

## 6 Affordable Rental Housing Contribution Scheme Planning Proposal

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<b>Outcome</b>	<i>We plan and shape our growing City</i>
<b>Strategy</b>	<i>Undertake strategic planning that will ensure balanced growth and liveability</i>
<b>Principal Activity</b>	<i>Ensure services, facilitates and infrastructure meet the needs of a growing population through the contributions framework</i>

**Previous Items:** Affordable Housing Contribution Scheme for Glenmore Park Stage 3 and Orchard Hills North - Councillor Briefing - 16 May 2022

**Procedural note:** Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

### Executive Summary

The purpose of this report is to seek Council's endorsement of a Planning Proposal to amend the Penrith Local Environmental Plan 2010 (LEP 2010) to include a clause to enable affordable rental housing development contributions for the delivery of affordable rental housing in the Penrith Local Government Area (LGA). The first stage in Council's affordable housing work is to include an LEP clause to apply to Glenmore Park Stage 3 and Orchard Hills North which are currently subject to two separate Planning Proposals. Stage 2 would expand the draft Scheme to include inclusionary and spot rezoning contribution rates applicable to the Penrith LGA where growth is occurring. Stage 2 of the draft Scheme will be reported to Council including a policy which not only outlines how we levy for affordable housing but also how these funds will be expended. Councillors were briefed on 16 May 2022 on the Affordable Rental Housing Scheme.

Currently, Council seeks the provision of 3% affordable housing for all its release areas under its *Penrith Sustainability Blueprint for Urban Release Areas*. The only mechanism currently available to ensure the delivery of affordable housing is by negotiating this through a Voluntary Planning Agreement (VPA), which can be challenging when release areas have fragmented land ownership.

The framework to develop an affordable rental housing scheme is through the State Environmental Planning Policy (Housing) 2021, Chapter 2 – Affordable Housing (the Housing SEPP). This SEPP was formerly known as State Environmental Planning Policy No. 70 – Affordable Housing. The process to establish an affordable rental housing scheme is through a Planning Proposal, as a clause is required to be inserted in LEP 2010 to be able to include a condition of consent on future development applications to collect contributions (monetary or housing stock) within a nominated area (in this case Glenmore Park Stage 3

and Orchard Hills North). This framework is sought in order to apply affordable rental housing contributions to areas seeking to be rezoned for residential development.

Two contribution rates are proposed to be applied in Glenmore Park Stage 3 and Orchard Hills North: an inclusionary rate (base rate) and a specified rate.

1. Inclusionary contribution rates

Year of commencement	Contribution Rate (% GRV)	Contribution per ha NDA
2024	1%	\$75,967
2027	2%	\$151,933

2. Specified contribution rates

Area	Year of commencement	Contribution Rate (% GRV)	Contribution per ha NDA
Orchard Hills North	2024	-	-
Glenmore Park Stage 3	2024	2%	\$151,933

This report recommends that the Planning Proposal (Enclosure 1 to this report) be forwarded to the Minister for Planning, requesting a Gateway Determination, in order to publicly exhibit the Planning Proposal.

The Planning Proposal was presented to Council's Local Planning Panel on 22 June 2022 to obtain advice in accordance with the requirements of Section 2.19 of the Act. The Panel's advice is provided as Attachment 1 to this report.

## Background

Housing affordability has risen as a central issue across much of Australia's east coast over the past two decades. Significant and sustained price growth in property values has outpaced wage rises, resulting in declining housing affordability and growing public debate around the need to improve accessibility to the housing market.

Affordable housing is housing for very low, low and moderate income households as defined by the Housing SEPP and the *Environmental Planning and Assessment Act 1979* (the Act). The social costs associated with deteriorating housing affordability are significant. Households on very low, low and moderate incomes can be displaced from local areas, resulting in poor community diversity and social cohesion. Furthermore, displacement of 'key workers' can result in a reduced labour force of those workers who are essential to local economies.

The need for affordable rental housing in the Penrith LGA is based on evidence in both the draft Western Sydney Affordable Housing Strategy (WSAHS) and the draft Penrith Local Housing Strategy. Council participated in the preparation of the draft WSAHS with other NSW local councils and the Western Sydney Planning Partnership. Councillors were briefed on the WSAHS on 28 October 2020.

To inform the preparation of this Planning Proposal, Council engaged Atlas Urban Economics to prepare a *Draft Affordable Rental Housing Contribution Scheme* (the

Scheme). Atlas Urban Economics built on the work in the draft WSAHS to prepare the draft Scheme to specifically apply to Glenmore Park Stage 3 and Orchard Hills North precincts. Atlas Urban Economics also undertook a feasibility assessment that examined the capacity of development to tolerate affordable rental housing contributions within the nominated urban release areas of Glenmore Park Stage 3 and Orchard Hills North precincts. This is provided as Appendix 1 to the Planning Proposal and has been provided as Enclosure 2 of this report.

The sites included in the nominated area are two developments where land is proposed to be rezoned for residential development resulting in significant uplift and increase in land value. It is through this value increase that development can contribute to affordable rental housing contributions.

This Planning Proposal builds on the work prepared by Atlas Urban Economics and aims to facilitate the delivery of affordable rental housing in Penrith through the planning framework.

Section 7.32 of the Act allows for the collection of development contributions for the purpose of affordable housing provision by NSW councils. This can occur where a need is identified within a planning instrument and where:

- The consent authority is satisfied that the proposed development will or is likely to reduce the availability of affordable housing within the area, or
- The consent authority is satisfied that the proposed development will create a need for affordable housing within the area, or
- The proposed development is allowed only because of the initial zoning of a site, or the rezoning of a site, or
- The regulations provide for this section to apply to the application.

Development, where affordable rental housing contributions are imposed as a condition of consent, is levied on the basis that:

- Redevelopment and renewal of areas where additional development capacity is provided will reduce the availability of affordable private rental stock in these locations. As these locations are typically endowed with good access to infrastructure, employment and amenities, there is a strong case for the provision of affordable rental housing alongside private market development.
- As growth and renewal occur across the Penrith LGA, the proportion of dwellings available at affordable rates, either via social/affordable rental housing or private market rental, will reduce if intervention does not occur. Therefore, the proportion of households living in housing stress is also highly likely to increase. This provides justification for the imposition of affordable rental housing contributions as an inclusionary development standard across the Penrith LGA.

The Housing SEPP is the mechanism through which Council can mandate a contribution to affordable rental housing from new development. Once approved by the Department of Planning and Environment (DPE), and subsequently included within the Penrith LEP 2010, Council will have a sound framework to collect contributions for affordable rental housing for greenfield areas. Contributions can be either monetary and/or housing stock.

Council currently seeks the provision of 3% affordable housing for all its release areas under its *Penrith Sustainability Blueprint for Urban Release Areas* (Adopted by Council on 27 July 2005) by negotiating through VPAs. The Housing SEPP identifies that there is a need for affordable rental housing across NSW and the Planning Proposal is to facilitate a new affordable rental housing contribution scheme within Penrith. This Planning Proposal is the only way to achieve this. Council currently negotiates separate individual VPAs for affordable rental housing for each development. This Scheme provides developers certainty and transparency about how affordable rental housing contributions will be determined and the contribution rate that will be applied in a condition of consent.

This scheme forms part of the first stage in Council's affordable rental housing work. Stage 1 is essential to inform the Planning Proposals for Glenmore Park Stage 3 and Orchard Hills North. Stage 2 would involve Council officers continuing to work with Atlas Urban Economics to expand the draft Scheme to include inclusionary and spot rezoning contribution rates applicable to the Penrith LGA where growth is occurring. Stage 2 of the draft Scheme will be reported to Council later in the year including a policy which not only outlines how we levy for affordable rental housing by also how these funds will be expended.

### **Planning Proposal**

The Planning Proposal seeks to introduce a new provision in Penrith LEP 2010 to collect affordable rental housing development contributions for the delivery of affordable rental housing in the Penrith LGA.

The intended outcomes of this Planning Proposal are to:

- Provide for the delivery of affordable rental housing through the planning system, recognising its role as a vital economic and social infrastructure.
- Ensure Penrith LGA provides affordability advantages and remains an attractive and inclusive location for a range of residents.
- Provide a transparent framework for development to make equitable affordable rental housing contributions.
- Provide certainty and clarity for landowners and developers seeking to develop land in the Penrith LGA.
- Achieve the actions within the Penrith Local Strategic Planning Statement (LSPS) and Local Housing Strategy to provide affordable rental housing on land with significant residential uplift and where development viability can be maintained.

The Planning Proposal and appendix are provided as Enclosure 1 to this report.

The LEP clause is proposed to apply within the nominated urban release areas of Glenmore Park Stage 3 and Orchard Hills North initially, where the proposed rezonings are projected to deliver approximately 4,129 new dwellings. Based on current values, if the proposed scheme is adopted in these areas, it has the potential to yield over \$40m in affordable housing contributions. There is the potential to expand the scheme across other residential growth areas of Penrith LGA.

The draft LEP clause excludes:

- Developments which do not result in at least one additional dwelling being created.

- Exempt development.
- Secondary dwellings.
- Development solely for the purpose of social and/or affordable rental housing.
- Boarding houses.
- All non-residential development is exempt from the draft Scheme.

The objective of this Planning Proposal is to increase the amount of affordable rental housing within Penrith. It provides a comprehensive and transparent framework which gives local communities greater clarity about the affordable rental housing planned for in their areas. Affordable rental housing contribution schemes also provide developers certainty and transparency about how affordable rental housing contributions will be determined and the contribution rate that will be applied in a condition of consent.

Affordable rental housing contributions rates provided in the draft Scheme are in addition to other contributions across the LGA, including local infrastructure contributions (\$7.11 or \$7.12), state and regional infrastructure contributions. As a condition of development consent, all eligible development in the nominated urban release areas must contribute to affordable rental housing according to the rates provided in the draft Scheme. The draft Scheme will replace the need to negotiate separate VPAs for affordable rental housing in these areas, unless proponents seek to deliver over and above the Scheme. This Scheme also captures contributions with fragmented land ownership.

As a condition of development consent, all land to which the draft Scheme applies is required to provide contributions for affordable rental housing according to the rates provided. A monetary contribution required to be made under the Scheme is to be paid at the time specified in the condition. The affordable rental housing contribution rate is based on a percentage of the Gross Realisation Value (GRV) of development which is proposed to be set at **\$7,596,658 per/ha NDA**. Feasibility testing has determined that this approach is viable, however this will be further refined during exhibition and in consideration of the finalised contributions plans for Glenmore Park Stage 3 and Orchard Hills North. The viability assessment is included as Appendix 1 of the Planning Proposal and is provided as Enclosure 2 of this report.

Two contribution rates are proposed to be applied in Glenmore Park Stage 3 and Orchard Hills North:

- Inclusionary rate (base rate): A baseline rate, alike a development contribution for any other infrastructure, that delivers contributions towards affordable housing from incremental development. Because this is a base and does not result from a change in zone or value uplift, the market will need to be given time to adapt to the contribution and it is proposed to be introduced on a staged basis.
- Specified rate: A (value capture) rate generated due to the proposed change in zoning for the subject sites and therefore the potential increased ability for the development to provide a greater proportion of affordable housing contributions.

1. Inclusionary contribution rates

Year of commencement	Contribution Rate (% GRV)	Contribution per ha NDA
2024	1%	\$75,967
2027	2%	\$151,933

2. Specified contribution rates

Area	Year of commencement	Contribution Rate (% GRV)	Contribution per ha NDA
Orchard Hills North	2024	-	-
Glenmore Park Stage 3	2024	2%	\$151,933

Contributions can be made as a monetary contribution or in-kind as land or dwellings for the purpose of affordable rental housing. A monetary contribution is required within urban release areas as it is not practical to provide affordable rental housing within these areas. Community Housing Providers have advised, in consultation with Atlas Urban Economics, affordable rental housing that is near railway stations and city centres' closer to services and facilities is preferred.

Collected contributions will be pooled and affordable rental housing can then be provided in areas close to transport and access to services. Phillip Street in St Marys is a previous example of where pooled contributions collected through VPAs for affordable housing were used. A policy framework on how Council will collect and use affordable rental housing contributions will be prepared in Stage 2 of the Affordable Housing Scheme, currently underway, with input from Council's Property Department and City Activation Community and Place teams. The policy will outline how Council will levy for affordable housing and how any funds will be expended.

**Local Planning Panel**

In accordance with the requirements of Section 2.19 of the Act, the Planning Proposal was presented to Council's Local Planning Panel on 22 June 2022 to obtain advice. The advice provided by the Panel is to be taken into consideration in Council's assessment and preparation of the Planning Proposal.

The Local Planning Panel advised the following:

1. *The Planning Proposal for the Affordable Housing Contribution Scheme is supported in principle, including the approach of considering viability, subject to the following matters being considered at the appropriate time:*
  - a. *Making it clear the scheme supports Affordable Rental Housing, including considering appropriate naming and explanation;*
  - b. *Opportunities to simplify the contribution rate operations should be explored;*
  - c. *A scheme for Penrith City alone would seem more practical than seeking an agreed district wide approach, at least in the short term;*
  - d. *Council's staff intention for wider implementation of an Affordable Rental Housing Contribution Scheme be explained in the report to Council;*

- e. Given some complexity in the analysis done, suitable explanatory documentation be provided during public exhibition, in plain English;*
  - f. The proposed policy to implement the scheme be finalised prior to gazettal.*
2. *It is recommended that the Planning Proposal be progressed through the next steps in the Gateway process.*

In response to the Panel's comments, minor amendments to the Planning Proposal have been made to indicate the appropriate naming of Affordable Rental Housing. The Local Planning Panel's advice is noted, and Council staff will ensure suitable explanatory documentation is provided during public exhibition. As discussed earlier in this report, the preparation of a policy on how Council will levy contributions and how these will be spent is underway. It is intended that this policy will be finalised prior to the gazettal of this Planning Proposal.

A copy of the Local Planning Panel's advice is included in Attachment 1 of this report.

### **Relationship with Orchard Hills North and Glenmore Park Stage 3 Planning Proposals**

The proposed LEP clause, if made, will be triggered when development consent is sought in the precincts of Orchard Hills North and Glenmore Park Stage 3 if the rezoning of these precincts is supported. It is intended that this Planning Proposal is made and in force prior to the development rollout in these precincts. Council staff have been liaising with the proponents of both rezoning proposals with respect to the Affordable Rental Housing Planning Proposal. Discussions with the proponents to date have been constructive, and it is intended that dialogue will continue to occur during the public exhibition process. The proponents for Glenmore Park Stage 3 have indicated they intend to use any future public exhibition process to review any impacts on the feasibility of their rezoning Planning Proposal. The proponent for Orchard Hills North has broadly indicated support of the Planning Proposal.

As a result of discussions, both proponents have included a contribution towards Affordable Rental Housing within their letters of offer to enter Voluntary Planning Agreements (VPA) with Council for their rezoning Planning Proposals.

### **Public Exhibition**

Should Council endorse the Planning Proposal to be forwarded to the Minister for Planning for Gateway Determination and that this determination is received. It is expected that the Planning Proposal will be publicly exhibited for a period of 28 days in accordance with the requirements outlined in the Environmental Planning and Assessment Act 1979.

The Planning Proposal will be publicly exhibited via various methods including on Council's website, through newspaper advertisements and notices at Penrith and St Marys libraries.

In addition to Council's standard consultation during exhibition, Council should send correspondence to all landowners who form part of the Planning Proposal area with the offer

to directly meet with Council officers to discuss the Planning Proposal. This will be undertaken during the 28-day public exhibition period. In the preparation of the affordable housing scheme, the consultants have indicated that they engage with industry regularly regarding affordability and feasibility. For Stage 1, it is proposed that Council officers will engage further with industry during the exhibition period. Council officers have commenced initial discussions with UDIA, which will continue during the exhibition of Stage 1 and the preparation of Stage 2. It is anticipated that more targeted engagement will be undertaken with industry ahead of reporting on the Stage 2 affordable housing work.

### **Next Steps**

Should Council endorse the recommendations of this report, the following steps are proposed:

1. The Planning Proposal will be updated with any additional comments raised by Council at this meeting and forwarded to the Minister for Planning with a request to issue a Gateway Determination. The submission will include a request to issue Council with Delegation for plan making authority.
2. Council officers will liaise with the DPE to negotiate any changes sought to the Planning Proposal by DPE in the lead up to the Gateway Determination.
3. DPE will issue a Gateway Determination, authorising the LEP plan making process to proceed. The Gateway Determination will, among other things, provide details of the public authorities that Council must consult and the requirements for undertaking the public exhibition.
4. Council officers will make any necessary changes to the Planning Proposal prior to public exhibition in response to the conditions of the Gateway Determination and negotiations with stakeholders.
5. Council officers will publicly exhibit the Planning Proposal in accordance with the requirements of the Gateway Determination, the Act and the *Environmental Planning and Assessment Regulation 2000*.
6. Submissions received in response to the public exhibition of the Planning Proposal will be reviewed and recommendations prepared for Council's consideration.
7. A further report will be presented to Council, detailing the results of the exhibitions and recommendations, including whether to endorse the Planning Proposal and make the LEP amendment.

### **Financial Implications**

This scheme allows Council to collect contributions for the delivery of affordable rental housing in the Penrith LGA. Income from the nominated urban release areas of Glenmore Park Stage 3 and Orchard Hills North will be pooled and affordable rental housing can then be provided in areas close to transport and access to services. A policy framework will set out how Council will collect and use contributions for the delivery of affordable rental housing in Penrith LGA which will be reported to a future Council meeting.

### **Risk Implications**

Currently, Council seeks the provision of 3% affordable housing in all its release areas under its adopted *Penrith Sustainability Blueprint for Urban Release Areas*. The only mechanism currently available to ensure the delivery of affordable rental housing is by negotiating this through a VPA, which can be challenging when release areas have fragmented land ownership. Once approved, the proposed scheme will allow Council to have a sound framework to collect contributions for affordable rental housing for greenfield areas and



provides a comprehensive and transparent framework which gives local communities greater clarity about the affordable rental housing planned for in their areas. Affordable rental housing contribution schemes also provide developers certainty and transparency about how affordable rental housing contributions will be determined and the contribution rate that will be applied in a condition of consent.

The risk of not proceeding with the Planning Proposal is that the outcomes of the *Greater Sydney Region Plan* and *Western City District Plan* and the actions in Council's strategic documents relating to delivering affordable rental housing in the Penrith LGA will not be progressed where there is a clear identified need.

### **Conclusion**

This report outlines Council's Planning Proposal for a new provision in the Penrith LEP 2010 to collect affordable rental housing development contributions for the delivery of affordable rental housing in the Penrith LGA.

This LEP clause will allow a condition of consent to be included on future development applications to collect contributions within the nominated urban release areas of Glenmore Park Stage 3 and Orchard Hills North. Stage 2 of Council's affordable housing work will seek to apply a LEP clause in other locations within Penrith LGA and only where growth is occurring. The Stage 2 affordable housing work is underway and will be reported to a future Council meeting with a policy which will outline how Council will levy for affordable housing and how these funds will be expended. The Local Planning Panel supports the Planning Proposal progressing through the next steps of the Gateway Process and has provided advice, which is discussed in this report, resulting in some minor amendments to the Planning Proposal.

Should Council endorse the recommendations of this report, the Planning Proposal will be forwarded to the Minister for Planning requesting a Gateway Determination, including to publicly exhibit the Planning Proposal.

### **RECOMMENDATION**

That:

1. The information contained in the report on Affordable Rental Housing Contribution Scheme Planning Proposal be received.
2. Council endorse the Planning Proposal presented in this report which has been provided as Enclosure 1 to this report.
3. The General Manager be granted delegation to make minor changes to update and finalise the Planning Proposal referred to in resolution 2 prior to Council's submission of the Planning Proposal to the Minister for Planning.
4. Council officers forward the Planning Proposal to the Minister for Planning with a request to issue a Gateway Determination. The submission will include a request to issue Council with Delegation for plan making authority.
5. The General Manager be granted delegation to make necessary minor changes to the Planning Proposal in the lead up to the Gateway Determination and prior to the public exhibition in response to the conditions of the Gateway Determination.

6. Council publicly exhibits the Planning Proposal for a period specified in the Gateway Determination and in accordance with the community consultation requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.
7. A further report is presented to Council following the public exhibition of the Planning Proposal.

**ATTACHMENTS/APPENDICES**

1. Local Planning Panel Advice 8 Pages Appendix

**CONFIRMED MINUTES  
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD REMOTELY USING  
AUDIO VISUAL LINKS, AUDIO STREAMED ON THE COUNCIL WEBSITE AND IN THE  
COUNCIL CHAMBERS  
ON MONDAY 25 JULY 2022 AT 7:00PM**

**NATIONAL ANTHEM**

The meeting opened with the National Anthem.

**WEBCASTING STATEMENT**

Her Worship the Mayor, Councillor Tricia Hitchen read a statement advising that Council Meetings are recorded and webcast.

**STATEMENT OF RECOGNITION**

Her Worship the Mayor, Councillor Tricia Hitchen 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 Christine Bayliss Kelly.

**PRESENT**

Her Worship the Mayor, Councillor Tricia Hitchen, Deputy Mayor Councillor John Thain, and Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Robin Cook, Kevin Crameri OAM, Mark Davies, Sue Day, Ross Fowler OAM, Glenn Gardiner, Karen McKeown OAM, Mark Rusev and Marlene Shipley.

**APOLOGIES**

187 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Todd Carney that the apology received from Councillor Jonathan Pullen be received.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 27 June 2022**

188 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marlene Shipley that the minutes of the Ordinary Meeting of 27 June 2022 be confirmed, with an amendment to Declarations of Interest to now read:

“Councillor Mark Rusev declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 4 - Centre Corporations - 2022-23 Business Plans, Item 9 - Adoption of Community Strategic Plan - Penrith 2036, + 2022-32 Resourcing Strategy, Delivery Program 2022-26 and 2022-23 Operational Plan and Item 14 – WestInvest Program*, as he is on the board of the Penrith CBD Corporation. Councillor Mark Rusev stated that he would remain in the meeting during consideration of these items but would not participate in discussion of the items.”

## **DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **SUSPENSION OF STANDING ORDERS**

189 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Glenn Gardiner that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:04pm.

### **Mr Samih Khan**

*Item 7 - Planning Proposal to amend Penrith LEP 2010 - Glenmore Park Stage 3 - draft Development Control Plan and draft Contributions Plan*

Mr Khan, an affected person, spoke in opposition to the recommendation. Mr Khan outlined his family's long history of living in the Penrith LGA. Mr Khan noted that their property on Chain O Ponds Road is the only one in the subject proposal which is not controlled by any purchase agreement with the proponent, as they had not signed an agreement with Mirvac when approached in the past when other landowners in the area had done so. Mr Khan stated that he believed his family have been unfairly burdened with C2 Environmental zoning and Open Space, compared to the properties which would be controlled by the proponent, as they would then not be able to use approximately 60% of their land bordering the proposed development as this is proposed to be zoned for environmental protection and parklands.

## **Procedural Motion**

190 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Kevin Crameri OAM that an extension of time be granted to the speaker so that he may conclude his address, the time being 7:12pm.

Mr Khan concluded his address by requesting consideration of a better outcome for his family's property, adding that R3 zoning should be included for the part of their property which borders onto the open space component of the proposal.

## **RESUMPTION OF STANDING ORDERS**

191 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Sue Day that Standing Orders be resumed, the time being 7:26pm.

## **MAYORAL MINUTES**

### **1 Passing of Glenn Sargeant OAM**

192 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor John Thain that the Mayoral Minute on Passing of Glenn Sargeant OAM be received.

**2 2022 Local Celebration Award Winners**

193 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor John Thain that the Mayoral Minute on 2022 Local Celebration Award Winners be received.

**REPORTS OF COMMITTEES**

**1 Report and Recommendations of the Heritage Advisory Committee  
Meeting held on 15 June 2022**

194 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Mark Rusev that the recommendations contained in the Report and Recommendations of the Heritage Advisory Committee meeting held on 15 June, 2022 be adopted.

**DELIVERY PROGRAM REPORTS**

**OUTCOME 1 - WE PROTECT AND ENHANCE AN ECOLOGICALLY SUSTAINABLE ENVIRONMENT**

**1 NSW Environmental Trust - Organics Collections Grants Program**

195 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Robin Cook

That:

1. The information contained in the report on NSW Environmental Trust - Organics Collections Grants Program be received
2. Council accepts the \$521,824.00 (ex GST) grant funding from the NSW Environmental Trust to support this trial.

**2 Resilience Committee - Community and Professional Membership**

196 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Robin Cook

That:

1. The information contained in the report on Resilience Committee - Community and Professional Membership be received
2. The nominated professional organisations, and the five (5) community members selected through the expression of interest process outlined in the report, be appointed for the term of the Resilience Committee until August 2024, with an extension beyond this term if required.

**OUTCOME 2 - WE ARE WELCOMING, HEALTHY, HAPPY AND CONNECTED**

**3 Request for Major Event Sponsorship - Australian Waterski and Wakeboard Federation Limited (t/a Wakeboard Australia)**

197 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Request for Major Event Sponsorship - Australian Waterski and Wakeboard Federation Limited (t/a Wakeboard Australia) be received
2. Council endorse sponsorship funding of \$10,000 (plus GST) to Wakeboard Australia in support of the 2022 Cable Wakeboard National Championships.

**4 Request for Major Event Sponsorship - Band Association of NSW Incorporated**

198 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Request for Major Event Sponsorship - Band Association of NSW Incorporated be received
2. Council endorse sponsorship funding of \$5,000 (plus GST) to the Band Association of NSW Incorporated in support of the 2022 NSW State Band Championships event.

**5 Request for Major Event Sponsorship - Veterans Cricket NSW Association Incorporated**

199 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Request for Major Event Sponsorship - Veterans Cricket NSW Association Incorporated be received
2. Council endorse sponsorship funding of \$5,000 (plus GST) and \$1,500 (plus GST) towards a civic reception to Veterans Cricket NSW in support of the 2022 Veteran Cricket NSW 60's State Championships event.

### **OUTCOME 3 - WE PLAN AND SHAPE OUR GROWING CITY**

#### **6 Affordable Rental Housing Contribution Scheme Planning Proposal**

200 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor John Thain

That:

1. The information contained in the report on Affordable Rental Housing Contribution Scheme Planning Proposal be received.
2. Council endorse the Planning Proposal presented in this report which has been provided as Enclosure 1 to this report.
3. The General Manager be granted delegation to make minor changes to update and finalise the Planning Proposal referred to in resolution 2 prior to Council's submission of the Planning Proposal to the Minister for Planning.
4. Council officers forward the Planning Proposal to the Minister for Planning with a request to issue a Gateway Determination. The submission will include a request to issue Council with Delegation for plan making authority.
5. The General Manager be granted delegation to make necessary minor changes to the Planning Proposal in the lead up to the Gateway Determination and prior to the public exhibition in response to the conditions of the Gateway Determination.
6. Council publicly exhibits the Planning Proposal for a period specified in the Gateway Determination and in accordance with the community consultation requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.
7. A further report is presented to Council following the public exhibition of the Planning Proposal.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

#### **For**

#### **Against**

Councillor Karen McKeown OAM  
Councillor Robin Cook  
Councillor Todd Carney  
Councillor John Thain  
Councillor Kevin Crameri OAM  
Councillor Sue Day  
Councillor Jim Aitken OAM  
Councillor Marlene Shipley  
Councillor Ross Fowler OAM  
Councillor Glenn Gardiner  
Councillor Bernard Bratusa  
Councillor Mark Rusev  
Councillor Mark Davies  
Councillor Tricia Hitchen

**7 Planning Proposal to amend Penrith LEP 2010 - Glenmore Park  
Stage 3 - draft Development Control Plan and draft Contributions  
Plan**

201 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Karen McKeown OAM

That:

1. The information contained in the report on Planning Proposal to amend Penrith LEP 2010 - Glenmore Park Stage 3 - draft Development Control Plan and draft Contributions Plan be received.
2. The Planning Proposal for Glenmore Park Stage 3 (RZ18/0006) be placed on public exhibition and agency consultation as soon as practical, concurrently with the draft Section 7.11 Contributions Plan, draft Development Control Plan, and VPA Letters of Offer which are attached or enclosed to this report.
3. A report be prepared for Council to present the outcomes of the public exhibition and agency consultation.
4. After exhibition of the Letters of Offer, a draft Voluntary Planning Agreement be reported to Council for endorsement for public notification.
5. The Department of Planning and Environment be provided with an update on Council's decision.
6. Council perform ground proofing on the properties in Chain O Ponds Road to confirm the ecology that is being proposed.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

**For**

Councillor Karen McKeown OAM  
Councillor Robin Cook  
Councillor Todd Carney  
Councillor John Thain  
Councillor Kevin Crameri OAM  
Councillor Sue Day  
Councillor Marlene Shipley  
Councillor Ross Fowler OAM  
Councillor Bernard Bratusa  
Councillor Mark Rusev  
Councillor Mark Davies  
Councillor Tricia Hitchen

**Against**

Councillor Jim Aitken OAM  
Councillor Glenn Gardiner



**8 Voluntary Planning Agreement offer by Altis Frasers for the Yards Estate 657-769 Mamre Road, Kemps Creek**

202 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Sue Day  
That:

1. The information contained in the report on the Voluntary Planning Agreement offer by Altis Frasers for the Yards Estate 657-769 Mamre Road, Kemps Creek be received.
2. Council endorse, for notification, the draft Voluntary Planning Agreement for by Altis Frasers for the Yards Estate 657-769 Mamre Road, Kemps Creek, provided as a separate enclosure to this report.
3. A further report to Council be prepared following the notification of the VPA, that details any submissions received and should no significant issues be raised in submissions received, seek Council's endorsement of the VPA.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

**For**

**Against**

Councillor Karen McKeown OAM  
Councillor Robin Cook  
Councillor Todd Carney  
Councillor John Thain  
Councillor Kevin Crameri OAM  
Councillor Sue Day  
Councillor Jim Aitken OAM  
Councillor Marlene Shipley  
Councillor Ross Fowler OAM  
Councillor Glenn Gardiner  
Councillor Bernard Bratusa  
Councillor Mark Rusev  
Councillor Mark Davies  
Councillor Tricia Hitchen

**OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT**

**9 Grant Acceptance - Metropolitan Greenspace Program**

203 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marlene Shipley

That:

1. The information contained in the report on Grant Acceptance - Metropolitan Greenspace Program be received
2. Council accept the Metropolitan Greenspace program funding for \$100,000 and allocate the matched Council Contribution of \$100,000 for the update of the Our River Masterplan
3. Council write to relevant State Members and the Minister thanking them for their funding support towards delivering positive opportunities in

planning public spaces for our community

4. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

## **10 Multi-Sport Community Facility Fund - Grant Acceptance**

204 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor John Thain

That:

1. The information contained in the report on Multi-Sport Community Facility Fund - Grant Acceptance be received.
2. Council endorse acceptance of the grant awards for Gipps Street (\$5m) and The Kingsway (\$1.425m)
3. Provisional stage 2 rates from Glascott Landscape and Civil Pty Ltd for Multi-Sport Community Facility Fund - Grant Acceptance, for an amount up to \$5,000,000 (excluding GST) inclusive of rise and fall allowance be accepted.
4. Letter of appreciation be issued to the NSW Government.

## **11 RFT21/22-09 Woodriff Gardens Tennis**

205 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor John Thain

That:

1. The information contained in the report on RFT21/22-09 Woodriff Gardens Tennis be received.
2. Alpall Pty Ltd be awarded the Contract subject to the execution of a formal agreement for the RFT21/22-09 Woodriff Gardens Tennis for an amount of \$2,282,000.00 excluding GST.
3. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

## **12 RFT22/23-01 Surveyors Creek Footpath and Associated Civil Works**

206 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor John Thain

That:

1. The information contained in the report on RFT22/23-01 Surveyors Creek Footpath and Associated Civil Works be received
2. The tender from Axial Construction Pty Ltd provided for the amount of \$214,929.61 (excluding GST) be accepted for construction of a new footpath and drainage works at Surveyors Creek Softball Facility, Glenmore Park
3. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

**13 RFT22/23-07 City Park Landscape Construction and Allen Place Lane Construction Tender**

207 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor John Thain

That:

1. The information contained in the report on RFT22/23-07 City Park Landscape Construction and Allen Place Lane Construction Tender be received.
2. The total project budget be increased by \$4.61m. This additional budget is to be funded from the Financial Management Reserve.
3. The tender from Regal Innovations Pty Ltd, for the amount of \$11,712,778.00 (excluding GST) be accepted for RFT22/23-07 City Park Landscape Construction and Allen Place Lane Construction.
4. The General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

**OUTCOME 5 - WE HAVE OPEN AND COLLABORATIVE LEADERSHIP**

**14 Local Government NSW Annual Conference 2022**

208 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Local Government NSW Annual Conference 2022 be received
2. Council nominate nine (9) Councillors as its voting delegates for motions to attend the 2022 LGNSW Conference being held at The Crowne Plaza Hunter Valley, from 23-25 October 2022.
3. Council consider the nomination of observers to attend the 2022 LGNSW Annual Conference.
4. Leave of absence be granted as appropriate for those Councillors attending the conference.
5. Council motions as outlined in the report be endorsed and forwarded to LGNSW.
6. A further report be brought back to the Council with any identified additional motions (if required).

**15 Summary of Investment & Banking for the period 1 June 2022 to 30 June 2022**

209 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Summary of Investment & Banking for the period 1 June 2022 to 30 June 2022 be received
2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 June 2022 to 30 June 2022 be noted and accepted.
3. The graphical Investment Analysis as at 30 June 2022 be noted.

**URGENT BUSINESS**

**UB 1 Prue Car MP**

Councillor Todd Carney requested that Council write to Prue Car MP wishing her a speedy recovery.

210 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Karen McKeown OAM that the matter be brought forward and dealt with as a matter of urgency.

Her Worship the Mayor, Councillor Tricia Hitchen, ruled that the matter was urgent and should be dealt with at the meeting.

211 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Karen McKeown OAM that Council write to Prue Car MP wishing her a speedy recovery.

The Mayor vacated the Chair and the Deputy Mayor took the Chair, the time being 7:53pm.

**UB 2 Briefing from Water NSW**

Councillor Tricia Hitchen requested that Council seek a briefing from Water NSW concerning future plans for Warragamba Dam and that information also be requested regarding future plans for flood evacuations.

212 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Robin Cook that the matter be brought forward and dealt with as a matter of urgency.

Her Worship the Mayor, Councillor Tricia Hitchen, ruled that the matter was urgent and should be dealt with at the meeting.

213 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Robin Cook that Council seek a briefing from Water NSW concerning future plans for Warragamba Dam and that information also be requested regarding future plans for flood evacuations.

The Deputy Mayor then vacated the Chair and the Mayor retook the Chair, the time being 7:54pm.

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**UB 3      61-79 Henry Street, Penrith**

Councillor Bernard Bratusa requested that an urgent memo be provided to all Councillors regarding the development at 61-79 Henry Street, Penrith.

214 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Todd Carney that the matter be brought forward and dealt with as a matter of urgency.

Her Worship the Mayor, Councillor Tricia Hitchen, ruled that the matter was urgent and should be dealt with at the meeting.

215 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Todd Carney that an urgent memo be provided to all Councillors regarding the development at 61-79 Henry Street, Penrith.

**COMMITTEE OF THE WHOLE**

216 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Glenn Gardiner that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:56pm.

**1      Presence of the Public**

CW1 RESOLVED on the motion of Councillor Jim Aitken OAM seconded Councillor Glenn Gardiner that the press and public be excluded from Committee of the Whole to deal with the following matters:

**Outcome 5**

**2      Council Property - Variation of Lease - The Salvation Army - Suite 2, 54 Henry St, Penrith**

*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.*

**3      Unsolicited Proposal to Purchase Lang and Kokoda Park - Detailed Proposal Reassessment**

*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.*

The meeting resumed at 7:58pm and the Mayor reported that the Committee of the Whole met at 7:56pm on 25 July 2022, the following being present

Her Worship the Mayor, Councillor Tricia Hitchen, Deputy Mayor Councillor John Thain, and Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Robin Cook, Kevin Crameri OAM, Mark Davies, Sue Day, Ross Fowler OAM, Glenn Gardiner, Karen McKeown OAM, , Mark Rusev and Marlene Shipley.

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 Council Property - Variation of Lease - The Salvation Army - Suite 2, 54 Henry St, Penrith**

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

CW2 That:

1. The information contained in the report on Council Property - Variation of Lease - The Salvation Army - Suite 2, 54 Henry St, Penrith be received
2. Council approve the proposed variation of lease for an additional 45sqm.
3. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

**3 Unsolicited Proposal to Purchase Lang and Kokoda Park - Detailed Proposal Reassessment**

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

CW3 That:

1. The information contained in the report on Unsolicited Proposal to Purchase Lang and Kokoda Park - Detailed Proposal Reassessment be received
2. Council decline the Unsolicited Proposal submitted by Pacific Planning based on the details provided within this report.

**ADOPTION OF COMMITTEE OF THE WHOLE**

217 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Robin Cook that the recommendations contained in the Committee of the Whole and shown as CW1, CW2 and CW3 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:00pm.

I certify that these 12 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 25 July 2022.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date