are currently in the process of obtaining the construction certificate and a Part 3A permit from the Department of Infrastructure and Natural Resources (DIPNR) to enable commencement of site earthworks. Development applications will be lodged for road works, subdivision and dwelling construction for various stages of the site in accordance with the approved Masterplan. The first stage of housing is expected to be delivered to the market in mid 2005.

Status of Planning Process

Council and Stockland staff have reached agreement on the content and wording of the material supporting the planning documentation, including the draft Development Control Plan, with only minor matters requiring resolution prior to exhibition of the amending

planning instruments. We are currently resolving the form and content of the Section 94 Plan for the provision of local amenities and facilities necessary to service the incoming residents. A further report will be brought back to Council shortly in relation to the draft Section 94 Contributions Plan when finalised.

Pursuant to the requirements of Section 62 of the Environmental Planning and Assessment Act (EP&A Act), those public authorities likely to be affected by the proposed amendments to the LEP were invited to comment on the matter.

DIPNR have provided commentary with respect to the wording of clauses within the amending LEP. Their issues have been resolved in principle and we are awaiting confirmation in writing to that effect.

The RTA have recommended the inclusion of clauses in the draft LEP which:

- deny vehicular access to Cranebrook and Andrews Roads, other than by way of a public road;
- require assessment of traffic noise & vibration impacts on residential development located within 100m of the abovementioned roads; and
- contributions towards the upgrading of regional road facilities.

It is our view that the current planning documents contain adequate provisions with respect to restricting vehicular access to Cranebrook and Andrews Roads and assessment of noise impacts. We are currently investigating the suitability or otherwise of requiring assessment of the nominated traffic vibration impacts. Discussions as to drafting suitable requirements will be held with Stockland should those investigations conclude that such provisions are warranted.

In relation to the issue of monetary contributions toward the upgrading of regional roads in the City, the RTA has suggested that such a contribution could be facilitated by Council including it in a Section 94 Plan for the site or as a deed of agreement between the RTA and Stockland. The RTA's request has caused significant concern to Stockland and ourselves, particularly given the lateness of the request in the planning process and that the Lakes Environs site was rezoned for urban development in 1998, some 6 years prior. It is also noted that Council has issued development approval for the bulk earthworks and lake creation to enable development to advance on the site.

It is our understanding that if we do not provide in the draft LEP for the matters raised by the RTA, then it would result in an unresolved objection by a statutory authority. Under these circumstances, we believe that Council does not have the ability to use its delegated authority to issue a Section 65 certificate to enable the draft LEP amendment to proceed to public exhibition.

Regional Road Infrastructure

In April 2002 DIPNR commissioned a study to develop a road transport network strategy to address the traffic impacts of the future planned development of the ADI site. The study is titled the 'St Marys Revised Transport Management Study' and was completed in May 2004. The Study will be the subject of a separate report to Council shortly.

The Study identifies the regional road infrastructure improvements generated by the planned urban release areas in Penrith and Blacktown local government areas and apportions the responsibility for these works between those release areas.

On the 24 May 2004 the RTA advised Stockland that they have estimated the contribution emerging from the Lakes Environs development towards the upgrading of regional network infrastructure would be \$5.25mil.

DIPNR have adopted the recommendations of the Study with respect to the ADI site and are utilising the recommendations in negotiating the development agreement for the provision of regional infrastructure at Penrith Lakes.

However, DIPNR have verbally advised a concern with the retrospective nature of the RTA's request and that the RTA does not have the statutory power to require contributions towards regional network infrastructure for existing urban development sites. This position has also been confirmed in discussions with Council's solicitors, Gadens Lawyers. This situation can be distinguished from new urban release areas for which planning is being undertaken and rezonings are yet to be confirmed. In those circumstances it may well be appropriate to negotiate, prior to rezoning, for regional road contributions where future traffic impacts from that development would contribute to the need for improvements to the regional road network.

Stockland have advised that they have budgeted \$2.32mil for the provision of road infrastructure beyond the boundaries of the site. These monies are to be allocated as follows:

- To construct the works required to facilitate access to and flood evacuation from the Lakes Environs site; expected to be in the order of \$1.33mil; and
- Payment of a monetary contribution towards upgrading regional road infrastructure, being \$990,000 the monies remaining after funding the above mentioned works

Stockland have advised that the \$2.32mil is their maximum budget allocation and that they have, as a precautionary measure, halted the preliminary site works which had commenced recently on the site and will not authorise the undertaking of the approved earth works until this matter is resolved.

Resolution of the issues raised by the RTA is required so that both Council and Stockland can move forward with a high degree of confidence about the outcomes. This is required so that there will be no lingering doubt as to the resolution of the RTA's matters or the position the RTA might take in response to the formal exhibition of the draft LEP amendment and subsequent development applications.

In an endeavour to resolve the way forward with the draft LEP in relation to the the RTA's requests, we have recently written to DIPNR seeking the following:

- Confirmation of the circumstances in which developers should be required to contribute to regional road system improvements, particularly the legality and fairness of applying such requirements to land that has already been zoned for urban development;
- Confirmation of our understanding that Council does not have the ability to use its delegated authority to issue a Section 65 certificate to enable public exhibition of the draft LEP amendment if Council does not provide in the draft LEP for the matters raised by the RTA;
- Advice as to whether DIPNR propose to use its authority to issue a Section 65 certificate to enable the plan to move forward to exhibition. If that is the case, we have requested confirmation as to whether DIPNR would propose to insert a clause or clauses in the draft plan dealing with regional road improvements or other matters requested by the RTA; and
- Advice as to what legal mechanisms DIPNR believes would be available to Council to seek a contribution towards the upgrading of regional road infrastructure at the point

when development of the site advances, if Council is required to advance the plan with a clause requested by the RTA.

Conclusion

The RTA has raised a number of issues as a result of the Section 62 statutory consultation process that have not yet been able to be resolved to the satisfaction of the respective parties. It is important that these matters be finalised quickly in order that Stocklands can move forward with their development program.

It is our understanding that if we do not include the matters raised by the RTA in the draft LEP, then it would result in an unresolved objection by a statutory authority. Under these circumstances, we believe that Council does not have the ability to use its delegated authority to issue a Section 65 certificate and exhibit the draft LEP amendment. This has hindered our ability to move forward with the LEP amendment process.

Given these procedural difficulties, we have sought DIPNR's advice and guidance on the RTA's requests and the mechanisms to progress the LEP amendment process. Once that advice is received, we will be better placed to finalise negotiations with Stocklands and then move forward with public exhibition of the draft plans.

RECOMMENDATION

That the information contained in the report on Penrith Lakes Environs – Status of the Planning Process be received.



The City in Its Environment

3 Western Sydney Alliance - Operating Plan for 2004/05

9000/2 Pt 58

Compiled by: Wayne Mitchell, Policy Unit Co-ordinator

Authorised by: Craig Butler, Building Approvals & Environment Protection Manager

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

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

Purpose:

To provide an update of the activities of the Western Sydney Alliance. The report recommends Council commit to continued support for the Alliance campaign in 2004/2005.

Background

The Western Sydney Alliance was formed approximately seven years ago to oppose the proposal for a second international airport for Sydney at Badgerys Creek. The Alliance has ten member Councils from Western Sydney including Penrith. The Executive Committee of the Alliance is made up of the Mayor of Holroyd City or his delegate as the chair with the Mayor of Penrith as the Deputy Chair.

The Alliance has maintained an active campaign of opposition to the Badgerys Creek airport proposal in partnership with community groups. It is imperative that this campaign is continued until such time as the Federal Government formally changes its policy and the site is sold or rezoned for an alternate use.

The formal position of the current federal government is that the site is approved for a new airport and that this decision will be reviewed in 2005. Both the Prime Minister and Transport Minister, John Anderson, have made recent statements that have had the effect of downplaying the potential for the airport to be built. The danger of such statements is that the urgency of the debate will be lost, but the site will continue to be reserved for an airport and remain as the default site. Council has now written twice to the Prime Minister seeking clarification of the Government's intentions for the Badgerys Creek site, but no reply has been received. Similar requests from the Alliance have also not received a reply.

As the situation currently stands, the Badgerys Creek site (approximately 1700 ha) effectively remains reserved for an airport should that become necessary at some time in the future. Without long-term plans for integrated transport systems and the determination of an alternative suitable site outside the Sydney Basin, the site will remain as the default location.

The recent privatisation of Bankstown, Hoxton Park and Camden Airports together with the rapid development of budget airlines creates even more uncertainty about the likely development of an airport at Badgerys Creek. For example, there is a trend world-wide for budget airlines to operate out of separate airports with lower cost overheads. A masterplanning process has recently commenced for Bankstown, Camden and Hoxton Park airport sites and the Alliance will monitor the outcome.

The Alliance had a major success in its campaign with the Federal Labor Party formally changing its policy in January 2004 to no longer support the Badgerys Creek site for a second Sydney Airport. Federal Labor policy now calls for an integrated transport plan for Sydney and an alternate strategy for long-term airport capacity. Their policy now involves the identification of a prospective second airport site to the south of Sydney and outside the Sydney basin.

Alliance Objectives for 2004/2005

The Alliance has established a series of objectives for its campaign in 2004. These objectives include:

- **Federal Government.** That continuing effort is made to convince the Federal Government to unequivocally reject Badgerys Creek or any other location within the Sydney basin as an airport site, and to formally release the Badgerys Creek site from its current reservation for airport use.
- **Federal Labor.** That continuing effort is made to encourage and support Federal Labor in its new policy of opposition to an airport at Badgerys Creek or elsewhere within the Sydney basin. To seek a commitment from Labor, if elected Federally, to formally release the Badgerys Creek site from its current reservation for airport use, and to encourage and support Labor in the development and implementation of sensible and sustainable alternative airports and transport strategies.
- **Promotion of Integrated Transport.** That the Alliance continues to promote and advance the benefits of an integrated transport strategy with regional partners such as WSROC and other relevant groups.
- **State Government and Opposition.** That every reasonable effort is made to ensure that the NSW Government maintains its policy of opposition to an airport at Badgerys Creek, and that further efforts are made to encourage the NSW Opposition to re-confirm a policy of opposition to Badgerys Creek.
- **Regional Dialogue and Alliances.** That effective working dialogue and strategic partnerships are maintained with Wollongong and Newcastle Councils, and that similar partnerships are established and maintained with key stakeholders.
- **Privatisation of Bankstown, Hoxton Park and Camden airports.** That the Alliance continues to monitor the development of future plans and strategies for Sydney's three "minor" metropolitan airports and maintains an active and a constructive position in this regard.
- **Issues monitoring and response.** That all issues relevant to Badgerys Creek and the Commonwealth's airport and aviation policy continue to be monitored, and that appropriate responses are initiated.

Proposed Operating Plan for 2004/2005

The Alliance has recommended an operating plan to its member Council's for endorsement. This plan includes continuing and building on the campaign from last year and initiating a high profile campaign during the 2004 federal election.

The continuation of the base campaign will include continuing dialogue, submissions and representations to the Federal Government, Federal Labor, the State Government and other stakeholders. This campaign is based on the view that while considerably advanced, the Alliance campaign against Badgerys Creek is not yet complete, and there is important work yet to be done. The Alliance will seek to build on the significant progress that it has made to date and it will continue to press the Federal Government to formally reject the Badgerys concept, and to overturn the reservation of the site for future airport use.

The campaign will also incorporate the further development and promotion of an integrated transport strategy for Sydney that identifies a range of alternative and enhanced transport options that would overcome or substantially minimise the need for a second Sydney airport.

The additional high profile campaign will seek to take appropriate advantage of the Federal Election environment, thereby raising the profile of the Badgerys Creek issue and seeking commitments from the current Government to abandon the second Sydney airport proposal.

A contribution of \$8,711 is requested based on the previously used formula for the sharing of costs amongst the constituent Alliance Councils.

RECOMMENDATION

That:

1. The information contained in the report on Western Sydney Alliance – Operating Plan for 2004/05 be received
2. Council continue its participation in the Western Sydney Alliance in 2004/05.



The City in Its Environment

4 Current Water Conservation Initiatives and Future Directions 5270/24 Pt3

Compiled by: Bernadette Riad, Waste Officer

Authorised by: Craig Butler, Building Approvals & Environment Protection
Manager

Management Plan 4 Year Outcome: *Water conservation strategies developed and implemented.*

Critical Action: *Develop and implement Water Conservation strategies.*

Purpose:

To inform Council of the progress of Council's water conservation programs, including the "Every Drop Counts" program. The report recommends that Council endorse the principles of the three year action plan, and write to the Minister for Energy and Utilities requesting that the recycled water scheme for Penrith be expedited.

Background

With the ongoing pressures of drought, the need to conserve water and manage its use is well recognized across all sectors of the community, with users encouraged to be more environmentally responsible in its use and reuse.

While Local Government will always be a high volume water user, it has been widely recognized that there is both the need and the opportunity to make greater use of the technologies and practices available to better manage this valuable resource.

So prominent is this issue, that the Minister for Energy and Utilities held a water summit on 31 May 2004 and invited the Mayors of Sydney Metropolitan Councils. At this summit the Mayor was invited to give a presentation about Council's "Every Drop Counts" water conservation program. Penrith was being held out as an example to other Councils because of the water savings achieved under this program.

Subsequent to the summit, the Minister for Energy and Utilities, Frank Sartor wrote to all Councils and requested that they prepare a three year action plan to achieve greater water savings. The plan is to include details of water reduction targets over each of the next three financial years, compared to the average for the last three years. A copy of the Minister's letter is included in the Appendices.

The following report provides an overview of the current water conservation initiatives being undertaken across Council, and a draft action plan for the continuance of these and new initiatives over the coming three years.

Council's Major Water Conservation Initiatives

Every Drop Counts – Water Conservation Program

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.

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.

A major component of this program to date has been the process of conducting water efficiency audits across a sample of Council's water intensive facilities so as to examine water consumption and management practices across the spectrum of our operations.

The objective of these audits 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

Water efficiency audits were conducted at six sample sites ranging in use from swimming and leisure centers, through to parks, childcare centers and specialist facilities. Results confirmed that there are considerable savings to be made in terms of both water consumed and money spent. Potential water savings ranging between 15% and 56% and potential monetary savings (per property) between \$1,250 and \$5,700 per annum.

While the water efficiency audits have been a major milestone in the EDC program, they are merely the first step in a co-ordinated water management program. The current stage of the EDC program expands beyond the implementation of the recommendations from the water efficiency audits and focuses on the development of 'people' systems within the organisation to support water-wise practices. Our current reporting practices will be developed 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.

Water Wise Retrofits

With the EDC water efficiency audits demonstrating the potential savings to be made by installing water efficient fittings, seed funding of \$35,000 was sourced from the Enhanced Environmental Program (EEP) budget to conduct a water efficiency upgrade across all of Council's facilities.

An extension of the EDC program, this Council-wide retrofitting program was initiated in July 2003. Managed by Building Services department, the upgrade involved the installation of basic water-saving devices such as low-flow devices for taps, shower heads, and toilet cisterns across all Council's facilities.

The savings resulting from these works is to be tracked with the initial savings to be repaid into the EEP budget and then into the revolving sustainability fund to be re-invested in additional sustainability and water conservation initiatives.

ICLEI Water Campaign

A program of the International Council for Local Environmental Initiatives (ICLEI), the Water Campaign is an international freshwater management program which aims to build the capacity of local government to reduce water consumption and improve local water quality.

In recognizing the potential for local government to influence businesses and the community as a whole through planning powers, policies, promotion, and partnerships, the Water Campaign provides a framework through which Council can review and further develop the management of freshwater resources both within our own operations, across the City, and throughout the catchment.

Focusing on these three sectors; corporate, community and catchment, the Water Campaign is based on the achievement of five milestones.

- The conducting of an inventory to assess current water quality and consumption
- The setting of goals to improve on the current situation
- The adoption of a Local Action Plan to achieve the set goals
- The implementation and measurement of the action plan
- Monitoring and evaluation of the actions being implemented

The Corporate framework of the campaign covers the issues that Council can control within our own operations, while the community framework covers issues that Council can influence through land use planning, regulation and education. The catchment framework extends further again to cover the issues that a collective group of councils and key stakeholders together identify as priorities for their catchment.

Council resolved to join the ICLEI water campaign in December 2003 following the success of the Cities for Climate Protection Program with this organisation. The water campaign is a logical progression from Cities for Climate Protection, but also builds on the Every Drop Councils program by extending its focus to the broader City including industry and the community.

Council has commenced Milestone 1 which involves developing an inventory which will provide the basis for Council to assess current water management issues, set targets for water consumption and water quality issues, and develop an action plan to meet those targets.

Proposed Water Reuse Scheme

For some time now Council has used recycled water from Penrith Sewerage Treatment Plant (STP) for turf irrigation on two sports fields at Hickey's Reserve adjacent to the STP. A water reuse scheme to extend the use of recycled water to a number of other sites within the Penrith area has been proposed for some years now, with Council and Penrith Panthers being identified as the two key stakeholders with the potential to use recycled water from such a program.

A feasibility study conducted by Sydney Water and Australian Water Technologies (AWT) in 2001 assessed the feasibility of implementing a recycled water scheme using treated effluent supply from Penrith STP. An extension of earlier investigations, the scheme involves a recycled water supply to various sites located in both north and south Penrith, and entails a supply pipeline some 7 to 8 km in length. The study assesses possible pipeline routes, pipe sizes and pumping requirements and prepares cost assessments for the proposed scheme.

Following a report to Council in June 2003 with details of this study and subsequent investigations into Council's water use, financial analysis, timeframes, and environmental benefits, Council resolved to fully commit to the recycled water scheme, recognizing the significant opportunity for this resource to be used in place of potable water.

Council was advised that the recycled water scheme will take up to 2 ½ years to obtain approval and to construct. Recent advice from Sydney Water indicates that the environmental impact statement (EIS) for the proposed scheme is yet to commence and that

in fact a full year has now been lost in its delivery. There has also been suggestions that only the southern pipeline may be constructed thereby excluding the rugby fields and ovals at Cranebrook from being supplied by the scheme.

Council's response to the Minister's request for a water conservation action plan provides an opportunity to request that the proposed recycled water scheme be expedited and that it be completed in full as detailed in the feasibility study.

Other Water Conservation Initiatives

Irrigation and Maintenance of Parks & Gardens

With the continuance of drought and the introduction of water restrictions, the management of Council's parks and gardens has been greatly impacted. The introduction of stage two water restrictions has resulted in major reductions in irrigation using potable water, while irrigation using water sourced from Nepean River and South Creek also discontinued due to the impacts of drought on river flows. In response to the pressures of maintaining vast areas of parks and gardens with limited irrigation, Council has limited new plantings, installed water efficient drip irrigation systems in feature gardens, and invested in additional tankers for hand watering.

Vehicle Washing / Depot Works

In addition to the works conducted at the depot as part of the EDC program, the principles of water conservation have been incorporated into the daily operations of depot. In particular, the washing of Council vehicles has been reduced to a minimum. Vehicles are now only washed for environmental, health or maintenance reasons.

Construction Works

The principles of water conservation have been incorporated into the operations of Council's construction staff, with the adoption of water wise practices for all of Council's construction works. Water used on construction and road works, wherever possible, is sourced from the Nepean River in order to reduce potable water consumption.

Development Control

With the introduction of the Building Sustainability Index (BASIX) on July 1 2004, new residential developments within NSW will be required to demonstrate a 40% reduction in potable water consumption when compared to existing dwellings of the same type.

Proposals for new dwellings will effectively meet the targets for water conservation if they include:

- A rainwater tank or equivalent communal system of a minimum specified volume, or connection to an appropriate recycled water supply for outdoor water use and toilet flushing and / or laundry use
- Showerheads and tap fittings with at least a AAA rating
- Dual flush toilets

In preparation for BASIX, all development assessment staff have received training on the requirement of the new State Environmental Planning Policy. Information sheets and educational material has also been prepared targeting both the development industry and the

general community. A static display with extensive information has been prepared for the Civic Centre foyer.

Design of Council Facilities

As part of a broader Council commitment to ecologically sustainable development (ESD), water conservation and water management issues are considered in the design and upgrade of all Council facilities. Council's commitment to these principles was clearly illustrated in the recent development of the North St Marys Community Centre, where water conserving features included the installation of a rainwater tank for use in external garden watering and in toilet cisterns and the fitting of low-flow tap fittings.

Design of New Release Areas

The principles of water sensitive design are a key consideration in the planning of all new release areas. This includes an integrated approach to water cycle management and water conservation measures with consideration of issues relating to water supply, wastewater treatment and reuse, sewerage, drainage, water quality control, flood risk management, open space provision, and ecological protection.

Education and Promotion

Over the past years, Council has been heavily involved in the promotion of water conservation to the community. Education initiatives undertaken in the past 12 months have included: -

- Water Week – Water Wise Schools Pack (water conservation educational and program material)
- In Your Garden - Sustainable Gardening Campaign
- Water Conservation Talks (at events and at individual schools)
- Eco-Communities Schools Program
- Penrith Gardening Competition
- Static Displays in Council Foyer
- Ongoing promotion of Rainwater Tanks, including a very successful rainwater tank information night
- Ongoing promotion of the Every Drop Counts Program

Future Directions

Since joining programs such as the Every Drop Counts program and the ICLEI Water Campaign, Council has worked to investigate 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.

The continuation of these programs and in particular the continuation of improvements to Council's water management practices has the potential to not only reduce Council's 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.

With the continuance of these programs, Council aims to further develop our internal systems to support water wise practices, continue with the retrofitting of Council owned facilities, develop strategies to ensure that new developments are designed for sustainable water management, while always promoting best practice in water conservation and water management.

While a formal action plan is scheduled to be adopted as part of the ICLEI Water Campaign, the attached framework has been drafted in response to the Minister's request. This framework outlines both our current initiatives, and those which have been either planned for the coming years or identified as projects for further consideration. As such it is envisaged that this framework will fulfil the requirements of the Water Campaign action plan requested by the Minister. Following further investigations into the viability and priority of future projects including more specific targets, the Water Campaign Action Plan will be finalised.

Conclusion

Water conservation initiatives by Council have been significant over recent years, particularly as a consequence of the current drought. These initiatives have demonstrated Council's commitment to environmental management and to protecting this important natural resource.

The severity of the current drought and the potential for these conditions to persist only highlights the need for Council to continue to pursue further reductions in water use. The programs currently being undertaken focus on developing long term plans for management of water which will provide a platform for on-going reductions in water use by both Council and the local community.

The proposed recycled water scheme for Penrith will provide an important opportunity for Council and local business to significantly reduce consumption of potable water. It is imperative that Sydney Water now commence this scheme as there is a significant lead time before it will be available.

RECOMMENDATION

That:

1. The information contained in the report on Current Water Conservation Initiatives and Future Directions be received
2. Council endorse the principles of the three-year action plan and it be sent to the Minister for Energy and Utilities
3. Council write to the Minister for Energy and Utilities and request that the recycled water scheme for Penrith be expedited and that it be completed in full as detailed in the feasibility study and in presentations to Council by Sydney Water officers.



4



Penrith City Council - Water Management Action Plan 2004-2007

Produced in response to a Ministerial request following the Water Conservation Summit held on May 31 2004. This framework provides details of both current water conservation initiatives being undertaken by Council, and those either planned for the coming years or identified as projects for further consideration. With the aim of reducing Councils potable water consumption by 10% in the 2004-2005 financial year, and achieving a further 5% reduction per annum in 2005-2006 and 2006-2007.

Task	Priority	Departments Involved					
		Building Approvals	Building Services	Environmental Planning	Asset & Parks Management	Design & Technical	Economic Development
Continue to pursue the development of a water re-use scheme with Sydney Water	High	X					
Continue with the development of water management programs such as the Every Drop Counts program and the ICLEI Water Campaign	High	X		X			
Continue with the retro fitting of existing Council facilities with water efficient fittings	Medium		X				
Continually review and implement water wise practices within Council's operating procedures so as to ensure water conservation is a priority in all operations	High		X		X		
Develop a policy which includes specifications for the inclusion of water efficient features in the development of Council facilities	Medium	X	X	X		X	
Develop a formalised policy requiring the principles of water sensitive urban design be considered for all new release areas	Medium			X			

Task	Priority	Departments Involved					
		Building Approvals	Building Services	Environmental Planning	Asset & Parks Management	Design & Technical	Economic Development
Develop guidelines for the re-use of greywater on domestic premises during periods of drought	High	X					
Continue to promote water conservation and initiatives such as EDC with local business	Medium	X					X
Continue with the promotion of water conservation within local schools, community groups, and throughout the local community as a whole	Medium	X					
Continue with the development of initiatives to make use of alternatives to potable water for use in irrigation, construction, and maintenance operations such as vehicle washing.	Medium				X		
Continue with the maintenance of Council's parks and gardens installation of drip irrigation systems where appropriate	Low				X		
Continue with the use of endemic species in landscaping of Council grounds	Medium				X	X	

B. Blair
10/2/04

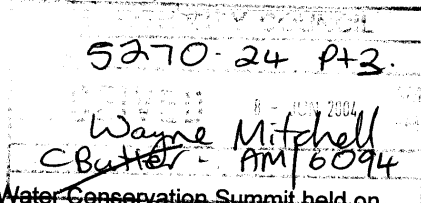


NEW SOUTH WALES

22

MINISTER FOR ENERGY AND UTILITIES
MINISTER FOR SCIENCE AND MEDICAL RESEARCH
MINISTER ASSISTING THE MINISTER FOR HEALTH (CANCER)
MINISTER ASSISTING THE PREMIER ON THE ARTS

Clr David Bradbury
Mayor
Penrith City Council
PO Box 60
Penrith NSW 2751



Dear Clr Bradbury *David*

I am writing to you as a follow up to the ~~Water Conservation Summit held on~~
31 May 2004. The summit provided a forum to hear what state and local
government is doing to address the challenges presented by the drought.

At the summit I indicated that I would be writing to each council within Sydney
Water's area of operations seeking information on what initiatives councils
were planning to better manage drinking water use.

Specifically, I seek from your Council a three year action plan for water
conservation, and your Council's targeted water consumption reduction over
each of the next three financial years, compared to the average of the last
three years.

I would also welcome any views Council might have on any new approaches
that can be taken to conserve water by the community generally, including
business. I enclose for your information a summary of the initiatives that the
Government is taking to conserve water. — NO enclosure received *A.*

I would like to congratulate your Council for participating in Sydney Water's
Every Drop Counts Business Program to reduce water use.

Replies should be sent by 10 July to Sydney Water's Acting Managing
Director, Mr David Evans, PO Box A53 Sydney South NSW 1232. Should you
have any questions regarding this matter please contact Mrs Sandi Kolbe on
telephone 9350 5768.

I look forward to your response.

Yours sincerely

Frank Sartor

Level 31, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000
Telephone: (02) 9228 4700 Facsimile: (02) 9228 4711 Email: office@sartor.minister.nsw.gov.au



NSW GOVERNMENT WATER INITIATIVES

- The Government will implement BASIX in 2004 - new planning rules which will require all new homes to achieve a 40 percent reduction in water use. This will lead to rainwater tanks becoming the primary source of water for garden irrigation and toilet flushing in most new freestanding homes.
- The Government has asked the Independent Pricing and Regulatory Tribunal (IPART) to investigate a pricing structure that will require Sydney Water to pay a higher price for the water it draws from the dams above sustainable levels. This will encourage Sydney Water and the private sector to investigate alternative water sources as they become more viable.
- IPART will also consider the introduction of step pricing for customers who consume far more than their fair share of water. This may mean that, while water wasters pay more on their water bills, customers who conserve water will pay less.
- Sydney Water has a rainwater tank rebate scheme offering its customers a rebate of up to \$650 for installing a rainwater tank. The rebate program has now been extended until at least June 2005. Sydney Water's Rainwater Tanks in Schools Programme is available to all primary and secondary schools, private and public, connected to the Sydney Water system.
- The Government has changed the NSW Code of Plumbing Practice to allow cross-connection of rainwater tanks to the potable supply, subject to appropriate protection of the mains supply. This will enable householders to use rainwater for drinking, bathing and all other household purposes, if they choose.
- Sydney Water has a retrofit program that has fitted more than 225,000 homes with water efficient fittings across the metropolitan area - this program has saved 4.7 billion litres per year since 1999. Under this program, water efficient showerheads, tap aerators, cistern flush arrestors and leak repairs are provided to customers at a cost of \$22.
- Sydney Water has increased funding for water main upgrade and replacement by \$10 million. This increase brings the total investment in leak detection and water main repairs and replacement to \$74 million this financial year. At the current rate of inspection, the entire water network will be checked every three years.
- Through the Every Drop Counts business program, Sydney Water is helping business customers use less water. 185 business customers now participate, resulting in water savings of 9 million litres per day.
- Sydney Water is promoting the use of recycled water by business, including a new recycled water plant that will supply 7.3 billion litres per year to BlueScope Steel at Port Kembla, which will be completed by late 2004.
- Since mandatory water restrictions came into force on 1 October 2003, we have saved approximately 42 billion litres of water - almost 42,000 Olympic swimming pools. This is a reduction of around 10% against the long-term average.
- The Government is considering a plan to pump additional water from Tallowa Dam during periods of high flow in the Shoalhaven River. The Sydney Catchment Authority may then be able to store this water for later use.
- The Government is also investigating improved pumping infrastructure at Avon, Nepean and Warragamba Dams which will allow the Sydney Catchment Authority to extract water from the lower levels of these dams that cannot be accessed at present.

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The City as a Social Place

5 Naming of a park in Oxley Park

3109/1

Compiled by: Wendy Marks, Parks Construction & Maintenance
Administrative Officer

Authorised by: Raphael Collins, Parks Construction & Maintenance Manager

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

Purpose:

To seek Council's endorsement for the naming of the park on Braddon Street, Oxley Park to 'Brian King Park' and recommend that an application be made to the Geographical Names Board for official gazetting.

Background

The existing park on the southern side of Braddon Street, Oxley Park is currently unnamed.

A request has been received from a resident of Oxley Park to name a park in this area after the late Brian King AM, who lived in Melbourne Street while he served as an Alderman on Penrith City Council.

The Geographical Names Board (GNB) requires all naming proposals meet the following criteria:

- The use of a person's name for park names should normally only be given posthumously.
- The name honours a person who has made an outstanding contribution to the community.
- Council agrees to the proposed name.

After an application for naming is submitted to the GNB, the process involves about 10 steps. One of these steps includes the public exhibition of the proposed naming. The entire process takes approximately 8 to 10 months.

Proposed Name

'Brian King Park'

Brian King distinguished himself in local government serving as Mayor of Penrith City three times, covering thirteen 1-year terms and Deputy Mayor for two 1-year terms. He was first elected to Council in 1953 and served a 2-year term before standing down in 1955. Brian was again elected to Council in 1962 and served until 1974. During the term 1971 to 1974, his son David joined Brian and they became the first father and son team to serve on the same Council in this City.

Brian was again elected in 1977 and served continuously until 1991. In all, he served the City as an Alderman for a total of 29 years. He was awarded the honour of becoming a Member in the Order of Australia (AM) in 1986.

After he was elected to the position in 1977, he steered the City through a period of rapid growth. This included the development of the entire St Clair and Cranebrook Urban areas which saw the population of City grow from 80,000 in 1976 to 135,00 in 1986.

His interest in the community saw him take a keen interest in the provision of community facilities. He was involved in the establishment of the St Marys RSL and the construction of the St Marys Memorial Hall as a community facility. Brian was a Life Member of the St Marys Senior Citizens Association and as Mayor, officiated at the opening of both the St Marys and Penrith Senior Citizen's Centres.

Brian was also the founding President and a Life Member of the Penrith International Friendship Association. He led the first Penrith delegation to the City of Fujieda, Japan in 1984 for the signing of the Sister Cities Agreement.

Penrith lost one of its prominent citizens when Brian passed away on 7 July 2001 after a serious illness.

Conclusion

Due to Brian's significant contribution to the City of Penrith and especially the community of St Marys, it seems fitting that the park on Braddon Street, Oxley Park be named in his honour. If Council approves the naming, an application to the GNB will be submitted immediately.

RECOMMENDATION

That:

1. The information contained in the report on Naming of a Park in Oxley Park be received.
2. Council endorse the naming of the park 'Brian King Park' and application be made to the Geographical Names Board for the official gazetting.





The City as a Social Place

6 Joan Sutherland Performing Arts Centre (JSPAC)

961/13

Compiled by: Gary Dean, Facilities Operations Manager

Authorised by: Steve Hackett, Director of City Services

Management Plan 4 Year Outcome: *The City's cultural profile has been raised.*
Critical Action: *Develop a program and funding to complete the extensions to the Penrith Regional Gallery and Lewers Bequest, and Joan Sutherland Performing Arts Centre, and establish the Penrith City Arts and Cultural Centre in the St Marys Community Precinct.*

Purpose:

To provide Council with an update on the progress of the Joan Sutherland Performing Arts Centre (JSPAC) extensions and details of a proposed amendment to The Penrith Bicentennial Performing Arts Centre Ltd Constitution. The report recommends the adoption of an amended JSPAC Constitution and the endorsement of two (2) additional Board members.

Introduction

Following Council's selection of a preferred builder in February this year the work on the Joan Sutherland Performing Arts Centre (JSPAC) extensions commenced in mid-March. The builder, Arenco Pty Ltd, are now well underway, with the construction program generally on target. The anticipated completion is June 2005.

Council officers are now focussing on the other important elements of the project, which include the development of a new Strategic Plan, adoption and implementation of a new management structure and any associated staff recruitment. Preparation of the expanded Centre's Business Plan will also require address.

Substantial funding for this project has been made by the NSW Government. A condition of the funding Agreement was that the Ministry for the Arts (Ministry) should be represented on the Board. Council also recommended that it would be appropriate for the Railway Street Theatre (RST) Company to also have a representative on the Board.

Amended Constitution

The JSPAC opened in 1990. The Centre is operated and managed by 'The Penrith Bicentennial Performing Arts Centre Limited', a Company limited by guarantee (controlled entity) formed by Council. A Constitution was developed and adopted at the time the Company was formed.

The JSPAC Board has agreed to the two (2) new representatives and requested that the Board membership be expanded to include those representatives, rather than absorbed into the present membership.

The Constitution required amendment to reflect the new representatives. In addition, it was agreed that the whole Constitution should be reviewed so that it represented contemporary practice.

Council's Legal Officer has assisted the JSPAC Board in the review of the Constitution.

The JSPAC Board has met on several occasions to consider the amended Constitution. The General Manager of JSPAC has recently advised that the Board review has been completed and the amendments endorsed.

New Board Representatives

Council officers have assisted the JSPAC in finalising the new Board representatives.

The Director-General of the NSW Ministry for the Arts recently advised Council, in part, that:

... “Mr Alan Pigott, Director, Arts Development at the Ministry for the Arts will be representing me on the Joan Sutherland Performing Arts Centre Board. I would be grateful if you could forward a copy of the new constitution and any other relevant documents to him...”

The General Manager of RST has advised Council that:

... “The Board of Management for Railway Street Theatre Company has nominated Mr John Mullane to represent our organisation on the JSPAC Board...”

Mr John Mullane was elected Chairman of the RST Board at their recent Annual General Meeting. Mr Mullane is also a Board member at the Penrith Regional Gallery & Lewers Bequest.

Conclusion

Council now should formally adopt the amended Constitution, a copy of which is included in the attachments.

Council should also endorse the appointment of the new Board nominations from the Ministry for the Arts and the Railway Street Theatre Company.

Further reports will be submitted to Council on the other elements of the JSPAC Extensions Project.

RECOMMENDATION

That:

1. The information contained in the report on the Joan Sutherland Performing Arts Centre (JSPAC) be received
2. Council adopt the amended Constitution of “The Penrith Bicentennial Performing Arts Centre Limited”.
3. Council endorse the nominations of Mr Alan Pigott, representing the NSW Ministry for the Arts and Mr John Mullane, representing the Railway Street Theatre Company as Board members of the Penrith Bicentennial Performing Arts Centre Limited.
4. The Chairman of the Board of the Penrith Bicentennial Performing Arts Centre Limited be advised in the terms outlined in this report.



The City as a Social Place

7 Review of Council's Childhood Immunisation Service

7003/4

Compiled by: David Leavett-Brown, Health & Environment Unit

Co-ordinator

**Authorised by: Craig Butler, Building Approvals & Environment Protection
Manager**

Management Plan 4-Year Outcome: *An improvement in the health of the people and communities of the City.*

Critical Action: *Work in partnership with other health providers to promote health initiatives and maximise health services equity.*

Purpose

To request and recommend Councillor involvement in a workshop on Council's future role in childhood immunisation.

Background

Penrith City Council has been involved in the provision of childhood immunisation services for over twenty years. This has been largely funded under an agreement with Wentworth Area Health Service (WAHS) who pays the wages of contracted immunisation nurses to conduct the clinics. Council provides the venues and administrative support for the program. A total of four (4) clinics are run each month at Penrith and St. Marys and approximately 800 immunisations are given annually. This represents about 4% of the total childhood immunisation for 0-12 month olds for the area. Members of the Nepean Division of General Practice are responsible for around 92% whilst NSW Health and the Aboriginal Health Service provides the remaining 4%.

In the past Council's role in immunisation also included the distribution of vaccine to local GP's however this has since been discontinued with vaccines now supplied directly to GP surgeries.

As with many other traditional Council roles and responsibilities the provision of childhood immunisation services needs to be reviewed periodically to assess it's relevance, importance, cost effectiveness and it's overall benefit to the community. To this end a review of Council's childhood immunisation service was commenced. This review included a general risk assessment, customer survey, benchmarking with other Councils and a cost analysis.

Review Findings so far

The review has found the following:

- The service costs the Council approximately \$8000 per annum to run however the Wentworth Area Health Service contributes an additional \$12,000 in wages etc.
 - Whilst 20% of those giving birth notified that they would attend Council-run clinics only 4% of children aged 0-12 months ending up utilising the Council service.
 - In contrast in the Hawkesbury area where public provided immunisation is provided by WAHS (Community Health) attendance levels are relatively higher.

- A large number of Councils surveyed have either ceased or are reviewing immunisation service provision.
- Where numbers are high it is generally in areas where the culturally and linguistically diverse population is also quite high
- The main reason for utilising Council clinics was convenience and trust in the level of service provided.

The review identified a number of options available to Council:

- (a) Continue the current program in its present form
- (b) Expand the current program through general publicity measures
- (c) Expand the current program through targeted activities
- (d) Cease providing immunisation services and channel funds into promoting childhood immunisation and targeting areas where immunisation uptake is poor
- (e) Cease providing immunisation services but support WAHS (Community Health) in providing the service

Each of these options was assessed in terms of a number of different key issues with a focus on our overall community health. WAHS (Community Health) advised that they were unable to take over the service, which eliminated this option. An expansion of the program was not considered feasible given the relative cost effectiveness and the fact that the clinics would draw customers away from local GPs.

Key Stakeholder Response

Consultation with WAHS and the Nepean Division of GPs resulted in strong support for Council to adopt option (d) above and refocus our efforts on targeting areas of need in partnership with the key stakeholders.

This was based on the following:

- The high cost of providing the service
- Lack of patient continuity of care
- Risks associated with running clinics
- The fact that there are 207 GPs providing immunisation services in the Nepean Division providing over 16,000 immunisations a year compared to 800 provided by Council clinics

Action since the initial Review

Council considered a report relating to the review's preliminary findings and requested further investigation and action to be taken before any decision was made.

The following has now been completed:

- (1) St Marys Immunisation Review
- (2) Risk Assessment and audit of clinics
- (3) Review of employment status of immunisation nurses
- (4) Investigation into legal and liability issues
- (5) Various immunisation promotions
- (6) Regular meetings with immunisation nurses and WAHS
- (7) Clinic review and changes to clinic practice and procedures

Changes in Immunisation Provision

The Area Health Service is also reviewing their role and changes are occurring. Under Commonwealth funding WAHS has been concentrating on a school based catch-up

immunisation program to vaccinate children against meningococcal disease, which wasn't previously on the immunisation schedule. For high school children the program focuses on immunising children against Hepatitis B, Diptheria, Tetanus and Pertussis.

WAHS also has some other general community-based proposals under review to address areas of need and improve immunisation rates and coverage. An important area of focus for younger children is the 12 month and 4 year immunisation with a distinct drop in immunisation rates for these age groups in the Penrith LGA. Targeted programs need to be developed to help address these problem areas, raise immunisation rates and improve health status and we need to work with the community, WAHS and the Nepean Division GP's to achieve this.

Conclusion

The review so far has highlighted that clinic numbers were reducing as a general increase in GP services occurs. This was highlighted by the fact that while Council provides approximately 800 immunisations a year, the Division of GP's provide over 16,000 immunisations. While 800 sounds like a lot this represents only 17 immunisations per clinic on average and is not cost effective. Risk and liability issues have also been identified by Council's risk assessment officer and are of some concern to our legal officer.

Questions should reasonably be asked as to who is best positioned to deliver the service and should Council take a broader community perspective and become more involved in addressing barriers to immunisation and promoting immunisation uptake where levels are low rather than competing for existing customers. Consultation with key stakeholders including Council's immunisation nurses will continue to be maintained in order to promote better health outcomes for our community.

It is now an opportune time to review the results of our investigations so far. To this end, it is proposed that a focussed workshop be conducted with interested Councillors.

RECOMMENDATION

That:

1. The information contained in the report on Review of Council's Childhood Immunisation Service be received
2. A Councillor workshop be convened to discuss Council's future role in immunisation.



The City as an Economy

8 Vitality and Viability Review - Penrith City Centre and St Marys Town Centre

4200/6 Part 4

Compiled by: Paul Battersby, Senior Environmental Planner

Josephine Bavatu, Environmental Planner

Authorised by: Terry Agar, Acting Local Planning Manager

<p>Management Plan 4 Year Outcome: <i>An environment conducive to business is in place.</i> Critical Action: <i>Pursue, in partnership with economic groups, integrated initiatives to improve business sustainability and the City's economic performance.</i></p>

Purpose:

To advise Council of the current status of the Vitality and Viability Review of Penrith City Centre and St Marys Town Centre, and seek endorsement for advancing the community engagement process. The report recommends that Council endorse the methodology outlined in the report.

Background

The City Centres' Review aims to develop a framework and provide future direction for the role and operation of Penrith City Centre and St Marys Town Centre as vital, viable and sustainable centres. The Review is being undertaken in two stages, with the first stage involving:

- an extensive community consultation, involving dialogue with all individuals and groups with an interest in the Centres, including users of the Centres, business owners, property owners, city workers, community organisations and services, relevant government departments and authorities, community groups, identified target groups (such as the City's younger and aged communities), visitors, and individuals in the City's wider communities, and
- a review of the principal systems which bear upon the operation, development and growth of the Centres, including –
 - *land use systems* e.g. access, public transport, parking, urban design analysis
 - *economic systems* e.g. economic viability, servicing constraints, existing market trends, retail, commercial, residential and tourism activities, and
 - *social systems* e.g. existing social and cultural values, constraints to recognising / expressing the social and cultural elements of the City's communities, encouraging cultural diversity.

The technical studies will provide a broad analysis of the Centres' existing systems, and identify elements that constrain current activities. Predicated on the abovementioned consultation process, they will provide a solid foundation for the second stage of the Review that involves more focussed investigations to guide the future planning directions and the development of a strategic framework for the Centres.

The Principal Systems Review

Specialist consultants have been engaged to undertake an analysis of the access & transport, economic and land use systems of Penrith City Centre and St Marys Town Centre. Their draft reports have been received, reviewed by the internal working group and are currently being finalised. Council's Community Development Department is undertaking an analysis of the social systems that define the cultural character of these Centres.

Economic Analysis

Hill PDA Land Economists and Valuers have investigated and analysed the economic issues the influence the functioning of both Centres. Their analysis indicates the following:

Strengths

- Penrith is a large regional centre with several major retail, commercial and service functions and is one of the largest growing commercial markets in Australia.
- St Marys is one of the main transport hubs of Western Sydney, being located on the railway, with a main bus interchange.

Weaknesses

- Penrith (with the possible exception of Nepean Square) has reduced accessibility due to public transport and traffic conflicts.
- St Marys opportunity to perform a stronger retail function is limited given its location between Penrith and the sub-regional centre of Mt Druitt.
- St Marys retail strip is deficient of active uses that provide a welcome ambience such as leisure and entertainment uses, major anchor retail tenants, street dining, cafes and restaurants.
- A lack of aesthetic appeal, quality and presentation of the retailing currently offered along Queen Street, St Marys.
- State and Commonwealth Government and other commercial services are lacking in the St Marys Town Centre.
- Minimal commercial office space is provided or required in St Marys Town Centre.

Opportunities

- Penrith will retain its dominance as the major retail centre for Outer Western Sydney, provided that it continues to expand its retail offer in line with population growth.
- Expansion of Penrith Plaza as proposed will provide improved links and better integration between the Plaza and the old strip retail centre at Penrith.
- There is an opportunity to link Queen Street with the indoor shopping centres by providing alfresco dining, leisure uses and public open space, etc.
- The St Marys ADI site may be an opportunity to attract some more trade into St Marys Town Centre.
- Distant views to the Blue Mountains provide some potential for higher quality housing / mixed use development in both Centres.

Threats

- Expansion of Penrith Panthers could threaten to shift some trade out of Penrith CBD, given that the proposal incorporates additional retail, restaurants and entertainment uses.
- The North Penrith Urban Investigation Area (former Defence Site) could also threaten the Penrith City Centre if it is developed as another CBD with ancillary retail space.
- Further growth of Mt Druitt, may act to hinder the expansion and vitality of the St Marys centre.

Access and Transport Analysis

Sinclair Knight Mertz (SKM) traffic consultants have investigated and analysed vehicular, pedestrian and public transport issues that influence the functioning of the Centres. Their analysis indicates the following:

Roads

- Vehicles are currently experiencing significant delay in Mulgoa Road, westbound in High Street and westbound in the great Western Highway approaching Parker Street during the PM peak.
- The intersections of Mulgoa Road/Great Western Highway and Jane Street/Castlereagh Road, operate at a poor level of service with vehicles and buses experiencing significant delays during morning and evening peak hours.
- The majority of roads in Penrith City Centre are carrying significant volumes of traffic during peak hours. Council should encourage visitors and employees to use other means of travel, such as public transport and walking.
- A 40km per hour speed limit in the City Centre would improve pedestrian safety and amenity in Penrith City Centre.
- Roads within the St Marys Town Centre generally provide a good or satisfactory level of access. However, more visitors and residents should be encouraged to use public transport.

Public Transport

- Buses and Taxis are experiencing congestion in High Street, Penrith.
- A perception of personal insecurity in the vicinity of the St Marys bus rail interchange exists at night.
- Conflict exists between public transport and pedestrians in Henry Street, East of Station Street, at the bus rail interchange and the Kiss and Ride Parking facility. No conflict was identified between public transport and pedestrians in St Marys Town Centre.
- The frequency of bus services in both Penrith and St Marys is unsatisfactory. The majority of passengers have to wait at least 30 minutes before the next bus arrives.
- Generally, the waiting times required to connect from bus to east bound trains from both Penrith and St Marys are not considered excessive (19 minutes and 17 minutes respectively).

Pedestrians

- A conflict exists between pedestrians and vehicles in Belmore Street at the bus rail interchange in Penrith City Centre.
- Jaywalking is a problem in Station, High, Henry and Riley Streets, Penrith.
- Pedestrian connections from off-street carparks to the shops are poor in both Centres.
- There is a lack of pedestrian crossing facilities in Charles Hackett Drive, St Marys.
- The display of the goods on the footpath in Queen Street, St Marys restricts pedestrians flow, particularly for the vision impaired.

Parking

- The number of parking spaces in Penrith City Centre is considered adequate for the current use of visitors and businesses. However, the location of some spaces is remote to demand.
- The number of parking spaces in St Marys Town Centre exceeds the current use of visitors and business.
- Generally, Council's parking requirements for residential and commercial/retail developments is similar to those of other Councils, particularly Western Sydney Councils.

Urban Design Analysis

The NSW Government Architect has investigated and analysed the urban design, public domain and public safety issues that influence the creation of attractive, active and safe Centres. The Government Architect has highlighted the following issues:

Physical Layout

- Penrith City Centre is long, stretching some 2.5km from east to west.
- St Marys town Centre is mostly contained between the railway line and the Great Western Highway.

City Image

- Penrith City Centre is visually dominated by the Tax Office building.
- There is no sense of arrival from Penrith Station to the City Centre.
- The overhead bridge in Station Street hampers the view south from the Station
- Both Centres are dominated by surface car parking.
- Queen Street provides a positive contribution to the urban and civic image of St Marys Town Centre.
- View corridors west to the Blue Mountains contribute to the sense of place in St Marys Town Centre.

Public Spaces

- There is a lack of quality public space in Penrith City Centre.
- Queen Street is a quality public space within St Marys Town Centre and is characterised by wide footpaths and a strong avenue of trees.
- There are several local parks and reserves that provide recreation space in and adjacent to St Marys Town Centre.

Activities + Uses

- Activity centres are dispersed throughout Penrith City Centre and St Marys Town Centre.
- Active street frontages are not consistent particularly along main pedestrian desire lines.
- Pedestrian movement often conflicts with traffic in Penrith City Centre.
- Both Centres lack night time activity.

Planning Controls

- A review of Council's planning controls is required to assess their effectiveness and relevance
- Existing FSR controls in Penrith City Centre encourage inconsistent built form outcomes and the possible sterilisation of sites

Opportunities

- To create a sense of arrival at the main entry points to each Centre.
- To create a new built form, identity and image
- To create a legible sense of centre
- To protect and enhance pedestrian amenity.
- To intensify activities and mix use opportunities within the Centres.
- To remove the overhead bridge in Station Street, Penrith.
- To protect sun access to all streets.
- To create active frontages to all streets and public spaces.
- To reconnect the activity precincts in each Centre with a new network of public spaces, such as parks, squares, colonnades and arcades
- To provide new building envelope controls that are compatible with the existing built form.

- To consolidate civic and community uses between the Library, Bowling Club and the Village Centre by relocating community facilities from the southern end of the St Marys Town Centre.

Social Systems Review

Council's Community Development Department is undertaking an analysis of the social systems that define the cultural character of these Centres and advise the following.

From a socio-economic perspective residents in the older residential areas within and adjacent to the Penrith and St Marys Town Centres are characterised by a higher level of disadvantage than residents of suburbs developed since the late 1970's and 1980's.

The SEIFA Index of Advantage and Disadvantage from the ABS 2001 Census indicates that there are higher proportions of families earning less than \$500.00 per week in these areas. There are also lower labour force participation rates and households are more likely to live in public or private rental housing than in adjacent suburbs.

At the same time these residential precincts within and adjacent to the two Town Centres have significantly higher proportions of residents aged 70 years and over. This trend is likely to continue with the same areas having higher proportions of residents aged 55-69 than is the case in suburbs such as South Penrith and St Clair.

In relation to dwelling structure and tenure the residential precincts adjacent to the Centres include significant percentages of flats/units and townhouse/villas. Detached dwellings however still make up 42% of dwelling stock adjacent to the Penrith City Centre and 60% adjacent to St Marys Town Centre. Just over 50% of all housing stock adjacent to Penrith City Centre is rented.

Because of their socio-economic circumstances residents within and adjacent to the Penrith City Centre and St Marys Town Centre are more restricted in their "choice" of residence. They are generally older, more likely to be in rental accommodation including public housing, and have lower incomes and earning capacity.

Over the last 20-25 years it is these same residential precincts that have provided some of the more affordable housing in the City, whether for rental or purchase. The housing stock, particularly the detached dwellings, are more than 40-50 years old. Thus these same areas, because of their location and urban form, are particularly subject to the impact of urban change and renewal.

The preliminary analysis provided in this social profile enables the City Centres Review to better understand the characteristics of the people that live in these residential precincts adjacent to the Penrith and St Marys Town Centres. Further research and analysis will refine the information provided in this preliminary assessment.

Council's Community Development Department is currently seeking expressions of interest for the development of a Cultural Plan for the City. This Plan will identify the range of cultural resources that exist and are desired in the City.

Community Engagement Methodology

Village Well, a communications consultancy, has been appointed to lead, co-ordinate and undertake the community engagement process. The company has extensive experience in community consultation projects associated with the review of town centres and local communities within Australia and more specifically NSW and the Sydney Region.

Village Well propose a variety of methods to engage the broader community in the Review, including mechanisms such as individual interviews, focus groups and listening posts. The consultation mechanisms will be selected according to their appropriateness to the person/group being consulted. The engagement process will culminate in a 'visioning workshop' for each centre. The specific consultation mechanisms are detailed below.

One to One Interviews (phone or in person) and/or Focus Groups

It is proposed to conduct One to One Interviews (phone or in person) and/or Focus Groups with organisations responsible for the promotion, planning and delivery of the principal systems within the Centres. Organisations proposed to be consulted in this manner include Penrith City Council, Penrith Valley Chamber of Commerce, Penrith City Centre Association, St Mary's Town Centre Management, Lend Lease, shopping centre managers, Department of Infrastructure Planning and Natural Resources, service authorities, infrastructure providers, developers, private business investors, Centre-based community groups and schools. Initial phone contact will be made prior to the visioning workshops and one to one or focus groups dates will be negotiated with the identified stakeholders. Interviewees will be encouraged to attend the visioning workshops.

Listening Posts

Listening posts (interview/promotion booths) will be conducted in shopping centres in Penrith and St Mary's respectively. The listening posts will act as both a consultation method and as a means to promote the visioning workshops. The listening posts will enable a random survey of residents, shoppers and employees. Dates for these events will be negotiated with Shopping Centre Managers and Council.

Visioning Workshops

Visioning workshops are proposed for Penrith City Centre and St Marys Town Centre. Each workshop will be conducted over 2 days from 2pm to 9pm each day. A draft agenda is appended to this report.

The workshops will assemble all interested parties to work together to create a shared vision for their city/town centre. The workshop process is designed to inspire and create cross sector dialogue. An invitation will be designed by Village Well in partnership with Council, published in the local press and forwarded to key participants. It is envisaged that the workshops will be scheduled for late July 2004 to avoid the end of financial year and school holiday periods.

Post Visioning Workshops

Village Well will conduct an analysis of the groups represented at the Visioning Workshops to identify any gaps in the consultation with respect to specific demographic groups, for example, people living in supported accommodation. In the example offered a relevant community group would be contacted and focus groups or one to one interviews arranged with people from these groups.

Communication Strategy

Village Well are working with Council to develop a communication strategy to promote the project, particularly the visioning workshops. The project and events will be posted on Council's website, promoted through Council publications and the local media, including the Mayoral column. Interested parties will be encouraged to attend the scheduled events, however if they are unable to attend they will be invited to attend an interview, focus group or listening post

Conclusion

The Penrith City Centre and St Marys Town Centre Vitality and Viability Review seeks to sustain and improve the level of performance, competitiveness and amenity of the two principal business centres in the City. The Review is predicated upon broad community engagement achieved through an extensive suite of consultation mechanisms undertaken, co-ordinated and lead by communication specialists with extensive experience in community consultation. The community engagement process will culminate in workshops to set the future direction for each Centre through the creation of an inspiring and sustainable community owned vision for each Centre. The workshops will be informed by a suite of technical investigations of the principal systems that bear upon the operation, development and growth of these Centres.

It is recommended that Council endorse advancing the community engagement process outlined in this report.

Further reports will be submitted for Council's consideration at key points in the process.

RECOMMENDATION

That:

1. The information contained in the report on the Penrith City Centre and St Marys Town Centre – Vitality and Viability Review be received.
2. Council endorse the methodology outlined in this report for obtaining broad community engagement in the Penrith City Centre and St Marys Town Centre – Vitality and Viability Review.



Penrith and St.Marys Visioning Workshop

*Penrith & St.Marys to have separate session for each i.e. 2 days each
Outcomes as previously stated

Day 1

Session 1 - City Vision

- 2.00pm **Introduction**
- Welcome
 - Agenda - workshop objectives, roles and outcomes
- 2.30pm **The Big Vision**
- Take participants on a journey of vision and principles
- 3.00pm **Good News Story** - A Community Story
- 3.15pm **Passion/Action Wall**
- Invited to write our passions and Projects we want to do
- 4.45pm **Closing**
- Next steps

Session 2 - Urban Form

- 6.00pm **Introduction**
Vision Summary
Agenda/Objectives for today
- 6.15pm **Role of Penrith/St.Marys Centre**
- 6.30pm **Public Domain (Design Workshop)**
e.g.
 - Penrith/St.Marys Character
 - Street Character
 - ProjectsFloor discussion (Action Wall)
- 7.30pm **Break time**
- 7.45pm **Urban Design and Land Use (Design Workshop)**
e.g.
 - Economic Review/Strategies
 - City Centre Land Uses
 - Building FormDiscussion (Open Floor - Private Comments)
- 8.45pm **Closing and Summary**

Day 2

Session 3: Culture, Access and Mobility

- 2.00pm **Introduction**
Agenda for this Session
- 2.15pm **Social and Culture/Environment**
e.g.
 - Cultural Precinct
 - Cultural Incubator
 - Civic Plaza
Discussion
- 3.15pm **Break**
- 3.30pm **Access and Mobility (Design Workshop)**
e.g.
 - Pedestrians First and Cycle Network
 - Traffic Network and Parking
 - Public Transport
 - Traffic Management
Discussion
- 4.45pm **Closing and Summary**

Session 4: Design Workshop

- 6.00pm **Introduction**
Agenda and objectives for this Session
Review of current issues addressed
- 6.30pm **Design Workshop**
 - Penrith
 - St.Marys
Presentation of precinct issues

Community Design - Group Session
- 8.15pm **Workshop summary and conclusions**
- 8.45pm **Closing**

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Council's Operating Environment

**9 Women, Management and Employment Relations Conference
– 22 to 23 July 2004**

3/32

Compiled by: Glenn McCarthy, Executive Officer

Authorised by: Steve Hackett, Director - City Services

Management Plan 4 Year Outcome: <i>Effective corporate governance has been maintained.</i>

Critical Action: <i>Undertake effective local government.</i>

Purpose:

To advise Council of the Women, Management and Employment Relations Conference being conducted by the Macquarie Graduate School of Management from 22 to 23 July 2004 and to seek an indication from Councillors interested in attending. The report recommends that Council consider attendance by interested Councillors at the Conference.

Background

The Women, Management and Employment Relations Conference will be conducted at the Hotel Intercontinental, Sydney on Thursday 22 and Friday 23 July 2004. The Conference program includes speakers from business, unions, government agencies and universities who will present insights into key developments into Equal Employment Opportunity (EEO), managing people, best practice and current trends.

Current Situation

Conference sessions will include the following topics:

- Is Gender Still on the Agenda?
- Women in Management: CEOs' Views
- Managing Change: Managing Stress
- Leadership is Women's Business
- The Sex Discrimination Act: 20 Years On
- Women at Work: Tackling Prejudice
- Parental Leave: Who's Rocking the Baby?

Councillor Susan Page has indicated her interest in attending the Conference. An indication is now sought from other Councillors who may wish to attend the Conference. It would also be appropriate to have Council's Personnel Services Manager, Danielle Welsh attend in support of those Councillors.

RECOMMENDATION

That:

1. The information contained in the report on the Women, Management and Employment Relations Conference being conducted by the Macquarie Graduate School of Management from 22 to 23 July 2004 be received
2. Council consider the attendance of interested Councillors at the Conference.



Council's Operating Environment

10 Communication Carriers use of Public Land

44/8

Compiled by: Peter Browne, Senior Corporate Accountant

Authorised by: Vicki O'Kelly, Financial Services Manager

Requested by: Councillor Ross Fowler

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

Purpose:

To advise Council of recent developments on its right to charge Communications Carriers for uses of Council roads and other lands; and to recommend write off the amounts levied by Council which are now uncollectable.

Background

Section 611 of the Local Government Act 1993 permits Council to levy a charge for use of Council's public lands. Prior to the 1993 Act, a similar provision (s171) existed in the Local Government Act 1919. Until 1997/98, Council appears to have only levied AGL under these provisions. Council's records note that AGL objected to levies under the old section 171 in 1922, so the provision is not new. Council has levied where it appears that a legal right to do so exists. The fact that only AGL has been required to pay reflects that other users of public land have been specifically exempted from these charges under various other Acts.

In 1997/98, with the support of the Local Government and Shires Associations, Council commenced levying Optus and Telstra for Communications Cables. The Cables had just been rolled out to carry 'Cable Television' and it was considered appropriate that the providers paid for their use of Council Lands. Around 470kms of underground cabling and 30kms of overhead cabling was constructed in the Penrith Local Government Area. Optus and Telstra challenged the levy. The matter has been before the Land and Environment Court, the Federal Court and recently the High Court of Australia.

Although Council has been billing Telstra and Optus for the telecommunications cables that run in or above Council land (land beside road pavements) since 1997/98, they have not been paying. Council's budgets have always been prepared on the understanding that receipt of the money would not happen in the short term and hence were not considered available for allocation. Total charges of \$3.1M has been billed and fully provisioned as doubtful debts.

Current Situation

The High Court has ruled in favour of the Telecommunications Carriers. The decision was issued under the title "Bayside City Council v Telstra Corporation Limited [2004] HCA 19".

The situation can be seen as the result of the evolution from exclusively government owned utilities (water, electricity, telephone) to a situation where private companies now operate some utilities. When everything was done by public sector organisations, policy was set around the concept that governments should not try to tax each other. Utilities enjoyed free

use of public space. Now that we are getting mixed ownership the underlying philosophy needs to be overhauled. To some extent National Competition Policy recognises that problems exist with public sector organisations and private companies operating in the same industries but unfortunately the issues of this case had not been addressed.

The Telecommunications Act and Regulations makes some specific rules and then makes the Carriers subject to across-the-board rules of other levels of government but exempts them from rules that have the affect of discriminating against them. (It could be seen that the Federal Government was trying to stop other levels of government trying to regulate telecommunications.) The arguments before the courts included whether the Local Government provisions were discriminatory and whether the Federal Government could exempt private organisations from State laws. The court noted different utilities are treated differently, determined that in this case the different treatment did have the effect of discrimination, and upheld the Federal Government's right to make this law to stop it.

Council's share of the legal costs of this process is expected to be in the range of \$5,000 to \$20,000. While the attempt to generate revenue under the Local Government Act has been unsuccessful the possibility of obtaining some compensation under Commonwealth Legislation is being reviewed. The Telecommunications Legislation provides for compensation for acquisition of property and other damages in connection with the installation of Telecommunication Structures. Documents have been lodged in the Federal Court to commence this process before the proceedings are out of time and statute barred. Council's financial statements for 30 June 2004 will be prepared on the assumption that the net difference between legal costs of the entire process and the compensation will not be a material amount.

The Communications Carrier levies previously recorded are proposed to be written off as at 30 June 2004 with no impact on the bottom line due to the amounts already fully provided for as doubtful debts in past years.

Implications

The High Court decision can be seen as an erosion of States rights and of the rights of Local Government. The decision was never a forgone conclusion. In the Federal Court Justice Wilcox ruled in favour of Councils while in the High Court the decision was 6 to 1.

The reasoning indicates that a major factor in the judgement was the lack of other organisations being levied. Optus and Telstra took action against Councils in NSW and Vic. In NSW the only other organisation being levied was AGL and in Victoria there were no other organisations being levied. Under these circumstances you can understand that the court would see that s611 (and the equivalent Victorian provision) are operating as mechanisms that target Communications Carriers. The decision does send a message that it is the actual effect and not the intent of the legislation that matters. If Council was levying Sydney Water, Integral Energy and other operations using Council land beside roads the decision may have been different. Unfortunately these operations are exempted from being levied.

While State and Federal Governments are keen to arrange for their trading operations to operate under corporatisation models and pay dividends back to them, they are less prepared to make the operations pay for the services provided by Local Government. As can be seen by this court decision the inconsistencies created spill over into other areas. Other levels of Government have prevented Council charging State Owned Operations and at the same time effectively prevented discrimination on the basis of ownership. The net outcome is that we now cannot charge this section of the private sector.

RECOMMENDATION

That:

1. The information contained in the report on Communication Carriers use of Public Land be received
2. The amounts recorded as receivable from Telstra & Optus within this report, under s611, be written off.



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The City as an Economy

11 Vitality and Viability Review - Penrith City Centre and St Marys Town Centre

4200/6 Part 4

Compiled by: Paul Battersby, Senior Environmental Planner

Authorised by: Terry Agar, Acting Environmental Planning Manager

<p>Management Plan 4 Year Outcome: <i>An environment conducive to business is in place.</i> Critical Action: <i>Pursue, in partnership with economic groups, integrated initiatives to improve business sustainability and the City's economic performance.</i></p>

Purpose:

To advise Council of additional information regarding the proposed community engagement process as part of the Vitality and Viability Review of Penrith City Centre and St Marys Town Centre. It is recommended that the report be received.

Background

A report advising Council of the current status of the Vitality and Viability Review of Penrith City Centre and St Marys Town Centre and seeking endorsement for advancing the community engagement process is on the agenda of tonight's Business Paper – see Item 8.

Additional information regarding the recommended community engagement process has emerged after finalisation of report Item 8 which it is considered prudent for Council to consider in conjunction with that report.

Current Situation

Village Well, a communications consultancy, has been appointed to lead, co-ordinate and undertake the community engagement process. We have advised that the strategy to obtain broad community engagement in the Review comprises mechanisms such as listening posts, focus groups and one on one interviews, culminating in a 'visioning workshop' in Late July 2004 for each centre.

Discussions with Village Well indicate that initial contact with people, groups and organisations who have an interest in the Centres will commence next week and will be followed over the next 4 weeks by listening posts, focus groups and one on one interviews. This component of the engagement process not only identifies community issues but is also a recruiting phase, a means of identifying community champions and promoting the upcoming 'visioning workshops'. A consequence of this strategy however, is that the 'visioning workshops will not be undertaken until the week commencing 9 August 2004. As mentioned in the master report, the project and events will be posted on Council's website, promoted through Council publications and the local media.

RECOMMENDATION

That the information contained in the report on Vitality and Viability Review - Penrith City Centre and St Marys Town Centre be received.



**COMMITTEE OF THE WHOLE
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Pecuniary Interest

Other Interests

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1 Presence of the Public

Everyone is entitled to attend a meeting of the Council and those of its Committees of which all members are Councillors, except as provided by Section 10 of the Local Government Act, 1993.

A Council, or a Committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:

- (a) the discussion of any of the matters listed below; or
- (b) the receipt or discussion of any of the information so listed.

The matters and information are the following:

- (a) personnel matters concerning particular individuals;
- (b) the personal hardship of any resident or ratepayers;
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
- (d) commercial information of a confidential nature that would, if disclosed:
 - prejudice the commercial position of the person who supplied it; or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret.
- (e) information that would, if disclosed, prejudice the maintenance of the law;
- (f) matters affecting the security of the Council, Councillors, Council staff or Council property;
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.

The grounds must specify the following:

- (a) the relevant provision of section 10A(2);
- (b) the matter that is to be discussed during the closed part of the meeting;

- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Members of the public may make representations at a Council or Committee Meeting as to whether a part of a meeting should be closed to the public

The process which should be followed is:

- a motion, based on the recommendation below, is moved and seconded
- the Chairperson then asks if any member/s of the public would like to make representations as to whether a part of the meeting is closed to the public
- if a member/s of the public wish to make representations, the Chairperson invites them to speak before the Committee makes its decision on whether to close the part of the meeting or not to the public.
- if no member/s of the public wish to make representations the Chairperson can then put the motion to close the meeting to the public.

The first action is for a motion to be moved and seconded based on the recommendation below.

RECOMMENDATION

That:

Council's Operating Environment

2 *Legal Matter*

2988/11 Pt 5

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.

