

23 April 2007

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and the Regulations thereunder, notice is hereby given that an **ORDINARY MEETING** of Penrith City Council is to be held in the Council Chambers, Civic Centre, 601 High Street, Penrith on Monday 23 April 2007 at 7:30pm.

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

BUSINESS

1. **APOLOGIES**
2. **LEAVE OF ABSENCE**
3. **CONFIRMATION OF MINUTES**
Ordinary Meeting - 26 March 2007.
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. **NOTICES OF MOTION**
8. **ADOPTION OF REPORTS AND RECOMMENDATION OF COMMITTEES**
Local Traffic Committee Meeting - 2 April 2007.
Policy Review Committee Meeting - 2 April 2007.
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 23 APRIL 2007
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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

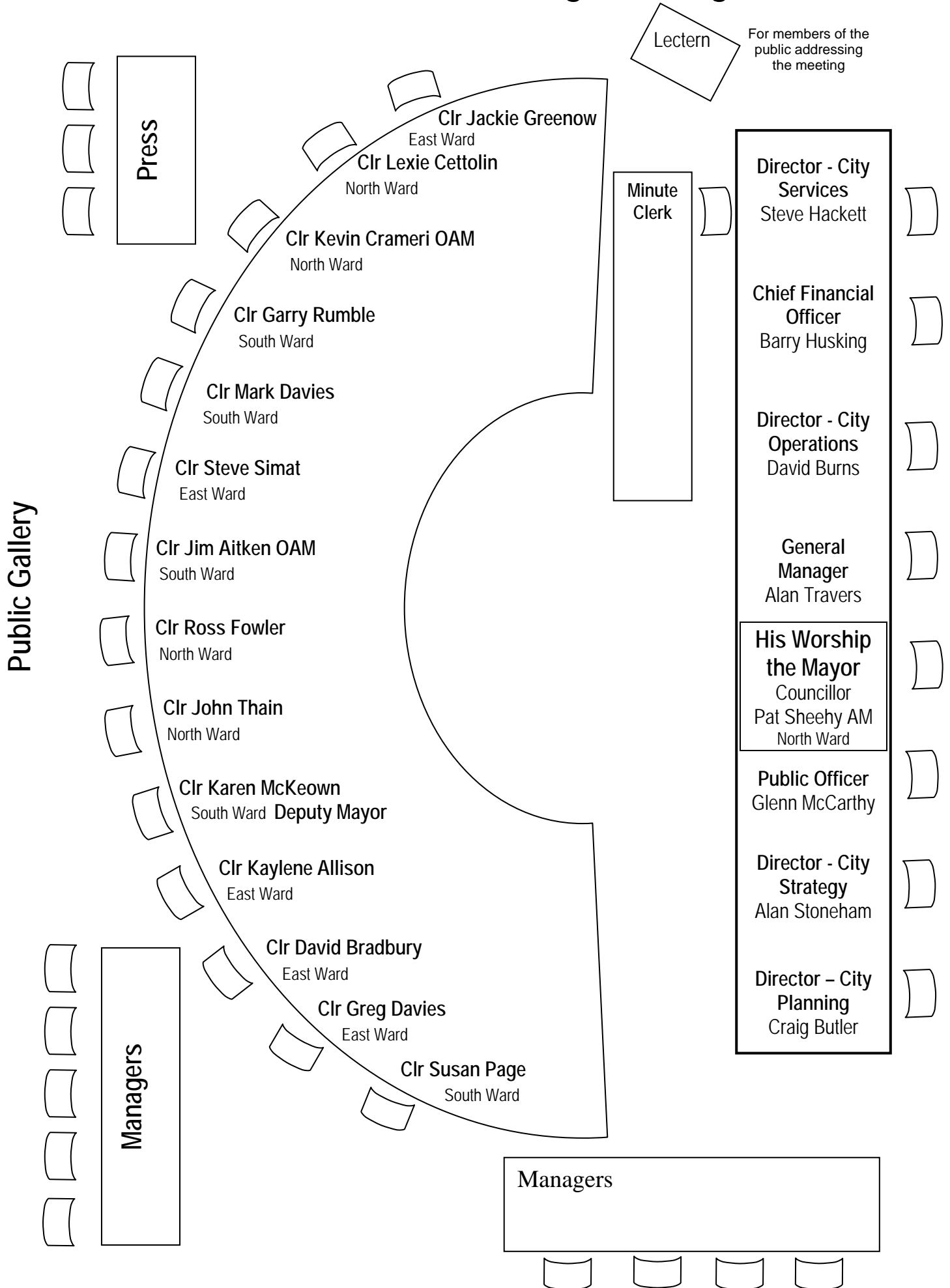
Council values the unique status of Aboriginal people as the original owners and custodians of lands and waters, including the land and waters of Penrith City.

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

February 2007 - December 2007

	TIME	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
		Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon
Ordinary Meetings	7.30 pm	12	5		7❖	25*	2		3✓			
			26	23	28		23	13	24^	29	19	10
Policy Review Committee	7.30 pm		12	2@		4	9		10			3
		19#+		30	21#		30	20#+		8@	5#	

Meetings at which the Management Plan ¼ly reviews are presented.

#+ General Manager's presentation – half year and end of year review

❖ Meeting at which the Draft Management Plan is adopted for exhibition

* Meeting at which the Management Plan for 2007/2008 is adopted

^ Election of Mayor/Deputy Mayor [only business]

@ Strategic Program progress reports [only business]

✓ Meeting at which the 2006/2007 Annual Statements are presented

- Council's Ordinary Meetings are held on a three-week cycle where practicable.
- Extraordinary Meetings are held as required.
- Policy Review Meetings are held on a three-week cycle where practicable.
- Members of the public are invited to observe meetings of the Council (Ordinary and Policy Review Committee). All meetings start at 7:30pm.
- Should you wish to address Council, please contact the Public Officer, Glenn McCarthy on 47327649

UNCONFIRMED MINUTES
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE
COUNCIL CHAMBERS

ON MONDAY 26 MARCH 2007 AT 7:30 PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

The Deputy Mayor, Councillor Karen McKeown read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

PRAYER

The Council Prayer was read by the Rev Neil Checkley.

PRESENT

The Deputy Mayor Councillor Karen McKeown, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury (arrived at 7:34 pm), Lexie Cettolin, Greg Davies, Mark Davies, Ross Fowler, Susan Page, Garry Rumble, Steve Simat and John Thain.

APOLOGIES

90 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler that an apology from Councillor David Bradbury be accepted.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Kevin Crameri OAM, for the period 19 March 2007 to 30 March 2007 inclusive, and to Councillors Jackie Greenow and Pat Sheehy AM, for the period 19 March 2007 to 31 March 2007 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 5 March 2007

91 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Greg Davies that the minutes of the Ordinary Meeting of 5 March 2007 be confirmed.

Councillor David Bradbury arrived at the meeting, the time being 7:34 pm.

DECLARATIONS OF INTEREST

There were no declarations of interest.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Disability Access Committee Meeting held on 7 February 2007

92 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Disability Access Committee meeting held on 7 February, 2007 be adopted.

2 Report and Recommendations of the Local Traffic Committee Meeting held on 5 March 2007

93 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 5 March, 2007 be adopted.

3 Report and Recommendations of Policy Review Committee Meeting held on 12 March 2007

94 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Ross Fowler that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 12 March, 2007 be adopted, with the following amendments to Leave of Absence, and Item 1 – Joan Sutherland Performing Arts Centre (JSPAC) – 2006/07 Operating Subsidy, as follows:

Leave of Absence to now read:

Leave of Absence was previously granted to Councillors Jim Aitken OAM and Steve Simat for the period 11 March 2007 to 16 March 2007 inclusive to attend the UDIA Conference, and to Councillor Garry Rumble for the period 11 March 2007 to 13 March 2007 inclusive to attend the LGSA Tourism Conference.

Item 1 – Joan Sutherland Performing Arts Centre (JSPAC) – 2006/07 Operating Subsidy to now read:

That:

1. The information contained in the report on Joan Sutherland Performing Arts Centre (JSPAC) - 2006/07 Operating Subsidy be received, and it be noted that the capital contribution from the JSPAC was \$400,000, of which \$96,000 was provided directly by JSPAC, with the balance of \$304,000 to be paid by the JSPAC, half prior to 30/6/07 and half prior to 30/6/08.
2. Council agree to provide the Joan Sutherland Performing Arts Centre an additional \$200,000, such funds being set aside in the 2006/07 budget.
3. The annual subsidy of \$700,000 (2006/07) be increased by CPI in future years.
4. The subsidy be paid in two instalments (July and January) and that six monthly financial reports be submitted to Council for review.
5. Council continue to lobby for additional funding in the form of grants, and that grants applied for and received be reported to Council.

MASTER PROGRAM REPORTS

THE CITY AS A SOCIAL PLACE

1 Arms of Australia Inn Museum Management Committee

95 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Steve Simat

That:

1. The information contained in the report on Arms of Australia Inn Museum Management Committee be received.
2. Council, under Section 355 of the Local Government Act, approve of the following additional persons being included on the Arms of Australia Inn Museum Management Committee:
 - Bob Moynahan, Treasurer
 - Helen Raeside – Committee member
 - George McIntosh – Committee member
 - Betty McIntosh – Committee member
 - Bob Fielding – Committee member
 - Rosemary Weaver – Committee member
 - Joyce Moynahan – Committee member
3. Council, under Section 377 of the Local Government Act, delegate the management of the Arms of Australia Inn Museum to the Committee formed under Section 355 of the Local Government Act 1993, and comprising those additional and existing persons listed in this report.

2 Planning Agreement - Lot 101 DP 700213, Werrington Downs and Lot 2, DP 771656, Claremont Meadows

96 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Planning Agreement - Lot 101 DP 700213, Werrington Downs and Lot 2, DP 771656, Claremont Meadows be received.
2. Council enter into the Planning Agreement with Landcom on the terms referred to in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.
4. Council commence a process of community consultation with residents of the Claremont Meadows community in relation to the matters referred to in this report. Such a process of consultation should also include providing an update to residents on the status of other key local issues such as the landfill rehabilitation project, the Werrington Arterial and the extensions to the Community Centre.

3 Glenmore Park Stage 2 - Draft Local Environmental Plan and Penrith Development Control Plan 2006 amendment. Owners: Stockland, Mulpha Norwest, Holicombe, Vianello and Mint Holdings

97 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Glenmore Park Stage 2 - Draft Local Environmental Plan and Penrith Development Control Plan 2006 amendment. Owners: Stockland, Mulpha Norwest, Holicombe, Vianello and Mint Holdings be received.
2. In accordance with the Environmental Planning and Assessment Act 1979 and the Regulations 2000, Council submit the draft Penrith Local Environmental Plan 2007 – Glenmore Park Stage 2 as attached to this report to the Director-General of the Department of Planning seeking the issue of a Section 65 certificate to enable the draft Plan to be publicly exhibited.
3. In accordance with the Environmental Planning and Assessment Act 1979 and the Regulations 2000, a draft amendment to Penrith Development Control Plan 2006 Chapter 6 to incorporate the controls relating to Glenmore Park Stage 2 as attached to this report, be publicly exhibited.
4. A further report be provided to Council seeking endorsement of the proposed Planning Agreement and draft Section 94 Development Contributions Plan as outlined in the report.
5. The land owners group be advised of Council's decision and that the Planning Agreement outlined in the report will need to be resolved and endorsed by Council prior to Council being in a position to adopt the draft Local Environmental Plan for referral to the Department of Planning and the Minister for approval and gazettal.
6. A further report be presented to Council following public exhibition of the draft Local Environmental Plan, draft Development Control Plan amendment and draft Section 94 Development Contributions Plan, advising of the outcomes of the exhibition and making further recommendations relating to the adoption of the final plans.
7. A further report be presented to Council regarding the provision of affordable housing, giving consideration to housing for people with a disability and other disadvantaged groups.

14 Development Application for Refurbishment of Southlands Shopping Centre at Part Lot 2, DP 589130 and Lot 1, DP 541427, known as 2 Birmingham Road, South Penrith. Applicant: RM (No 4) Pty Ltd; Owner: RM (No 4) Pty Ltd

DA06/1699

98 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Development Application for Refurbishment of Southlands Shopping Centre at Part Lot 2, DP 589130 and Lot 1, DP 541427, known as 2 Birmingham Road, South Penrith be received.
2. The submission made, objecting to Clause 17(3) of Interim Development Order 28 in accordance with State Environmental Planning Policy No 1 – Development Standards, be supported.
3. DA06/1699 for the refurbishment of Southlands Shopping Centre on Part Lot 2, DP 589130 and Lot 1, DP 541427, known as 2 Birmingham Road, South Penrith be granted consent, subject to the following standard and special conditions:

Standard Conditions

- | | | |
|-----|------|---|
| 3.1 | A001 | Approved plans (as amended by Figure 1, Proposed Changes to Car Park Layout, prepared by Masson Wilson Twiney dated 27 February 2007) |
| | A008 | BCA requirements |
| | A011 | Engineering Works DCP |
| | A014 | Consolidation of lots |
| | A017 | DA for new uses |
| | A026 | Advertising signs. The proposed signage panels in the roof of the northern elevation are not approved. |
| | A036 | Baby care room. (Details will include how the design will permit parents to accompany children so that their safety is maintained when they are using the sanitary facilities in the building.) |
| | A039 | Graffiti |
| | A045 | ATMs |
| | B002 | Demolition |
| | B003 | Asbestos |
| | B004 | Dust |
| | B005 | Mud |
| | D001 | Erosion and sediment controls |

- D002 Spray grass
- D006 No fill without prior approval
- D010 Excavated wastes
- D013 Noise levels (Report prepared by Reverb Acoustics dated May 2006)
- D025 Stormwater disposal
- E002 BCA issues (large isolated buildings, egress, smoke hazard management, energy efficiency). The shopping centre shall be suitably upgraded to comply with the requirements of the Building Code of Australia
- E01A BCA compliance. The proposed building works shall comply with the minimum requirements of the Energy Efficiency requirements of Section J of the Building Code of Australia. In addition, appropriate water saving devices are to be installed for use in landscaped areas and indoor facilities if possible. Details are to be provided with the Construction Certificate
- E003 Structural alterations
- E006 Access and facilities for persons with disabilities. (The recommendations of the Access Review Report prepared by Morris-Goding Accessibility Consulting, dated 21 December, 2006, are to be adopted in this regard.)
- E008 Fire safety list with CC
- E009 Annual fire safety statement
- F001 Food shop construction
- G002 Section 73 Sydney Water
- G004 Integral Energy
- H001 Site signage
- H003 Traffic management
- H011 Structural engineering plans and specifications
- H041 Hours of work
- H022 Survey
- I003 Roads Act Approval
- (a) heavy duty crossing 12.4m Birmingham Rd entry
 - (b) heavy duty crossing 15m loading dock exit in Birmingham Rd
 - (c) heavy duty gutter crossing 12.9m Evan St replacing existing
 - (d) heavy duty footway crossing 11m wide with 1m

- wide median for entry in Birmingham Rd
- (e) heavy duty footway crossing 10m for loading dock exit in Birmingham Rd
- (f) heavy duty footway crossing 11.5m Evan St entry
- (g), (h) (i) and (j)
- I004 Roads Act engineering
 - (a) roundabout to intersection of Maxwell Street and Birmingham Rd
 - (b) relocation of existing Council stormwater line
 - (c) repair road pavement Evan Street
 - (d) relocation of services necessary as result of works
- K001 Engineering Works DCP. The works are to include the car park and drainage works for the car park.
- K002 WAE drawings
- K005 Easement to Council (3m wide, variable, adjacent to southern boundary)
- K019 Connection to Council's system
- K025 Pavement seal
- K027 Car Parking
- K033 Customer parking sign
- K036 Maintenance bond
- K037 Performance Bond
- K039 Road Safety Audit
- L001 Approved landscape plan
- L002 Landscape construction
- L003 Report requirement
- L006 Australian standards
- L007 Tree protection measures
- L009 Tree Preservation Order
- P001 Costs
- P002 Fees associated with Council land
- Q01F Notice of commencement
- Q006 Occupation Certificate

Special Conditions

General

- 3.2 To further activate and present the southern entrance as an inviting entrance, the following amendments are required to be submitted and approved by Council prior to the issue of a Construction Certificate:
- (a) provide a landscaped feature at the connecting footpath entry on Council land; and
 - (b) either
 - provide glazing to the south eastern section of the supermarket, allowing viewing of the internal operations of this section of the supermarket/bakery, OR
 - delete some floor space from the south eastern section of the supermarket and replace with an additional speciality shop with an active use and extensive glazing, opening to the outdoor seating area
- 3.3 The speciality tenancy adjacent to the south mall is to be an ‘active’ use, such as a café or the like
- 3.4 The tenancy nominated as “library” is to remain as a public library for the life of the development or as required by Council

Safety and Security

- 3.5 Prior to the issue of an Occupation Certificate, documentation is to be submitted to Council demonstrating that the public address system is audible from all tenancies and public areas (including toilets and parents changing room). The public address system is to be maintained through the life of the development to ensure that the system remains audible in all tenancies and public areas.
- 3.6 To maintain active frontages of the shopping centre, coverage of glazing, such as window dressings, posters, advertisements and the like, is restricted to 60% of each window
- 3.7 To improve surveillance and open sight lines allowing people to see the entrances to the toilets, amended plans of the public toilet area, including the centre manager’s office, is to be submitted to and approved by Council’s Community Safety Officer prior to the issue of a Construction Certificate. The following details are to be included:
- (a) The centre manager’s office shall include a viewing window to provide clear view of the corridor leading to the toilets
 - (b) CCTV coverage shall be provided in the corridor leading to the toilets
 - (c) Signage stating the corridor is covered by CCTV shall be installed within the corridor
 - (d) Quality lighting shall be installed in the corridor

- 3.8 The recommendations contained within the “*Southlands Social Impact Assessment and Crime Prevention Through Environmental Design Audit*”, as amended by Council’s Community Safety Co-ordinator, is to be adopted in the future design and construction of the shopping centre

Community Management

- 3.9 To ensure that local services and partners are engaged in local events, activities and community vibrancy, a Management Program outlining the impact monitoring and communications strategy is to be prepared in conjunction with Council. The applicant is to liaise with Council’s Community Programmes Co-ordinator regarding the Program. This Program is to be developed prior to the Occupation Certificate being issued for the development

Engineering

- 3.10 The following items are to be addressed by amended plan submitted to an approved by Council prior to the issue of a Construction Certificate for the site:

- (a) The ramp and stairs at the Maxwell Street frontage are to be relocated on site and removed from the road reserve
- (b) An amended drainage plan that covers the whole of the site and includes proposed finished surface levels, pit drainage inverts, flow rates, water quality devices prior to discharge to the Council system and retaining wall drainage connection
- (c) An amended car park layout that removes the proposed landscape strips at the end of the car spaces
- (d) Proposed retaining wall details that show the impact of the proposed walls on the verge and the construction process. Plans are to show any services that are to be affected by the construction

- 3.11 Fencing is to be provided for the following locations:

- (a) 10m to the north of the existing pedestrian crossings on both sides of the road in Evan Street
- (b) the south western side of the pedestrian crossing in Evan Street and is to extend from the crossing 5m past the pedestrian entrance to the shopping centre
- (c) on the eastern side of Evan Street to the south of the crossing and is to match the proposed fencing on the western side

The proposed fencing type is to be approved by Council prior to a Construction Certificate being issued. Fencing is to be provided at no cost to Council

- 3.12 The proposed gates within the service road are to allow for the passage of overland flow and be of an open style construction for the lower 0.5m
- 3.13 The pavement design for the service road is to be designed so as to place no loads on the existing Council owned stormwater pipe and is to grade from Evan Street to Birmingham Road

Traffic and Parking

- 3.14 All car parking and manoeuvring must be in accordance with AS 2890 and Council's requirements. Full details must be submitted with the Construction Certificate
- 3.15 By use of an automatic boom gate or other physical measure on the property, delivery vehicles are to be prevented from entering the site from Birmingham Road
- 3.16 In the event that road widening is required along the Maxwell Street frontage in accordance with Penrith IDO 28, the applicant is to find alternative car parking spaces on site or to the satisfaction of Council.

Landscaping

- 3.17 Prior to an Occupation Certificate being issued, a landscaped feature element is to be provided at the midblock footpath entry on Council's land. This landscaped element is to be designed such that it represents an open link between Council's Community Precinct and the southern entry to the Shopping Centre. Liaison with Council's Landscape Co-ordinator is required in the development of this element
- 3.18 The proposed landscaping within the road reserve, including species are to be amended. Liaison with Council's Park, Construction and Maintenance Department is suggested in regard to street tree species and spacing
- 3.19 The landscaping beds within the car parking area are to allow for increased pedestrian and trolley access

Advice

- 3.20 In accordance with the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve
- 3.21 Any temporary loading zones required during construction will be the subject of a separate application to the Local Traffic committee and payment of the appropriate fees.

THE CITY IN ITS ENVIRONMENT

5 Plan of Management for Jamison Creek Riparian Corridor

99 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler

That:

1. The information contained in the report on Plan of Management for Jamison Creek Riparian Corridor be received.
2. Council adopt the Draft Plan of Management for Jamison Creek Riparian Corridor, as detailed in the report.

4 Rainwater Tanks

100 RESOLVED on the MOTION of Councillor Kaylene Allison seconded Councillor Susan Page

That:

1. The information contained in the report on Rainwater Tanks be received.
2. Council continue to promote the Sydney Water rebate and WaterFix program.
3. Council continue to investigate and provide current information to residents on available interest free loans offered by financial institutions for the purchase of rainwater tanks.

6 Asbestos contamination at Leonay Parade, Leonay

101 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Asbestos contamination at Leonay Parade, Leonay be received.
2. Council approve the engagement of Geotechnique Pty Ltd to remediate and validate the reserve for the estimated cost of \$106,300.

THE CITY AS AN ECONOMY

7 Draft Employment Planning Strategy

102 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler

That:

1. The information contained in the report on Draft Employment Planning Strategy be received.

2. Council adopt the Employment Planning Strategy, as attached to this report, with the site at Old Bathurst Road/Russell Street to move forward for rezoning in Stage One of the Local Plan.
3. Those who made submissions regarding the Employment Planning Discussion Paper and draft Employment Planning Strategy be advised of Council's decision, and thanked for their participation in the process.
4. Council adopt the revised 'Penrith City – Centres Hierarchy', as attached to this report, as an Interim Policy.

THE CITY SUPPORTED BY INFRASTRUCTURE

8 Design & Construct a Pedestrian Bridge over Schoolhouse Creek, Loftus Street, Regentville -Tender Reference 14-06/07

103 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Garry Rumble

That:

1. The information contained in the report on Design & Construct a Pedestrian Bridge over Schoolhouse Creek, Loftus Street, Regentville -Tender Reference 14-06/07 be received.
2. All tenders in this matter be reviewed, with a view to approaching all tenderers, or calling for new tenders, and the matter then be further reported to Council.
3. The Disability Access Committee view the plans for the bridge and inspect the site to ensure that the design meets access requirements.

LEADERSHIP AND ORGANISATION

9 2006-2007 Council Borrowing Program

104 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Greg Davies that the information contained in the report on 2006-2007 Council Borrowing Program be received.

10 Amendment to the 2007 Meeting Calendar

105 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Greg Davies

That:

1. The information contained in the report on Amendment to the 2007 Meeting Calendar be received.

2. The 2007 Council Meeting Calendar be amended so that the Ordinary Meeting scheduled for 14 May 2007 is held on 7 May 2007, the Ordinary Meeting scheduled for 18 June is held on 25 June 2007, and an additional Ordinary Meeting is held on 28 May 2007.

11 Local Government Reform Program - Promoting Better Practice Report

106 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Greg Davies

That:

1. The information contained in the report on Local Government Reform Program - Promoting Better Practice Report be received.
2. The attached letter and accompanying Table be forwarded to the Department of Local Government.

13 Summary of Investments & Banking for the period 30 January 2007 to 26 February 2007

107 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Greg Davies

That:

1. The information contained in the report on Summary of Investments & Banking for the period 30 January 2007 to 26 February 2007 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 30 January 2007 to 26 February 2007 be noted and accepted.
3. The graphical investment analysis as at 26 February 2007 be noted.

12 City Operations Directorate Report to end of February 2007

108 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that the information contained in the report on City Operations Directorate Report to end of February 2007 be received.

QUESTIONS WITHOUT NOTICE

QWN 1 Closure of Sportsgrounds

Councillor Garry Rumble requested a memo reply to all Councillors concerning Council's policy on the blanket closure of all sportsgrounds during wet weather.

QWN 2 Tench Reserve - Softfall under Play Equipment

Councillor Garry Rumble requested a memo reply regarding complaints about the lack of regular attention to the softfall material under the swings at Tench Reserve, and seeking

advice as to how often this area is serviced.

QWN 3 Mosquito Vector Control Program

Councillor Garry Rumble requested a report to Council on the Mosquito Vector Control program, this report to comment in particular on the potential risk of domestic water tanks and other containers, holding collected water for long periods of time, breeding mosquitoes in large numbers.

QWN 4 Regentville Community Hall

Councillor Mark Davies tabled a petition from residents in the vicinity of Regentville Community Hall, requesting a memo reply, and that a meeting be organised for residents to discuss with Councillors and Council officers the issues of concern they are facing, regarding antisocial behaviour taking place during functions at the Hall.

QWN 5 Graffiti - Mulgoa Road

Councillor Mark Davies requested a memo reply concerning the removal of graffiti on the transformer box outside the Supacheap Auto building on Mulgoa Road, Penrith, and additionally seeking advice as to who is responsible for removing graffiti on the Domayne sign in the same locality.

QWN 6 Brookfield Avenue, Werrington Downs and Adjoining Open Space

Councillor Ross Fowler requested a report to Council on the possibility of more fully utilising the Brookfield Avenue open space area for active recreation purposes, and in particular for junior sports.

QWN 7 Off Leash Areas

Councillor David Bradbury requested a memo reply to his previous request of 1 March 2007, for a response regarding the status of existing off leash areas, and the possibility of providing off leash areas in the Penrith Lakes Scheme.

QWN 8 Claremont Meadows Shopping Centre

Councillor David Bradbury requested a memo reply regarding the cleanliness of the Claremont Meadows Shopping Centre, and requested that Council write a letter to the shop owners in this centre, regarding the poor presentation and appearance of the centre, and asking that they take appropriate action to remedy this situation.

QWN 9 Re-Election of Local State Members

Councillor David Bradbury requested that the Mayor write a letter to the three local State Members - The Hon Diane Beamer MP, Member for Mulgoa; Mrs Karyn Paluzzano MP, Member for Penrith; and Mr Allan Shearan, Member for Londonderry - congratulating them on their re-election to Parliament at the State Election held on 26 March 2007.

109 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Kaylene Allison that the matter be brought forward and dealt with as a matter of urgency

The Deputy Mayor, Councillor Karen McKeown, ruled that the matter was urgent and should be dealt with at the meeting.

110 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Kaylene Allison that the Mayor write a letter to the three local State Members - The Hon Diane Beamer MP, Member for Mulgoa; Mrs Karyn Paluzzano MP, Member for Penrith; and Mr Allan Shearan, Member for Londonderry - congratulating them on their re-election to Parliament at the State Election held on 26 March 2007.

QWN 10 Orchard Hills Public School - Access Road

Councillor Greg Davies requested a memo reply detailing the approximate cost of resealing the access road to Orchard Hills Public School, and how funding may be obtained for this from the relevant authority.

COMMITTEE OF THE WHOLE

111 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Greg Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:31 pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Susan Page seconded Councillor Greg Davies that the press and public be excluded from Committee of the Whole to deal with the following matters:

City as a Social Place

- 2 Legal Matter - Status of Appeal against deemed refusal of Development Application 06/0662 for the Construction of New Shopping Centre at Part Lot 671 DP 739138 & Lot 672 DP 739138 & Part Lot 671 DP 739138 (No. 37) Cook Parade, St Clair. Applicant: Sam Management Service (Aust) Pty Limited; Owner: Sam Management Service (Aust) Pty Limited**

DA06/0662

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.

- 3 Legal Matter - Unauthorised development carried out by Walker Corporation Pty Limited. Applicant: Walker Group Constructions; Owner: Macquarie Goodman**

DA04/1637

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

4 Commercial Matter - Samuel Marsden Road Riding Facility Committee

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

City Supported by Infrastructure

5 Personnel Matter - Lorry Owner Drivers

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

Leadership and Organisation

6 Legal Matter - Emily Street, Londonderry

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

The meeting resumed at 9:18 pm and the Acting General Manager reported that the Committee of the Whole met at 7:31 pm on 26 March 2007, the following being present

The Deputy Mayor Councillor Karen McKeown, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury, Lexie Cettolin, Greg Davies, Mark Davies, Ross Fowler, Susan Page, Garry Rumble, Steve Simat, 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 Legal Matter - Status of Appeal against deemed refusal of Development Application 06/0662 for the Construction of New Shopping Centre at Part Lot 671 DP 739138 & Lot 672 DP 739138 & Part Lot 671 DP 739138 (No. 37) Cook Parade, St Clair. Applicant: Sam Management Service (Aust) Pty Limited; Owner: Sam Management Service (Aust) Pty Limited** **DA06/0662**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

CW2 That:

1. The information contained in the report on Legal Matter - Status of Appeal against deemed refusal of Development Application 06/0662 for the Construction of New Shopping Centre at Part Lot 671 DP 739138 & Lot 672 DP 739138 & Part Lot 671 DP 739138 (No. 37) Cook Parade, St Clair be received.
2. Council grant delegation to the Development Services Manager to refuse the application in accordance with the matters outlined in this report.
3. The SEPP 1 objection be refused.

- 3 Legal Matter - Applicant: Walker Group Constructions; Owner: Macquarie Goodman** **DA04/1637**

RECOMMENDED on the MOTION of Councillor Ross Fowler seconded Councillor Garry Rumble

CW3 That the information contained in the report on Legal Matter – Applicant: Wallker Group Constructions; Owner: Macquarie Goodman be received, and a further report be presented to Council, concerning the matters raised.

- 4 Commercial Matter - Samuel Marsden Road Riding Facility Committee**

RECOMMENDED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken

CW4 That the information contained in the report on Commercial Matter - Samuel Marsden Road Riding Facility Committee be received.

- 5 Personnel Matter - Lorry Owner Drivers**

RECOMMENDED on the MOTION of Councillor Ross Fowler seconded Councillor Susan Page

CW5 That:

1. The information contained in the report on Personnel Matter - Lorry Owner Drivers be received.
2. Council approve the payments as detailed in the report.

6 Legal Matter - Emily Street, Londonderry

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler

CW6 That:

1. The information contained in the report on Legal Matter - Emily Street, Londonderry be received.
2. The recommendation contained in the report be adopted.

ADOPTION OF COMMITTEE OF THE WHOLE

112 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Jim Aitken OAM the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5 and CW6 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:20 pm.

PENRITH CITY COUNCIL

Procedure for Addressing Meetings

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

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

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

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

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

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

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

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

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

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

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

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

The person addressing the meeting needs to clearly indicate:

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

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

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

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

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

Glenn McCarthy
Public Officer
02 4732 7649

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REPORTS OF COMMITTEES

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**REPORT AND RECOMMENDATIONS OF THE
LOCAL TRAFFIC COMMITTEE MEETING**

HELD ON 2 APRIL, 2007

PRESENT

Michael Alderton – Road Network Services Engineer (Chairperson), Mayor Councillor Sheehy – Representative for the Member for Londonderry, Acting Sergeant Mick Down – Penrith Police, Senior Constable Mark Elliott - St Marys/Regentville Police, James Suprain – Roads and Traffic Authority

IN ATTENDANCE

Michael Pruss – Westbus, Stephen Barnes – Senior Traffic Engineer, David Drozd – Consulting Traffic Engineer, Sharon Maddox – Road Safety Co-ordinator, Steven Purvis – Ranger, Mary Jaser – Graduate Engineer, Licensing Sergeant Kerrie Smith – Penrith Police

APOLOGIES

LTC 29 Deputy Mayor Councillor McKeown – Representative for the Member for Mulgoa, Councillor Greenow, Tim Horan – Representative for the Member for Penrith

CONFIRMATION OF MINUTES - Local Traffic Committee Meeting - 5 March 2007

LTC 30 that the minutes of the Local Traffic Committee Meeting of 5 March 2007 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

MASTER PROGRAM REPORTS

THE CITY SUPPORTED BY INFRASTRUCTURE

1 Spencer Street, Regentville - Request to Extend 'No Stopping' Restrictions

RECOMMENDATION

LTC 31 That:

1. The information contained in the report on Spencer Street, Regentville - Request to Extend 'No Stopping' Restrictions be received.
2. The 'No Stopping' restrictions on the southern side of Spencer Street, Regentville be increased by a distance of 76m west to Gibbes Street.

3. The double barrier linemarking in Spencer Street, Regentville to be offset 1m south and extended further north to Gibbes Street by a distance of 36m from its present position to create a 3.5m travelling lane tapered from the signalised intersection with Mulgoa Road.
4. Councillor Susan Page be advised.

2 Queen Street, St Marys - Proposed Changes to Parking Restrictions

RECOMMENDATION

LTC 32 That:

1. The information contained in the report on Queen Street, St Marys - Proposed Changes to Parking Restrictions be received.
2. The existing 50m of part-time '½ Hour Parking 9:30am-3:30pm Mon-Fri & 8:30am-12:30pm Sat' and part-time 'No Stopping 6:30am-9:30am & 3:30pm-6:30pm Mon-Fri' on the western side of Queen Street, between the Great Western Highway and Carsons Lane, be changed to full-time 'No Stopping' restrictions.
3. The affected shop owners in Queen Street be consulted, and if any objections are received, submissions to be reported to the Local Traffic Committee prior to the implementation of the proposed changes.
4. Council's Co-ordinator Ranger Services be advised of the Committee's recommendations.
5. Council investigate the feasibility and consultation be undertaken with the Roads and Traffic Authority to provide a lane line from the Great Western Highway to King Street, and a further report to be submitted to the Local Traffic Committee as required.

3 Swallow Drive, Erskine Park - Request for Pedestrian Crossing Facility Outside Erskine Park High School

RECOMMENDATION

LTC 33 That:

1. The information contained in the report on Swallow Drive, Erskine Park - Request for Pedestrian Crossing Facility Outside Erskine Park High School be received.
2. Residents at 89, 91 and 93 Swallow Drive, Erskine Park be consulted regarding the impact on the loss of any on-street parking.
3. The provision of a raised marked Children's Crossing be approved, subject to the results of the consultation with affected residents.
4. Council's Design Co-ordinator be requested to conduct a detailed engineering design plan for the construction of the proposed facility.

5. The facility be considered for construction in 2007/2008 under Council's Traffic Facilities Program.
6. Councillor Greg Davies and Mr Tim McCallum, Principal of Erskine Park High School, be advised.

4 Henry Street, Penrith - Safety Concerns at the Existing Pedestrian Crossing Outside the Tax Office

RECOMMENDATION

LTC 34 That:

1. The information contained in the report on Henry Street, Penrith - Safety Concerns at the Existing Pedestrian Crossing Outside the Tax Office be received.
2. The existing pedestrian crossing facility be improved by the construction of a raised threshold with accompanying marked crossing linemarking and high visibility Pedestrian Crossing signage. All signage and holding lines on both approaches to be implemented in the current financial year, and in accordance with Roads and Traffic Authority guidelines.
3. Council's Design Co-ordinator be requested to provide a detailed engineering plan of the proposed facility.
4. The 20m of 'No Parking' on the northern side of Henry Street, west of the crossing, be reduced to 6m in length.
5. The 10m of 'No Stopping' on the northern side of Henry Street, west of the crossing, be increased to 16m in length.
6. The facility be considered for construction in 2007/2008 under Council's Traffic Facilities Program.

5 Paskin Street, Kingswood - Proposed Provision of Parking Restrictions

RECOMMENDATION

LTC 35 That:

1. The information contained in the report on Paskin Street, Kingswood - Proposed Provision of Parking Restrictions be received.
2. Approximately 30m of full-time 'No Parking' restrictions be provided on the northern end of Paskin Street, Kingswood, extending from 2m south of the driveway of house number 18 to 10m south of the western kerb alignment.
3. Council's Co-ordinator Ranger Services to be advised.

6 Lewis Road, Cambridge Gardens - Proposed Load Limit

RECOMMENDATION

LTC 36 That:

1. The information contained in the report on Lewis Road, Cambridge Gardens - Proposed Load Limit be received.
2. A 5-tonne load limit be imposed, under Rule 104 of the Australian Road Rules, on the full length of Lewis Road, Cambridge Gardens.
3. The proposal be advertised in the local newspapers and Government Gazette for a period of two weeks.
4. The residents of Lewis Road, the management of the Overlander Hotel, and Star Court Shopping Centre management be advised of the proposal.

GENERAL BUSINESS

GB 1 Cranebrook Road, Cranebrook – Removal of Pedestrian Crossing (*Raised Roads & Traffic Authority*)

Council has received a request from the Roads and Traffic Authority (RTA) seeking advice from Council concerning the feasibility of removing the existing marked pedestrian crossing located in the village on Cranebrook Road.

Due to the recent realignment of Castlereagh Road, it is proposed that this section of Cranebrook Road is to be reclassified from ‘State Arterial’ under RTA control to a local road under the control of Council. The RTA is preparing to conduct pavement rehabilitation works through Cranebrook prior to the hand-over, and accordingly requires direction regarding the need to retain this pedestrian crossing.

It is understood that this crossing was originally provided to cater for the increased pedestrian activity when Henry Fulton Public School, currently in Vincent Road, was located on the bend in Cranebrook Road south of the Boundary Road intersection.

To establish current usage patterns of the crossing, a pedestrian/vehicle count was undertaken on Tuesday, 26 March 2007 for the mandatory two separate one-hour periods between the hours of 8:30am-9:30am and 2:30pm-3:30pm. The survey results depicted below establish that the crossing sustains minimal usage by pedestrians, and clearly does not meet the RTA warrants for crossings predominantly used by school children requiring a minimum of 30 pedestrians and 200 vehicles within the two separate one-hour periods.

Cranebrook Road Pedestrian Crossing - 26 March 2007

<i>Time</i>	<i>No. of Pedestrians</i>	<i>No. of Vehicles</i>
8:30am-9:30am	0	246
2:30pm-3:30pm	9	229

When the issue of removing the crossing has been considered on previous occasions by the Local Traffic Committee, in 2000, 2001 and 2002, substantial objections were received from residents in the immediate area. This resulted in a public meeting, with the Mayor, Council and RTA representatives and 21 residents attending. The end result of the consultation process deemed that the crossing should be removed and replaced with a pedestrian refuge. This decision was made at the time when Cranebrook Road was a State Arterial road and subject to substantial through traffic movements with vehicle numbers at around 7,500 vehicles per day.

However, it is considered that with the deviation of Castlereagh Road now completed and daily traffic flow being reduced to local traffic only, with around 2,500 vehicles per day, the need to provide a formalised crossing facility cannot be justified.

RECOMMENDATION

LTC 37 That the existing marked pedestrian crossing on Cranebrook Road, Cranebrook, south of Boundary Road, be removed when the proposed pavement rejuvenation works are carried out by the Roads and Traffic Authority.

GB 2 Station Street, Penrith – Proposed Part-time Taxi Zone (*Raised Council*)

At its meeting on 5 February 2007, the Local Traffic Committee considered a report on a request from Penrith Police for the provision of a part-time Taxi Zone in Station Street, Penrith, between Union Lane and High Street. At its meeting on 12 February 2007, Council resolved, on the recommendation of the Committee, *“that Council support the provision of a part-time Taxi Zone in Station Street, Penrith pending further investigation, and a report to be submitted to the Committee at a later date”*.

A further meeting has taken place between representatives from Council, Penrith Police, The Bloc Nightclub, and Embassy Hotel, to discuss a number of issues including the possible security arrangements for a part-time Taxi Zone in Station Street on Friday and Saturday nights.

It was agreed by all parties that the preferred location for the part-time Taxi Zone would be the western side of Station Street, immediately south of Union Lane, fronting the Union Road/Union Lane carpark.

This area is currently signposted as a 25m long full-time Bus Zone, and is used extensively by Westbus throughout the day, finishing at 7:00pm-8:00pm. It also serves as the primary corridor to Penrith Station for a number of bus routes servicing the suburbs south of the Penrith CBD such as Jamisontown, South Penrith, Glenmore Park and Wallacia. There are also two night services (N1 and N2) provided by Westbus which also utilises Station Street and the Bus Zone south of Union Lane until approximately 11:00pm.

The proposed sharing of the existing Bus Zone facility as a Taxi Zone later in the evening could only occur outside the hours that the last N1 and N2 buses operate. In this regard, the part-time Taxi Zone could operate between the hours of 11:00pm and 5:00am on Fridays and Saturdays, thereby avoiding any possible conflicts between buses and taxis.

RECOMMENDATION

LTC 38 That:

1. A 25m long part-time 'Taxi Zone 11:00pm–5:00am Friday & Saturday' be provided within the area of the existing full-time Bus Zone on the western side of Station Street, immediately south of Union Lane, Penrith.
2. The Police, Westbus and taxi companies be advised.

GB 3 Station Street, Penrith – Request for Provision of Parking for Late Night Courtesy Buses (*Raised Penrith Police*)

Penrith Police Licensing Sergeant, Kerrie Smith, addressed the meeting, advising of safety concerns near The Bloc nightclub and The Embassy Hotel in Station Street, Penrith, at closing times on Friday and Saturday nights.

There are concerns about safety (mainly at around 3.00-4.00am on Saturday and Sunday mornings) due to the number of people waiting around for taxis, etc, outside these venues, people running across the road, and some assaults have occurred.

Both The Bloc nightclub and The Embassy Hotel provide courtesy buses for patrons, and Police would like these venues to work in conjunction with each other to drive each others' patrons to their destinations. There is currently no parking provided for these buses in the vicinity of the venues, and they are forced to park out of sight and consequently are not being used by patrons.

Police request parking provisions for the courtesy buses (ie, two parking spaces) on Friday and Saturday nights.

RECOMMENDATION

LTC 39 That the matter be investigated and a report be submitted to the Local Traffic Committee.

GB 4 Derby Street, Kingswood & Banks Drive, St Clair– Request for Provision of Bus Zone (*Raised Council*)

Council has received a request for a 'Bus Zone' at the existing bus stop at number 114-116 Derby Street, Kingswood and opposite number 161-163 Banks Drive, St Clair, adjacent to the Peter Kearns Memorial Oval. Council's Co-ordinator Ranger Services, Noel Fuller, has raised the request for Derby Street, whilst a resident of St Clair has raised the request for Banks Drive.

It is claimed that at both of these locations, vehicles not understanding approach and departure distance requirements for a bus stop are blocking access to the arriving buses. Michael Pruss from Westbus was contacted and he did acknowledge that this was the case at both of these locations.

The issue with Derby Street is primarily due to patrons of the adjacent specialist clinics who frequent this area and have been seen to restrict bus access by parking in the bus stop. In Banks Drive, the existing bus stop is adjacent to sporting facilities and has been parked out

by vehicles when patrons have been utilising training and sporting fields.

Formalising these bus stops to create full-time 'Bus Zones' would necessitate the introduction of a 'Bus Zone' for a distance of approximately 20m in Derby Street (due to the intersection of Colless Street assisting in bus departure distance) and 25m in Banks Drive (due to unrestricted parking both sides of the proposed Zone).

It would be beneficial to formalise the existing bus stops as Bus Zones and it is envisaged that there would be no detriment caused to traffic and parking as a result of this.

RECOMMENDATION

LTC 40 That:

1. A Bus Zone be installed immediately west of the driveway of number 114 Derby Street, Kingswood, extending west for a distance of 20m toward Colless Street.
2. A 25m 'Bus Zone' be installed in Banks Drive, St Clair adjacent to the light pole opposite number 161-163 Banks Drive.

GB 5 Water Street, Werrington – Parking Issues in Vicinity of Kurrambee School (*Raised Council*)

Council has received representation from Councillor Thain on behalf of Mr Allan Cullen, Principal at Kurrambee School, Werrington regarding parking issues.

The Principal has advised that he regularly receives complaints from the proprietor of the business located on the corner of Water Street (east) and Werrington Road as vehicles (associated with the school) that are parked on the northern side of Water Street (east) restrict the turning manoeuvres for heavy vehicles into the business's driveway.

The proprietor of the business on the southern side of Water Street (east) has been consulted and has advised that the issue is the turning paths of the trucks being restricted due to parked vehicles – most of which are associated with the school.

The proposal is to install 10m of 'No Stopping' restrictions on the northern side of Water Street (east) east from the corner of Werrington Road, to reinforce restrictions under the Australian Road Rules, and an additional 40m of 'No Parking' to the east. This will allow for the picking up and setting down of any passengers associated with the school and will allow for truck turning movements, as vehicles will not be in this vicinity unattended. Ample on-street parking for vehicles associated with the school is available at the rear of the school in Tennant Street.

The two other businesses located on the southern side of Water Street (east) do not appear to have the same amount of vehicle activity and it is not anticipated that vehicles parked in this vicinity will cause difficulty. Consultation with these two businesses has proven to be difficult due to the nature of their businesses as the premises are generally unattended during the day.

A second issue relates to the right-turn egress of school minibuses onto Werrington Road. There are approximately nine minibuses that service the school and due to the level of traffic in the afternoon and conflicting vehicle and pedestrian movements, queuing occurs within the school carpark and driveway.

The option to restrict right-turn movements from the school was investigated, however a centre island is not able to be installed as the turning paths of heavy vehicles from Water Street (west) prohibit this. The school's Principal has advised that he is considering re-routing the school driveway to exit onto Water Street (east). This would allow vehicles wanting to head north on Werrington Road to exit left into Water Street (east), left into Tennant Street, left into Werrington Road and then proceed right at the roundabout.

This situation would be a safer option, however the same situation as above would apply as it would require voluntary compliance due to the fact that a centre island cannot be installed due to the heavy vehicle turning paths. Redevelopment of the school driveway would not be required as the issue is with compliance with left turn movements from the school, and could be resolved with internal management and signage within the school.

RECOMMENDATION

LTC 41 That:

1. 10m of 'No Stopping' be provided on the northern side of Water Street (east) east from the corner of Werrington Road.
2. 40m of 'No Parking' signage be provided on the northern side of Water Street (east) east of the new "No Stopping" sign.
3. The school be encouraged to manage left-turn movements from the Werrington Road exit with signage and policy.
4. Councillor Thain and Mr Cullen be advised.

GB 6 West Lane, St Marys – Proposed 'No Parking' Restrictions (Raised Council)

Council has received representations from a number of shopkeepers occupying premises that have a main street frontage to Queen Street and delivery vehicle access off West Lane, St Marys. It is reported that due to the proximity of St Marys Railway Station to the northern section of West Lane, a large number of commuter vehicles park in this vicinity during most weekdays.

The shopkeepers advise that delivery vehicles are experiencing difficulties in accessing their properties for delivery purposes, and on some occasions have blocked access to driveways completely.

West Lane is an 8.0m wide access laneway, constructed to provide delivery vehicle access to the shops with a frontage to the western side of Queen Street. The northern end of West Lane north of Nariel Street, due to its termination at the railway line is subject to two-way traffic movements, however the remainder West Lane south of Nariel Street to Crana Street is one-way southbound.

A site inspection confirmed the observations of the shopkeepers with a number of vehicles parked adjacent to the eastern and western kerb alignments of West Lane north of Nariel Street. When vehicles are parked close and parallel on one side of an 8.0m wide carriageway and the opposite side is clear of parked vehicles, generally there is sufficient road width remaining to maintain two-way traffic flow.

The northern section of West Lane closest to the railway line is not subject to any parking restrictions, however 'No Parking' signposting does exist on the eastern side of West Lane, commencing midway between Nariel Street and Belar Street, and extends south to Crana Street.

Accordingly, it is suggested that to resolve these accessibility issues full-time 'No Parking' restrictions be provided on the eastern side of West Lane north of Nariel Street to the railway line, and on the eastern side of West Lane south of Nariel Street to the existing 'No Parking' north of Belar Street.

RECOMMENDATION

LTC 42 That:

1. Full-time 'No Parking' restrictions be provided on the eastern side of West Lane north of Nariel Street to the railway line, and on the eastern side of West Lane south of Nariel Street extending to the existing 'No Parking' restrictions north of Belar Street.
2. The affected shopkeepers be advised.

GB 7 Claremont Meadows Public School – Various Issues (*Raised Councillor McKeown*)

Council's Road Network Services Engineer raised concerns on behalf of Councillor McKeown from the Principal of Claremont Meadows Public School regarding a number of traffic safety issues. Firstly, the Principal would like information on the provision of a Roads and Traffic Authority Crossing Supervisor. In addition, there are some issues with students leaving and entering via a back or side gate at the school. The third issue concerns bus parking and a bus zone that the buses don't use.

RECOMMENDATION

LTC 43 That the matter be investigated and Councillor McKeown be advised.

GB 8 The Northern Road/M4 On-Ramp – Vehicle Priority (*Raised Councillor McKeown*)

Council's Road Network Services Engineer raised concerns on behalf of Councillor McKeown regarding vehicle priority on the M4 on-ramp at The Northern Road, heading east. Vehicles coming from Glenmore Park, turning right eastwards, have to stop at a 'Give Way' sign and wait for all the vehicles coming in the other direction from Penrith. Councillor McKeown used the Mulgoa Road on-ramp onto the M4 as a good example of what should be happening.

RECOMMENDATION

LTC 44 That the matter be referred to RTA for investigation and the RTA be requested to advise Council on an update of their investigations.

GB 9 Frogmore Road and The Northern Road, Orchard Hills – ‘Keep Clear’ Signage (*Raised Penrith Police*)

The Penrith Police representative advised that the VRA have requested the provision of ‘Keep Clear’ markings on The Northern Road at the Frogmore Road intersection.

RECOMMENDATION

LTC 45 That the Roads and Traffic Authority be requested to investigate provision of ‘Keep Clear’ markings on The Northern Road at Frogmore Road, Orchard Hills.

GB 10 Jane Street, Penrith – Traffic Safety (*Raised Council*)

Council’s Rangers raised concerns about traffic safety due to trucks turning right across the median island in Jane Street, Penrith to enter the Woolworths loading dock area.

RECOMMENDATION

LTC 46 That the Roads and Traffic Authority be requested to investigate the provision of bollards within the central median island of Jane Street outside the Woolworths loading dock area.

GB 11 Simeon Road, Orchard Hills – Proposed Reinstatement of School Bus Route (*Raised Westbus*)

The Westbus representative advised that as a result of the upgrade works to the turnaround area at the end of Simeon Road, Orchard Hills, Westbus intends to reinstate school bus services to the Penrith Christian Community School.

Westbus requested an update on the provision of Bus Zones and other regulatory signposting in this area.

RECOMMENDATION

LTC 47 That Council’s Road Network Services Engineer advise Westbus of the current status of the engineering works in Simeon Road, Orchard Hills.

There being no further business the Chairperson declared the meeting closed, the time being 10:40am.

RECOMMENDATION

That the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 April, 2007 be adopted.

**REPORT AND RECOMMENDATIONS OF THE
POLICY REVIEW COMMITTEE MEETING**

HELD ON 2 APRIL, 2007

PRESENT

His Worship the Mayor Councillor Pat Sheehy AM, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury (arrived 8:00 pm), Kevin Crameri OAM, Greg Davies (arrived 7:48 pm), Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, and John Thain.

APOLOGIES

PRC 21 RECOMMENDED that apologies be received and accepted from Councillors David Bradbury, Greg Davies, Steve Simat and Lexie Cettolin.

CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 12 March 2007

PRC 22 RECOMMENDED that the minutes of the Policy Review Committee Meeting of 12 March 2007 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

MASTER PROGRAM REPORTS

LEADERSHIP AND ORGANISATION

The General Manager, Mr Alan Travers, gave a brief overview of the progress of the 2005-2009 Strategic Program – 18 Month Review. Presentations were then made, detailing the progress with the 2005-2009 Strategic Program.

Director – City Strategy: Key Themes

Acting Chief Financial Officer: Capacity to Deliver Strategic Program

Councillor Greg Davies arrived at the meeting, the time being 7:48 pm.

Councillor David Bradbury arrived at the meeting, the time being 8:00 pm.

Presentations then continued with the Key Strategic Challenges & Proposed Breakthroughs, as follows:

Director – City Strategy:

- *Regional City Delivery*
- *Subregional Plans*
- *Penrith Lakes*

Director – City Planning:

- *Integrated Land Use & Transport*
- *Climate Change*
- *River Health*
- *Rural*
- *Established Areas*
- *Look of the City*

Councillor Kevin Crameri OAM left the meeting, the time being 8:33 pm.

Councillor Greg Davies left the meeting at 8:35 pm and did not return.

Councillor Kevin Crameri OAM returned to the meeting, the time being 8:40 pm

Councillor David Bradbury left the meeting, the time being 8:42 pm

Councillor David Bradbury returned to the meeting, the time being 8:43 pm.

Director – City Operations:

- *Public Domain Maintenance*
- *Asset Renewal - Roads*
- *Asset Renewal - Parks Assets*

Councillor Mark Davies left the meeting, the time being 8:59 pm.

Councillor Mark Davies returned to the meeting, the time being 9:01 pm.

Director – City Strategy:

- *Workforce Strategy*

1 2005-2009 Strategic Program - 18 Month Review

PRC 23 RECOMMENDED

That:

1. The information contained in the report on 2005-2009 Strategic Program - 18 Month Review be received.
2. Council consider the responses to key strategic challenges to be presented by the Directors.

2 Alignment of the Organisation

PRC 24 RECOMMENDED

That:

1. The information contained in the report on Alignment of the Organisation be received.
2. The changes to Staff Establishment be endorsed.

There being no further business the Chairperson declared the meeting closed the time being 9:08 pm.

RECOMMENDATION

That the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 2 April, 2007 be adopted.

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THE CITY IN ITS BROADER CONTEXT

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The City as a Social Place

1 Assistance to Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel

Compiled by: Diana Tuckwell, Facilities Operations Secretary

Authorised by: Tony Jarrett, Acting Facilities Operations Manager

Strategic Program Term Achievement: *The City's recreation and leisure facilities and services meet its needs and are optimally used.*

Critical Action: *Ensure facilities and services reflect the City's diverse current and future recreation and leisure needs.*

Purpose:

To inform Council of donations made to amateur sportspersons and/or representatives in the fields of art, music, culture for overseas and interstate travel for the January-March 2007 quarter. The report recommends that the information contained in the report be received.

Background

Council has a policy of providing assistance to amateur sportspersons and representatives in the fields of Art, Music, Culture for the purpose of encouraging participation in international or interstate events by residents or by members of clubs based in the City of Penrith or students of schools and educational establishments within the Penrith City area and who are representing the country of Australia or the state of New South Wales. Those requests Council has received and dealt with, for financial assistance in accordance with the Policy for the period 1 January-31 March 2007, are listed below:

OVERSEAS DESTINATIONS (\$200 NZ or \$300 overseas)

1.	a donation of \$300.00 was made to GKR Karate Australia Pty Ltd with a request that it be passed on to Samuel Penton of Glenmore Park to help defray his travelling expenses when he competes in the GKR Karate World Cup to be held in Birmingham, UK during June 2007.
2.	a donation of \$300.00 was made to Australian Floorball Association with a request that it be passed on to Natasha Ryan of Penrith to help defray her travelling expenses when she competes in the 2007 World Floorball Cup to be held in Denmark during April-May 2007.

INTERSTATE DESTINATIONS (\$100QLD, VIC - \$150SA, TAS - \$200WA, NT)

3.	a donation of \$400.00 was made to Basketball NSW with a request that: \$100.00 each be passed on to Leonie Moore of Werrington Downs and Rod Miskell of Kingswood to help defray their travelling expenses when they competed in the National Basketball Championships held in Ballarat, Victoria during February 2007; \$100.00 each be passed on to Brendan McGrath of Penrith and Vanessa Ainger of South Penrith to help defray their travelling expenses when they competed in the 2007
----	---

	Ivor Burge Championships PWID (Players with an Intellectual Disability) in conjunction with the National Basketball Championships held in Ballarat, Victoria during February 2007.
4.	a donation of \$750.00 was made to NSW Women's Vigoro Association with a request that \$150.00 each be passed on to Lael Burke of Emu Heights, Alara Cassells-Forward of South Penrith, Allison Gardiner of Glenmore Park, Cassandra Scott of Jamisontown and Rhianne Kerr of Emu Heights to help defray their travelling expenses when they competed in the 2007 All Australian Vigoro Titles held in Launceston, Tasmania during March 2007.

RECOMMENDATION

That the information contained in the report on Assistance to Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel be received.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

The City as a Social Place

2 Community Safety & Security Conference 2007

Compiled by: Yvonne Perkins, Community Safety Coordinator

Authorised by: David Burns, Director - City Operations

Strategic Program Term Achievement: *A community safety plan, building on a partnership with police, the community and other stakeholders is in place and supported by Council's programs.*

Critical Action: *Inform the community on issues related to community safety.*

Purpose:

To advise Council of an upcoming conference entitled "Community Safety & Security Conference 2007" to be held on 17 and 18 May 2007, and to seek an indication from Councillors interested in attending. The report recommends that the information contained in the report on the Community Safety & Security Conference 2007 be received and that Council considers attendance by available Councillors at the conference.

Background

The Community Safety & Security Conference 2007 will be conducted in Sydney on Thursday, 17 May and Friday, 18 May 2007. This national conference will provide insights into community safety strategies adopted by local governments across Australia. The conference will be heavily focused on case studies to enable delegates to draw important lessons from security and safety initiatives nationally. Presentations to the Community Safety & Security Conference will cover the following topics:

- A practical approach to CPTED
- Building partnerships and community engagement
- Emergency management planning and capability
- Youth crime prevention and anti graffiti strategies
- Community mobilisation against alcohol and substance abuse
- CCTV systems for security and detection.

Keynote speakers at the conference include Prof The Hon Peter Anderson, Director of Centre for Policing, Intelligence and Counter Terrorism, Macquarie University; Tony Pearce, Director General, Emergency Management Australia (to be confirmed); Assistant Commissioner Frank Prendergast, National Manager, Counter Terrorism, Australian Federal Police. A number of Community Safety case studies will be presented by various councils, NSW Police, and community safety practitioners and industry specialists.

Councillor Garry Rumble has indicated an interest in attending the conference. An indication is now sought from other Councillors who may wish to attend the conference.

RECOMMENDATION

That:

1. The information contained in the report on Community Safety & Security Conference 2007 be received.
2. Council consider the attendance of available Councillors at the Conference and grant leave of absence to those Councillors as appropriate.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

The City as a Social Place

3 Naming of a Park in Algie Crescent, Kingswood

Compiled by: Wendy Marks, Parks Administration Officer

Authorised by: Raphael Collins, Parks Construction & Maintenance Manager

Strategic Program Term Achievement: *The City's recreation and leisure facilities and services meet its needs and are optimally used.*

Critical Action: *Ensure facilities and services reflect the City's diverse current and future recreation and leisure needs.*

Purpose:

To seek Council's endorsement for the naming of a park on Algie Crescent, Kingswood as 'Samuel Foster Reserve'. The report recommends that an application be made to the Geographical Names Board for official gazetting.

Background

A request has been received from local residents in the vicinity of the unnamed reserve on Algie Crescent at Kingswood for the park to be named 'Samuel Foster Reserve,' as a reminder of the existence of an original grant of 400 acres of land given to Samuel Foster in 1814.

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

- The use of a person's name for park names should normally only be given posthumously
- Names of Aboriginal origin or with an historical background are preferred
- Council agrees to the proposed name
- If considered appropriate, the names of eminent persons may be perpetuated, particularly those of early explorers, settlers, naturalists.

Once an application for naming is submitted to the GNB, the remaining process involves 10 steps. One of these includes the public exhibition of the proposed naming. The entire process takes approximately eight to ten months.

Proposed Name

Samuel Foster arrived in Sydney, as a free migrant in 1807, on the "Sydney Cove". He came with his wife. He took up residence in O'Connell Street, Sydney. Over a period of a very short time, he established himself as a reputable and well known business man of the Colony. By 1810, he was granted a liquor licence which he held continuously until 1815, when he left the Colony. From records, it appears that he was a respectable business man, recognised and supported by Governor Macquarie.

He acted as a juror in several court cases between 1808 and 1813. He was also able to sponsor his brother Tomas Foster, who arrived in the Colony in 1814.

In 1814, Samuel Foster was given a grant of 400 acres at Kingswood. Unfortunately, very soon after this, he left the Colony due to domestic problems in England. Foster however, retained his grant, hoping to return to the Colony at some future time. Whether he returned has not been determined.

Over the years, the land grant was subdivided many times. The reserve located at Lot 40 Algie Crescent is a reminder of the existence of this grant. It is regrettable that to this day, this reserve remains unnamed, and it is the wish of the community surrounding the reserve that it be named in Samuel Foster's memory.

Conclusion

Considering the historical significance of the original grant of 400 acres in the Kingswood area to Samuel Foster in 1810, it seems appropriate that the small piece of public reserve be named in the memory of this earlier settler.

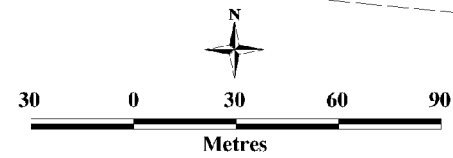
RECOMMENDATION

That:

1. The information contained in the report on Naming of a Park in Algie Crescent, Kingswood be received.
2. Council endorse the naming of the park on Algie Crescent, Kingswood as 'Samuel Foster Reserve' and make application to the Geographical Names Board for the official gazetting.

ATTACHMENTS/APPENDICES

1. Location map for proposed Samuel Foster Reserve 1 Page Appendix



Norman R. Daley
28.3.2007

Proposed Name
"Samuel Foster Reserve"

Penrith City
Council

The City as a Social Place

4 Mosquito Vector Control Program

Compiled by: Graham Pares, Environmental Health Coordinator

Authorised by: Wayne Mitchell, Environmental Health Manager

Requested By: Councillor Garry Rumble

Strategic Program Term Achievement: *Strategies are in place to respond to the social and health needs of the community.*

Critical Action: *Undertake a program of activities to safeguard and improve the health of the community.*

Purpose:

To provide information on Council's involvement in the NSW Arbovirus Surveillance Program and the potential risk of domestic water tanks contributing to increasing mosquito populations as requested by Councillor Rumble. The report recommends that Council undertake a targeted information program about mosquitoes and arboviruses at the start of known risk periods.

Background

Arthropod-borne viruses (or "arboviruses") are transmitted to humans through the bite of mosquitoes. Those arboviruses of greatest concern, within New South Wales, are Ross River, Barmah Forest, Murray Valley encephalitis and Kunjin virus.

NSW Health has coordinated the NSW Arbovirus Surveillance program for monitoring mosquito populations since the summer of 1984/85. The initial program commenced with mosquito population counts, then expanding to arbovirus isolations from the mosquitoes beginning in the 1988/89 season. There have been various numbers of collection sites at up to 30 locations throughout the state, in coastal and inland regions. The trapping program is designed to cover the period of seasonal increase and decrease in the populations of the major arbovirus vectors, from mid-spring to mid-autumn, and also to cover the period for natural activity and transmission of arboviruses.

The compilation and analysis of data collected over a number of successive years has provided a solid base from which to determine the underlying causes for the seasonal fluctuations in arbovirus activity, and the relative abundance of the mosquito vector species affecting the wellbeing of human communities. This information is used as the basis for modifying existing local and regional vector control programs, and the creation of new ones.

The objectives of the NSW arbovirus surveillance program are:

- to monitor mosquito vector populations in coastal and inland areas of NSW at risk of arbovirus activity by routine sampling, identify the major pest and vector species for each locality, and monitor population fluctuations of the important species;

- to identify arbovirus activity by processing mosquito samples, isolating arboviruses through cell culture and identify isolated arboviruses with serological techniques;
- to analyse environmental data relevant to vector mosquito and arbovirus activity.

Results obtained from the various sample sites across the State are analysed to assist in targeting mosquito control programs in those areas where arboviruses are consistently isolated from mosquito populations. These are predominantly in coastal swamp areas and in the northern reaches of the State.

Penrith Council Participation in Mosquito Surveillance

Penrith City Council participated in the NSW arbovirus surveillance program from 1998-99 to 2004-05, in response to a significant increase in notified cases of Ross River fever in 1996 and 1997. Mosquito traps were placed at between three and four sites (Werrington Lakes, Penrith, Emu Plains and ADI land) periodically, during the months of November through to April each year. The numbers and types of mosquitoes trapped were identified and tested for the presence of any arboviruses.

The purpose of Council's involvement was to determine if there was any identifiable source of arbovirus that could be controlled to protect the community. Results from the 1998-99 sampling period, through to 2003-04, indicate that while there have been periods of significantly higher numbers of mosquitoes collected, the major arboviruses have not been isolated from any of the species trapped. The increase in numbers correlates with increased wet periods during the early to late summer periods, which has been identified within the state-wide program as the prevailing conditions for an increase in general mosquito populations.

The sampling program is not able to be used as a predictor of potential infections within the community, as the increase in mosquito populations needs to be matched with an available reservoir of arboviruses hosts, such a native mammals and birds. Cases of arboviruses are notifiable, and NSW Health collects and reports data on the number and location of cases. As a result of the continuing lack of identification of arboviruses within the mosquito population collected, and in consultation with the NSW arbovirus surveillance program coordinators, Council withdrew from the program in 2004-05. If further evidence became available, through the NSW Health notification system, that significant numbers of arbovirus cases were being reported, Council could immediately resume sampling if necessary in the future.

Points of Control and Protection

Information collected through the NSW program, regarding rainfall patterns and mosquito population, confirms that mosquito population patterns fluctuate with increased rainfall. This connection relates to the increase in potential breeding sites that occur as residual water pools and turns stagnant in natural depressions and swamp areas, as well as various sites within properties such as in containers, untreated swimming pools and unsecured rainwater tanks.

Accordingly, actions can be taken to reduce the number of breeding sites that are accessible in urban areas and rural areas. Rainwater tanks have proven to be a source of maintaining mosquito population numbers if they are not adequately protected and maintained. The handbook to accompany the Australian Standard for the design of rainwater tanks (HB-230 2006) includes the requirements for screening access points to the tank to prevent the

potential entry of mosquitoes. New installed rainwater tanks are provided with the appropriate protection, and it is incumbent upon the person who is utilising the tank to ensure that the integrity of the insect screen is maintained.

This maintenance requirement is included within the brochure on installing and maintaining rainwater tanks that is produced by both Sydney Water and NSW Health. Links to this information are provided on Council's website, however more information could be made available to the general community regarding the need to be diligent in maintaining rainwater tanks and to consider the general upkeep of properties to remove potential breeding sites, to restrict the mosquito population in general. This information would best be provided during early spring, at the commencement of the known peak period for mosquitoes to remind the community of the potential health concerns.

It is proposed to develop additional education material about the impacts of arboviruses and control of mosquitoes generally. A targeted education program will be undertaken at the start of peak risk periods in spring and early summer seasons.

Conclusion

At present, there has been no significant increase in the notified cases of arboviruses within the Penrith area. When the drought ends an increase in mosquito population can be expected, however this will not necessarily mean an increase in the risk of transmission of arboviruses. Despite this fact, precautions can be taken by people to maintain their property to minimise potential breeding sites

Information is readily available that can be prepared for the general community, in both pamphlet form and electronically, that explains how people can protect themselves from mosquito bites during the known peak periods, and how they can contribute to reducing mosquito numbers through effective upkeep of their properties and maintenance of known sources such as rainwater tanks.

Should a significant number of arbovirus cases be notified, Council will recommence trapping in conjunction with the NSW Arbovirus Surveillance Program and provide assistance to identify the potential sources of the virus.

RECOMMENDATION

That:

1. The information contained in the report on Mosquito Vector Control Program be received.
2. Council undertake a targeted information program about mosquitoes and arboviruses at the start of known risk periods.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

The City as a Social Place

5 Children's Services 2007/2008 Budget Overview and Fees and Charges

Compiled by: Janet Keegan, Children's Services Coordinator

Authorised by: Sadie Burling, Children's Services Manager - Operations

Strategic Program Term Achievement: *Services are provided to meet the diverse needs of families and to support the development of children.*

Critical Action: *Deliver Councils Children's Services to meet the current and emerging needs of families and children.*

Purpose:

To provide Council with information on the proposed budget for Children's Services as recommended by the Board of the Penrith City Children's Services Co-operative (PCCSC). This report outlines the strategic direction of the Co-operative towards long-term financial viability, and includes a recommendation that Council supports a community obligation contribution of \$65,938 towards the operations of Children's Services managed by PCCSC in recognition of the contribution made by these services towards building social capital in the City of Penrith. The report recommends that the information contained in the report on Children's Services 2007/2008 budgets and fees and charges be received.

Background

This report relates to Children's Services managed by PCCSC – Long Day Care, Pre-School, Before and After School Care and Vacation Care services. Financial management is identified as a key issue in the Co-operative's 2003-2008 Strategic Plan with a long-term goal that a sound financial base underpins the provision of Children's Services.

On 3 April 2007, the Finance Sub Committee of the PCCSC reviewed reports on budget development and fees and charges for the Children's Services managed by the Board. On the Board's behalf, the sub committee has recommended fees and charges for these direct service operations, which are presented in the draft Management Plan.

Fees and Charges

A global approach to Children's Services budgeting enables surplus and deficit budgets to be developed for individual services, with the overall intention of achieving a global break-even budget. However, a number of known and less predictable factors have impacted on the ability to achieve a break-even budget for the 2007/2008 budget period. A number of identified risks, particularly related to workforce issues, community changes, changing Government direction and asset compliance were managed during the budget development process.

In October 2006, Children's Services had the opportunity to apply for funding to support Pre Schools as part of the State Government's Pre School Investment and Reform Plan (PIRP). Three Pre School centres managed by the Board were successful in obtaining some

operational and fee relief funding. This funding was to reduce parent fees, in particular to target four year old children in their year prior to school. As a result of this funding, Pre School fees have been reduced slightly to meet the terms of the Pre School PIRP funding agreement. These Pre School fees, if adopted, will commence from July 2007. Other fee variations will commence in January 2008.

The budget model recommended for adoption produces an operational deficit of \$59,938. In addition, there is an historic longstanding resolution of Council to contribute \$1,000 to each Vacation Care service annually, making a total deficit of \$65,938. This represents a decrease in the overall deficit from previous years. Some identified issues for being unable to achieve a break-even budget can be attributed to some downtrends in the utilisation for Long Day Care and Before School Services, increased costs related to staff establishment and increases in the working costs required to operate the services. Rigorous compliance regulations set down by legislation for children's services also impact on achieving a break-even budget. The proposed fees for Children's Services are:

SERVICE TYPE	DAILY/SESSION FEE	NEW FEE	IMPACT
Long Day Care*	\$57.85	\$59.95	\$2.10 increase
Pre School 4 hour session	\$22.50	\$22.25	25c decrease
Pre School – full day	\$34.00	\$33.50	50c decrease
Before School Care	\$13.50	\$13.50	No change
After School Care	\$16.75	\$17.75	\$1.00 increase
Vacation Care	\$37.00	\$37.00	No change
Tamara 0-3 year olds	\$55.85	\$58.10	\$2.25 increase
3-6 year olds	\$55.10	\$57.35	

* except Tamara

Tamara Long Day Care Centre, located in Cranebrook, has historically implemented a reduced differential fee. As a result of this, it is proposed that their fee will increase by \$2.25 per day in an effort to gradually bring it in line with other like services.

In recommending the proposed fees and charges, the Board is seeking flexibility and discretion to apply fees according to prevailing circumstances that will allow some adjustment throughout the year to respond to market conditions.

There are a range of other miscellaneous fees and charges that apply to the operation of Children's Services, which are specified in the draft Management Plan for 2007/2008.

Children's Services Scholarship

The Board's Strategic Plan includes a key issue related to the workforce, i.e. that the Co-operative will value and enable a skilled and effective workforce to support the provision of Children's Services. Many opportunities for staff to grow and develop within the industry are provided by Penrith City Children's Services and this is promoted as a drawcard to attract qualified staff. With a shrinking and ageing workforce, it is important that Children's Services ensures programmes are in place to support staff to move through the career pathways available, and that initiatives are in place for succession planning. To this end, the Board is

seeking funding of \$5,000 towards a children's services scholarship, to attract a candidate to undertake a position within children's services, dovetailing this with tertiary study. The Board will seek partners for this initiative.

Social Justice Considerations

In an effort to ensure that universal access to all children is available, the Board provides support to families with children with additional needs. Whilst centres that have children with additional needs are subsidised, this subsidy falls far short of the cost. For example, for the 2007/2008 budget period, it is projected that the difference between expenses and income for inclusion support will produce a shortfall of \$113,000. This in effect means that services actually run at a significant loss to cater for these children. Penrith City Children's Services is currently working with Macquarie University on a research project to provide training to staff to assist children with additional needs to be included in mainstream services. The Inclusion Support Agency is another project that supports services with children with additional needs. It must be remembered however, that these initiatives come at a significant cost but provide a significant benefit to staff, children and their families. The overall subsidy that is requested from Council assists the Board in meeting this shortfall and ensures that in some way we are building the social and intellectual capital of the future citizens of the Penrith LGA.

Fee Equity

Demand for centre-based care for children aged 0-2 years of age is consistently high. The cost of providing care for this age group is considerably more than that of providing places for 3-5 year olds. This is due to the higher staff:child ratios required and the additional capital costs of providing cot rooms, nappy change areas and laundry facilities.

Levels of subsidy by Commonwealth and State Governments impact on the cost to parents for children's services. The gap between the fee subsidy and the full fee is an important consideration in relation to affordability and price sensitivity. The gap fee that is paid by parents is increasing and disadvantaging some families across the LGA. Lobbying continues with both levels of Government for increases in fee assistance to levels that reflect increasing costs of providing children's services.

Investing in Social Capital

Penrith City Council and PCCSC are committed to the provision of quality care and education for young children. Ensuring that fees are set at an affordable level is one way in which we can promote social justice and provide equitable opportunities to families and the community by assisting all families to have access to a children's service of their choice.

Longitudinal studies highlight positive outcomes for children through an investment in quality early childhood care and education. Ultimately, this contributes towards the building of social capital and assists Penrith City Council in its goal to promote and support children to enable them to contribute to the economic and social wellbeing of the community.

Traineeship Program

The Federal Government and Penrith City Council jointly fund Council's traineeship program. Spanning a 12-month period, trainees combine study with work experience. After completing their traineeship with Council, trainees are free to follow pathways of employment into the workforce. It is pleasing to report that Council's traineeship program

provides members of the community with a good work experience foundation, and reflects Council's support of lifelong learning opportunities in the City. Childcare trainees use the program as a springboard into the industry, with some going on to further TAFE and tertiary study.

Trainees have been factored into the budget for all LDC services for the 07/08 budget period. Children's Services is contributing to Council's community and social obligation through the ongoing support of the traineeship program that builds skills and experience within the community, providing a future workforce for all children's services providers.

Council's centres operate in a vastly different environment from many other similar centres. For example, operating hours are longer in LDC centres to service the needs of residents who work out of the area. Council's centres provide significantly more places for 0-2 year olds than other providers. Some operators, other than Council, are reluctant to provide these places due to the expensive nature of the higher child:staff ratios and other capital requirements. Council's centres also provide significant training opportunities, for example through traineeships, for people wanting to break into the Children's Services industry. Each of these anomalies occur because Council has made the decision that it wants to provide these services as part of its obligation to provide community services. These obligations do not come without cost. Council needs to consider funding these community service obligations, in conjunction with its normal Management Plan process, assessing these costs against all the other projects competing for Council funding.

Comment by Financial Accountant – Entities

The services now managed by PCCSC have found it difficult to maintain a quality service at an affordable price and still bring in a balanced budget. Whilst each centre has attempted to achieve a break-even or surplus budget, this has not been possible for many of the individual services nor as an overall objective for the combined services for the 2007/2008 budget period. The fees proposed in this report reflect a number of differing impacts for the services. Fees remain unchanged for Before School Care and Vacation Care due to low utilisation levels for these services. After School fees have been increased by \$1.00 to cover increased costs, and are sustainable due to rising utilisations currently being experienced by these services. Pre School fees have been reduced to comply with the requirements of the additional Pre School funding approved by the Department of Community Services under the PIRP program. Long Day Care fees have generally been increased by \$2.10 per day to help offset the increased operational costs for this service type. The fees for all of Council's Services are now uniform for each service type, with the exception of Tamara, whose fees have been increased by \$2.25, in the continuing effort to standardise the fees across all services.

Summary

Children's Services operate in a complex financial and legislative environment. Underpinning principles guiding financial decisions include maintaining fees at affordable levels and ensuring equity of access for all children. This needs to be balanced with the broader objective of financial viability.

RECOMMENDATION

That:

1. The information contained in the report on Children's Services 2007/2008 Budget Overview and Fees and Charges be received.
2. Council adopt the fees and charges for the operation of Children's Services for inclusion in the Draft 2007/2008 Management Plan.
3. Council's draft 2007/2008 Management Plan include funding of \$65,938 (operational deficit of \$59,938 and \$6,000 equipment allocation for Vacation Care services) towards service provision for the Children's Services managed by Penrith City Children's Services Co-operative.
4. Council's draft 2007/2008 Management Plan include provision for a \$5,000 scholarship for Children's Services.
5. The proposed 2007/2008 fees and charges for Children's Services be adopted with allowance for PCCSC, under certain criteria, to vary the fees and charges by up to 20%, having regard to a policy to be adopted by Council with regard to setting the fees and charges.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

The City as a Social Place

6 Londonderry Neighbourhood Project

Compiled by: Raphael Collins, Parks Construction & Maintenance Manager

Authorised by: Craig Butler, Director - City Planning

Strategic Program Term Achievement: *The City's recreation and leisure facilities and services meet its needs and are optimally used.*

Critical Action: *Ensure facilities and services reflect the City's diverse current and future recreation and leisure needs.*

Purpose:

To advise Council of the current status of the Londonderry Neighbourhood expansion and the grant application to DOTARS. The report recommends that Council apply for the grant and commit \$50,000 to the project.

Background

Council will recall previous reports concerning the Castlereagh Community Fund for the Londonderry Neighbourhood Precinct. In April 2006, Council was notified by the Department of Environment and Conservation that their grant application, under the Castlereagh Community Funds Grants program, was successful. The total amount of the grant was \$986,000, and will be made available for the following projects at the Londonderry Neighbourhood Precinct:

- | | |
|--|-----------|
| • Improvements to precinct sporting facilities and adjacent public school grounds (nearly completed) | \$65,000 |
| • Reconstruction of the soccer club amenity building | \$268,322 |
| • Renovation of Neighbourhood Centre | \$652,724 |

A total of 66 applications were received by the Department of Environment and Conservation, competing for \$1.1 million.

The grant application was the result of extensive consultation with user groups and design development, which was coordinated by Council's internal working group.

Current Situation

At this point in time, the Development consent for the two buildings was determined in February. The Construction Certificate is due to be completed in early May. The construction program is scheduled to commence in September 2007 for both buildings.

A Quantity Surveyor's report was prepared in November 2006 for the two buildings. There was a discrepancy in the amount of the Grant and the budget estimate of the two buildings. It is not unexpected that there is a variation between the value of the development nominated in

the original grant application as compared to the quantity surveyor's later estimate, because the documentation is now more detailed and able to be better costed. It should be mentioned however, that the Quantity Surveyor's report provides an estimate, and the true costs of the building will only be known after the tender process.

An opportunity became available to apply for a grant under the Regional Partnerships Program (RPP). This will assist in the event that the actual building's quotes for the work exceed the existing grant. The RPP is an Australian Government initiative to support regional communities for a wide range of projects. The grant is administered by the Department of Transport and regional Services (DOTARS) and facilitated by an Area Consultative committee (GROW).

A grant has been prepared, focussing directly on the Neighbourhood Centre. Funding being sought from the RPP is in an amount of \$214,000. Included in this amount are additional 'fit-out' items such as:

- Commercial kitchen;
- Office fit-out;
- Air conditioner for main hall;
- Curtain blinds; and
- Shade structure for outdoor area.

The grant application has recently been submitted and will take 15-20 weeks (or until the end of August) to be assessed.

The tendering of the project will be timed to coincide with the decision from DOTARS on the grant application. In order to avoid cost penalties associated with variations in the contract, the tender will be structured to have severable items covering the 'fit-out' components included in the DOTARS application.

Financial Services Manager's Comment

A total of \$50,000 needs to be provided to ensure the success of the application. One of the main features of the building project is the recycling of effluent. At present, both buildings are on a pump out system for their effluent. Recycling the waste water and using it for irrigation is a sustainability initiative that qualifies for EEP funding. It is suggested that the \$20,000 allocated to Building Services in the current budget, for water saving measures (from EEP funding) in Council's buildings, be redirected into the DOTAR application.

To complement this, the project will replace the existing pump out sullage system with a more environmentally friendly system. It is recommended that \$12,000 be advanced from the Sustainability Revolving Fund, which was established in February 2003 as a funding source to finance projects that deliver sustainability objectives, such as reduced energy and resource use, and consequently reduced costs. Savings are then put back into the fund and used for other sustainability initiatives and, at 30 June 2008, the fund will have a projected balance of \$158,000 after providing this funding. When projects are funded from this Reserve, the identified payback period is typically 5-7 years. It is suggested that the advance be repaid using the savings in effluent pumpout charges (currently \$2,300 per annum) 5.2

years. The balance of the funds required (\$18,000) is recommended to be provided from the current 2006-07 surplus.

The grant application to DOTARS is worth 23% of the total project amount. As mentioned earlier, in order to have any success with the application, Council was advised by GROW that it will need to submit a cash contribution of \$50,000 to the project. The source of the \$50,000 will be:

- \$20,000 from Building Services (water savings measures in buildings)
- \$18,000 from general revenue
- \$12,000 advanced from the Sustainability Revolving Fund, to be repaid over 5 years.

Conclusion

Penrith City Council and the Londonderry community are fortunate to be the recipients of grant funding of nearly a million dollars from the Castlereagh Community Grant Fund. The capital improvements will enhance the usability and safety of the facilities for a range of users.

The DOTARS grant provides the opportunity to resolve a possible discrepancy between the building design and the Castlereagh Community Fund grant plus 'value add' to the project. The assessment process fits into the existing timeline of the project.

RECOMMENDATION

That:

1. The information contained in the report on Londonderry Neighbourhood Project be received.
2. Council endorse the grant application to DOTARS.
3. Council approve the \$50,000 cash contribution from the following sources:
 - . \$20,000 for water saving measurers in building services
 - . \$18,000 from General Revenue
 - . \$12,000 advanced from the Sustainability Revolving Fund to be repaid over 5 years.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

The City as a Social Place

7 Development Application DA06/1848 for the construction of a dwelling at Lot 244 DP2147 (No. 244) Seventh Avenue, Llandilo DA06/1848
Applicant: Innovation Planning Australia; Owner: Mr Phillip Adams

Compiled by: Julie Condon, Senior Environmental Health and Building Surveyor

Authorised by: Paul Lemm, Development Services Manager

Requested By: Councillor Jim Aitken OAM

<p>Strategic Program Term Achievement: <i>Redevelopment of existing areas contributes to safe, sustainable, affordable and satisfying living environments and cohesive communities.</i></p> <p>Critical Action: <i>Work in partnership with the local community to foster understanding of the reasons why established areas are redeveloping.</i></p>
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Purpose:

To enable Council to determine a development application and SEPP 1 Objection, that seeks to vary the minimum allotment size of a property at Llandilo and permit the construction of a dwelling on the property. The report recommends that the application be refused.

Background

On 5 August 2003, a development application, DA 06/1848, for the construction of a dwelling on Lot 244, DP 2147 Seventh Avenue, Llandilo was submitted to Council for consideration. The property is subject to the provisions of clause 12, and of Local Environmental Plan 201 – Rural Lands which limits the erection of a new dwelling-house to a minimum site area of 2 hectares.

Lot 244 has an area of 1.012 hectares, and therefore does not meet the requirements of the development standard. (Locality Plan see Appendix No. 1). The adjoining property, Lot 244A, is also owned by the owner of Lot 244. It has an area of 1.012 hectares and is therefore available for consolidation to achieve the necessary minimum 2 hectares to permit the construction of a dwelling on the property as required by the LEP.

The applicant was advised that support for the proposal would not be granted given the opportunity of lot consolidation to comply with the 2 hectare requirement. The applicant was advised that the 2 hectare requirement was a development standard and the provisions of State Environment Planning Policy No. 1 – “Development Standards” would apply to this proposal.

A SEPP 1 objection was submitted in support of the development application but was not supported. Subsequently the Development Application was refused on 28 June 2004.

In July 2005, a movable dwelling was installed on the subject property without consent and occupied by the owner. An On Site Sewerage Management System was also installed without

the approval of Council. A Notice of Intention to Serve an Order to have the building removed was served. Since that time Council has been negotiating with the owner and his consultant to cease occupation of the building and remove the unauthorised development from the site. This action was held pending a resolution of the current development application which proposes the same development as the original one, but has been prepared by a different consultant and is supported by a more comprehensive SEPP 1 Objection.

The Proposal

On 1 December 2006, a second development application for the construction of a dwelling on Lot 244 Seventh Avenue, Llandilo was lodged. This application is accompanied by an objection under State Environmental Planning Policy No 1, requesting a variation to the minimum lot size development standard.

The proposal includes the following aspects:

- Installation of a three bedroom prefabricated home
- Connection of the dwelling to the existing unapproved onsite sewerage management system.

The development application was accompanied by the following:

- An Objection under State Environmental Planning Policy No 1 to Clause 12 of Council's Local Environmental Plan 201 – Rural Lands
- Statement of Environmental Effects
- Site and building plans (See Appendix No. 2 and No. 3).

Site and Surrounds

The subject site is a 1.012 Ha allotment situated in the rural locality of Llandilo.

The site is cleared and falls toward the street. There is an existing driveway and vehicular entrance which provides access to an unauthorised relocatable dwelling constructed on the site. Several old farm sheds exist on the site.

The property is surrounded by rural/residential development. The adjoining properties are being used for a variety of purposes including residential, market gardening and hobby farming.

The locality is comprised of rural land holdings, interspersed with pockets of remnant native vegetation. Built development is low density residential with associated farm buildings. The locality contains a variety of small and large scale agricultural uses which are set up around the predominantly older style and farm cottages. A locality plan is depicted in Appendix No. 1.

The topography is slightly undulating and the area as a whole falls significantly to the east. The development of smaller scale buildings together with distances between existing dwellings creates a low scale rural/residential character with ample landscape buffers.

Planning Controls for Llandilo

This locality includes the land bounded by Terrybrook Road, Ninth Avenue, Second Avenue and Mayo Road, Llandilo, being the land referred to in Schedule 1 of LEP 201 – Rural Lands.

The subject property was created in the late 1800's. When the County of Cumberland Planning Scheme was gazetted on 27 June 1951, the land was zoned as No 10 (Rural Area), allowing a "Country dwelling" to be erected. A Country Dwelling was defined as a dwelling-house with not less than 5 acres (2 hectares) of land within its curtilage, or a dwelling-house occupied in conjunction with not less than 5 acres of neighbouring land.

Subsequent planning instruments have all required a minimum 2 hectare lot size for a dwelling to be permissible. The following table outlines the historic development of planning controls for this area.

PLANNING INSTRUMENT AND DATE	ZONING	MINIMUM LOT SIZE FOR A DWELLING TO BE PERMITTED
County of Cumberland Planning Scheme 27 June 1951	No 10 (Rural Area).	Five Acres - 2 Hectares
Penrith Planning Scheme 18 March 1960	Zone No 1(Non-urban)	Five acres – 2 hectares
Interim Development Order No 73 –City of Penrith 16 December 1977	Schedule 1	2 hectares
Interim Development Order No 93 – Penrith 8 August 1980	Schedule 1	2 hectares
Penrith Local Environmental Plan No 201 – Rural Lands 12 July 1991 (Current)	Zone No 1(a)(Rural "A" Zone – General)	2 hectares

In September 2003, Council adopted its Rural Lands Strategy. It was a precursor to the new Local Environmental Plan for Council's rural areas. The Strategy proposed that the Llandilo area maintain its 2 hectare minimum lot size for dwelling-houses. It is intended to incorporate this standard into the Draft Local Environmental Plan for the rural areas.

Over the last 50 years, Council has consistently implemented the planning regimes requiring a minimum lot size of 2 hectares for the construction of a dwelling.

There have been some exceptions, being a small number of isolated undersize lots. In these instances, Council has consented to the construction of a dwelling on the isolated undersized lot where it has been clearly demonstrated there is no availability lot for consolidation.

Of the 353 lots within the Llandilo area there are 18 lots that do not have consolidation opportunities with areas less than 1Ha. Of these, ten have dwellings constructed upon them and two have been developed as dual occupancies.

Assessment of Development Application

Planning Assessment

The development proposal is required to be assessed in accordance with the matters for consideration, under Section 79C of the Environmental Planning and Assessment Act 1979. Having regard to those matters, the following issues have been identified for consideration.

1. Section 79C(1)(a)(i) – Any Environmental Planning Instrument

Local Environmental Plan 201 – Rural Lands

Permissibility

The subject site is zoned No 1(a) (Rural “A” Zone – General) under LEP 201. The proposed development is defined as a dwelling house, which is permissible with the consent of Council subject to compliance with Clause 12 of the LEP.

Objectives

The aims and objectives of the LEP and Zone No 1(a)(Rural “A” Zone – General) which are relevant to the proposal are as follows:

- (2) *The specific aims of this plan are to protect enhance or conserve:*
 - (a) *the rural character and setting of the City of Penrith; and*
 - (b) *the scenic quality and valuable landscape features of the rural areas; and*
 - (c) *the productive agricultural and horticultural areas; and*

- (3) *The objectives, policies and strategies of this plan are;*
 - (c) *to promote rural/residential development where it is consistent with the conservation of the rural, agricultural, heritage and natural landscape qualities; and*
 - (d) *to minimise cost to the community of fragmented and haphazard development of rural land by ensuring that development does not create unreasonable demands for the provision or extension of public amenities and services now or in the future; and*

Objectives of Zone No 1(a)(Rural “A” Zone – General)

- (a) *to protect and enhance the scenic quality and rural character of the locality*
- (b) *to ensure that development is compatible with the environmental capabilities of the land and to encourage conservation and enhancement of natural resources by means of appropriate land management techniques*
- (c) *to protect productive agricultural and horticultural land which supplies produce to the Sydney markets*
- (e) *to ensure that development does not create unreasonable demands now or in the future, for provision or extension of public amenities or services*
- (g) *to ensure that the form, siting and colours of buildings, building materials and landscaping complement the natural scenic quality of these localities*
- (h) *to ensure that views from main roads and the rural character of the locality will not be adversely affected.*

These objectives relate principally to the preservation of rural character, the scenic qualities of the rural area and the preservation of the agricultural capabilities of land. The rural

character and landscape qualities of the locality have been described previously and are summarised as consisting of low scale built development within an open landscape of varied agricultural uses.

This development would result in a further loss of existing agricultural land and in its place introduce additional built form. The visual impacts of additional development would undermine the primary zone objectives of the site.

The proposal seeks consent for a dwelling on an undersized lot, the consequence of this application being the creation of another undersized lot on the adjoining property. This lot will be landlocked and will result in a similar proposal thereby increasing the density of buildings in the locality and a reduction in the open nature of the landscape. This is likely to compromise the objectives by introducing a more compact form of development to the area, adversely impacting upon rural character and reducing the capability of the land to be used for agriculture purposes

The property is subject to the provisions of clause 12(2)(c) and (3), and the associated Schedule 1, of Council's Local Environmental Plan 201 – Rural Lands, which states that:

- “ 12(1) *This clause applies to land within zone 1(a), 1(b), 1(c), 5(d), or 7.*
(2) *A dwelling house may, with the consent of council, be erected on vacant land to which his clause applies only where that land:*
- (c) in the case of land included in schedule 1 – is an allotment of not less than 2 hectares in area; or*
- (3) *The council shall not grant consent to the erection of a dwelling house on land included in Schedule 1 unless it imposes, as a condition of consent, a requirement that the land upon which the dwelling-house is to be erected is a single allotment or shall be consolidated into a single allotment.”*

Lot 244 has an area of 1.012 hectares, and does not meet the requirements of the development standard to permit the erection of a dwelling on the site. The applicant has submitted an objection to this development standard in accordance with State Planning Policy No.1 – Development Standards.

State Environmental Planning Policy No 1 – Development Standards

Aims and Objectives

“This Policy provides flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objectives stated in Sections 5(a)(i) and (ii) of the Environmental Planning and Assessment Act.”

These objectives of Sections 5(a)(i) and (ii) the Environmental Planning and Assessment Act 1979 are to encourage:

- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water,*

- cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *the promotion and co-ordination of the orderly and economic use and development of land.*

The applicants' submission proposes that the development standard is unreasonable and unnecessary in the circumstances as:

“

- *The subject property is large enough to accommodate the proposed development while not detracting from the rural character of the area*
- *The proposed development will not will not cause any adverse environmental impacts*
- *The proposal is compliant with all other provisions of the relevant LEP and DCP*
- *There are precedents in the immediate locality*
- *The density of development resulting from the proposal would be equitable to a dual occupancy on a 2Ha lot.*
- *Many 1Ha lots are now in individual ownership*
- *Council has previously approved dwellings on 1Ha lots*
- *Agricultural activities are unlikely to be viable given the small lot sizes. Residential dwellings are the best use of the land*
- *The existing lot is 1 Ha, is in separate ownership and will be suitable for no other rural use than a dwelling site.”*

The position of the applicant is not supported as:

- The development standard is not considered unreasonable given that the adjoining property is in the same ownership and available for consolidation.
- The development standard prescribing a 2Ha lot size is considered necessary to meet the objectives for development specified by the LEP and the zone to preserve the rural character of the locality.
- Reduction in the minimum lot size will confirm the loss of the land as a potential agricultural resource.
- The development will further isolate Lot 244A which is owned by the applicant.

The submission also proposes that refusal of the application would hinder the attainment of the objectives of Sections 5(a)(i) and (ii) of the EP&A Act as:

- *The proposed development provides a social and community benefit by providing a residence within the environmental capacity of the land, in an orderly manner (consistent with surrounding development). The dwelling will not cause a demand for additional services, but will economically support existing services provided to lots on each side.*
- *The proposed residential development will support local shops and businesses and potentially schools and community facilities in an area that has a small base population.*
- *The development standard is inconsistent with the nature of surrounding development in the same zone. There are around 35 lots of similar size to those proposed with dwellings.*
- *The proposed **subdivision** is consistent with every objective of the LEP*

- *Non-compliance with the standard raises no matter of significance for State or regional environmental planning.*
- *There is no public benefit of maintaining the planning controls adopted by the environmental planning instrument. Compliance for compliance sake alone will hinder the attainment of the objects of the Act.*

Again the position of the applicant is not supported, as:

- Adherence to the 2Ha minimum lot size will ensure suitable management of the land and reflect the dominant position taken by Council over the last five decades in relation to residential development of land within Llandilo;
- Variation to lot size would reduce agricultural viability of the land ;
- The numerical density defined by the development standard provides for the likelihood of dual occupancy development while limiting dwelling yield to a maximum of 1 dwelling/hectare. Retention of rural character and agricultural capability of land is provided for in these circumstances through specific siting and design controls;
- Approval of the application may result in unreasonable expectations from other land owners that similar departures from the development standard would be favourably considered even though consolidation options are still available;
- The submission has stated an intention to deal with this allotment and the residue parcel as separate entities making it reasonable to assume a similar application may be expected for the residue parcel. This is not considered to accord with the principal zoning objectives.

Department of Planning Circular No B1 specifies that other matters which should be considered by Council in its consideration of SEPP 1 objections include: the general appropriateness of the development standard, the likelihood of similar applications and their cumulative effect, and the extension of non-conforming development by more than 10%. These matters are also addressed in the following sections of this report.

Likely Impacts of the Development and the Public Interest

Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (SREP 20)

The provisions of SREP 20 apply to the property as it falls within the Hawkesbury-Nepean River Catchment. SREP 20 aims to protect the environment of the Hawkesbury-Nepean River, by ensuring that the impacts of future land uses are considered in a regional context. Of most relevance to the proposal is the potential impact on rural residential development and water quality.

The objective of Part 2 (9) of Sydney Regional Environmental Plan No 20 states that “*rural residential development should not reduce agricultural sustainability, contribute to urban sprawl or have adverse environmental impacts*”

Approval of the proposed development would result in a reduced lot size. This would further compromise the site’s ability to be used for agricultural purposes. If future applications on other sites, adopted the same rationale as put by the applicant, the character of the area would undergo a change and become more residential in character.

**2. Section 79C(1)(a)(ii)- Any Draft Environmental Planning Instrument
State Environmental Planning Policy (Application of Development Standards) 2004**

This draft policy was prepared in 2004 and is required to be considered by Council in assessment of the development application as it relates to land that, under an environmental planning instrument, is identified as rural. Clause 8(2) specifies that a development application cannot be made which incorporates an application to vary a development standard on land zoned as rural, in respect of:

- “(a) development of a kind that is permissible under environmental planning instrument (including development comprising subdivision) that is proposed to be carried out on a lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- (b) to achieve better outcomes for and from development in the circumstances addressed in this policy, and*
- (c) to promote good strategic planning practice by incorporating provisions allowing flexibility in local environmental plans.”*

The application proposes a dwelling house on a lot that is 50% of the minimum area specified in the development standard.

The Department of Planning’s guidelines relating to the Draft SEPP, outline the intent of this draft legislation is to protect rural areas from further fragmentation and loss of rural character.

It states:

“undersized rural residential subdivision has contributed to the fragmentation of agricultural and environmentally sensitive lands, the intensification of land use conflicts, ongoing additional infrastructure and maintenance costs for local councils and the escalation of rural land values.”

3. Section 79C(1)(a)(iii) – Any Development Control Plan

Penrith Development Control Plan 2006 - Part 4.9 Rural Development.

DCP Objectives

- (a) to provide a framework which will encourage development to observe sound environmental planning principles;*
- (b) to promote rural/residential development where it is consistent with the conservation of the rural, agricultural, heritage and natural landscape qualities of the area;*
- (c) to minimise the cost to the community of fragmented and haphazard development of rural land by ensuring that development does not create unreasonable demands for the provision or extension of public amenities and services now or in the future;*
- (d) to ensure that traffic generating developments are suitably located so that the safety and efficiency of roads is not adversely affected by development on adjacent land; and*
- (e) to control development in areas subject to flood hazard*
- (f) to maintain and improve water quality of the watercourses within and part of the catchment of the city.”*

These objectives are discussed in later sections of this report.

Design and Numerical Requirements

The proposed development is generally in accordance with the design and numerical requirements of the DCP as they relate to setbacks, provision of services, access, tree removal, parking, drainage and landscaping.

In terms of building design, the dwelling incorporates some articulation of walls and has verandahs to the front and rear. The design of the dwelling is not reflective of traditional or contemporary rural styles.

4. Section 79C(1)(b) – The Likely Impacts of the Development

The likely impacts of the development are to be considered in terms of context and setting, relationship and compatibility of land uses, traffic, utilities and services, other land resources, flora and fauna, social impact in the locality, economic impact, and cumulative impacts.

A summary of these impacts as they relate to this application include:

- 1) Smaller lot sizes increasing the density of development in the area would result in more compact development that will change the established character of the locality. This area is identified as rural and is not one that is in transition
- 2) Loss of agricultural land and its viability due to the site area being taken up by the dwelling and associated infrastructure
- 3) Potential conflict between incompatible land uses
- 4) The Rural Lands Strategy proposes to maintain the 2Ha minimum lot size with the designation of Rural Living (Mixed Uses) 2 Ha, retaining the existing subdivision pattern and potential of the land as an agricultural resource;
- 5) The intent of the 2Ha development standard is to establish the permitted density of development in the locality with the purpose of protecting the agricultural viability of the land. It also provides an alternative housing choice within the Penrith area. The applicant is seeking a 50% variation to this standard which affects not only the subject property, but has the same implications for the adjoining property
- 6) Variation of the 2Ha lot size development standard would result in the planning objectives for the area being compromised. More compact development, in the form proposed, will compromise these objectives for the locality and result in additional pressure on their viability through subsequent requests

5. Section 79C(1)(c) The suitability of the site for development

Considerations for the suitability of the site for the development include transport availability, utilities and services, the agricultural capabilities of the land and the likelihood that the development will prejudice future agricultural production. These issues are discussed below and in the preceding section of this report.

- 1) The type of development proposed, if approved will give rise to the potential a number of similar applications being made. The cumulative effects of further approvals would result in an increase in demand for services and facilities to be provided by Council and other authorities

- 2) Reticulated sewerage is not available in the area. Reduced lot sizes would increase the likelihood of the disposal of effluent on to adjoining properties and the South Creek catchment
- 3) The benefits of retaining minimum dwelling-house lot size requirements is that the land will be either maintained at that area or consolidated to achieve it and the resource remains preserved.

6. Section 79C(1)(d) Any submissions made in relation to the development.

Community Consultation

In accordance with Council's Notification and Advertising Development Control Plan, the proposed development was notified to the adjoining property owners. No submissions were received as a result.

7. The Public Interest

Decisions that are made by Council need to be in the public interest and accord with existing policies relevant to the development at hand. These policies could represent all tiers of government. Such policies are important as they can provide an insight into Council's present and future directions and provide a level of certainty as to how an area may be developed into the future. In relation to Llandilo, the following comments are made.

Relevant policy statements from Federal or State Government

State Government Strategies and Policies which confirm the value of maintaining the potential of the resource of viable agricultural land and avoiding its conversion to residential uses include the State Government's Sydney Metropolitan Strategy 1999, the Shaping Western Sydney Strategy, the Strategic Plan for Sustainable Agriculture in the Sydney Basin 1998 and Sydney Regional Environmental Plan No 20.

Public Meetings and Inquiries

The preparation of the Rural Lands Strategy incorporated comprehensive consultation with the community through workshops held to identify the issues and actions for the city's rural lands. These workshops, as they related to the Llandilo area, identified the following issues that relate to this proposal:

- Subdivision planning should be consistent co-ordinated and uniform to provide a level of certainty for the future
- A widespread desire to maintain rural character
- Concern regarding problems with water, roads and the on-site treatment of sewerage
- A fair and equitable zoning is needed for the area
- A need for better services
- Environmental quality, water quality, land degradation and the impact of effluent disposal (particularly odours) on adjoining land
- Support for a position of no further subdivision and maintaining the minimum lot size of 2 hectares.

Other Issues of Public Interest

- Council's adopted Rural Lands Strategy proposes to maintain the 2Ha minimum lot size with the designation of Rural Living (Mixed Uses) 2 Ha, retaining the existing subdivision pattern and potential of the land as an agricultural resource.
- The Rural Lands Strategy seeks to provide the residents of the rural areas with some certainty about the future of their area. Ad hoc variations to development standards and cumulative impacts of a more compact form of residential development will lead to a compromise of local identity and the sense of community that is present.
- Approval of the proposed development would prejudice the interests of the majority of residents who have developed on 2 Ha lots.

Conclusion

The development application proposing the construction of a dwelling on Lot 244 Seventh Avenue, Llandilo is subject to a development standard which requires a minimum lot size of 2 hectares for a dwelling to be approved. The applicant relies upon an objection under State Environmental Planning Policy No 1 to request a variation of 50% to the minimum lot size development standard.

The proposed development has been assessed in terms of the objectives for development within Council's Rural Lands LEP and the relevant zone, and is considered to be inconsistent with their intent. These objectives relate principally to the preservation of rural character, the scenic qualities of the rural area and the agricultural capabilities of the land. For reasons outlined in the report, it is believed that the objectives are not met by the proposal.

The development is considered to result in fragmentation of agricultural land and result in a more compact form of development. The increased built form would have impacts on the open nature and rural vistas which characterise the area.

The SEPP 1 Objection has not demonstrated that the development standard is unreasonable or unnecessary or would hinder the attainment of the objectives stated in Sections 5(a)(i) and (ii) of the Environmental Planning and Assessment Act. The promotion and orderly use of land will not be benefited by ad-hoc variations to lot sizes which would reduce agricultural viability and impact significantly by undermining the predominant rural character of the locality.

The development standard has been consistently applied by Council for some considerable time. Departures to the standard have been agreed to by exception and due to specific site constraints. No such constraints exist over the subject lot. The applicant has been advised that the application could readily be amended to comply but remains insistent that the proposal be assessed in its current form.

Future planning directions proposed for the locality will maintain the minimum 2Ha lot size requirement. Under these circumstances, the granting of consent deviating from the standard, where it is possible to comply, is not in the public interest.

Approval of the application may result in unreasonable expectations from other land owners that similar departures from the development standard would be favourably considered even though consolidation options are still available. As well as the other identified issues of

concern, it must be considered that approval of this application may be used as an indicator of the likely outcome of future applications.

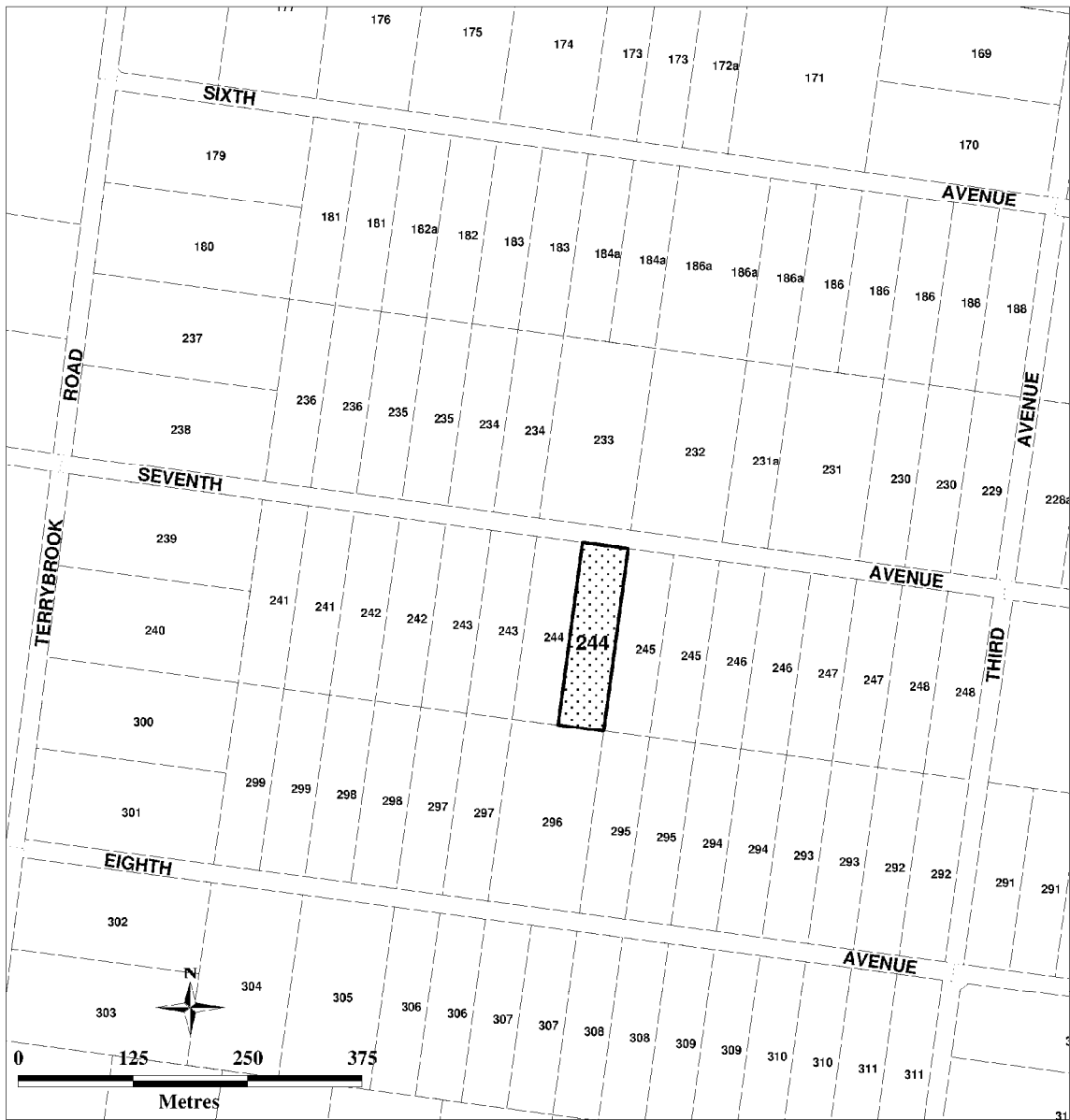
RECOMMENDATION

That:

1. The information contained in the report on Development Application DA06/1848 for the construction of a dwelling at Lot 244 DP2147 (No. 244) Seventh Avenue, Llandilo be received.
2. The SEPP 1 Objection not be supported.
3. Development Application No 06/1848, for the construction of a dwelling at Lot 244, DP 2147, No. 244 Seventh Avenue, Llandilo, be refused for the following reasons:
 - 3.1 The application is not satisfactory for the purpose of Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that it does not meet the objectives of Sydney Regional Environmental Plan No 20- Hawkesbury Nepean River, Council's Local Environmental Plan 201 – Rural Lands, and Part 4.9 of Council's Development Control Plan 2006 – Rural Development
 - 3.2 The application is not satisfactory for the purpose of Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that it does not meet the development standard specified in clause 12 of Council's Local Environmental Plan No 201 – Rural Lands as the land does not have a minimum area of 2 hectares
 - 3.3 The Objection lodged under State Environmental Planning Policy No1 is not supported as it does not demonstrate that the standard would, in the particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objectives stated in Sections 5(a)(i) and (ii) of the Environmental Planning and Assessment Act, relating to the proper management of resources to promote the welfare of the community and environment, and, to promote the orderly and economic use of the development of the land
 - 3.4 The application is not satisfactory for the purpose of Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as the development is likely to have an adverse impact on the locality in terms of the landscape, local amenity, viability of the land for agriculture, demand for services, land use conflicts and cumulative effects of similar developments
 - 3.5 The application is not satisfactory for the purpose of Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979 in that the proposal is not in the public interest as: it is not in keeping with regional and local planning policies (SREP 20, LEP 201), Council's Rural Lands Study and Strategy and proposed planning policies, and the intent and prescriptive requirements of Draft SEPP (Application of Development Standards) 2004.

ATTACHMENTS/APPENDICES

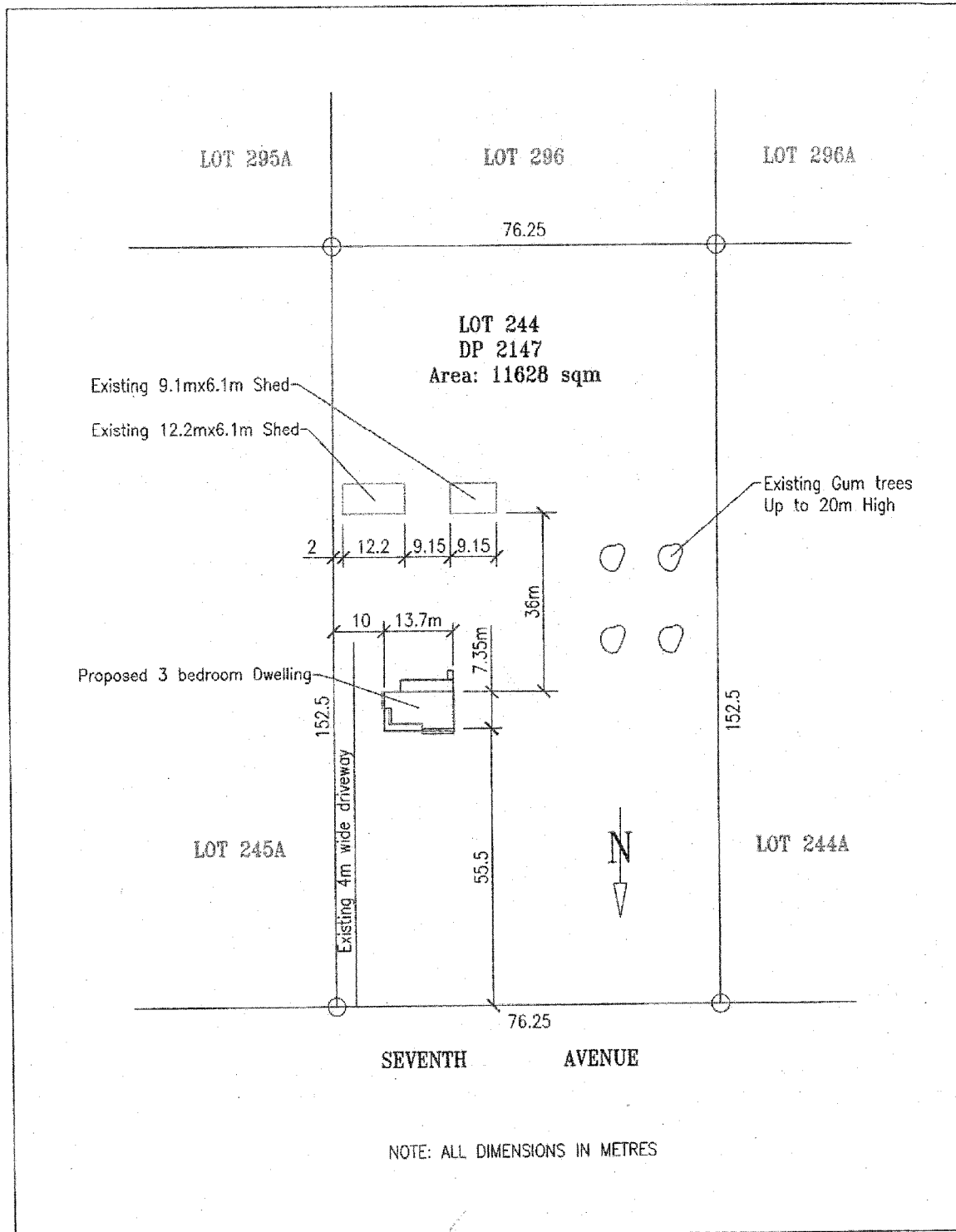
1. Locality Plan Lot 244 Seventh Avenue, Llandilo 1 Page Appendix
2. Lot 244 Seventh Avenue - Site Plan 1 Page Appendix
3. Lot 244 Seventh Avenue - Building Plan 1 Page Appendix



Norman R. Daley
15.3.2007

Construction of Dwelling

Lot 244 DP 2147
Seventh Avenue
Llandilo



TITLE: SITE PLAN FOR MR PHILLIP ADAMS		
LOT 244 SEVENTH AVENUE LLANDILO NSW 2747		
HI-TECH PARK HOMES Lot No. 7 The Northern Road Bringelly Ph.: 4774 8861	Drawn By: M.C.B.	Dwg. No.: Adams-Site
	Date: 22.5.03	Scale: 1:1000

THE CITY IN ITS ENVIRONMENT

There were no reports under this Master Program when the Business Paper was compiled

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THE CITY AS AN ECONOMY

There were no reports under this Master Program when the Business Paper was compiled

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THE CITY SUPPORTED BY INFRASTRUCTURE

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LEADERSHIP AND ORGANISATION

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Leadership and Organisation

8 Presentation to Richard Baczelis

Compiled by: Amanda James, Human Resource Officer

Authorised by: Danielle Welsh, Personnel Services Manager

Strategic Program Term Achievement: *Council values its staff and its workforce culture is adaptable, harmonious, flexible and conducive to high levels of innovation, empowerment, motivation and productivity.*

Critical Action: *Opportunities are created for all staff to realise their potential and systems encourage innovation, empowerment, motivation and productivity.*

Purpose:

To advise Council of the retirement of Richard Baczelis after 43 years service.

The report recommends that Council recognise the long service and dedicated contribution made by Richard Baczelis in his career with Penrith City Council and extend its best wishes to Richard Baczelis and his family for a long and happy retirement.

Background

Council has a policy of recognising those staff that retire after 25 or more years of service. Council records show that Mr Baczelis has served Council for 43 years. It is our pleasure tonight to recognise the significant contribution made by Richard Baczelis.

Service with Council

Richard commenced duties with Council on 31 March 1964 at the age of 17, in the position of Junior Rates Clerk. Richard was appointed to this role, in the Rates Department, at the classification of 3rd Year Clerk and was earning approximately \$40 per week.

In March 1968, Richard was promoted to Assistant Rates Clerk. In this role, Richard gained experience in the supervision of rates staff and ensuring the functionality of the Rates Department. One of Richard's primary duties was implementing changes in Council's data processing system with the advancement and development of computers.

In 1973, Richard was given the responsibility of Data Processing Supervisor in addition to his Assistant Rates Clerk position, and in 1974 he engaged in audit functions as a result of the vacant Internal Auditor position. These changes marked the beginning of his removal from the Rates Department to focus on data processing activities.

At the Ordinary Meeting held on 6 August 1974, Richard was formally recognised for his completion of studies where he gained a Certificate of Qualification as Clerk under the Local Government Act, 1919.

By 1977, Richard was responsible for all data processing functions, and on 13 April 1977, Richard's position was reclassified to Data Processing Manager. It was in this year that Council saw the introduction of the first computer mainframes.

Whilst the position has had many name changes, finally being retitled Information Technology Manager, Richard has remained in this integral role ever since, where he has led the department through many technological changes including the introduction of personal computers in 1984.

Under Richard's guidance, the Information Technology Department received a Local Government Award for the online development application software, and also a Federal Silver Award in Technology.

A strong supporter of Council's commitment to Equal Employment Opportunity, Richard has been involved in the employment of a diverse workforce within his department including people of Aboriginal and Torres Strait Islander background, varied cultural backgrounds, and people with disabilities. Richard has also played an important role in Council's Traineeship Program, employing an Information Technology Trainee every year since the program's inception in 2000.

Over the years, Richard has also seen the end of Council's Bundy System with the introduction of flex time, has overseen the introduction of new printer technology and, more recently, Richard has been involved in the implementation of Council's biggest change in IT – an entirely new network which will allow for a more mobile workforce.

Service to the Community

Committed to educating the community in the Information Technology field, in 2000 Richard initiated a computer recycling program, which allows students to gain valuable work experience, childcare centres to educate young children about computers, and extends the lifetime of PCs.

Richard is a strong advocate of industry work experience students and has participated in Council's work experience program taking in an average of 30 Information Technology students every year. In addition to this, Richard has worked in conjunction with UWS Information Technology Students on various research projects and has been the Chairman of the IT Panel Education Task Group for the past seven years.

Richard has been a valued member of Penrith City Council's workforce over the last 43 years and we wish him, his wife Lyn, and his two children Mikayla and Brett, all the best.

RECOMMENDATION

That:

1. The information contained in the report on Presentation to Richard Baczelis be received.
2. Council to recognise the long service and dedicated contribution made by Richard Baczelis in his 43 year long career with Penrith City Council, and extend its best wishes to Richard Baczelis and his family for a long and happy retirement.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

Leadership and Organisation

9 2007 Australian Local Government Association (ALGA) National General Assembly of Local Government

Compiled by: Glenn McCarthy, Executive Officer

Authorised by: Glenn McCarthy, Executive Officer

Strategic Program Term Achievement: *Council has reviewed its own role and operations and has adopted contemporary practices to best discharge its charter.*

Critical Action: *Review current structures and procedures supporting Council and Councillors responsibilities.*

Purpose:

To advise Council that the Australian Local Government Association (ALGA) will be conducting the annual National General Assembly of Local Government from 26-29 November 2007 in Darwin. The report recommends that Council consider attendance at the National General Assembly of Local Government and select its voting delegate and observers.

Background

For only the second time in the event's 14 year history, the National General Assembly will be held outside of Canberra - in Darwin, the Northern Territory from 26 to 29 November 2007. In 2002, the event was held in Alice Springs, Northern Territory, in recognition of the Year of the Outback.

Current Situation

Under the theme "A Climate for Change", this year's Assembly will further build on ALGA's 3F campaign - Fair Federal Funding; Fair Treatment and Formal Recognition. This enables discussion of a broad range of issues impacting on local government:

- Physical climate – climate change and its implications for local government
- Financial climate – changing (increasing) financial sustainability challenges for local government
- Political climate – new opportunities that may arise for Constitutional recognition of local government.

Speakers include prominent Futurist, Mr Richard Neville, and Constitutional law expert, Professor Cheryl Saunders.

Each Council is entitled to one voting delegate at each plenary session. All Motions will be strictly assessed against the criteria of national significance. All motions adopted by the General Assembly will be put forward to the ALGA Annual General Meeting for further consideration.

In the past, in addition to selecting its voting delegate, Council has elected to send additional Councillors as observers.

In 2006, Council's voting delegate was Councillor Susan Page, and the additional observer was Councillor Jim Aitken OAM.

Submitting Motions

Submission of motions is not required at this stage. A further report detailing suggested motions will be submitted to Council at a later date.

RECOMMENDATION

That:

1. The information contained in the report on 2007 Australian Local Government Association (ALGA) National General Assembly of Local Government be received.
2. Council nominate its voting delegate for the 2007 National General Assembly of Local Government.
3. Council nominate those Councillors that will attend as observers at the 2007 National General Assembly of Local Government.
4. Leave of Absence be granted to all Councillors attending the 2007 National General Assembly of Local Government to be held in Darwin from 26-29 November 2007.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

Leadership and Organisation

10 Westpool Study Tour - Public Risk and Insurance Managers Association (PRIMA) Conference 2007

Compiled by: Ken Muir, Risk Management Co-ordinator

Authorised by: Barry Husking, Chief Financial Officer

Strategic Program Term Achievement: *A contemporary system of risk management and internal control is operating.*

Critical Action: *Develop and implement an enterprise risk management policy and plan including integrated risk management, compliance and internal control systems that identify, assess, monitor and manage risks throughout the organisation.*

Purpose:

To advise Council of an opportunity for Councillor Fowler and the General Manager to expand on their Risk Management knowledge and skills and at the same time promote Penrith City at a major International Risk Management Conference by participating in the Westpool Overseas Study Tour. The report recommends that the information be received.

Background

Westpool comprises the following Local Government bodies:

- Blacktown City Council
- Blue Mountains City Council
- Fairfield City Council
- Hawkesbury City Council
- Liverpool City Council
- Parramatta City Council
- Penrith City Council.

Westpool was established to jointly manage its members' risks. Westpool's objectives are:

- to promote best practice risk management;
- reduce the impact of risk exposures;
- assist member councils through sharing risk management knowledge, expertise and innovation in a cooperative environment; and
- maximise resources available to support the core services provided by member councils to their constituents.

Penrith City Council is a founding member of Westpool.

As part of its promotion of best practice and knowledge sharing, Westpool nominates members of its Board and Management Committee to attend international risk management conferences and participate in an annual overseas study tour. In 2005, the study group

attended the Public Risk and Insurance Managers Association (PRIMA) conference in Milwaukee, and visited several insurance pool organisations, as well as the FM Global research facility in Providence USA. In 2006, the study group attended the Association of Local Authority Risk Managers (ALARM) Annual Conference and visited several local government authorities and underwriters.

Current Situation

The 28th Annual PRIMA Conference is to be held in Boston from 10 June to 13 June 2007. This year's conference theme, "risk management heard around the world", focuses on the expanding role risk management plays in public entities and communities. The Westpool and MetroPool study tour group will attend the conference and visit local insurance pools, Boston City Council and underwriters.

The Executive Officer of Westpool, Mr Andrew Armitstead, will lead the tour and members of the delegation will present a workshop paper to the conference.

The Westpool Board has nominated Councillor Ross Fowler and Council's General Manager, Alan Travers, to be included in the Westpool and MetroPool study tour. A presentation on Risk Management and featuring Penrith's experience with enterprise Risk Management will be made at the conference. And whilst in Boston the opportunity will be taken to visit the Emerald Necklace Park System. This system is reputed to be an example of world best practice in establishing a parkland network that links the City's cultural, community and recreation facilities. It is particularly relevant to Council's deliberation on Penrith Lakes and Dr. Patrice Derrington, CEO of Penrith Lakes Development Corporation has suggested it as a reference site of best practice City Development.

The itinerary will extend over a period of approximately two weeks. All costs associated with the study tour will be borne by Westpool.

Conclusion

The participation in the study tour will give Westpool and Council the opportunity to compare its risk management activities with those of local government authorities in the US, and to promote the benefits of our risk management activities.

RECOMMENDATION

That the information contained in the report on Westpool Study Tour - Public Risk and Insurance Managers Association (PRIMA) Conference 2007 be received.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

Leadership and Organisation

11 Grants Received

Compiled by: Ray Richardson, Grants Support Officer

Authorised by: Vicki O'Kelly, Financial Services Manager

Strategic Program Term Achievement: Council provides adequate resources to deliver its program and has introduced measures to increase its capacity.

Critical Action: Maximise funding opportunities to deliver Council's program.

Strategic Program Term Achievement: Penrith Lakes is developing and being used in a way that establishes it as a principal Sydney destination.

Critical Action: Progressively implement agreed components of the Great River Walk.

Purpose:

To update Council on announcements on grants approved for Penrith City Council by the NSW Minister for the Environment, the Hon Bob Debus, on Tuesday 20 February 2007, relating to Urban Sustainability Program grants, and by the Minister for Planning, the Hon Frank Sartor, on Wednesday 21 February 2007, relating to Metropolitan Greenspace Program grants. The report recommends that the information contained in this report be received.

Background

The NSW City and Country Environment Restoration Program is administered by the NSW Environmental Trust. The **Urban Sustainability Program** is grant funding under the Trust.

It has a fund of \$439 million over 5 years from the Domestic Waste Levy. The aim is to:

Facilitate projects of significant environmental benefit to NSW, delivered by local government organisations in partnership with other government agencies, local businesses, community organisations and householders. Through these projects, the Program also aims to improve the capacity of communities and organisations to protect, restore and enhance the sustainability of our urban environment.

Funding for major projects is available for periods of 1 to 3 years. Up to \$57 million is available in the first year (commencing in 2007).

Grants range up to \$250,000 per project for a single council, or up to \$2 million per project for an alliance of councils (shared between those councils).

Council was advised at its 17 July 2006 meeting, that two applications were being submitted to this program from Penrith, with \$2 million being requested for a joint project with Blacktown City Council for rehabilitation in the Ropes and South Creek corridors, and \$1.6 million for a joint project with Camden and Auburn Councils, to research methodology to establish sustainable playing fields in Western Sydney. Funding has been approved for both

these projects. A total of 89 applications for major funding were received, and 28 projects worth \$29 million were approved by the Environmental Trust.

Under the **Metropolitan Greenspace Program**, funds are allocated to build Sydney's recreation trails.

Penrith City Council has received \$332,892 to date, under this program, towards the design and construction of Stages 1 and 2 of the Great River Walk.

An application for \$100,000 was submitted to develop a precinct plan along the South Creek corridor.

Three grants have been approved under this program - two for the Great River Walk and one for a South Creek Corridor Precinct Plan.

Current Situation

1. Ropes and South Creek Corridors

The Minister announced that the project titled "Implement Ropes and South Creek Regional Open Space Strategic Management Plan" will receive a total of \$2 million for a three year project in alliance with Blacktown City Council, supported by Hawkesbury Nepean Catchment Management Authority, Department of Planning, Greening Australia, Lend Lease and Hawkesbury River County Council.

The project is designed to implement many of the strategies and actions recommended in the Ropes and South Creek Regional Open Space Strategic Management Plan 2005.

This Plan has been directed and guided by a Project Advisory Group comprising representatives from the NSW Department of Infrastructure, Planning and Natural Resources, the NSW Department of Environment and Conservation (National Parks and Wildlife Service), Blacktown City Council and Penrith City Council, with input from Delfin Lend Lease.

Elements of the project will include stormwater treatment works, rehabilitation of riparian vegetation corridors, community education programs, bank stabilisation and booms to trap litter and aquatic weeds.

Rehabilitation of key sites highly impacted by urban and rural runoff will include:

- South Creek, between the Gipps Street site and the main Western Railway line;
- Ropes Creek, between the M4 and Forrester Road, including Whalan and Tregear Reserves in Blacktown LGA.

Greening Australia will be the project manager for the revegetation work.

The project objectives include to:

- Improve water quality through best practice management of urban runoff, and rehabilitate riparian corridors, targeting high impact locations and threatened vegetation communities;

- Provide integrated passive and active recreational opportunities and pathways, and promote strategic and integrated planning and management of parklands that recognise their local and regional significance;
- Develop long term partnerships and collaborations across the region;
- Through education programs, develop awareness in the community of the councils' Sustainability, Water, Biodiversity and Waste Management policies, and encourage community involvement in achieving long term outcomes; and
- Contribute to implementing the Hawkesbury Nepean Catchment Management Blueprint and River Health Strategy.

The Sydney Metropolitan Strategy states “... *green corridors totalling about 3,000 ha in area have also been secured along the urban areas east and west of St Marys along Ropes and South Creeks, adding to the amenity and biodiversity of western Sydney.*” This project contributes to the consolidation of this part of that Strategy, providing a major impetus to the rehabilitation of these two important creek corridors. It will provide the base work for a future series of trails to provide access to these important natural assets.

2. Sustainable Playing Fields

The Minister announced that the project titled “Sustainable Playing Fields for Western Sydney” will receive a total of \$1,090,100 million to implement a three year project, in alliance with Camden and Auburn Councils, supported by a research partnership with the University of Western Sydney. Sydney Water and Lachlan Shire Council also support the project but are not directly involved. This amount is \$500,000 less than requested, as the cost of constructing a pipeline within the proposal has been withheld from the grant.

The unfunded element of the project is the installation of infrastructure in the form of a recycled water pipeline extension in Camden LGA, which was deemed to be inappropriate for a trial project. This has required some reassessment of the project for Camden Council, which however remains committed to the value of the outcomes to be achieved by the alliance.

The project design includes research and management of optimum watering regimes for playing fields (initially targeting an identified set of fields at the three councils), in conjunction with research by UWS, integrated with other opportunities, such as Sydney Water recycling schemes. The aim is to establish benchmarks and management practices for sustainable irrigation and use of stormwater, rainwater and recycled water on fields, such that no water leaves the site.

To complement the water management component is a trial of recycled organic waste used as a fertiliser on the target playing fields, with a view to expanding this program as Council's new organic waste contract becomes active. This is seen as a key element of Council's Domestic Waste Strategy and also links to the Greenhouse strategy.

The improvements to the sustainability of playing fields will be achieved by a combination of water efficient irrigation schemes, combined with the use of recycled organics to improve soil structure. The research undertaken by UWS will provide the scientific knowledge base necessary for a best practice management manual through which the program can be expanded to further sporting fields in Penrith, and that can be applied by other LGAs, including Lachlan Shire, where water is at an even greater premium than in Penrith.

Developing this cutting edge sustainability knowledge with our partners, and providing this to Local Government, is integral to the project.

It is expected that further grant applications will be pursued for works arising from the knowledge base developed by this major investigation.

3. Rehabilitation of Creeks along the Blue Mountains Escarpment

For this project, the City of Blue Mountains was the lead Council, with Penrith City Council in alliance. Penrith was to benefit to the amount of \$400,000 from the \$2 million requested for a two year project. This application was not successful.

4. Great River Walk

The NSW Department of Planning has approved funding for two of three grant applications submitted in August 2006.

A grant of \$165,000 has been approved for the Great River Walk Stage 1a Construction. Council will recall a report to the Ordinary Meeting of 7 August 2006 that provided the funds for this project from reserves pending the success of this grant application.

A second grant of \$34,000 has been approved towards the development of a Signage, Branding and Promotions Plan for the entire Great River Walk (Lake Bathurst to Broken Bay), which will enable delivery of current and future stages in Penrith, with the appropriate signage, as well as address the significant public interest that has arisen with the recent completion of Stage 1 works. The plan will be prepared by consultants and will include:

- Determination of the identity and branding of the Walk (logo);
- Consideration of promotional tools such as internet, brochures, events, tours, posters and displays, etc;
- A signage strategy that includes principles, theming, rules of use and hierarchy, and will address wayfinding and interpretation (natural, historic and Aboriginal);
- Design guidelines and standards, such as sign information, location, colours, materials and finishes, installation and maintenance;
- The production of a range of three prototype signs to be installed into current Great River Walk projects in Hawkesbury and Penrith City Council areas, eg wayfinding sign, instructional sign and interpretive sign. The signs will be manufactured and installed.

This application for funding includes partnership contributions by Hawkesbury City Council (\$14,500) and the Great River Walk Incorporated (\$5,000). The total project value is \$68,000. Penrith Council is required to contribute \$14,500. Work will commence on the project after 1 July 2007 with funds committed from Hawkesbury City Council, Great River Walk Incorporated and the grant. The component of the project funded by Penrith City Council will commence after 1 July 2008.

Once Council formally accepts these two grants, by way of forms signed by the General Manager, it commits itself to the project. The projects are required to be completed within 24 months – consultants for the Signage, Branding and Promotions Plan will be engaged prior to July 2007, with first payment claims to be received in the 2007-08 financial year. It is expected that this project will be completed within the 2007-08 financial year.

The third grant submitted was for Stage 3 which involved the design and costing only of the western bank between the M4 and Victoria Bridge. The total value of the project was \$126,500, with \$63,250 in grant funds sought. The design work would assist in further grant applications for the staged construction of this stretch of the River, with budgets based on actual cost estimates.

This Stage 3 application was received by the Department, however it was not assessed by the assessment panel, in error. This fact was realised some weeks after the Ministerial announcement of successful applications had been made. The Department of Planning has now instructed an immediate assessment of that application by the same panel, and should it have been deemed otherwise successful, it will be pre-approved for the next round of funding (2007-08). If not deemed successful, Council will re-apply in the 2007-08 round.

5. South Creek Corridor Precinct Plan

A grant of \$50,000 has been approved for development of a South Creek Corridor Precinct Plan. The purpose of this Plan is to develop a plan for pathways in the South Creek Corridor, which will eventually link to the network of pathways planned for the Western Sydney Parkland. The South Creek Corridor paths will complement and provide access to sections of the South Creek that will be rehabilitated under the Ropes and South Creek Corridors Urban Sustainability Project described above. The project will also incorporate a detailed masterplan for the future development of the former Gipps Street landfill site.

The amount approved is \$50,000 less than requested, as funding for initial works on path construction included in this proposal was not approved.

Conclusion

Community partnerships are an integral part of both Urban Sustainability projects.

These projects will contribute to the implementation of several strategies adopted by Council, including:

- Strategic Plan 2005-2009
- Sustainable Penrith Action Plan
- Penrith Biodiversity Strategy
- Water Way – Water Conservation and Water Quality Action Plan 2005
- Carbon Neutral – Greenhouse Gas Reduction Plan 2005
- Domestic Waste Strategy 2005

It is not expected that funds will be released to commence implementation of these projects until after 30 June 2007.

The success of these grant applications demonstrates the importance of developing strong regional partnerships. The Grants Officer, Council's Sustainability Unit, and a range of officers across key departments, played an important role in organising high quality and competitive submissions in a very short timeframe.

The grants approved for the Great River Walk and South Creek Corridor Precinct Plan will lead to substantial improvements in outdoor recreational opportunities for the community,

enhance access to important natural resource attractions in the City, and complement existing investment in rehabilitation in these two precincts.

RECOMMENDATION

That:

1. The information contained in the report on Grants Received be received.
2. Council endorse the acceptance of \$2 million for the Implement Ropes and South Creek Regional Open Space Strategic Management Plan and \$1.1 million for the Sustainable Playing Fields project funded through the Environmental Trust's Urban Sustainability Program.
3. Council send letters of thanks to the Minister for the Environment and the Local Member for their support and pledged funds for the Urban Sustainability Program grants.
4. Council endorse the acceptance of funding for the Great River Walk, Penrith Stage 1a and the Signage, Branding and Promotions Plan, offered under the Metropolitan Greenspace Program 2006/07.
5. Council send letters of thanks to the Minister for Planning and the Local Member, and letters of congratulations to the Great River Walk Incorporated and Hawkesbury City Council for their support and pledged funds.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

Leadership and Organisation

12 Council Property - Land Consolidation - Penrith Regional Gallery & Lewers Bequest. Owner: Penrith City Council. Applicant: Penrith City Council

Compiled by: Bob Anderson, Property Officer - Valuation

Authorised by: Brian Griffiths, Property Development Manager

Strategic Program Term Achievement: *Council provides adequate resources to deliver its program and has introduced measures to increase its capacity.*

Critical Action: *Implement a property development program that maximises the potential for sustainable additional revenue to support major projects and programs.*

Purpose:

To obtain Council's resolution to affix the Common Seal to the Plan of Consolidation of the parcels of land occupied by Penrith Regional Gallery & Lewers Bequest. The report recommends the consolidation of the land.

Background

In 1980, Lot 3 DP 504935 and Lot B1 DP 419667 River Road, Emu Plains, occupied by the Penrith Regional Gallery & Lewers Bequest, was transferred to Council. In 1998, the adjoining Lot 4 DP 504935 was purchased by Council to facilitate extensions to the Gallery.

Council has recently completed the extensions to the Gallery. A condition of the approval is the consolidation of the existing parcels into one lot. A location map is attached to the report.

Current Situation

A Plan of Consolidation has been prepared that consolidates Lots 3 & 4 DP 504935 and Lot B1 DP 419667 into a single lot.

As the plan is only for consolidation, the plan only needs to be signed by Council as owner, and a Subdivision Certificate is not required, but a Council resolution is required for the Common Seal to be affixed to the Plan of consolidation as owner of the land, to enable registration through Land and Property Information (Land Titles Office).

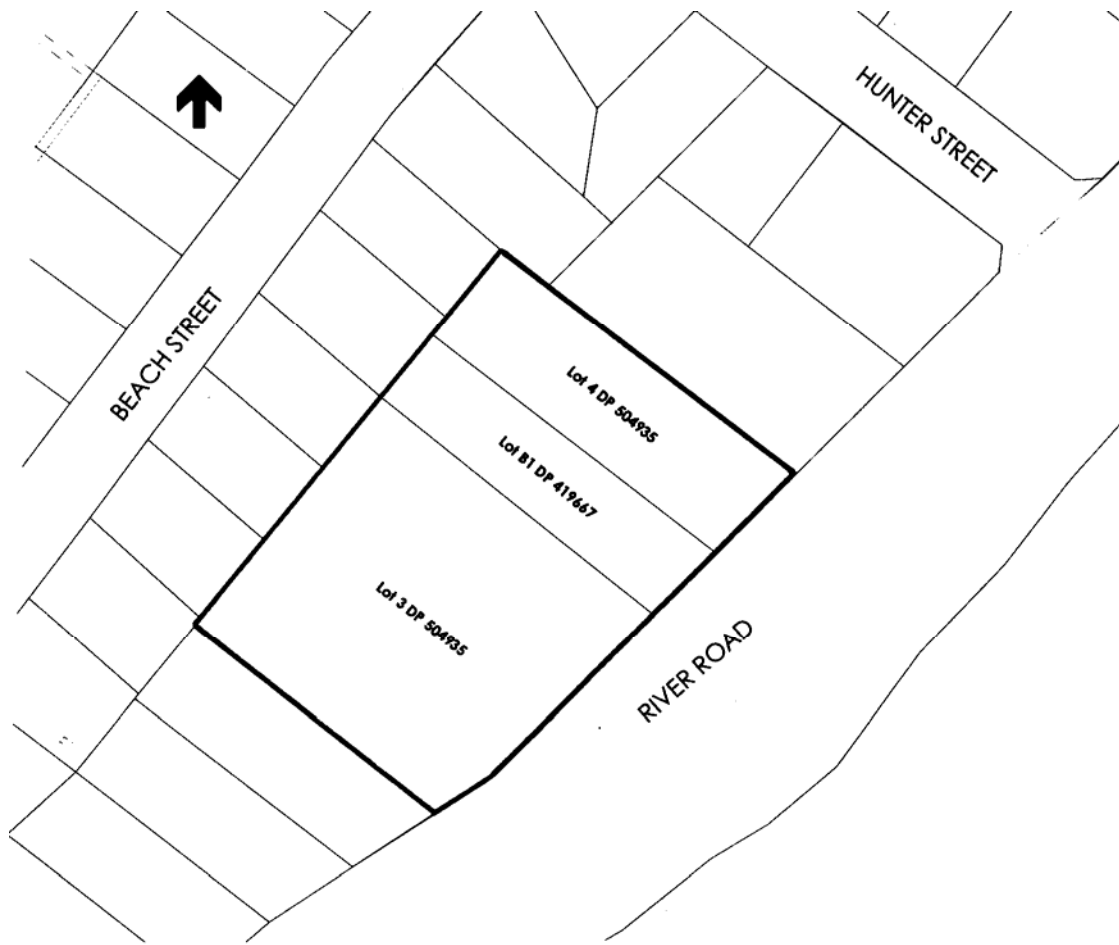
RECOMMENDATION

That:

1. The information contained in the report on Council Property - Land Consolidation - Penrith Regional Gallery & Lewers Bequest. Owner: Penrith City Council. Applicant: Penrith City Council be received.
2. The Common Seal of the Council of the City of Penrith be placed on the Linen Plan of Consolidation that consolidates Lots 3 & 4 DP 504935 and Lot B1 DP 419667.

ATTACHMENTS/APPENDICES

- | | | |
|--|-----------|----------|
| 1. Council Property - Land Consolidation - Penrith Regional Gallery & Lewers Bequest. Owner: Penrith City Council. Applicant: Penrith City Council. | 1
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Leadership and Organisation

13 Summary of Investments for the period of 27 February 2007 to 31 March 2007

Compiled by: Andrew Moore, Financial Accountant

Authorised by: Vicki O'Kelly, Financial Services Manager

Strategic Program Term Achievement: Council provides adequate resources to deliver its program and has introduced measures to increase its capacity.
Critical Action: Maximise funding opportunities to deliver Council's program.

Purpose:

To provide a Summary of Investments for the period 27 February 2007 to 31 March 2007. The report recommends the information in this reported be received.

Background

CERTIFICATE OF RESPONSIBLE ACCOUNTING OFFICER

I hereby certify the following:

1. All investments have been made in accordance with Section 625 of the Local Government Act 1999, relevant regulations and Council's Investment Policy.
2. Council's Cash Book and Bank Statements have been reconciled as at 31 March 2007.



Barry Husking
Responsible Accounting Officer

RECOMMENDATION

That:

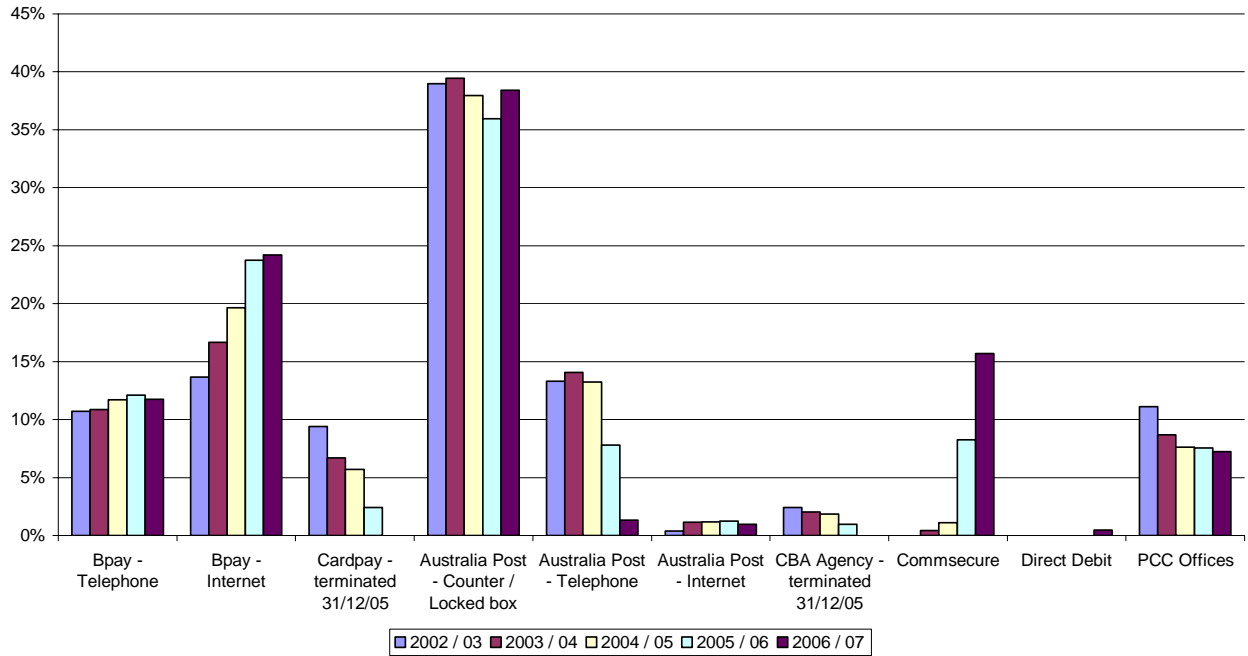
1. The information contained in the report on Summary of Investments for the period of 27 February 2007 to 31 March 2007 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 27 February 2007 to 31 March 2007 be noted and accepted.
3. The graphical investment analysis as at 31 March 2007 be noted.
4. The Agency Collection Fees information as at 31 March 2007 be noted.

ATTACHMENTS/APPENDICES

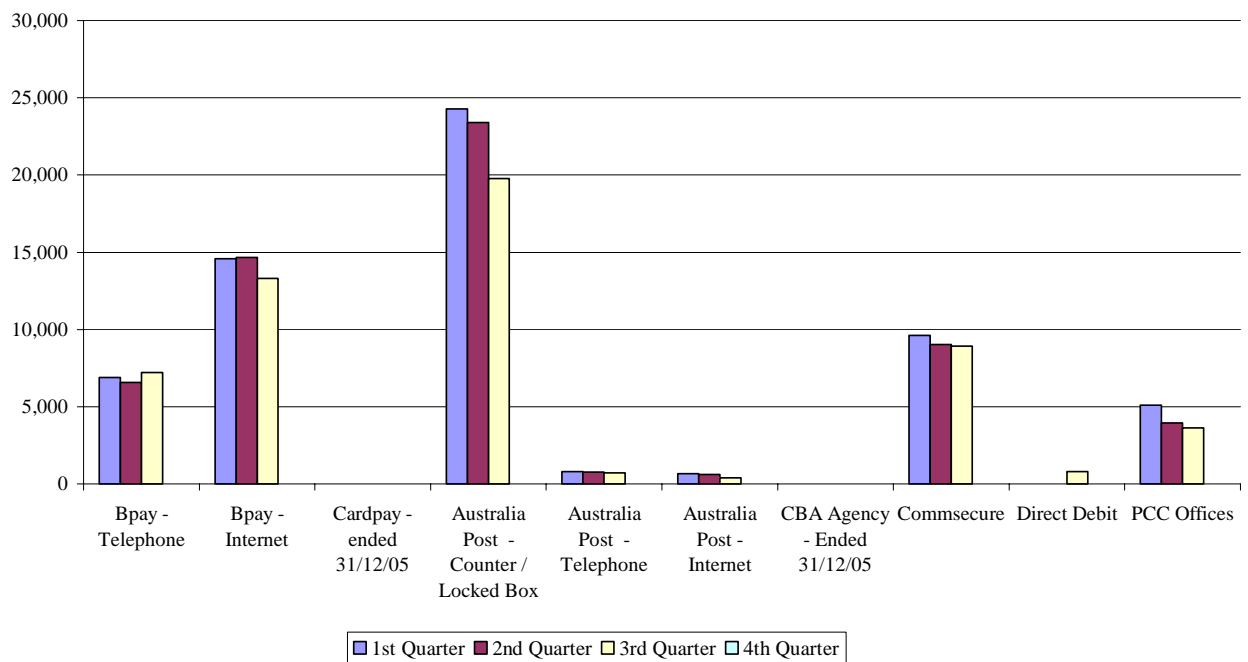
1. Agency Collection Methods 1 Page Appendix
2. Summary of Investments 4 Pages Appendix

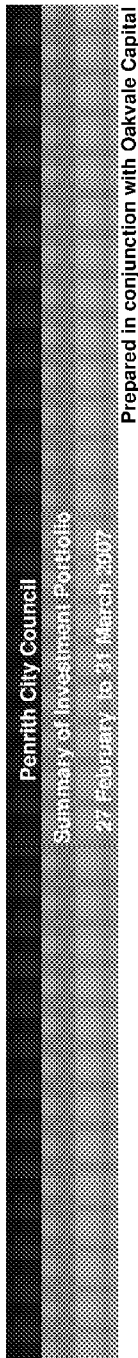
The following is an update of the methods to make payments to Council through various agencies.

Agency Collection Methods 2002-03 to 2006-07 - % of Receipts



Agency collection methods comparison - number of transactions





Commentary for March 2007

The RBA at its April 4 meeting left official interest rates on hold at 6.25%. This followed considerable speculation that recent economic data would lead to an increase in the rate. Despite the hype in the media it appears that the expectation for both the short and long term is for rates to remain on hold with models suggesting that the next move will be an easing of the rate to 6.00%.

March's earnings on Council's portfolio underperformed the annualised benchmark by 35 basis points. This appears to be a slight correction following the over performance by 40 points in February. The nature of the investments in Council's portfolio and in particular the managed funds component have tended to lead to fluctuating monthly results but are performing very well over the longer term view.

Council's portfolio continues to be monitored closely to ensure returns are maximised as opportunities become available.

Benchmark (UBSWA Bank Bill Index) annualised	6.34%
Annualised return (Council portfolio)	5.99%
Managed Funds	5.91%
Floating Rate Notes	6.63%

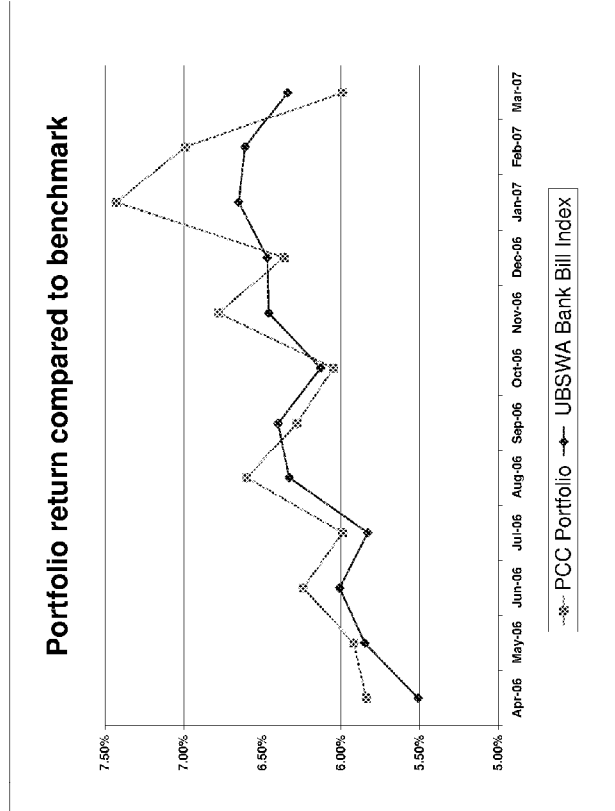
Perinth City Council
 Historical Investment Performance
 Monthly returns (annualised) from 27 February 2007 to 31 March 2007

Performance for the period
 27 February 2007 to 31 March 2007

Portfolio	%
Portfolio return for the period	0.50
Portfolio return annualised	5.99
Current portfolio yield	6.1

Benchmark

Benchmark return for period	0.52
Benchmark return annualised	6.34
Benchmark	UBS Warburg AUD Bank Bill Index



**Penrith City Council
Investment Summary**

Asset Group	Opening value (Face value) 27 February 2007	Closing value (Face value) 31 March 2007
Pooled Managed Fund Investment Group	29,291,358	36,959,530
Floating Rate Note Investment Group	4,000,000	4,000,000
Current Investment group (excl bank balance)	-	-
Term Investment Group	13,590,910	13,590,910
Total	46,882,268	54,550,440
General Fund Bank Balance	738,268	625,380
Total	47,620,536	55,175,820

Reconciliation of Unrestricted Funds

Period ending	Period ending
27-Feb-07	31-Mar-07
47,620,536	55,175,820
Represented by:	
Externally restricted Assets	
Section 94 Developer Contributions	13,512,200
Restricted Contributions for Works	1,443,315
Unexpended Grants	1,885,590
Unexpended Loan Funds	8,782,350
Other	1,149,287
	<u>26,772,742</u>
Internally Restricted Assets for funding of operations	
Sinking Funds	(56,253)
Internal Reserves	13,249,721
Security Bonds and Deposits	1,981,715
	<u>15,175,183</u>
Restricted Assets Utilised in Operations	0
Unrestricted Invested Funds	13,227,895
Invested Funds held as at 26 February 2007	<u>55,175,820</u>

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MASTER PROGRAM REPORTS
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The City in its Broader Context

14 Penrith Lakes Scheme

Compiled by: Paul Battersby, Senior Environmental Planner

Authorised by: Roger Nethercote, Environmental Planning Manager

Strategic Program Term Achievement: *Penrith Lakes is developing and being used in a way that establishes it as a principal Sydney destination.*

Critical Action: *Participate in the planning process for Penrith Lakes and advocate its innovative development as a regional centre for enterprise, water based recreation elite sports, entertainment and events.*

Purpose:

To respond to an article in the Saturday 21 April 2007 edition of the Sydney Morning Herald regarding development of the Penrith lakes Scheme for lakes, parklands and urban purposes. The report recommends that Council receive the information.

Background

An article appeared in the Saturday 21 April 2007 edition of the Sydney Morning Herald discussing the future development of the Penrith Lakes Scheme. The article focused on the supply of water for the lake system, the parkland management structure and the increased urban land take aspects of the Scheme.

Commentary

Lakes Water Supply

The supply of water to the lake system within the Penrith Lakes Scheme is guided by the Penrith Lakes Water Plan, a long-term plan for the overall design, development and management of the water bodies, produced by the Penrith Lakes Development Corporation (PLDC) at the inception of the Scheme in 1987. That Plan identified the Nepean River as the major source of water for the lake system. In that regard PLDC currently hold a water extraction licence that would enable them to pump to the Lakes Scheme provided the water flow over the Penrith Weir does not fall below 170ML/day. That opportunity has not yet been taken up by PLDC, given that all of the water within the existing developed lakes on the site has come from overland flows.

The Department of Planning (DoP) established the Penrith Lakes Water Committee in 2004 to review the Water Plan and advise Government on the development of comprehensive sustainable policies and strategies to guide the design, implementation and management of the lake system. Particular reference was given to reviewing the source of water for the lake system.

The Water Committee was assisted by an independent panel of experts (IEP) that comprised a number of eminent scientific professionals originally drawn together by the Government to assist the Hawkesbury-Nepean River Management Forum deliberate on the environmental flow regime for the Hawkesbury-Nepean, Shoalhaven and Woronora Rivers. The members of

the Panel had a thorough and contemporary working knowledge of the river and the issues that surround its management including those associated with the Penrith Lakes Scheme.

The Water Committee and IEP examined a number of alternative water supply options for the Scheme, such as ground water and treated effluent, and recommended that stormwater runoff together with water from the Nepean River be used as the source of supply. The Water Committee and IEP recommended a pumping regime to draw water into the lake system and meet the environmental flows requirements of the Nepean River. That regime would not see pumping commence until flow over Penrith Weir exceeds 500ML/day and cease when flows fall to 350ML/day. Under this regime it could take between 2 and 13 years to fill the lakes. It is important to note that the IEP recommendation increased the threshold above which water can be drawn to the Scheme.

PLDC have made application to the Government to construct the river pump and pipeline as it is a major project under State Environmental Planning Policy (Major Project) for which the Minister for Planning is the consent authority. This would involve the construction of 4.3km of underground pipeline 900mm in diameter from Penrith Weir to the site in Castlereagh Road. That application proposes the pumping regime recommended by the Water Committee and IEP. This would see a maximum amount extracted of 86ML/day. Around 30,000ML will be required to fill the new lakes which will ultimately hold some 35,000ML in total. A significant portion of this will be drawn from rainfall and stormwater runoff.

Parklands Management

Effective management and sustainable funding of the Parklands, which include the lake system, are critical to the successful delivery of the significant recreational legacy provided by the Scheme. Council and PLDC have for some time, and to no avail, been pressing the Government to establish a separate authority and sustainable funding regime to manage the Parklands.

A significant benefit of the current planning process is that the PLDC Concept Plan is accompanied by a management structure and funding regime for the Parklands. PLDC propose the establishment of a separate authority, to be known as the Penrith Lakes Trust, to manage the Parklands.

The management structure is proposed to be a private finance initiative in the form of a community infrastructure trust. A principal objective of this initiative is to provide a funding mechanism that does not require Government funding for its capital works and operations. The Trust would:

- Lease the Parklands from the Government for 99 years, for a peppercorn rent;
- Raise private capital (equity and debt) to supplement the PLDC contractual contributions for the remediation and development of the Parklands;
- Design, develop and manage the lakes, parks and amenities; and
- Deliver the lakes, parks and amenities to the Government at the expiration of the lease.

The Trust would be a corporation of a 'stapled' structure where the passive trust 'leases' the property and an affiliated management company performs the operating duties. The equity investors would hold a 'stapled' investment, that is, a unit in the Trust and a share in the

management company. They are contractually bound together so that they cannot be sold separately.

Funding would not only be derived from PLDC contractual obligations and by raising private capital, but also through allocation of the Government's revenue from the sale of the urban land.

It is understood that this type of management structure has not been used for a public park in Australia to date and as such, both State Government and Council need to be assured that it is appropriate for the delivery of such community infrastructure.

It is apparent that Council would benefit from a briefing on the type of management structures applicable to this circumstance. Particularly, an explanation of the opportunities and constraints associated with each alternative and their appropriateness/applicability to the management of a public park. Arrangements have been made for this aspect of the proposal to be reviewed by Council's Solicitors and their advice will be brought back to Council for consideration when it is available.

Urban Land Take

Sydney Regional Environmental Plan No. 11 (Penrith Lakes) (REP) was gazetted in 1986 to implement the extraction of raw material from the site. That Plan identified:

- A parkland and lake system as the preferred means of rehabilitating the site; and
- Also set aside a 200ha consolidated parcel of land within the site for future residential development.

It is commonly understood that the urban development component was Government's acknowledgment of the additional costs associated with the preferred rehabilitation option for the site. However, we have been informed that a portion of the revenue derived from the sale of the urban land is to be returned to Government. Council has requested this revenue be directed to funding the establishment and operation of the Parklands.

Since that time, the REP has been amended, to among other things, increase the size of the future residential area to 230ha. That increase was principally achieved through land acquisitions into the scheme.

Recent proposals for the site seek to increase the urban area to 410ha. This comprises 277ha for residential, 73ha for rural residential and 60ha for employment lands. Council has for some time argued that the 'public benefit' of moving beyond the 'base case' needs to be demonstrated, particularly with respect to the function, vitality and viability of the Parklands. We have requested that both PLDC and the DoP address this matter as part of the Concept Plan process.

Conclusion

The matters raised in the Sydney Morning Herald article are not new issues and have been the subject of previous investigations and advice to Council. However, the current proposal for a private finance Trust for the management of the Parklands is a new proposal which bears further detailed investigation. We will be bringing a further report back to Council once we have undertaken that review.

We understand that it is intended for the Concept Plan to be publicly exhibited shortly, at which time the community will be informed of the proposal and afforded the opportunity to comment.

RECOMMENDATION

That the information contained in the report on Penrith Lakes Scheme be received.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

COMMITTEE OF THE WHOLE

MASTER PROGRAM REPORTS

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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:

Leadership and Organisation

2 Commercial Matter - Council Property - Lease of Shops 10, 11 & 13 at Cranebrook Village Shopping Centre

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

Leadership and Organisation

3 Commercial Matter - Acquisition for Road Widening, Castlereagh Road/Jane Street, Penrith

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

4 Commercial Matter - Council Property - Dedication for Road Widening, Springwood Road, Agnes Banks

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

5 Legal Matter - Penrith Whitewater Stadium

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.



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