

BUSINESS PAPER



Pictured with His Worship the Mayor, Councillor Ross Fowler OAM at the Mock Council Meeting held at the Civic Centre on Monday 10 August 2015 are Junior Mayor Jesse Penza with Holy Family School (Luddenham) Principal Tim Vane-Tempest and teachers Paris Mayer and David Bullock

Policy Review Committee Meeting 31 August 2015

26 August 2015

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and the Regulations thereunder, notice is hereby given that a **POLICY REVIEW COMMITTEE MEETING** of Penrith City Council is to be held in the Pasadena Room, Civic Centre, 601 High Street, Penrith on Monday 31 August 2015 at 7:00PM.

Attention is directed to the statement accompanying this notice of the business proposed to be transacted at the meeting.

Yours faithfully



Alan Stoneham
General Manager

BUSINESS

1. LEAVE OF ABSENCE

Leave of absence has been granted to:

Councillor Jim Aitken OAM - 24 August 2015 to 4 September 2015 inclusive.

2. APOLOGIES

3. CONFIRMATION OF MINUTES

Policy Review Committee Meeting - 10 August 2015.

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 Conflict of Interest – Significant and Less than Significant

(The Code of Conduct requires Councillors who declare a significant non-pecuniary conflict of interest in an item to leave the meeting during discussion of that item)

5. ADDRESSING THE MEETING

6. MAYORAL MINUTES

7. NOTICES OF MOTION TO RESCIND A RESOLUTION

8. NOTICES OF MOTION

9. DELIVERY PROGRAM REPORTS

10. REQUESTS FOR REPORTS AND MEMORANDUMS

11. URGENT BUSINESS

12. CONFIDENTIAL BUSINESS

POLICY REVIEW COMMITTEE MEETING

MONDAY 31 AUGUST 2015

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MEETING CALENDAR

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2015 MEETING CALENDAR

January 2015 - December 2015

(adopted by Council on 24/11/14 and amended by Council on 25/5/15 & 27/7/15)

	TIME	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
		Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon
Ordinary Council Meeting	7.30pm		2 23@	23	27❖	25#	29*	27	24@	21^✓ (7.00pm) 28	26∞	23#+	14 (7.00pm)
Policy Review Committee	7.00pm		9	9	20	11	22	13	10 31	14	19	9	7

- ❖ Meeting at which the draft corporate planning documents (Delivery Program and Operational Plan) are endorsed for exhibition
- * Meeting at which the draft corporate planning documents (Delivery Program and Operational Plan) are adopted
- # Meetings at which the Operational Plan quarterly reviews (March and September) are presented
- @ Meetings at which the Delivery Program progress reports (including the Operational Plan quarterly reviews for December and June) are presented
- ^ Election of Mayor/Deputy Mayor
- ✓ Meeting at which the 2013-2014 Annual Statements are presented
- ∞ Meeting at which any comments on the 2013-2014 Annual Statements are presented
- + Meeting at which the Annual Report is presented
 - Extraordinary Meetings are held as required.
 - Members of the public are invited to observe meetings of the Council (Ordinary and Policy Review Committee). Should you wish to address Council, please contact the Senior Governance Officer, Glenn Schuil.

**UNCONFIRMED MINUTES
OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY COUNCIL HELD
IN THE PASSADENA ROOM, PENRITH
ON MONDAY 10 AUGUST 2015 AT 7:05PM**

PRESENT

His Worship the Mayor, Councillor Ross Fowler OAM and Councillors Jim Aitken OAM, Bernard Bratusa, Prue Car MP (arrived 7:07pm), Kevin Crameri OAM, Marcus Cornish, Maurice Giroto, Jackie Greenow OAM, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Ben Goldfinch for the period 10 August 2015 to 18 August 2015 inclusive.

Leave of Absence was previously granted to Councillor Greg Davies for the period 5 August 2015 to 17 August 2015 inclusive.

APOLOGIES

PRC 51 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow OAM that an apology from Councillor Mark Davies be accepted.

CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 13 July 2015

PRC 52 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow OAM that the minutes of the Policy Review Committee Meeting of 13 July 2015 be confirmed.

DECLARATIONS OF INTEREST

Councillor Karen McKeown declared a Non-Pecuniary Conflict of Interest – Significant in *Confidential Item 2 – Jolly Street, Castlereagh – Development Matter* as her son was employed by a company owned by the owner of the subject property. Councillor Karen McKeown stated that she would not participate in any debate on this matter and that she would leave the meeting during consideration of this item.

Councillor Prue Car MP arrived at the meeting, the time being 7:07 pm.

DELIVERY PROGRAM REPORTS

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

4 Results of the Community Survey 2015

Sustainability Coordinator, Carmel Hamilton introduced the report and invited, Michael Di Leo, Acting Executive Director – IRIS Research to give a presentation.

Councillor Jim Aitken OAM left the meeting, the time being 7:20pm.

Councillor Jim Aitken OAM returned to the meeting, the time being 7:23pm.

Councillor Kevin Crameri OAM left the meeting, the time being 7:23pm.

Councillor Kevin Crameri OAM returned to the meeting, the time being 7:25pm.

PRC 53 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that the information contained in the report on Results of the Community Survey 2015 be received.

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

1 Growing Tourism in Penrith

Corporate Communications, Marketing and Customer Service Manager, Barbara Magee introduced the report and gave a presentation.

PRC 54 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Bernard Bratusa that the information contained in the report on Growing Tourism in Penrith be received.

Councillor Prue Car MP left the meeting and did not return, the time being 8:05pm.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

3 Presentation of the draft Cooling the City Strategy

Sustainability Coordinator, Carmel Hamilton introduced the report and invited, Senior Sustainability Planner, Jenny Guice to give a presentation.

PRC 55 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Presentation of the draft Cooling the City Strategy be received.
2. The Cooling the City Strategy be endorsed.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

2 Proposed Amendment to Development Control Plan 2014 - E7 Part B (Glenmore Park Stage 2)

PRC 56 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Proposed Amendment to Development Control Plan 2014 - E7 Part B (Glenmore Park Stage 2) be received.
2. Council endorse the public exhibition of an amendment to Development Control Plan 2014 – E7 Part B (Glenmore Park Stage 2). The amendment is to be exhibited in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979 and associated Regulations.
3. The General Manager be delegated authority to make any necessary minor changes required to Development Control Plan 2014 – E7 Part B (Glenmore Park Stage 2) in accordance with Council's adopted policy position ahead of public exhibition.
4. A further report be presented to Council following Public Exhibition.

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

For

Councillor Jim Aitken OAM
Councillor Marcus Cornish
Councillor Bernard Bratusa
Councillor Jackie Greenow OAM
Councillor Ross Fowler OAM
Councillor Tricia Hitchen
Councillor John Thain

Against

Councillor Kevin Crameri OAM
Councillor Maurice Giroto
Councillor Michelle Tormey
Councillor Karen McKeown

5 Local Government NSW Annual Conference 2015

PRC 57 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Local Government NSW Annual Conference 2015 be received
2. The Motion detailed in the report be submitted for inclusion in the 2015 Local Government NSW Annual Conference Business Paper prior to 25 August 2015.

REQUESTS FOR REPORTS AND MEMORANDUMS**RR 1 Fifth Avenue, Llandilo - Road Condition**

Councillor Kevin Crameri OAM requested a memo reply to all Councillors advising on the results of the Council's staff investigation into the condition of the road at Fifth Avenue, Llandilo and provide information on the way we fix pot holes including an audit of the roads in Llandilo and Berkshire Park.

RR 2 Badgerys Creek Airport - Update

Councillor Kevin Crameri OAM requested an urgent report to Council concerning whether the Labor and Liberal Party still support the airport as a 24 hour airport and without rail. In addition, the report is to include information about the selection of our consultant to review the EIS, and obtaining a map which shows the flight paths.

Having previously declared a Non-Pecuniary Conflict of Interest – Significant in *Confidential Item 2 – Jolly Street, Castlereagh – Development Matter* Councillor Karen McKeown left the Chamber for consideration of this Item, and did not return, the time being 8:26 pm.

CONFIDENTIAL BUSINESS

1 Presence of the Public

PRC 58 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Bernard Bratusa that the press and public be excluded from the meeting to deal with the following matter the time being 8:26pm.

2 Jolly Street, Castlereagh – Development Matter

This item has been referred to committee of the whole as the report refers to the personal hardship of a resident or ratepayer and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting moved out of confidential session at 8:38 pm and the General Manager reported that after excluding the press and public from the meeting, the Policy Review Committee met in confidential session from 8:26pm to 8:38pm to consider a personal matter.

The General Manager reported that while in confidential session, the Committee resolved the confidential business as follows:

CONFIDENTIAL BUSINESS

2 Jolly Street, Castlereagh – Development Matter

PRC 59 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Bernard Bratusa that the information provided by Councillor Crameri OAM be received.

There being no further business the Chairperson declared the meeting closed the time being 8:40pm.

DELIVERY PROGRAM REPORTS

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OUTCOME 1 - WE CAN WORK CLOSE TO HOME

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

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OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

Item	Page
1 Western Sydney Airport, Badgerys Creek	1



1 Western Sydney Airport, Badgerys Creek**Compiled by:** Elizabeth Hanlon, Senior Planner**Authorised by:** Ruth Goldsmith, Executive Manager - City Planning and Community**Requested By:** Councillor Kevin Crameri OAM

Outcome	<i>We plan for our future growth</i>
Strategy	<i>Protect the City's natural areas, heritage and character</i>
Service Activity	<i>Undertake priority planning projects and statutory processes that contribute to Penrith's role as a Regional City</i>

Executive Summary

Councillor Kevin Crameri OAM requested an urgent report on whether the Labor and Liberal Party still support the proposed Western Sydney Airport as a 24 hour airport and without rail. The report also provides information on three other matters requested by Councillor Crameri OAM, and recommends that the information be received.

Background

At Council's Policy Review Committee meeting of 10 August 2015, Councillor Kevin Crameri OAM requested an urgent report on whether the Labor and Liberal Party still support the airport as a 24 hour airport and without rail. Councillor Crameri OAM also requested information on the selection of a consultant to review the EIS and on obtaining a map which shows the flight paths.

Further, at the Extraordinary Meeting of Council on 9 June 2015, Councillor Crameri OAM requested that Council investigate and provide a response regarding a recent video on Channel 9 showing a plane allegedly dumping fuel over the Blue Mountains.

Current Situation***Labor and Liberal Party Positions***

As this was requested as an urgent report, the information below is based on statements made at a conference on the proposed Western Sydney Airport in May 2015, and in media reports since the Federal Government's announcement in April 2014. For a clearer understanding of the Labor and Liberal Party positions on a 24 hour airport, without rail at the time of its opening, letters have been sent directly to the Parties, seeking their advice.

The Federal Coalition Government has indicated that there are no plans to place a curfew on the proposed Western Sydney Airport, although the Member for Lindsay, Ms Fiona Scott MP, has stated that she does not support a 24 hour airport. The Federal Coalition Government has also indicated that the proposed airport would not have a rail link at the time of its opening, stating that *"The first public transport to and from the airport will be buses provided through an efficient road network. Rail is a longer-term requirement."*

The NSW Coalition Government also supports the proposed airport, however, has not outlined a position on a potential curfew. In relation to rail, the Premier, the Hon Mike Baird MP, has said *"It's roads first, the airport second and then rail"*.

The Federal Opposition Leader, Mr Bill Shorten MP, supports an airport at Badgerys Creek, but with a curfew. Shadow Minister for Infrastructure and Transport, Mr Anthony Albanese MP, has indicated that there needs to be substantial investment in infrastructure to support the airport *“not just in roads but also in rail”*. The State Opposition leader, Mr Luke Foley MP, supports an airport with a curfew, as well as a rail connection at the time of the airport’s opening.

Review of Environmental Impact Statement (EIS)

At its Ordinary meeting of 25 May 2015, Council resolved to *“participate in the proposal for councils to pool their resources and engage consultants in readiness for the release of the EIS, subject to an upper limit of \$60,000”*. The benefits of pooling resources are that a more detailed and expert analysis can be done, with councils not having to compete for the same expertise. There are also considerable cost savings for our communities as councils are not undertaking separate reviews and duplicating the efforts of other councils. The structure of the proposal, however, allows councils to draw from the expert analysis to develop their individual submissions.

The proposal is being administered by WSROC. A Steering Committee, chaired by WSROC / MACROC is comprised of officers from each of the contributing councils. The Steering Committee’s role is to coordinate the appointment and management of consultants for the peer review of the draft EIS, and to engage a project manager to oversee this work.

Based on the advice of the Steering Committee, WSROC has appointed WSP | Parsons Brinckerhoff (PB) as the project manager. The Steering Committee has also identified the need to undertake a peer review of the technical studies relating to the following nine environmental issues:

- Aviation planning / flight path analysis
- Noise and vibration – aircraft noise
- Air quality
- Traffic and transport
- Economic, employment and social issues
- Human health risks
- Noise and vibration – ground noise
- Groundwater and surface water / flooding, and
- Biodiversity.

At the time of writing this report, the Steering Committee is considering responses from the consultants identified as having the appropriate technical expertise for each of the nine issues. It is anticipated that a decision on the preferred consultants will be finalised by the end of August.

Map of Flight Paths

Councillors were advised, by memorandum dated 17 August 2015, that Council officers had made a request to the Department of Infrastructure and Regional Development (DIRD) regarding proposed flight paths and noise impacts of the proposed airport, particularly on properties in St Clair, St Marys and Claremont Meadows. The request was very clear that Council is seeking this information in advance of the release of the draft EIS. The memorandum provided the DIRD’s response, including the following comments:

“The draft EIS which will be released later this year will include noise contours based on indicative flight paths developed by Airservices Australia.

Based on these indicative flight paths, we have commissioned acoustic technical specialists to prepare Australian Noise Exposure Contours (ANECs) as well as N60 and N70 contours for the initial stage and longer term development of the airport. The noise contours to be presented in the EIS will provide the community with greater clarity around the potential noise impacts of the proposed airport. Flight paths will be refined closer to operations commencing in the mid-2020s to ensure data is up to date and reflective of airspace operations in the Sydney basin.

The draft EIS will be released for public exhibition later in 2015. As part of the public exhibition period, the public and interested stakeholders will have the opportunity to provide feedback on the flight paths and noise contours. Comments received during the public exhibition period will then be taken into account in finalising the EIS."

It is clear from the DIRD's response that the requested information will not be provided in advance of the release of the draft EIS. While this is not unexpected, given the information is likely to be sensitive and would not be accompanied by the full context or analysis provided through an EIS, Council officers will continue to explore opportunities for information on flight paths and other aspects of the EIS as early as possible.

Alleged Fuel Dumping

In relation to the video on Channel 9 showing a plane allegedly dumping fuel over the Blue Mountains, Council officers understand that flight QF93 en-route from Melbourne to Los Angeles on 2 June 2015 made a forced landing at Sydney Airport due to a mechanical failure. Media articles (on Channel 7 and Facebook) suggest that fuel was dumped prior to the landing, although Council officers have been unable to verify this information.

A request was made to the Civil Aviation Safety Authority (CASA) for further information, however, there has been no response to date. Council officers are currently following up this request and will provide further advice to Council if new information is provided by CASA.

Conclusion

Letters have been sent directly to the Federal and State Labor and Liberal Party parties, seeking clarification on their position on a proposed 24 hour airport at Badgerys Creek, and without rail at the time of its opening. Councillors will be advised when responses to the letters are received.

Councillors will also be advised of the selected consultants for the peer review of the draft EIS and technical studies when a decision is made, as well as any new information received from CASA on the alleged fuel dumping.

Council officers will continue to explore opportunities for information on flight paths and other aspects of the EIS for the proposed airport, in advance of its release later this year.

RECOMMENDATION

That the information contained in the report on Western Sydney Airport, Badgerys Creek be received.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

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OUTCOME 3 - WE CAN GET AROUND THE CITY

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

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OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

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

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OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

Item	Page
2 Draft Community Gardens Policy and Guidelines	11



2 Draft Community Gardens Policy and Guidelines

Compiled by: Carmel Hamilton, Sustainability Co-ordinator
Jennifer Moses, Sustainability Research Planner

Authorised by: Fiona Plesman, Organisational Performance & Development Manager

Outcome	<i>We care for our environment</i>
Strategy	<i>Support our communities to live more sustainably and use resources wisely</i>
Service Activity	<i>Implement a coordinated program of community engagement activities</i>

Executive Summary

An action in the 2013-17 Delivery Program is to 'Develop a policy and guidelines for the development of community gardens within the City'.

A draft policy has been developed with input from a cross departmental working group and is included as an attachment to this report. The purpose of the draft policy is to outline Council's support for community gardens while also clarifying the roles of Council and community groups, particularly in the case of those who apply for gardens on Council owned or managed land.

Background

An action in the 2013-17 Delivery Program is to 'Develop a policy and guidelines for the development of community gardens within the City'.

Community gardens are widely recognised as being more than a source of food for the community, with economic, social and environmental benefits. They play a part in encouraging community development, sustainability education and enhancing social interaction. Importantly, community gardens also have a role to play in reducing the City's ecological footprint. Our research has shown that food is a significant component of our ecological footprint, which means it's an area where we can make a significant improvement by encouraging the community to grow their own food, and become more aware about where their food comes from.

Community gardens have been established in many local government areas across Australia. In Sydney, community gardens are well established in many Council areas including the City of Sydney, Marrickville, Blue Mountains, Blacktown, Camden and Ashfield.

Within the Penrith LGA two community gardening schemes are currently in operation and are listed below:

- Mamre Farm – Small plots rented to refugee families or larger community groups for a nominal fee.
- St Marys Fusion Hub – Community garden suited for individuals and small community groups.

The history of community gardens in the Penrith area involves a number of gardens that have been started but that are no longer operational. In the past, Council has supported the

development of community gardens, including at Cranebrook, Cook Parade in St Clair and the Erskine Park Community Centre and Hall which have ceased to operate due to a lack of ongoing community participation.

There continues to be steady interest from the community in food gardening, with a steady stream of inquiries relating specifically to community gardening. Requests for advice and assistance are received by a number of departments within Council, including Parks, Sustainability, and Community and Cultural Development. In the past, these requests have been dealt with by staff from across these areas, usually in consultation with each other to ensure that consistent responses are being provided to the community.

In general, people tend to be seeking information on existing community gardens that they may be able to join, or information on how to establish a community gardening group. The development of a policy to set a clear framework for community gardens is seen as an important first step in supporting and encouraging our community in this area.

It is also important to recognise that community gardening has strong links to a number of other projects being undertaken across the organisation to build skills in food production, encourage people to grow their own food and to become more aware of their food choices.

Research

The first step in the development of the draft policy involved researching current best practice in local government from a number of councils across NSW. All councils when compiling their policy and guidelines appear to draw heavily on comprehensive work done by the Australian City Farms and Community Gardens Network as well as the Community Gardening in South Australia Resource Kit.

In researching community gardens it was found that the most successful community garden models had several points in common which included:

A bottom up approach to establishing a community garden: the bottom-up approach is generally considered to be the preferred community garden model as it indicates strong community interest. Councils gave preference to sites located in high density areas.

Governance: generally policies require garden groups to become incorporated, or required the group to have an agreement with or be auspiced by an incorporated organisation.

Clear council role: very limited council involvement, apart from the basic management responsibilities for land under council ownership or management, initial training and workshops, promotion, advice regarding design and management, and funding. Day to day management was primarily found to be the responsibility of the garden group.

Land ownership: the majority of gardens reviewed were located on council land or Crown Land managed by council, with a community land classification often being required as a site selection condition.

Funding: prospective garden groups need to be financially sustainable and not rely solely on council for ongoing financial assistance. Funding from councils was primarily undertaken as part of a broader grant application process and subject to council budgetary constraints.

Process for selection, application and assessment: key features are site selection criteria, accompanied by a clear application and assessment process. These matters form the basis of the policy and guidelines to ensure that both council and any prospective garden group clearly understand what processes must be followed.

Insurance and licensing: public liability insurance and licensing periods are included in most policies.

Consultation

The Community Gardens Reference Group provided valuable input to the development of the draft Community Gardens Policy and Guidelines and included staff from Parks, Property Development, Community and Cultural Development, Place Management, Environmental Health, Development Services, Risk and Sustainability.

Policy and Guidelines

The draft policy sets out Council's roles and responsibilities; the process of establishing a community garden on Council owned or managed land; considerations for planning a community garden; and verge or footpath gardening. The purpose of the Draft Community Gardens Policy is to:

- Outline Council's approach to the establishment and support of community gardens on both public and private land; and
- Clarify the roles of Council and community groups, particularly in the case of those who apply for community gardens on Council owned or managed land.

A community garden is defined in the draft policy as a "not-for-profit, community managed places that provide an opportunity for food production and other gardening activities, in an inclusive community based setting, for the benefit of members in the local community."

Within the draft Policy, Council's role is to facilitate and promote community gardens that are sustainably managed by the community. Council has adopted a community development approach to facilitating community gardens in which gardening groups manage the gardens themselves. This approach leads to increased community ownership which can assist in the ongoing sustainability and success of a community garden, and minimises the resources that will be required from Council. In terms of community ownership and management this is representative of established best practice for community gardening.

The draft guidelines have been developed to support the Policy by providing community groups guidance on how to plan, design and establish a community garden on Council owned or managed land as well as provide suggestions on how to manage and maintain it in the long term. The inclusion of site selection and assessment criteria and a clear application and assessment process ensures that both Council and any prospective garden group clearly understand what processes must be followed. This reduces the level of confusion and establishes clear areas of responsibility. The guidelines also emphasise the amount of dedication and commitment that is required by a community garden group in order to make a success of a community garden so that prospective groups are aware of what will be required.

Our discussions with other councils confirmed that council run community gardens are resource intensive and require a substantial commitment in terms of funding, time and insurance with some councils now moving away from this approach. This approach is considered to be beyond the capability of Council at the present time. It is recognised that any proposed community garden on Council owned or managed land will require a level of Council support in terms of initial community liaison in terms of finding an appropriate site and guidance through the application process as well as community consultation. It is envisaged that this support will be coordinated through the Community Gardens Reference Group, with the Sustainability Team the first contact point for interested members of the community.

Possible Garden Locations

A number of Council owned lands have had a preliminary assessment to determine their suitability in terms of future community gardens. A listing of these sites is included below. This provides interested groups with some preliminary advice on where it may be possible to look to establish community gardens in the future.

- Jamisontown Children's Centre – 70 Glenbrook Street, Jamisontown
- Robinson Park – 15 Romsley Road, Jamisontown
- Mazepa Avenue and Hilliger Road Reserve – 205a Parker Street, South Penrith
- Jamison Park – 252-308 Jamison Road, South Penrith
- Burcher Park – Lot 57 Hornseywood Drive, Penrith
- Spence Park – 142 Derby Street, Penrith
- Devon Park – 20 Devon Road, Cambridge Park
- Pacific and Phoenix Reserve – 27a Phoenix Crescent, Erskine Park
- Gilmour Street Reserve – 13 Turner Street, Colyton
- Brian King Park – 34-38 Braddon Street, Oxley Park
- Bennett Park – King Street and Stapleton Parade, St Marys
- St Marys Children's Centre – 7 Collins Street, St Marys
- Jack Jewry Reserve – 5 Merinda Street, North St Marys
- Redstone Place and Pinecreek Circuit Reserve – 24a Pinecreek Circuit, St Clair
- Gumbirra Children's Centre – 97a Cook Parade, St Clair
- Yoorami Children's Centre - 7-11 Cottage Street, Werrington

Education and Engagement

The policy and guidelines need not stand alone but rather should be seen as part of a more comprehensive program of education and engagement around food and food gardening. It is proposed to develop a stronger online presence linking not only the policy and guidelines on community gardens but other related information that may be of interest, including opportunities to volunteer for programs such as Bushcare. Information on established community gardens will also be provided.

Information on Council's workshops, fact sheets and other resources will be available so that we can cater for the range of levels of interest from beginner gardeners right through to committed people looking to grow a group and establish a community garden. Information for schools and children's centres will also be made available to encourage food gardening linked to the curriculum.

RECOMMENDATION

That:

1. The information contained in the report on Draft Community Gardens Policy and Guidelines be received.
2. The draft Community Gardens Policy and Guidelines be endorsed by Council.

ATTACHMENTS/APPENDICES

- | | | | |
|----|------------------------------------|----------|----------------------|
| 1. | Draft Community Gardens Policy | 4 Pages | Attachments Included |
| 2. | Draft Community Gardens Guidelines | 32 Pages | Attachments Included |

OUTCOME 6 - WE'RE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT

Item	Page
3 Penrith Affordable Housing Project	17



3 Penrith Affordable Housing Project

Compiled by: Teresa Luk-Leung, Social Planning Co-ordinator

Authorised by: Erich Weller, Community and Cultural Development Manager

Outcome	<i>We are healthy and share strong community spirit</i>
Strategy	<i>Encourage social connections and promote inclusion in our community</i>
Service Activity	<i>Develop effective responses to the social impacts of growth, redevelopment and change</i>

Executive Summary

Council has identified the importance of the affordability of housing in contributing to a diverse and sustainable community. This includes both housing for purchase as well as for rental. To support the delivery of affordable housing Council has required major new urban release areas to have a range of dwellings, including smaller dwellings on compact lots and more recently apartments. These smaller dwellings are more likely to be affordable for first home buyers.

Council is also facilitating the delivery of additional long term affordable rental housing stock in the City through contributions to Council by major new urban release area developers under voluntary planning agreements.

At the Policy Review Committee (PRC) of 3 December 2012, Council endorsed entering into an agreement with Housing NSW (Centre for Affordable Housing) to facilitate the delivery of long term affordable rental housing in the City utilising the contributions from these urban release area developers. Housing NSW has since become an agency of the NSW Department of Family and Community Services.

By 2013, Council had collected approximately \$1.13 million of contributions for the provision of long term affordable rental housing for very low and low income households. In July of the same year, the Department of Family and Community Services - Housing commenced a select tender process for the Penrith Affordable Housing Project.

Wentworth Community Housing (WCH), a regional not-for-profit community housing provider based in Penrith, won the tender. The Penrith Affordable Housing Project will deliver 24 long term affordable rental and social housing dwellings through Council's contribution of \$1.13 million which was matched by the State Government, WCH's own borrowings and reserves, and Federal National Rental Affordability Scheme (NRAS) funds. Council's interest only relates to this Stage 1 project. With some of the available funds WCH purchased a block of land from the NSW Land and Housing Corporation at 11-15 Phillip Street, St Marys for this project.

After further negotiation with the NSW Department of Family and Community Services – Housing, WCH was able to obtain additional capital funding and add a second stage to the project. The second stage will deliver 25 affordable rental and social housing dwellings. All the units will be owned and managed by Wentworth Community Housing.

The development application for the project (Stage 1 and 2) was approved in late May 2015 by the Sydney West Joint Regional Planning Panel. The Penrith Affordable Housing Project (Stage 1) is expected to be completed by July 2016.

To enable the transfer of Council's affordable housing contributions to the NSW Department of Family and Community Services – Housing a Deed of Agreement has been finalised with input from Council's Senior Legal Officer and the Department.

The report recommends that the information contained in the report on the Penrith Affordable Housing Project be received; and that Council authorise the General Manager to execute the Deed of Agreement between Council and the NSW Department of Family and Community Services (Housing Agency) as provided in Attachment 1 to this report.

Background

Council has identified the importance of the affordability of housing in contributing to a diverse and sustainable community. This includes both housing for purchase as well as for rental. Council acknowledges that the Federal and State Governments have principal responsibility for the delivery of sustainable affordable rental housing outcomes. However Council can play a facilitation role and exercise leverage through collaboration and working with other levels of government to achieve affordable housing outcomes for the City.

In June 2005, Council adopted the "Sustainability Blueprint for Urban Release Areas". The Blueprint is a policy document and a guide for Council, developers and relevant stakeholders involved in the planning and development of new urban release areas within the City of Penrith. The Blueprint states that "a minimum of 3% of all residential allotments to be provided for the purpose of affordable housing." Alternatively, an appropriate monetary contribution to provide affordable housing units elsewhere within the City of Penrith is possible. This policy can only be progressed through negotiated voluntary planning agreements between Council and major new urban release area developers.

This benchmark of 3% was adapted from the NSW Government requirement that Lend Lease allocate 3% of lots developed at the St Marys Urban Release Area (Ropes Crossing Jordan Springs and the Central Precinct) for affordable housing.

Council successfully negotiated monetary contributions for long term affordable rental housing for very low and low income households as part of voluntary planning agreements with the developers of Glenmore Park Stage 2, Urban Growth (the Caddens release), and the University of Western Sydney (the South Werrington Urban Village). By 2013 Council had collected \$1.13 million in contributions and Table 1 below summarises these contributions.

Table 1

New Urban Areas	Landowners/Developers	Amount of Contributions	Amount of Contributions received
Glenmore Park Stage 2	Multiple Landowners	\$1,000,000	\$528,000
Caddens	UrbanGrowth	\$337,000	\$337,000
South Werrington Urban Village	University of Western Sydney	\$250,000	\$265,000
Total		\$1,587,000.00	\$1,130,000.00

Note: The original agreed contributions are indexed up to the date on which the contributions are paid.

Council also signed a Memorandum of Understanding (MOU) with the then NSW Department of Housing in June 2005. The Memorandum identified a number of priority projects and matters that the two organisations agreed to focus on. One of these matters is affordable rental housing and the MOU makes specific reference to Council and the Department working together to “retain and develop new affordable housing opportunities”. The MOU makes reference to the support the Centre for Affordable Housing can provide to Council in identifying and developing affordable housing opportunities.

At Council’s Policy Review Committee meeting on 3 December 2012 Council endorsed entering into an agreement with Housing NSW (Centre for Affordable Housing) to facilitate the delivery of long term affordable rental housing in Penrith City. Housing NSW has since become an agency of the NSW Department of Family and Community Services.

The Centre for Affordable Housing was a business unit of Housing NSW whose key role was to assist local government, community housing providers and other non-government organisations, and the private sector to deliver affordable housing in NSW. By working with the Centre, Council has been able to access the expert advice, assistance and professional support which have been crucial to the successful delivery of the Penrith Affordable Housing Project. This collaboration has also minimised the administrative, legal and tender process tasks Council would have needed to undertake if it did not have the Centre’s involvement in the Penrith Affordable Housing Project.

The functions of Housing NSW and the Centre have been absorbed into the NSW Department of Family and Community Services - Housing.

Penrith Affordable Housing Project

By mid 2013 Council had collected \$1.13 million in affordable housing contributions from the new urban area developments listed in Table 1 above. At the same time, the NSW Department of Family and Community Services (FACS) advised Council that it would also contribute \$1.13 million to the Penrith Affordable Housing Project.

In July 2013, FACS conducted a tender for the Penrith Affordable Housing Project. In late 2013, Council was notified that Wentworth Community Housing (WCH), a regional not-for-profit community housing provider based in Penrith won the tender for the Penrith Affordable Housing Project. WCH was also successful in its application for Federal National Rental Affordability Scheme (NRAS) funding for 24 dwellings. The tender requires WCH to deliver 24 long term affordable rental and social housing dwellings. This is Stage 1 of the project and Council’s interest only relates to this stage.

With some of the available funds WCH purchased a block of land from the NSW Land and Housing Corporation at 11-15 Phillip Street, St Marys for this project. At the same time as negotiating the purchase of the property WCH were also able to successfully apply for further NSW Government capital contributions to the project, and with further equity and borrowings by WCH, a second stage of the project was agreed between WCH and FACS.

Two stages of the project are summarised in Table 2 below.

Table 2

	1 Bedroom	2 Bedrooms	Total Units	Source of Funding
Stage 1	8 units – 3 social housing and 5 affordable housing units	16 units – 1 social housing and 15 affordable housing units	24	Penrith Council Affordable Housing Contribution; NSW government capital contribution; NRAS funding and WCH’s own equity and debt.

	1 Bedroom	2 Bedrooms	Total Units	Source of Funding
Stage 2	10 units – 2 social housing and 8 affordable housing units	15 units- 9 social housing and 6 affordable housing units	25	NSW government capital contribution and WCH's own equity and debt.

The development application for Stage 1 and Stage 2 of the project was approved by the Sydney West Joint Regional Planning Panel in late May 2015. The Penrith Affordable Housing Project (Stage 1) is expected to be completed by July 2016. All 49 units will be owned and managed by Wentworth Community Housing.

Next Steps

To enable the payment of Council's \$1.13 million affordable housing contribution to the NSW Department of Family and Community Services for the project, a Deed of Agreement has been finalised with input from Council's Senior Legal Officer and FACS. Council's \$1.13 million funds will be managed by FACS as part of the contract and funding package with WCH for the delivery of the Penrith Affordable Housing Project (Stage 1) in St Marys.

Council's Senior Legal Officer is satisfied with the terms and conditions included in the Deed of Agreement. The agreement will protect the interests of Council and ensure that the 24 units of affordable rental housing will be made available in perpetuity for low and very low income households in Penrith City.

After the signing of the Deed of Agreement, discussions will be held with the NSW Department of Family and Community Services and Wentworth Community Housing to issue a joint press release for the project. Correspondence will also be forwarded to the NSW Department of Family and Community Services – Housing, and the Federal Department of Social Services thanking them for their financial contribution and support of the Penrith Affordable Housing Project, as well as to the developers who made affordable housing contributions to the project.

Conclusion

The collaboration between Council and the NSW Department of Family and Community Services – Housing plus the financial contributions from both the Federal and State Governments has enabled Council to successfully advance its affordable housing agenda. It has provided Council an excellent opportunity to access the NSW Family and Community Services – Housing's development expertise and the funding leverage from both the State and Federal Governments to maximise the number of long term affordable rental housing units for low and very low income households that will be delivered through the Penrith Affordable Housing Project.

RECOMMENDATION

That:

1. The information contained in the report on Penrith Affordable Housing Project be received.
2. Council authorise the General Manager to execute the Deed of Agreement between Council and the NSW Department of Family and Community Services (Housing Agency) as provided in Attachment 1 to this report.

ATTACHMENTS/APPENDICES

1.	Deed of Agreement between Penrith City Council and Department of Family Services (Housing Agency)	11 Pages	Attachments Included
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OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

Item	Page
4 Sustainability Initiatives - draft policy, strategy and targets	25



4 Sustainability Initiatives - draft policy, strategy and targets**Compiled by:** Carmel Hamilton, Sustainability Co-ordinator**Authorised by:** Fiona Plesman, Organisational Performance & Development Manager

Outcome	<i>We have confidence in our Council</i>
Strategy	<i>Ensure our finances and assets are sustainable and services are delivered efficiently</i>
Service Activity	<i>Identify ways to use resources more efficiently</i>

Executive Summary

A key aspect of corporate sustainability is the development and adoption of a corporate sustainability policy to guide our efforts and attention over coming years. A sustainability policy will provide clear direction to the organisation to ensure that sustainability remains a key consideration and is effectively mainstreamed into our operations, activities and decision making processes.

The policy includes an associated strategy, with both documents reflecting Council's strong history in sustainability. Together they provide a platform for the next stage of sustainability which is more reflective of the quadruple bottom line and the placement of sustainability as an area of corporate focus.

Associated draft sustainability targets are also presented today as part of the overall corporate sustainability package. The adoption of targets is an important way of continuing to encourage resource efficiency within the organisation and the transition to more sustainable sources of energy and water into the future. Previous targets have been effective in driving improvements in energy and water efficiency.

The draft sustainability policy, strategy and targets are tabled today for endorsement by Council.

Development of the Policy

Following adoption of the corporate definition of sustainability by the organisation and the implementation of the corporate engagement program Think, Act, Share, there was recognition that a policy was needed as the next step in the sustainability program.

The draft policy was developed based on research and review of the sustainability policies of other local governments and organisations from across Australia, and is considered to reflect current industry best practice.

The draft policy and accompanying strategy are included as attachments to this report for consideration.

The strategy provides the detail on how the draft policy will be implemented through a coordinated program of activities undertaken primarily by the Sustainability Team, but working closely with staff from across the organisation. The Strategy looks at the four focus areas from the Policy:

- Advance the Liveability of the City

- Leadership
- Business Innovation and Resource Efficiency
- Support Sustainable Practice

Actions are proposed to be identified against each for delivery over a time frame up to the end of the next Delivery Program 2017-21 and can be undertaken within the existing Sustainability service.

Sustainability Targets

The draft policy also makes reference to the establishment of corporate sustainability targets, and reporting against these targets to the organisation and community. A review of our existing targets has been undertaken and suggested targets are outlined later in the report. These draft sustainability targets would sit alongside the policy, providing further clarification and information on Council's commitment to sustainability.

Review of Existing Targets

Council has invested considerable effort towards improving the energy and water efficiency of our assets and operations. Guidance has been provided through a number of adopted water and energy management plans, as well as the adoption of targets to reduce consumption and in the case of energy, associated emissions.

A large number of energy and water projects have now been implemented, with associated monetary savings of over \$5million since 2002.

Our previously adopted targets are outlined below. These targets were adopted in 2005 and were developed as part of Council's participation in the International Council for Local Environmental Initiatives (ICLEI) programs which now no longer exist.

Council's adopted water target was to reduce Council's corporate water consumption by 15% by 2011 based on 2001-02 levels. Council was able to meet the corporate water target, and has continued to maintain this achievement, with 2013-14 achieving a reduction of 17.5% on the baseline year.

In terms of emissions Council adopted a target to stabilise per capita emissions by 2010 with a 25% reduction by 2015, based on 1995 levels

Achievement of the emissions reduction goal has not been as straightforward and this goal expired at the end of the 2014-15 financial year. Emissions figures for 2014-15 are not yet available, however emissions from the 2013-14 financial year show an increase in emissions of 55% compared to the baseline year.

It is important to note that the 1995 baseline year gives a deceptively low emissions level of 14,414 tonnes CO₂e. This is primarily due to the small number of assets (63) that were included in this baseline year, compared with 243 assets and facilities in 2013-14. Given that this data was only available in hardcopy archived invoices a complete emissions picture of Council's operations for the baseline year has never been possible.

Despite this it is still important to discuss the need for new corporate sustainability targets as a way of continuing to encourage energy and water efficiency within the organisation and the transition to more sustainable sources of energy and water.

It is proposed to use the 2010-11 financial year as the baseline year for future targets as the methodology for calculating our consumption and emissions, as well as the sites included, has been consistent since this time.

Significant effort and attention across the organisation has seen energy consumption decrease slightly since 2010-11, while emissions over the same period of time have decreased by 25%.

The ongoing growth in Council's asset base over time means that overall energy efficiency has improved over the last several years as emissions and consumption have been reduced despite an ongoing growth in assets and infrastructure. Future targets will need to contend with projected future population growth and the increasing demand for services by our community.

Suggested Targets

The suggested targets are the result of internal consultation to help ensure the targets are achievable and realistic, while still set at a high enough level to encourage innovation and drive operational improvements.

It is recognised that significant improvements have been made to the efficiency of Council's operations in terms of both water and energy management with a broad range of projects implemented across the majority of Council's sites.

The following targets are suggested for adoption by Council.

- 10% of Council's electricity supplied from low carbon sources by 2030

Currently 0.7% of Council's electricity use is supplied via solar power from 21 rooftop solar systems, with the largest being the 40kW system installed at the Glenmore Park Family Precinct. We have just commenced the purchase of 10% accredited GreenPower for our major electricity sites at an additional cost of \$22,931, which is the equivalent of 4% of our current electricity consumption. Combined with our existing installed solar the purchase of GreenPower is expected to result in almost 5% of our electricity coming from low carbon sources in the 2015-16 financial year.

In terms of Council's ability to achieve the proposed target it is possible to directly purchase enough accredited GreenPower to account for 10% of our electricity by increasing the major sites purchase from 10% to 34%. At current contract rates this would cost an additional \$82,000 each year.

A better approach is likely to be the implementation of a mix of projects that will increase the amount of installed renewable energy on council facilities, along with the purchase of accredited GreenPower. Following adoption of a target it is proposed to develop a comprehensive 'Energy Action Plan' to provide a range of projects for implementation over the next five years with corresponding cost benefit analysis.

For example, Council is currently investigating the installation of three large scale photovoltaic solar systems on the Civic Centre, the Joan Sutherland Performing Arts Centre and the Depot. Combined these sites would have a capacity of 239kW and produce around 1.4% of our current electricity consumption (319MWh per annum). Initial analysis indicates a simple payback period of between 5 and 7 years for this investment.

A range of other council owned facilities are considered suitable for rooftop solar and would be investigated for feasibility as part of the preparation of the Energy Action Plan, such as the Lewers Gallery, Queen Street Centre and St Clair Recreation and Leisure Centre.

It is important to note that ongoing improvements to renewable energy technology, along with the advent of innovative funding models such as power purchase agreements should act to improve the cost effectiveness of renewable energy projects into the future.

- 40% reduction in greenhouse gas emissions by 2030 based on 2010-11 levels

There has already been a decrease in emissions of 25.4% since the identified base line year of 2010-11, requiring a further 14.6% reduction in the remaining 15 years until 2030. This decrease has primarily been the result of improved waste management by the organisation, as well as a change to the emissions coefficient as the electricity supply in NSW has become less carbon intensive.

The purchase of 10% accredited GreenPower for Council's major sites in 2015-16, as outlined earlier, will achieve savings equivalent to 4.3% of the proposed target. In addition, completion of the street lighting upgrade project which is currently underway is expected to achieve emissions savings of 2%.

Similarly, the proposal to install solar photovoltaic systems at the Civic Centre, Joan Sutherland Performing Arts Centre and the Depot (239kW) would be expected to achieve savings equivalent to 1.7% of the proposed emissions target.

These projects, along with other opportunities across Council's facilities will be considered in the development of an 'Energy Action Plan' to provide a range of projects for implementation over the next five years.

Following adoption of a target it is proposed that emissions reductions projects would also be included within the 'Energy Action Plan' with corresponding cost benefit analysis.

Despite Council's extensive emissions reduction projects to date there is still potential for further emissions reductions due to efficiency improvements as outdated equipment is updated as part of our ongoing asset renewal projects. In addition new technologies will continue to become commercially available to further drive improvements in this area, and the emissions coefficient is likely to improve as the electricity supply becomes less carbon intensive over time.

- Maximise opportunities for sustainable water sources

Currently we have rainwater tanks installed on 18% of facilities (39) though in most cases these tanks are used for garden watering and have not been plumbed for use within the facility (e.g. for toilet flushing). Recycled water is also in use at 4 of our playing fields, accounting for 9% of total water usage.

The current absence of water restrictions, along with the relatively cheap cost of potable water has resulted in the absence of a significant driver to achieve further improvements to Council's water efficiency, and the pursuit of alternative water sources such as sewer mining, rainwater tanks and stormwater harvesting.

Given Australia's climatic cycle it is likely that we will experience a significant drought again in the future, with water efficiency and harvesting once again becoming a focus of operations. As a result a specific target has not been set, however a more general target is proposed to encourage the use of sustainable water sources into the future.

Next Steps

Following adoption of targets it is proposed to develop an Energy Action Plan to provide a five year plan towards achieving the targets. The plan would outline the range of projects to be undertaken by Council to meet our targets, along with a cost benefit analysis of each.

There is also an opportunity to work with Hawkesbury and Blue Mountains Councils under the Strategic Alliance to discuss opportunities for collaboration in this area. Initial discussions have been positive, however neither council has current energy or water targets in place.

Funding of Projects

It is recognised that there is limited opportunity within existing operational budgets to fund energy and water improvement projects, however the Sustainability Revolving Fund can be leveraged to fund or assist with funding those projects with a financial return. In addition, grant opportunities will also be pursued where they become available to assist with the implementation of energy and water related projects.

Significant improvements to operational efficiency can also be achieved through the upgrade and renewal of existing assets as older, less efficient equipment is replaced with new energy efficient models and this should continue to be a key consideration in the selection of plant and equipment.

Where new facilities or assets are being designed and constructed it is important that energy and water efficiency and sources are considered as part of the process in line with Council's adopted 'Buildings Policy' and industry best practice. This will help to ensure that opportunities to maximise water and energy efficiency and sustainability are incorporated at an early stage, with minimum additional cost to the project.

Comment from Financial Services Manager

The new targets being recommended by this report will require some additional investment by Council to achieve. As identified the Sustainability Revolving Fund will be a major component in developing projects to achieve these targets and the projected balance of the reserve as at 30 June 2016 is \$491,924. These funds present a significant opportunity to leverage current sustainability project funds and asset renewal programs to assist in achieving the targets. Additional funds outside of these existing programs will need to be considered alongside other priorities in the development of each year's Operational Plan.

Comment from City Works Manager

The suggested targets within the reports are supported. Additional funding will be required to implement several of the suggested projects, however there is scope for efficiency improvements to continue to be made as part of ongoing asset renewal and replacement projects.

Measurement of the targets should be reported in relation to Penrith's growth in both residential and industrial areas and the number of assets included in the assessment. The efficiency of facilities should also be considered in terms of changes to capacity and utilisation rates.

RECOMMENDATION

That:

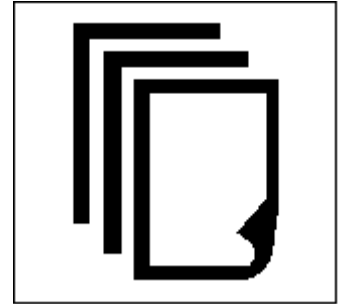
1. The information contained in the report on Sustainability Initiatives - draft policy, strategy and targets be received.

2. The Sustainability Policy, Strategy and associated targets by endorsed by Council.

ATTACHMENTS/APPENDICES

1. Draft Sustainability Policy 2 Pages Attachments Included
2. Draft Sustainability Strategy 4 Pages Attachments Included

ATTACHMENTS



Date of Meeting: Monday 31 August 2015

Report Title: Draft Community Gardens Policy and Guidelines

Attachments: Draft Community Gardens Policy
Draft Community Gardens Guidelines

Penrith Community Gardens Policy

Background

Penrith City Council supports the development of community gardening within the Penrith Local Government Area and believes that appropriately designed and managed community gardens can provide a wide range of environmental, social and economic benefits to the Penrith community.

For the purposes of this Policy, community gardens are defined as:

Not-for-profit, community managed spaces that provide an opportunity for food production and other gardening activities, in an inclusive community based setting, for the benefit of members in the local community.

To be successful community gardens require substantial community involvement in planning, decision-making, garden management, day-to-day activities and maintenance.

Purpose

The purpose of this policy is to:

- outline Council's approach to the establishment and support of community gardens on both public and private land; and
- clarify the roles of Council and community groups, particularly in the case of those who apply for community gardens on Council owned or managed land.

Objectives

The objectives of this policy are to:

- Acknowledge and promote the potential social, environmental and economic benefits of gardening for our community.
- Establish guidelines and clarify responsibilities of Council and community gardeners.
- Outline types and mechanisms of support Penrith Council can provide, depending on available resources, to community gardening groups.
- Set out requirements for the establishment of community gardens on Council owned or managed land.
- To support access to fresh, organic and locally produced fruit and vegetables.

Scope

This policy applies to all community garden developments on:

- a) Council owned and/or managed land;
- b) Private land; and
- c) Land owned by other public authorities.

Council's role will vary according to land ownership. Refer to Council's Community Gardens Guidelines for further information.

Roles and responsibilities

Council has adopted a community development approach to facilitating community gardens. This approach encourages garden groups to self-govern for the delivery of successful and sustainable gardens.

Council's role is to facilitate and promote community gardens that are sustainably managed by the community. Council will not take a lead in establishing gardens or provide funding for the establishment of gardens.

Penrith City Council in its role and responsibilities will:

- Facilitate community gardens through provision of advice for interested and committed groups.
- Assist interested and committed groups in identifying suitable public land for the development of community gardens.
- Provide advice to community groups in setting up their management committee and submitting their application for a community garden to Council.
- Provide advice and assistance to community groups in their application for grants, funding and other resources.
- Provide in-kind support when resources are available such as mulch, water options and reuse of materials for construction of gardens.
- Promote established community gardens on private and Council owned and managed land through Council's website, networks, publications and events.

Council is not in a position to provide the following services or resources:

- Insurance;
- Administrative support (eg. photocopying);
- Holding of monies on behalf of community garden groups;
- Provision of large infrastructure (eg. sheds, rainwater tanks, sun shelters);
- Ongoing provision of plants, seeds, soil or mulch;
- Provision of tools or other equipment;
- Repair or replacement of damaged, lost or stolen infrastructure and equipment;
- Development or hosting of any internet based platforms for group communications and promotion eg. website, blogs, wikis;
- Financial support; and
- Provision of fencing for the establishment of a community garden.

Establishment of Community Gardens on Council Owned or Managed Land

Establishing a community garden can be a complex process requiring consultation with a broad range of stakeholders and consideration of a range of issues.

There are a variety of different models for community gardens. Council supports communal gardens where at least part of the garden is managed collectively.

In order for Council to consider supporting the establishment of a new community garden on Council owned or managed land, applicants will need to follow the procedure for starting a new community garden outlined in Figure 1.

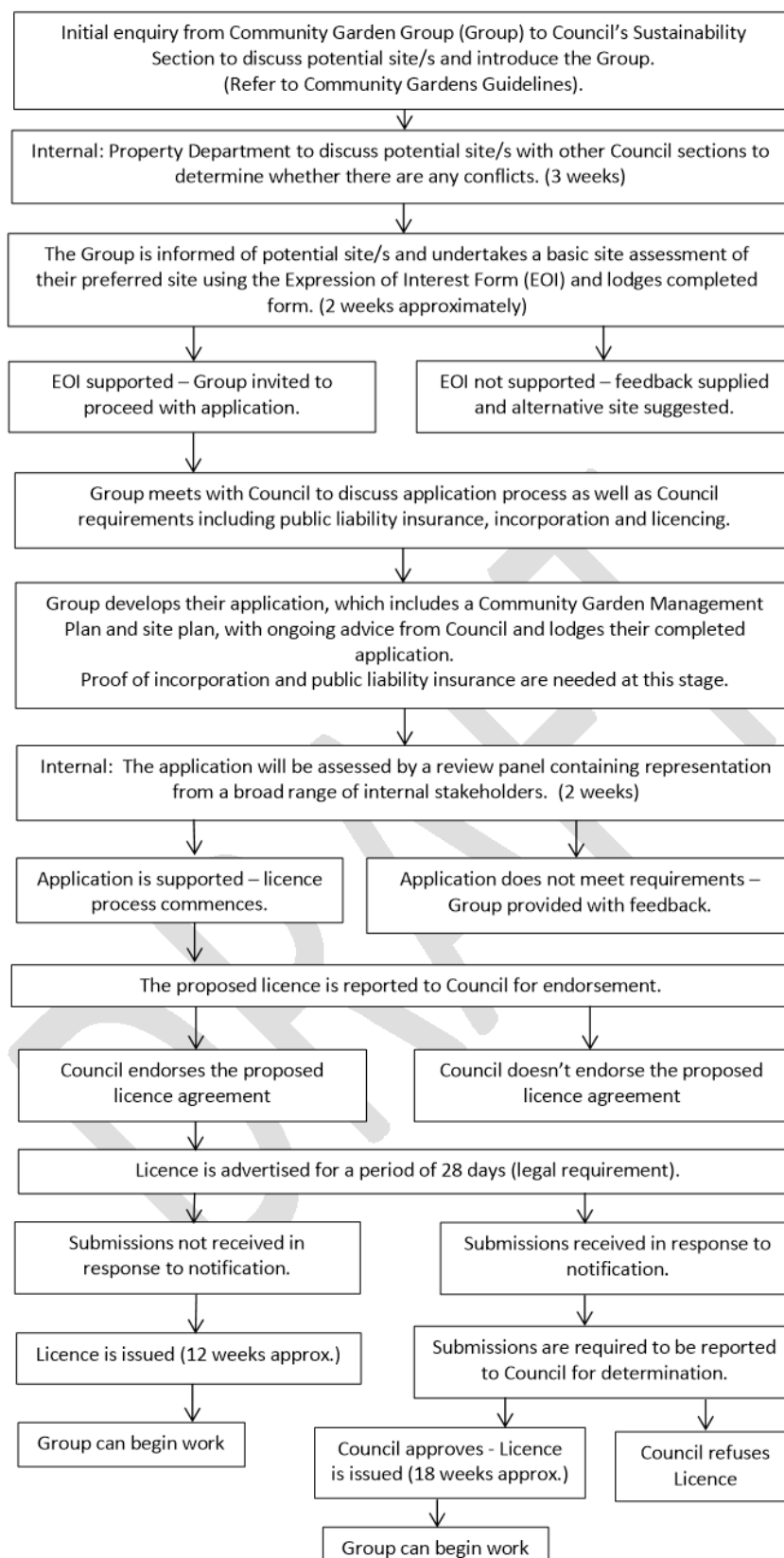


Figure 1. Process for starting a new garden on Council owned or managed land

Considerations

There are a number of considerations that should be taken into account when planning a community garden which include:

- Capacity of the community garden group to self-organise, start and manage a community garden over the long term.
- Availability of land suitable for community gardening.
- Attitudes of neighbours to a proposed community garden.
- Suitability of land for community gardening with regard to solar access, accessibility, safety, location, size, soil contamination, fencing and storage facilities.

These considerations are explained in greater detail in the Community Gardens Guidelines.

Verge or Footpath Gardening

In general, Council will not support the conversion of grass nature strip areas into garden beds. The main concerns about nature strip gardens relate to:

- interference with underground services
- impacts on pedestrian and traffic movements and lines of sight
- Impacts on bin placement
- soil contamination
- public liability
- dealing with abandoned gardens.

Review

The Community Gardens Policy is to be reviewed on an as needed basis.

Related Documents and Legislation

Related documents, policies and legislation:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Crown Lands Act 1989*
- *Associations Incorporation Act 2009*
- *State Environmental Planning Policy (Infrastructure) 2007*
- Penrith Community Gardens Guidelines



COMMUNITY GARDEN GUIDELINES

DRAFT - AUGUST 2015

PENRITH
CITY COUNCIL



CONTACT: Penrith City Council's Sustainability Team
on 02 4732 7983 or visit penrithcity.nsw.gov.au

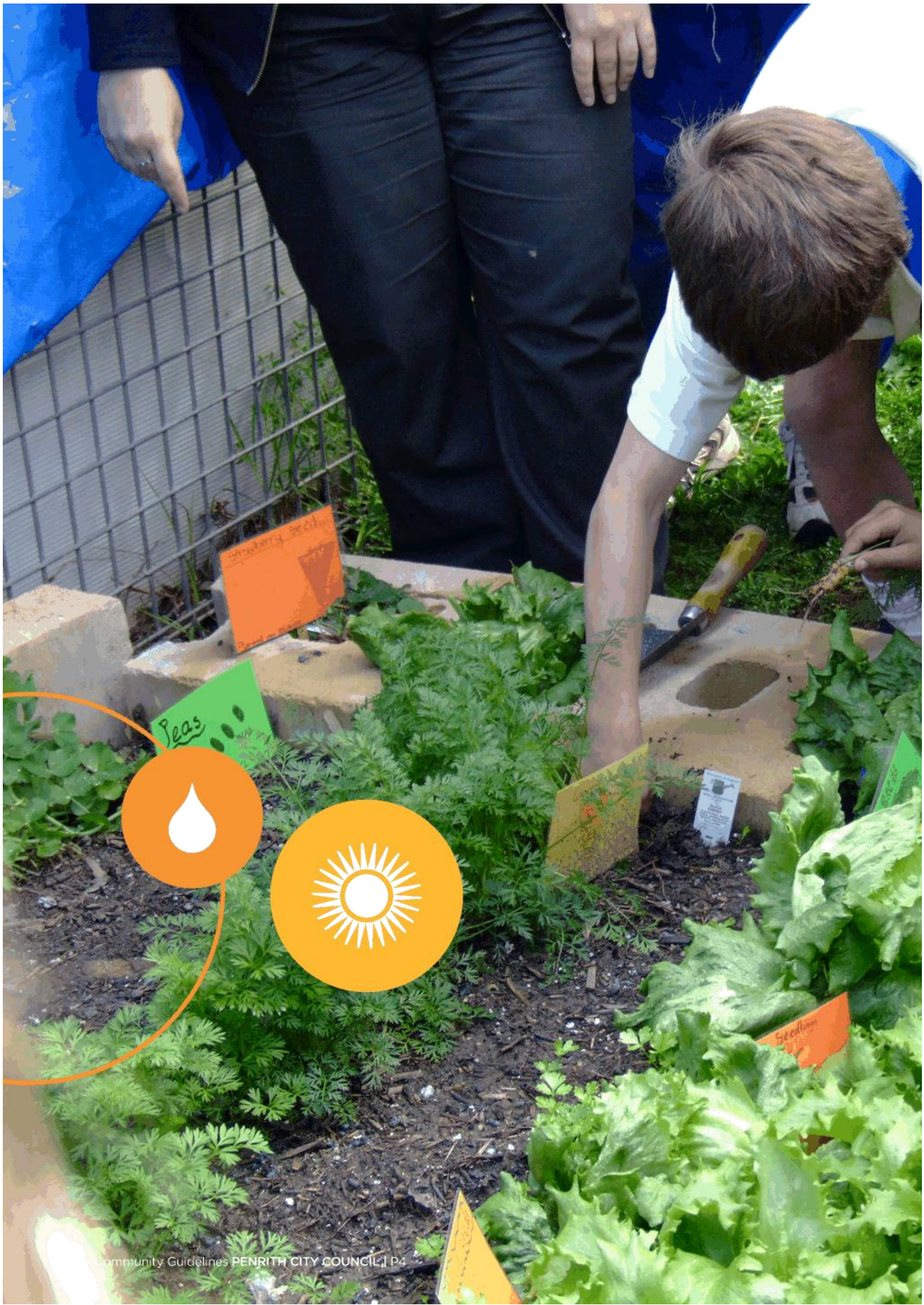
ADOPTED:

ACKNOWLEDGEMENTS: These guidelines draw heavily upon the 'Getting Started in Community Gardening' document developed by Faith Thomas and the Council of the City of Sydney.

Community Guidelines **PENRITH CITY COUNCIL** | P2

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WELCOME



These Guidelines have been developed to support Penrith City Council's Community Gardens Policy. The Guidelines aim to assist community groups plan, design and establish a community garden on Council owned or managed land as well as provide suggestions on how to manage and maintain it in the long term. It is not intended to be prescriptive, but instead outlines the broad range of considerations that will contribute to the long term viability of your community garden.

GETTING STARTED

Developing a community garden is a big task; there is a lot of planning, design and approval work involved prior to implementation. It is important that you are aware of the process and timeframe from the outset to ensure your group can sustain their interest in seeing the project fully evolve (as the garden work will be ongoing).

Before you start, ask yourself the following questions:

- Is there enough interest and energy within the group to sustain the project in the long term?
- Is a community garden the most effective way to address the community's needs eg. social opportunities, health promotion, environmental improvement, food security or learning for sustainability?
- Would helping out with another garden or joining a gardening organisation be a better way to achieve your aims, while also strengthening and enhancing that garden or organisation?
- Would another form of 'gardening community' be more appropriate eg. gardening collectively in backyards or working with a bushcare group?

BACKGROUND RESEARCH

This first step towards creating a successful community garden is to undertake adequate research. This will help further your understanding of the concept of community gardening and provide an insight into the level of involvement that will be required from you and the group.

EXISTING COMMUNITY GARDENS

One of the best ways for you to learn how to develop a successful community garden is to research existing community gardens, see how they are run and borrow their good ideas to get your group off and running.

You may like to review plans for an established community garden, visit the garden to see the layout and make contact with organisers to discuss ideas. It's a good idea to keep a file of notes and photos of your research for the group's reference.

COMMUNITY DEMAND

Your group may think the community needs a community garden but what do the community think? Community gardens will only work in places where they are supported by the local community.

Ask yourselves, does our area really need this garden or are there other opportunities available? There may be existing community gardens located nearby that you could join. Visit Council's website at www.penrithcity.nsw.gov.au for a list of local community gardens.

Establish what existing recreation and community facilities are located in the area and if demand exists for further community based activities. Are there unmet needs that exist in your community such as bushcare, food security, social opportunities, health promotion, environmental improvement, or training, where you can assist?

For more information contact Council's Sustainability Team.

ESTABLISHING A COMMUNITY GARDEN GROUP

Community gardens are hard work and demand time, energy and commitment. Establishing a community garden is a big task and a sense of community is crucial to the success of a community garden. To bring your community garden to life you will need the enthusiasm and commitment of a group of people working towards a common goal.

PLANNING

Your preparation up to this point has most likely brought about excitement within your group. It is important that you harness that buzz and energy as you go into the planning phase.

Establishment of community gardens on non-Council owned or managed land

Penrith Council supports the establishment of community gardens on community lands such as church grounds, schools and seniors housing. Garden groups are encouraged to contact Council during the planning of their garden to discuss their proposal as requirements can vary significantly depending on the location and zoning of the subject land. This will help to ensure that the group is aware of any requirements early in the process and that relevant advice and assistance can be provided.

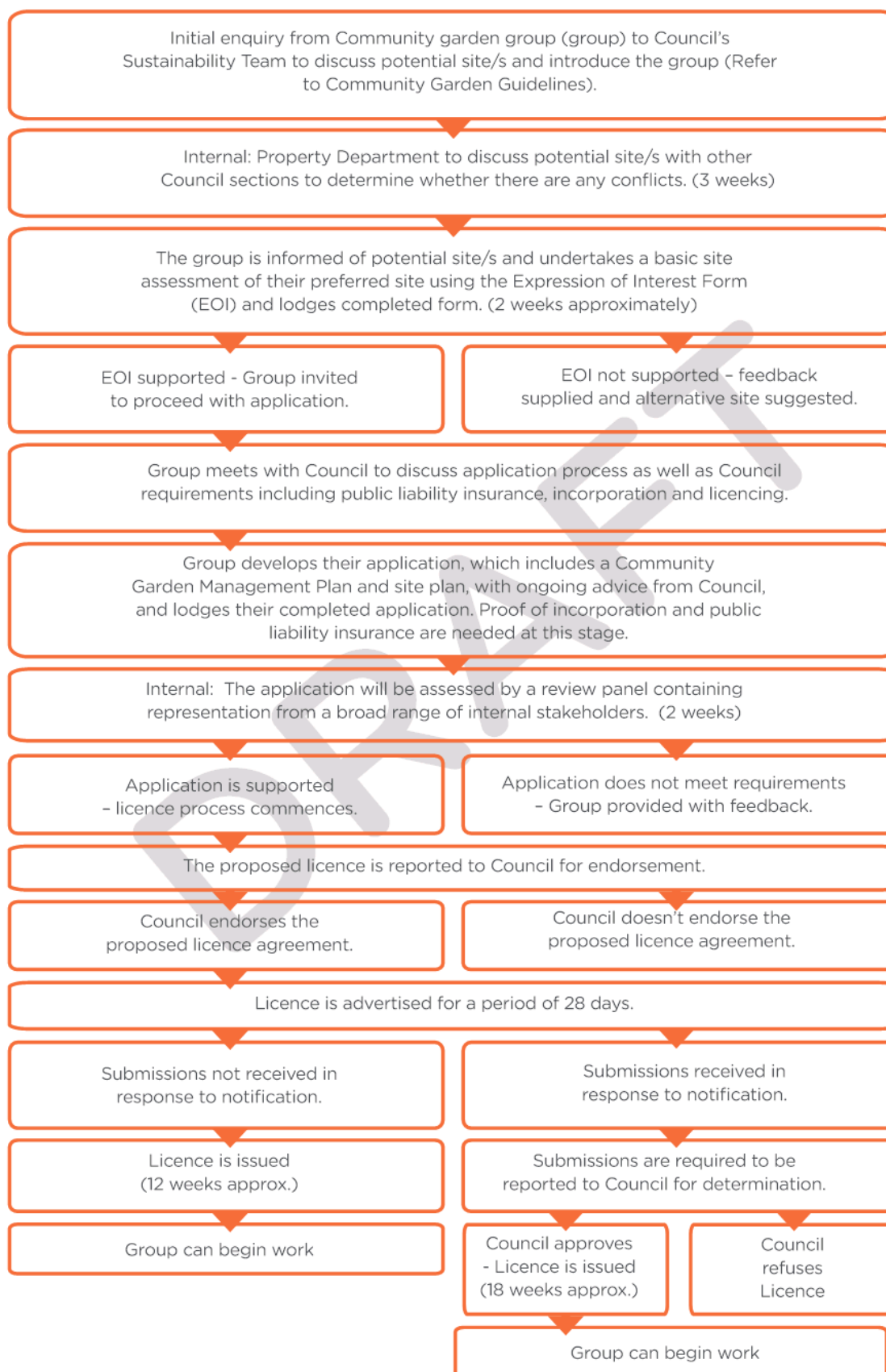
Establishment of community gardens on Council owned or managed land

Council is there to help, and the earlier your group starts talking to Council the better. Ongoing discussions with Council will assist your group, and Council, to choose the most appropriate site for your community garden.

Initially, you might wish to make contact with Council's Sustainability Team to discuss potential site/s and introduce your group. Council will need to consult with other departments to find out whether there are any problems with the potential site/s and will advise the group of the result. If the group is happy with the potential site they can fill in the Expression of Interest Form (refer to appendix) with details of their group and detail of a basic site assessment (See page 9 for Council's process).

COUNCIL PROCESS

Process for starting a new
garden on Council owned
or managed land



| P9

COUNCIL CONSIDERATIONS

Council must consider many factors when determining the right site for your garden project, these may include but are not limited to: The category of the land in accordance with the Local Government Act 1993; consistency of the land use with the objectives of the adopted plan of management for the site; available services and functions; compatibility with surrounding land uses; and community demand.

COMMUNITY GARDEN GROUPS ROLES AND RESPONSIBILITIES

The community garden must be managed and operated in a way that doesn't have a negative impact on the amenity, health or safety of the surrounding community or the natural environment.

Community garden groups will be responsible for maintaining the garden so that the health and safety of the surrounding community is not adversely impacted. Community garden groups are responsible for ensuring that:

- They cooperate and manage effective relationships with the surrounding neighbourhood, partnering organisations and other gardeners.
 - Visitors are welcomed to the garden.
- Decision making is democratic, transparent and inclusive.
 - They have an operating Code of Conduct which all members must agree to abide by, including conflict resolution procedures.
- There are appropriate work health and safety plans and systems in place, including;
 - Lawn areas are regularly mowed and garden beds kept tidy.
- Any water leaving the garden is not contaminated by sediment, fertiliser, manure or excessive organic matter that might pollute waterways.
- Noise levels within the garden are maintained at a level that is not disturbing to neighbours.
- Compost, worm farming systems and fertilisers are maintained so as not to attract vermin or produce unpleasant odours.
- Rainwater harvesting systems are maintained to ensure water is of a high quality and doesn't create mosquito problems.
- Any materials delivered to or stored at the garden are maintained so as not to create an unpleasant environment for other residents in the community.
- Pesticide and fungicide chemicals are not to be used on plant materials, particularly those grown for human consumption.
- There is a nominated person to act as a liaison with Council.
- They provide a copy of the minutes, including financial report from the Group's Annual General Meeting.

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Council may revoke the licence agreement for the use of the land where these responsibilities and other requirements of the Policy and Guidelines are not deemed to be satisfactorily met.

RIGHTS OF COMMUNITY GARDEN GROUPS

Community garden groups have the right to be consulted with regard to any decision that may affect the project and to be advised by Council in a timely manner of any policy changes that impact on them; be treated with respect by other gardeners and partnering organisations; and also be able to negotiate a secure and reasonable agreement with Council.

SITE ASSESSMENT

In assessing the suitability of your site for a new community garden the following points should be taken into consideration:

INTEREST LEVELS: Community garden groups will require a minimum of 8 people, aged 18 and over, in order to ensure that the garden is sustainable and will be maintained to an appropriate standard.

LOCATION: Sites classified as 'Community Land' under the Local Government Act 1993 are most likely to be appropriate. These sites are usually established for community use such as parks, open spaces, and community centres. Priority will be given to sites located in high density areas.

SAFETY: Sites should have no major safety or health concerns and have good passive surveillance (eg. be easily seen from nearby houses or retail areas).

ACCESSIBILITY: Sites should be accessible for a range of user groups. Sites should be located close to public transport where possible, allow access for people with disabilities, have vehicle access (eg. for delivery of mulch and soil) and accommodate groups wanting to visit the garden through on-street parking.

SOLAR ACCESS: Sites need to be suitable for growing plant materials and receive full sunlight, ideally for at least 5-6 hours per day.

SIZE: Sites which are large enough to accommodate garden beds (including communal beds), composting systems, rainwater tanks and seating areas.

WATER: Sites with easy access to a water supply or buildings nearby from which rainwater can be collected.

SOIL CONTAMINATION: Sites will need to be assessed for soil contamination. If contamination is an issue then advice will need to be sought from experts on whether the site is suitable for the intended purpose.

FENCING: Sites may need to be adequately fenced to protect the garden and equipment from vandalism and theft.

STORAGE FACILITIES: Sites should have adequate storage provisions for equipment storage or have the capacity to install adequate secure storage.



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PARTNERSHIPS AND PROMOTION

At this point it is a good idea to encourage broader community interest in your project. This will increase community involvement and group membership. The earlier the community becomes involved in the project, the more ownership they will have over the garden which increases the potential for the garden's ongoing success.

COMMUNITY GARDEN GROUPS ROLES AND RESPONSIBILITIES

You can secure neighbourhood support by consulting with neighbours and those you think may be affected by the proposed garden by door knocking, distributing letters to local residents or organising an information session.

You can use the information session to introduce your group's ideas to the community. You could report on what you have achieved so far, what direction you are looking to proceed in; communicate your vision for the project, and show examples of established gardens to give people an idea of what you are trying to achieve.

You can also publicise your project through flyers, posters, through social media and local media such as the radio or newspaper or by contacting other community groups directly to discuss your ideas and plans.

Throughout this process get names and contact details of everyone who wants to be involved. This will enable you to keep everyone with an interest in your project informed of the group's progress. Ongoing collaboration and communication between your community garden group, the broader community and Council will be vital throughout the process to ensure support.

Keep in mind that some members of the community may have concerns about your community garden. Remember that a community garden is a place for the community, and their ideas need to be heard and considered. In the long term you will need the support of everyone in the community in order to get the best possible outcomes.

As part of this process you may like to approach local community groups to form partnerships to assist your project such as:

- Volunteer organisations to gain more workers and provide community activities for disadvantaged sectors of the community;
- Education establishments to help with training, education and workshops;
- Established community gardens that can provide knowledge, experience and advice.

DEVELOPING YOUR PROPOSAL

If the EOI is supported by Council, the Group will meet with Council to discuss the application process as well as requirements including public liability insurance, incorporation and licencing. The Community Garden Application requires a substantial amount of information on creating your community garden such as a site plan and management plan, which will take planning and time to complete. This may seem like a lot of work, however, the most successful community garden projects are those where the initiating group takes the time to undertake thorough planning and design. Remember that Council is there for ongoing advice during your application development so keep in touch.



DESIGNING YOUR COMMUNITY GARDEN

It's a good idea to actively involve as many people as possible in the garden design process. This will ensure that everyone's ideas are heard and the resulting plan will be something everyone can 'own' and relate to. The final plan will need to be submitted to Council as part of your application.

If required, get some professional assistance in the production of the final design. An accurate and attractive site plan is inspiring to new members and helps the community see your group's vision. Remember that the garden design will continue to evolve as you implement the project. Be flexible to this and allow input from new group members who may not have been part of the initial design process.

GARDEN LAYOUT

The design should be a reflection of the people who will use the garden. It's a good idea to use the information you gathered during your site assessment to inform your garden layout. Things to be considered when designing your garden may include:

SOCIABILITY: Your garden is a community space, and as such should be inviting to all kinds of social interaction. Think about incorporating places to sit and chat or have a cup of tea; or sheltered areas for morning tea and/or lunch breaks.

ENGAGEMENT OF THE SENSES: Think about how you can make your garden an engaging place. Consider using scented plants and bright colours. A garden designed to engage the senses will be a garden people want to spend time in. It will also enable your garden to involve a wider cross section of the community including children and the mobility impaired.

LEARNING: Education is an important component of a community garden. Think about how this can be accommodated. Design outdoor learning areas and paths with nodes that allow a group to pause for discussion and create opportunities for demonstrations.

SAFETY: It is important that visitors and users of your community garden feel and are safe. Think about sight lines, avoid creating enclosed or hidden spaces and incorporate seating to encourage people to spend time in the garden.

BUILDING AND STRUCTURES

Think about what structures you will require in your garden. You may want a shelter with seating where people can sit and be protected from the elements and where you can hold meetings and workshops. Other structures which may be considered include: tool shed, educational signage, rainwater tank and wind breaks.

Certain structures are exempt development under State Environmental Planning Policy (Infrastructure) 2007, which means your group won't need development approval. However, you will need Council approval through your licence agreement and as such, the size, location and number of these structures are required to be shown on the site plan and will form part of the licence conditions.

DESIGNING YOUR COMMUNITY GARDEN CONTINUED

ENVIRONMENTAL SUSTAINABILITY

Your community garden promotes sustainable living and as such it's important that you design sustainability into your project at this early stage. There are many things that you can do to make your garden more sustainable including:

WATER MANAGEMENT: Maximise opportunities for water harvesting eg. rainwater tank and drip irrigation, while reducing run-off to the stormwater system. On sloped sites, use swales, terraces or beds that run along the contour of the slope to catch water.

SOLAR ACCESS: Plantings and the positioning of buildings should not block northerly and easterly sun. To achieve maximum benefit from the sun, place the shortest elements on the eastern side and the tallest elements on the western.

WINDBREAKS: Plantings of native (or exotics adapted to dry conditions) trees and shrubs on the southern and western edges will protect the garden and reduce evaporation of soil moisture.

SOIL FERTILITY: Design for crop rotation. This involves moving different types of plants through the garden beds in sequence so as not to exhaust the soil of nutrients and to help in the management of plant diseases. Consider growing organic material, such as legume species, you need for mulch and composting on-site. Legumes produce biomass and fix nitrogen in the soil for other plants to use.

MATERIALS: Gardeners are encouraged to use environmentally friendly, recycled materials.

WASTE: Maximise the opportunities for onsite management of organic waste generated by the garden, specifically compost and worm farming systems.

CONTROL OF GARDEN PESTS: No toxic chemicals for pests and weeds are to be used in community gardens. Gardeners should consider using safe environmentally friendly products such as garlic or rhubarb sprays.

COMPANION PLANTING: Companion planting creates a diversity of species within the garden. Carefully arranged plants assist each other's growth by reducing pest numbers and creating favourable growing conditions.

ACCESSIBLE DESIGN

There are a number of ways in which gardening can be made more accessible for people with mobility difficulties. Where possible, pathways should be wide enough for wheelchairs and prams and if raised beds are incorporated they should be made narrow enough for gardeners to reach the centre without strain. You may also like to consider vertical gardening which is normally designed using a wall or could involve hanging structures.

ANIMALS

Animals are not permitted on-site. Assistance animals should only be present on-site where there is adequate supervision to ensure the welfare of the animals and reduce any nuisance they may cause to other garden users and neighbours. All assistance animal dogs should be on a lead at all times. Proof that the animal is an 'assistance animal' may be required eg. it is registered. All animal droppings must be picked up immediately and disposed of appropriately off-site and not in compost bins on-site.

COMMUNITY GARDEN MANAGEMENT PLAN

The development of systems for the management of each aspect of your project is essential. These systems include the development of policies and procedures for the management of community participation, maintenance, administration, ongoing infrastructure development and garden safety. Although this takes time, it can be the foundation upon which the success or failure of your project hinges.

As part of your application your group will be required to prepare a Community Garden Management Plan. Appendix C contains a management plan template that can be used by the group as a thinking tool or guide in writing your management plan and assist in the effective management of the community garden. The following points provide more information on points raised in the template.

MANAGEMENT STRUCTURE

A community garden without well-developed systems of internal organisation may not last long, because without clearly defined structures, responsibility tends to rest unduly on the shoulders of a few people who quickly burn out and become discouraged. The first step in developing a management structure is to formalise your group.

FORMING A COMMITTEE: A core group, ideally with a range of skills and experience, should be gathered to form the garden management committee. This group, of at least 8 people, work collaboratively to keep the project on track and ensure that responsibility does not rest unduly upon the shoulders of one or two people. Be strategic and invite people to sit on your committee who have the leadership skills to take the project forward.

Effective committees:

- Work in support of the garden's aims, objectives, and vision;
- Include representation from a range of stakeholders;
- Are well informed about the workings and goings-on of the garden;
- Have good support from the community garden as a whole;
- Target key people with key interests, skills and networks to fill roles;

- Rely on agreed meeting and decision-making procedures;
- Have friendly, efficient, well facilitated meetings;
- Provide training and/or mentoring for committee members; and
- Have effective communication between committee and gardeners.

Adapted from the Community Gardening in South Australia Resource Kit

INCORPORATION OR AUSPICING OF

THE GARDEN GROUP: As part of the licence agreement, garden groups utilising Council owned or managed land are required to apply to the *NSW Office of Fair Trading* to become incorporated associations. This arrangement provides the group with flexibility in the management of funds and enables them to open a bank account, obtain public liability insurance cover and apply for government grants.

The group may arrange to be auspiced by an already incorporated body such as a non-government organisation, to ensure that it meets all legal, financial and insurance requirements eg. public liability insurance. More information on auspicing can be found on the *Not-for-profit law information hub*.

INSURANCE AND RISK MANAGEMENT: It's a good idea to talk to other community garden groups about insurance cover: what level of cover do they have, how much does it cost, and what level of service do they receive? Community gardens are a unique land use that do not fit easily into established insurance categories. This can lead to significant variations in the cost of premiums, so shop around. There are some insurance companies that specialise in coverage for community groups such as the *Council of Social Service of New South Wales (NCOSS)*.

It is essential that community garden groups are aware of the risks associated with undertaking a publicly accessible community garden project. Each group has a duty of care to the community who access the garden areas and must take out adequate public liability insurance cover of at least \$10 million. Public liability insurance covers legal liability in the case of a person injuring themselves in the garden and seeking damages in court. It is recognised that public liability insurance has an associated cost, and may not be easily accessible to small community groups. Options for obtaining insurance cover include:

- The group may be auspiced by another organisation or agency and as a project of that organisation may be covered by their insurance.
- The group collect fees from its members to cover the cost of insurance.
- The group becomes affiliated with Garden Clubs of Australia Inc which may allow them to access the Club's Master Insurance Scheme at a competitive rate.

POLICY: Effective management of your community garden is crucial to its success. There are some important issues you may like to consider regarding management of the garden at this early stage such as:

- Code of conduct and conflict resolution: A code of conduct defines what is, and is not, acceptable behaviour within the community garden. In some gardens the code of conduct has been an important tool for resolving conflict where one or more members are causing difficulty due to their differing objectives. Honestly and openly address the potential for conflict as a group and discuss what you will do when it arises. Your conflict resolution process should look at:
 - ensuring respectful communication between those involved;
 - Who, both internally and externally, will mediate serious conflict? and
 - What will be the process for addressing personal grievances?

A code of conduct is prescriptive, so keep it brief and avoid creating too many rules and regulations. Check with other gardening groups to get an idea of what should be included.

- Constitution: In contrast to a code of conduct, a constitution is a longer and more formal document with legal status. It is a requirement for community gardens that become incorporated associations and is also useful for any garden group that has begun to develop more complex projects and procedures, as it formalises the fundamental principles and tenants that the group abide by.
- Decision making process: Clear guidelines may be set for how the group will make decisions. This may include where the group meets, whether a quorum is needed and voting arrangements. This is also known as terms of reference.
- Communication: Members of the community garden and the broader community will want to stay informed on decisions and activities occurring. You may wish to detail how the group will communicate with internal and external stakeholders.

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COMMUNITY GARDEN MANAGEMENT PLAN CONTINUED

BUDGETING AND FUNDING

Community gardens cost money to construct and maintain. The amount required varies dramatically across gardens according to their size, scale of activities and the skill base and volunteer time of their members. Good financial planning will help to provide more stability and security for your garden. It will be necessary to open a bank account in order to manage the group's funds. When drawing up the budget for your project, consider all associated design and construction costs, set up costs and ongoing maintenance costs, which may include but is not limited to:

- Fees to become an incorporated entity
- Public liability insurance
- Construction materials and fencing
- Plants and mulch
- Services eg. water
- Tools and equipment.

At some point you will need to consider how to raise the funds required to get your garden up and running and to keep it thriving. There are a number of options you can use for funding a community garden including:

MEMBERSHIP FEES: You may want to charge membership fees to help fund your garden. It is a good idea to set your fees in relation to your garden costs. Set yourselves a goal for the proportion of the gardening running costs that your membership fees will meet. It is recommended that you set your

membership fees at a realistic level so you get some income from those who are prepared and able to pay, and offer assistance to those in real hardship. Some alternatives to fixed fees are:

- Offering a range of ways to pay, eg. a monthly rate
- Offering discounts if members provide volunteering services
- Have different rates for families, individuals and pensioners.

SPONSORSHIP OR DONATIONS: Consider negotiating ongoing discounts with local businesses such as garden suppliers, hardware stores and nurseries. It's important to adequately promote sponsors to encourage ongoing support.

GRANTS: Attracting grant funding for your garden can be another useful way of covering costs, particularly those associated with the initial construction of the garden. Community gardens provide a diverse range of social and environmental benefits which make them eligible for a wide variety of local, state and federal grants. Grants are usually available via a competitive application process and are generally provided as one-off, time-limited funding tied to the delivery of specific activities and outcomes. Council recommends that the group enters into their licence agreement with Council prior to applying for grants.

For further information on obtaining grants visit:

- Our Community Group
- Penrith City Council
- Community Builders

ONGOING MANAGEMENT

Effective management of the community garden is crucial to its success. Important issues to consider regarding management of the garden include maintenance, health and safety, and amenity.

MAINTENANCE: Maintaining the garden in an attractive, safe and functional manner is an important aspect of managing a community garden. It will also make the garden appealing to visitors, which may attract new members. Ideas to ensure all tasks are taken care of in the garden include:

- Roster for specific tasks;
- Log book for recording tasks undertaken – this shows clearly who is doing the work;
- Allocation of specific roles and responsibilities;
- Work groups for specific tasks; and
- Regular work days accompanied by social activities such as a BBQ.

AMENITY: The garden must not adversely affect the community and should take measures to reduce amenity issues to neighbours. To reduce possible amenity issues to neighbours the following should be considered:

- **Appearance:** Try to make sure your garden is visually attractive. This will be of benefit to the group when trying to attract new members. Locate messy parts of the garden such as the tool shed or composting areas away from visually prominent areas.
- **Odour:** Locate any substance such as compost and manure, which may cause odours, away from public areas or neighbouring properties.
- **Noise:** Try to minimise the effect noise has on the amenity of neighbours. It's a good idea to restrict operation of tools that emit noise to days and times when they have least impact on neighbours.

HEALTH AND SAFETY: Don't underestimate the potential for serious injury in a community garden. By anticipating problems before they occur, and implementing systems to avoid or minimise them, you will protect both the community from injury and your project from costly and potentially damaging allegations of negligence.

Conduct a thorough risk assessment which considers anything that has the potential to cause injury, and how you can eliminate or minimise the risk of this occurring. Some common hazards that might be included are:

- Poisonous or potentially allergenic plants;
- Dangerous materials eg. barbed wire;
- Poisons and pesticides;
- Use of sharp or dangerous tools;
- Trip hazards;
- Manual handling and heavy loads including the use of wheelbarrows;
- Sharp or dangerous edges;
- Use of soils and manure;
- Exposure to the elements eg. sun protection;
- The impact you may have on the environment; and
- Any other issue that may cause harm to users.

Once you have identified how you intend to eliminate or reduce the risk it is a good idea to document any procedures or methods so that other garden users can be adequately informed. In particular, training in the use of tools, materials and chemicals will need to occur. There are examples of fact sheets addressing these issues available from the *Australian City Farm and Community Garden Network*.

Visitors and members will need to understand the procedures you have in place in relation to risk management. It is advised that you have an induction process which includes a health and safety training session. First aid kits should be easily located within the site and a log should be kept of all accidents and incidents that occur.

LICENSING AGREEMENT & APPLICATION

LICENCE AGREEMENT

You have finished planning the physical, organisational and social components of your garden and are ready to submit your application, which includes the group's Community Gardens Management Plan and site plan, to Council for assessment. This is the final step in the application process.

A licence agreement must be signed between Penrith City Council and the community gardens group for the purpose of establishing, operating and maintaining a community garden on Council owned or managed land. The licence agreement will also contain conditions for the use of the site.

At the initial set up of a new garden, a licence will be granted for 12 months with an option of a four year agreement after this period. All community gardens must operate on a not-for-profit basis.

A licence with the group could be revoked or not renewed if:

- The group disbands or ceases to function;
- The garden is not maintained or becomes unsafe for public access; and
- Appropriate insurance cover is not maintained.

Every year the group will be required to supply Council with a copy of their minutes, including financial report, from their Annual General Meeting.

SUBMIT APPLICATION

It is recommended that you contact Council's Sustainability Team to arrange a pre-lodgement meeting prior to submitting your application. At this meeting Council staff will review your application including your Community Gardens Management Plan and site plan, and determine whether your application is complete and ready for assessment. This meeting assists in ensuring application processing times are as fast as possible. Following this meeting you can make any amendments or improvements, if necessary and submit your completed application.

ASSESSMENT PROCESS

Now you can take a much deserved rest while Council assesses your application. Your application will be assessed by a review panel containing representatives from a range of Council departments. Council will use the Community Gardens Policy and Guidelines to assist in assessing your Community Garden Management Plan and site plan to determine whether the application is supported.

If the application is supported a report will go to Council asking them to endorse the proposed licence agreement. After endorsement, the licence is required by the Local Government Act 1993 to be advertised for 28 days. During this time Council is required to:

- Give public notice of the proposal;
- Place a notice of the proposal on the land;
- Notify owners adjoining the land; and
- Notify persons living in the vicinity of the land if the Council believes that the land "is the primary focus of the person's enjoyment of community land" (eg by letterbox drop).

Unfortunately, if submissions are received in response to the advertisement, Council is required to report the submissions to Council for their determination, which will add time to the approval process.

ISSUING OF LICENCE AGREEMENT

Once Council has considered any feedback, the application will be determined. If successful, Council staff will meet with the group to develop a licence agreement. In the first instance the licence will be granted for 12 months with an option of a 4 year agreement after this period. The licence agreement will include conditions relevant to:

- Public liability insurance;
- Incorporation or auspicings under another organisation;
- Minimising negative effects on neighbours;
- Ensuring no contamination of water;
- Ensuring no vermin are on-site;
- Maintaining control of noxious and garden weeds and pests;
- Maintaining the appearance of the site;
- Ensuring sustainable practices are employed;
- Ensuring ongoing health and safety measures to minimise any risks; and
- Decommissioning the garden in the event of the group's disbandment.



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IMPLEMENTATION

Congratulations! After all your hard work you can put down your pen and pick up your shovel! This stage will see your community garden come to life.

CONSTRUCTION

The construction phase is a great way to establish a sense of belonging to the site and attracting new members to the community garden group. During this phase you can publicise the garden through appropriate media sources, don't forget to contact Council to see how we can assist. Take on manageable tasks with sustainable outcomes, such as planting fruit trees and constructing compost bays, these will survive periods of inactivity. Celebrate your successes and maintain enthusiasm during this initial stage of hard work and occasional setback. Be patient. Persevere. Build social capital.

PUBLIC ACCESS

The garden should be easily accessed by the public when open. Make visitors feel welcome by having clear signs, information sheets and explanatory displays so they can easily navigate the garden. Continue to publicise your garden and hold regular events and maintain contact with local media outlets to encourage new members.

USE OF THE GARDEN AS A DEMONSTRATION SITE

Council's aim is to promote the development of community gardens as demonstration sites for sustainable living, that can be utilised for educational and community activities. Where community gardens are established on land owned by Council, Council retains the right to use the garden as a demonstration site for community education activities such as tours and workshops. Council will work cooperatively with the group to ensure that organised activities do not conflict with other garden use, such as regular working bees.



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SOCIAL & ORGANISATIONAL SYSTEMS

Unfortunately, community garden projects aren't just about gardening. There are a few crucial administrative matters that will need to be attended to.

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KEEPING RECORDS

Documentation of the project is very important, both to promote the garden's progress and to obtain and keep funding. Maintain records of member numbers, volunteer hours and the demographics of those involved. Regularly take photographs of the project's progress and significant events for use in promotional material and grant applications.

HANDLING MONEY

Keep careful records of all income and expenditure to avoid confusion later on. Always obtain a receipt for anything you purchase. This is especially important if you are spending money from a grant that will need to be reported on to a funding body.

INTERNAL COMMUNICATION AND COMMUNITY BUILDING

Developing effective systems of communication within the garden group is essential to maintain a spirit of inclusiveness and ensure that everyone's voice is heard. Some of the methods that other gardens have developed for communicating amongst themselves may prove useful to your project:

- Newsletters and/or an email discussion list
- Noticeboards or blackboards for listing events, news and task lists;
- Social media eg. Facebook;
- A logbook or garden diary that volunteers fill in

when they visit, noting what they did and anything else out of the ordinary that they observed; and

- Regular meetings.

Internal communication will be vastly improved if a little effort is put into developing a sense of community within the group. Community building can be facilitated by organising a range of events that involve:

- Socialising together – any opportunity to get to know each other, share ideas, chat and build friendships;
- Celebrating together – seasonal festivals, birthdays or simply the group's achievements thus far;
- Cooking and eating together – BBQs, shared picnics, morning teas, harvest feasts, shared produce; and
- Working together – regular working bees as well as one-off projects.

Remember that a community is made up of a variety of unique individuals who do not always agree or hold the same values. This can be frustrating at times but also provides a wealth of opportunities for sharing skills, experience and knowledge. If you value equally the needs of all members and provide a framework where everyone's voice can be heard, you will find that diversity is a great asset, enriching the community garden and everyone who is involved.

ATTRACTING NEW MEMBERS

In order to maintain the long-term interest of a visitor to your garden, you need to make them feel welcome and ensure they understand what the project is about. Take the time to sit down and chat. Answer any questions they might have and explain how they can get involved.

Have a brochure explaining the garden's aims and objectives available to give to visitors and, as the garden develops, erect attractive project and interpretive signage that makes your vision clear to visitors from all walks of life. Graphical signage is important for children as well as those who don't read much English.

If you have a clear calendar of work days and events, this gives you a reason to invite people to come back. It also helps to have a clearly defined structure of roles and responsibilities, or work groups, that you can invite the visitor to participate in. For example, over coffee you might discover that a visitor works in marketing, a skill that perfectly fits the needs of the garden promotions team.

Let visitors know that the garden is owned by the community and is open to ideas and feedback from everyone. Illustrate this by providing a box for visitor comments and take these comments seriously.

ORIENTATING AND EDUCATING NEW MEMBERS:

If you want people to stick around you need to develop a process for including them, familiarising them with your project and making them feel they are a valuable member of the group. Conducting a volunteer induction process is therefore essential, ensuring that all new volunteers are aware of:

- Their rights and responsibilities;
- Worker health and safety;
- Training opportunities; and
- Garden policies and procedures.

Retaining volunteers is about matching their skills with a role that makes them feel valued and where they are achieving their own aims and objectives. This means taking the time to get to know the volunteer and finding out what they have to offer, and in what way they can best share their skills and experience.

Ask the volunteer what they hope to achieve by participating in the project. A volunteer application form can be used to ascertain the skills, experience and interest each volunteer brings to the project and what they hope to achieve. See volunteer involvement as a fair exchange, acknowledge and support volunteers, and ensure they are getting something of value from the experience.

Appointing someone with good interpersonal skills as a volunteer co-ordinator is a very good strategy for maintaining volunteer involvement in the long-term.

WRITTEN GUIDELINES FOR NEW MEMBERS: An information package containing fact-sheets, important policies and procedures, contact telephone numbers, the garden code of conduct and other details is an important aspect of engaging new volunteers. It ensures they are able to fully participate in the activities of the garden, makes them feel included and informed and prevents misunderstanding and conflict that might otherwise crop up at a later date.

SOCIAL & ORGANISATIONAL SYSTEMS CONTINUED

CREATING OPPORTUNITIES FOR LEARNING:

Because people come to community gardens with a wide range of skills and experience, they are the perfect environment for informal peer-based learning to occur. Being aware of this process and facilitating it can be as simple as providing opportunities for gardeners to chat and socialise together. Other ideas and strategies are outlined below.

PRINTED AND VIDEO RESOURCES: Fact-sheets outlining basic organic gardening are an easy way to introduce new gardeners to a range of skills. To supplement this, a small library of well-chosen books, DVDs and magazines is also useful, as are planting guides and posters.

MENTORING: Encourage leadership and enhance learning by providing opportunities for skilled gardeners to mentor new ones. As these mentors become more skilled they may expand their focus to become educators within the wider community.

WORKSHOPS: Hosting skill-sharing workshops at the garden is another way of facilitating learning. Workshops can be presented by skilled garden members or you can bring in an expert to build capacity within the group. Make sure all group members have a say in what skills they feel need to be developed. Opening up workshops to the community can raise funds, attract new membership and spread the good word on sustainable living.

EVALUATION AND REVIEW

Once you have established your community garden it is a good idea to evaluate your project annually in accordance with your Community Garden Management Plan to understand the success and failures of your garden and see if you are still on track. If necessary you can then undertake a review of any existing policies or make improvements.

PROJECT EVALUATION: Now and then it is important to sit down as a group and look at your project to assess whether or not you are achieving what you set out to achieve. Evaluation helps you see how far you've come, can show you where potential sources of conflict lie and is also useful as a means of leveraging funding and publicity for your project.

- What are we trying to do here? Does it work?
- Is this what we set out to achieve?
- What is its value?
- What has it achieved?
- Has this been successful?
- Why does it work?
- Why doesn't it work?
- What can we do to make it work better?
- What has been the short to medium term impact of our work?
- What has been the longer term outcome of our work?

Adapted from the Community Gardening in South Australia Resource Kit

COMMUNITY PARTNERSHIPS

A community is a network, a social ecology, and community gardens are very good at building this network through the development of collaborative and mutually beneficial partnerships.

COMMUNITY OUTREACH: There are many ways to let the community know about and get involved in your project. Some promotional activities to try include:

- Onsite signage – clear, welcoming and attractive, explaining what the garden is about, when it's open and contact details;
- A brochure – detailing the project vision and how people can get involved. Ensure it's distributed widely within your local area;
- T-shirts or hats – to wear in the garden and at events;
- Community events and celebrations – these can give you coverage in the local media and showcase the success of your project;
- A website – website space is available to promote your community garden and tell people about how it works at the Australian City Farms and Community Gardens Network. You should also list your garden at the Community Foods Organisation and Council's Community Directory;
- An information stall – for community festivals and market days; and
- A publicity officer – someone with publicity or marketing skills is ideal.

VANDALISM: Encouraging involvement and a sense of ownership within the local community will minimise problems of vandalism. Welcome and engage those who might be potential vandals and actively avoid excluding anyone; even non-gardeners can still enjoy the space for relaxation or social interaction. The following hints may also prove useful:

- Provide supportive neighbours with phone numbers they can call if they see something suspicious;
- Ensure garden signage lets people know that the garden has been developed for and by the community;
- Liaise with schools and youth groups to develop activities in the garden that children and young people will enjoy; and
- Use spiky plants and vines on walls and fences that might otherwise invite graffiti.

Adapted from the Community Gardening in South Australia Resource Kit



Community Guidelines PENRITH CITY COUNCIL IP30

GLOSSARY

AUSPICING: To auspice means to provide support, sponsorship or guidance. An auspice agreement is an agreement where one organisation agrees to enter into an agreement on behalf of a second group. This is often a funding agreement, but can be a lease or insurance.

BIOMASS: Organic material, both living and no longer living, in a specific environment.

BUSHCARE: Is a community based volunteer program where bushcare volunteers help regenerate and preserve bushland.

CODE OF CONDUCT: A document designed to guide the behaviour of an organisation's members.

COMMUNITY GARDEN: Not-for-profit, community managed spaces that provide an opportunity for food production and other gardening activities, in an inclusive community based setting, for the benefit of members in the local community.

CONSTITUTION: An official document setting out the rules and principles governing management of an organisation. It is required of all organisations seeking to become incorporated associations.

CONTOUR: An imaginary line on the surface of the earth, or drawn on a topographic map, connecting points of the same elevation above sea level.

FOOD SECURITY: Exists when all people at all times have access to sufficient, safe, nutritious food to maintain a healthy and active life.

INCORPORATED ASSOCIATION: A legal entity with certain rights and responsibilities under Australian law. It allows an organisation to do such things as obtain insurance without risk to individual members.

MANAGEMENT COMMITTEE: An elected group comprising president, vice president, treasurer, secretary and public officer, as well as several ordinary members. Establishment of a management committee is required of organisations seeking to become incorporated associations.

MANAGEMENT PLAN: A detailed document outlining exactly what the group hopes to achieve and how it intends to do so.

PLAN OF MANAGEMENT: A plan of management adopted by a council under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993 and in force in relation to an area of public land.

PUBLIC LIABILITY INSURANCE: Insurance to cover the cost of accidental injury or property damage to garden visitors. It protects the organisation if a member of the public sues them for negligence.

SWALE: In this context a man-made depression along the contour designed to prevent rainwater running off the site. It is useful to increase passive irrigation and to avoid stormwater pollution.

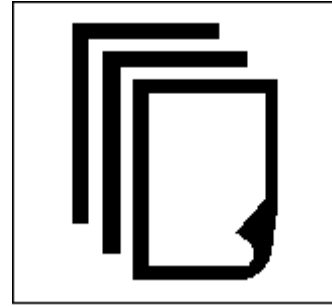
APPENDICES

- A** - Community Gardens Expression of Interest Form
- B** - Community Gardens Application Form
- C** - Community Gardens Management Plan Template

CONTACT: Penrith City Council's Sustainability Team
on 02 4732 8071 or visit penrithcity.nsw.gov.au

Community Guidelines **PENRITH CITY COUNCIL** | P32

ATTACHMENTS



Date of Meeting: Monday 31 August 2015

Report Title: Penrith Affordable Housing Project

Attachments: Deed of Agreement between Penrith City Council and Department of Family Services (Housing Agency)

DEED OF AGREEMENT

This Deed made the day of 2015

BETWEEN: **PENRITH CITY COUNCIL** of 601 High Street Penrith in the State of New South Wales ("Council") ABN 43 794 422 563

AND: **THE SECRETARY OF THE DEPARTMENT OF FAMILY AND COMMUNITY SERVICES** ("Housing Agency") ABN 84 608 917 940

1. RECITALS

- A. The Council and the Housing Agency have developed the Penrith Affordable Housing Project (the Project).
- B. The objective of the Project is to use Council funds to assist in delivering long-term affordable rental housing in the Penrith local government area.
- C. The Council and the Housing Agency are committed to helping to achieve the objective of the Project.
- D. Through a tender process, the Housing Agency has selected Wentworth Community Housing Limited ACN 003 076 337 (the "Provider") to undertake the Project.
- E. The Council has agreed to provide funds to the Housing Agency to allocate to the Provider in support of the Project on the terms and conditions set out in this Agreement.
- F. The Housing Agency and the Provider are also contributing funds to the Project.
- G. The Housing Agency has entered into a Community Housing Assistance Agreement (CHAA) with the Provider to document the conditions precedent to the Provider being entitled to assistance in the form of Council and Housing Agency funds and the terms on which such assistance may be used. (Annexure A of this Agreement)

2. AGREEMENT

- 2.1 This Agreement commences on the Date of this Agreement and, unless terminated earlier, expires on the Completion Date.
- 2.2 This Agreement constitutes the entire agreement between the parties in relation to its subject matter and supersedes all previous negotiations, documents, and agreements about this subject matter.

2. INTERPRETATION

Unless the contrary intention appears:

- 2.1 monetary references are to Australian currency;
- 2.2 the clause and sub-clause headings are for convenient reference only and have no effect in limiting or extending the language of the provisions to which they refer;
- 2.3 a cross reference to a clause number is a reference to all its sub-clauses;
- 2.4 words in the singular number include the plural and vice versa;
- 2.5 words importing one gender include the other;
- 2.6 a reference to a person includes a partnership and a body whether corporate or otherwise;
- 2.7 a reference to any legislation or legislative provision includes any statutory modification, re-enactment, regulation or statutory instrument issued under that legislation;
- 2.8 a reference to a clause or sub-clause is a reference to a clause or sub-clause of this Agreement;
- 2.9 where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings;
- 2.10 "Funding" means the monetary support provided to the Housing Agency by Council under this Agreement, as specified in Schedule 1 of this Agreement; and
- 2.11 "Funded Property" has the same meaning as in the CHAA.
- 2.12 "Funding Expiration Date" means the date stipulated in column 7 of the table in Schedule 1 of the CHAA.

3. PROJECT DESCRIPTION

- 3.1 Under the Project, the Provider, in accordance with the CHAA, will acquire land and construct 24 dwellings to be used for affordable housing. The Provider will own and manage the units which must be retained as affordable housing in perpetuity.
- 3.2 The Project is more fully described in Schedule 2 (Project Proposal) of the CHAA.

4. OPERATIVE PART

4.1 Use and payment of Funding

- (a) The Housing Agency must use the Funding provided by Council under this Agreement in accordance with the terms and conditions of the CHAA for the Approved Purpose set out in Schedule 1 of the CHAA.
- (b) The Housing Agency must ensure that the Provider carries out the Project described in Schedule 2 of the CHAA in a diligent and competent manner.
- (c) The Housing Agency will forward a Tax Invoice to the Council for the amount of the Funding within 14 days of the Date of this Agreement.

- (d) The Council must pay the Funding to the Housing Agency within 14 days of receipt of the Housing Agency's Tax Invoice.
- (e) The Housing Agency must maintain a bank account controlled solely by the Housing Agency to hold the Funds and immediately deposit all Funds received from Council into that account.

5. RECORDS AND REPORTS

- 5.1 The Housing Agency must keep comprehensive written records of the conduct of the Project including progress against the Milestones set out in Schedule 1 of this Agreement and against the Project Proposal in Schedule 2 of the CHAA.

6. PROGRESS REPORTS

- 6.1 In accordance with the Milestones specified in Schedule 1, the Housing Agency must provide to the Council written Progress Reports which must include:
 - (a) information on whether the objective of the Project is being achieved and if not, why not;
 - (b) a statement of the balance of the Funds in the bank account referred to in clause 4.1(e).

7. SUSPENSION AND TERMINATION

7.1 The Council may, by written notice to the Housing Agency, terminate this Agreement or require the Housing Agency to immediately suspend dealings with the Funds if:

- (a) the Council is satisfied on reasonable grounds that the terms and conditions of this Agreement have not been complied with by the Housing Agency;
- (b) the Council is satisfied on reasonable grounds that the Housing Agency is unable or unwilling to satisfy the terms of this Agreement;
- (c) the Council, by notice in writing, requests the Housing Agency to take action to meet a timeframe or perform an activity in accordance with this Agreement and, after 10 Business Days from the date of the notice (or such longer period as is specified in the notice), the Housing Agency has failed to take such action;
- (d) the Council is satisfied on reasonable grounds that any statement made by the Housing Agency is incorrect or incomplete in a way which would have materially affected the original decision to approve the Funds for the Project;
- (e) the Council is not satisfied on reasonable grounds that the purposes and activities of the Housing Agency remain compatible with:

- (i) the Aim of the Project; or
 - (ii) the objectives and outcomes of the Program as specified in Recital B;
 - (f) the Council is satisfied on reasonable grounds that a Report given by the Housing Agency is not complete or accurate in a material way;
 - (g) the Provider:
 - (i) becomes bankrupt or insolvent or is wound-up;
 - (ii) makes an assignment of its estate for the benefit of creditors or enters into any arrangement or composition with its creditors or has a receiver, manager or administrator appointed on behalf of debenture holders or creditors; or
 - (iii) goes into liquidation or passes a resolution to go into liquidation or becomes subject to any petition or proceedings in a court for its compulsory winding-up or becomes subject to the supervision of a court either voluntarily or otherwise; or
 - (iv) suffers any execution against its assets having adverse effect on its ability to perform the Agreement; or
 - (v) anything analogous to, or of a similar effect to anything described above under the Law occurs in respect of the Housing Agency; or
 - (h) the Housing Agency, by notice in writing given to the Council, withdraws from this Agreement; or
 - (i) the Agreement marked Annexure A between the Housing Agency and Provider is terminated or suspended; or
 - (j) the Council considers it appropriate for any other reason.
- 7.2 On termination of this Agreement, or for the duration of any suspension of dealings with the Funds, the Housing Agency must hold the Funds in utmost good faith for use only in accordance with the directions of the Council and will cease all other dealings with the Funds.
- 7.3 The Council may end the suspension of dealings with the Funds by written notice to the Housing Agency, subject to such preconditions (including variations to this Agreement) which the Council may reasonably require.
- 7.4 Subject to clause 7.3, the Council will not be obliged to pay any part of the Funds to the Housing Agency after the termination of this Agreement or during any period of suspension of dealings with the Funds.
- 7.5 Except as provided in this clause, the Council will not come under any liability to the Housing Agency for termination of this Agreement in accordance with clause 7.1.
- 7.6 If a purported termination for cause by the Council under any of clauses 7.1 (a) to (h) is determined by a competent authority not to be properly a termination for cause, then that termination by the Council will be deemed to be a termination for convenience under clause 7.1(i) which termination has effect from the date of the notice of termination referred to in clause 7.1.

8. REPAYMENT OF FUNDS

8.1 Repayment as at the Funding Expiration Date

Unless otherwise agreed by the parties, any Funding (and interest earned on that Funding) not expended for the Approved Purpose set out in Schedule 1 of the CHAA by the Funding Expiration Date must be repaid by the Housing Agency to the Council on demand unless such funds have already been paid to the Provider.

8.2 Repayment on Termination

Subject to clause 8.3, if this Agreement is terminated for any reason prior to the Funding Expiration Date, the Housing Agency must repay to the Council any Funding (together with any interest earned on that Funding) not expended for an Approved Purpose on a Funded Property by the date the Agreement is terminated but only if such funds are still held by the Housing Agency.

8.3 Repayment on Default

If the Housing Agency receives repayment of any funds from the Provider, the Housing Agency will provide 50% of those funds to Council up to the value of the Council's Funding Contribution being \$1,130,000.

This clause 8 survives the expiration or early termination of this Agreement.

9. USE OF FUNDED PROPERTIES

9.1 Restriction on Use

The Housing Agency may only use or allow a Funded Property to be used:

- (a) to provide Community Housing, as defined in the CHAA; and
- (b) for purposes ancillary to those described in this clause as approved from time to time by the Council.

9.2 Change in Use

If the Housing Agency wishes to change the use of a Funded Property from that permitted under clause 9.1 of this Agreement or from that previously approved by the Council, it may do so only with the written approval of the Council.

9.3 Funded Properties

In this clause 9, reference to a Funded Property includes a property acquired using the Net Sale Proceeds of a Funded Property

9.4 Sale of Funded Property Lots to third parties

Prior to the Housing Agency granting consent pursuant to clause 7.2 of the CHAA, the Housing Agency must obtain the Council's prior consent to sale of the Funded Property Lot as defined in the CHAA.

10. CONFIDENTIALITY AND PUBLICITY

10.1 No Confidential Information may be disclosed by the Housing Agency to any person except:

- i. employees and subconsultants of the Housing Agency or its Related Entities requiring the information for the purposes of this Agreement;
- ii. with the consent of the Council;
- iii. if the disclosure is required by law or a stock exchange; or
- iv. if the disclosure is required in connection with legal proceedings relating to this deed.

10.3 The Housing Agency may only use the Confidential Information for the purpose of exercising its rights or performing its obligations under this deed.

10.4 The Housing Agency must deliver all Confidential Information to the Council within fourteen (14) days after written notice from the Council to do so, provided that the Housing Agency will not be required to comply with any such notice to the extent that compliance would prejudice, interfere with or delay the performance of any obligation of the Housing Agency under this Agreement and provided that no breach exists if the requirements of the State Records Act 1998 have been observed.

10.5 The parties agree that no publicity, media releases or promotional activities regarding the Project will be undertaken without the prior written agreement of the other party.

10.6 The parties agree to acknowledge all sources of funding for the project in any media releases, publications, promotional materials and promotional activities relating to the Project. This includes funding from Council, the Housing Agency and the Provider as well as funding from the Australian Government under the National Rental Affordability Scheme.

10.7 This clause will survive termination (for whatever reason) of this Agreement for ten (10) years.

11. TAXES, DUTIES AND GOVERNMENT CHARGES

11.1 Except as provided by this clause, all taxes, duties and government charges imposed or levied in Australia or overseas in connection with the performance of this Agreement will be borne by the Housing Agency.

- 11.2 The Funds payable to the Housing Agency do not include any amount to cover any liability of the Housing Agency for Goods and Services Tax (GST) on any supplies made under this Agreement which are taxable supplies within the meaning of A New Tax System (Goods and Services Tax) Act 1999.

12. DISPUTE RESOLUTION

- 12.1. If any dispute arises out of the operation of this Agreement, the parties will make all possible efforts to resolve the dispute themselves, by agreement.
- 12.2 If the parties are unable to resolve a dispute themselves, then, in accordance with Council's Negotiation and Consensus Policy, a conciliation or facilitation meeting may be held to try and identify and resolve the issues in dispute.
- 12.3 If conciliation or facilitation is unsuccessful, then the dispute may be referred to a mediator selected from Council's panel mediators, in accordance with Council's Negotiation and Consensus Policy.

13. APPLICABLE LAW

- 13.1 This Agreement shall be governed by and construed in accordance with the law for the time being in force in the State of New South Wales, and the parties agree that the courts of that state shall have jurisdiction to entertain any action in connection with this Agreement, and hereby submit themselves to the jurisdiction of those courts.

14. SEVERABILITY

- 14.1 Each provision of this Agreement and each part thereof shall, unless the context otherwise necessarily requires it, be read and construed as a separate and severable provision or part.
- 14.2 If any provision or part thereof is void or otherwise unenforceable for any reason then that provision or part shall be severed and the remainder shall be read and construed as if the severable provision or part had never existed.

15. NOTICES

- 15.1 Any notice, request, claim for payment or other communication given or served in accordance with this Agreement shall be:
- a) in writing,
 - b) addressed and sent by the sender to the recipient in accordance with the recipient's address details set out in the clause below or as otherwise notified by the recipient,

- c) deemed to be received:
- (i) if delivered personally – on the date of delivery
 - (ii) if sent by prepaid security post – on the day that the acknowledgement of delivery is completed by the recipient
 - (iii) if sent by facsimile – on the next business day following the transmission date if the sender receives an “OK” code in respect of the transmission and is not notified by the recipient by 5pm on the next business day that the facsimile was illegible.

15.2 The address for service on Council is 601 High Street Penrith NSW 2750

15.3 The address for service on the Housing Agency is:

Name: NSW Department of Family and Community Services
Address: 4-6 Cavill Avenue, Ashfield NSW 2131
Fax no: 02 8753 8188
For the attention of: Manager, Centre for Affordable Housing

EXECUTED AS A DEED by the parties

DATED:

PENRITH CITY COUNCIL

SIGNED

On behalf of Penrith City Council by its Authorised Officer

Signature of Authorised Officer

Name of Authorised Officer

In the presence of

Signature of Witness

Name of Witness

THE SECRETARY OF THE DEPARTMENT OF FAMILY AND COMMUNITY SERVICES

SIGNED for and on behalf of the Crown in right of the state of New South Wales acting through the Department of Family and Community Services by

Signature of Delegate

Mychelle Louise Curran
Name of Delegate

In the presence of

Signature of Witness

Name of Witness

Annexure A

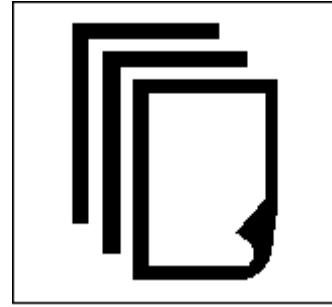
**Community Housing Assistance Agreement – Capital Funding
between The Housing Agency and the Provider**

[TO BE AFFIXED]

SCHEDULE 1

Item	Description	
Funding	\$1,130,000 (excluding GST)	
Project Milestones	1	Acquisition of Land
	2	Development Consent
	3	Commencement of works
	4	3 months into construction
	5	6 months into construction
	6	9 months into construction
	7	Practical completion
	8	Occupation Certificate issued
	9	Units tenanted

ATTACHMENTS



Date of Meeting: Monday 31 August 2015

Report Title: Sustainability Initiatives - draft policy, strategy and targets

Attachments: Draft Sustainability Policy
Draft Sustainability Strategy

PENRITH CITY COUNCIL SUSTAINABILITY POLICY

1. Purpose

To ensure that Penrith develops as a liveable and resilient city, through the application of sustainable principles and practices that are central to the governance, operations and decision making of council.

2. Policy Statement

Penrith City Council is committed to sustainability and the process of continuous improvement and recognises that it is through our people and practices that this commitment is delivered. We commit to properly considering short and long term sustainability impacts in our decision-making and operational activities, and implementing systems and processes that support ongoing improvement across the pillars of environmental, economic and social sustainability.

3. Scope

This policy is applicable to the whole of Council and its employees in relation to governance, strategic planning and operational activities, including;

- our decision making,
- our values and culture,
- how and what we measure and analyse,
- the development and implementation of policies, procedures and strategies,
- the delivery of Council's services and operations, and
- the actions of staff, contractors, and Councillors.

4. Defining Sustainability

Sustainability for PCC is about integrating environmental, social and economic sustainability considerations into our policy, planning, decision making and operational processes, and balancing short term priorities with longer term needs. Sustainability is about respecting our people, looking after our places, and delivering services to improve the wellbeing and liveability of our City now and into the future.

5. Implementation

To enact this policy Penrith City Council will focus on the following areas:

1. Advance the Liveability of the City
 - o Be accountable, transparent and ethical in decision making, balancing environmental, social, and economic considerations in the ongoing development of the organisation and the Penrith local government area that enhances liveability and responds to a changing climate
 - o Identify, manage and mitigate risks in a way that is consistent with the precautionary principle and business innovation, including the assessment of alternatives.
2. Leadership
 - o Conduct effective governance, business improvement, and advisory processes, ensuring organisational performance is aligned with good practice and is responsive to change while compliant with legislation and relevant standards.
 - o Act as an advocate for sustainability in instances where issues have the potential to impact our community, the organisation and our environment.
3. Business Innovation and Resource Efficiency
 - o Establish and strive to meet corporate sustainability and innovation targets and report on our performance against these to the organisation and community.
4. Support Sustainable Practice
 - o Communicate Council's sustainability expectations to all employees and ensure staff are supported to meet these expectations with appropriate information, training and recognition
 - o Support the efforts of the Penrith community and our community partners in the transition to a sustainable future, and provide leadership in sustainability.

6. Relevant Legislation

Local Government Act (1993)

7. Review Date

This policy is scheduled for review in 2020.

DRAFT

SUSTAINABILITY STRATEGY 2015-21

Introduction

At Council, sustainability is about integrating environmental, social and economic sustainability considerations into our policy, planning, decision making and operational processes, and balancing short term priorities with longer term needs. Sustainability is about respecting our people, looking after our places, and delivering services to improve the wellbeing and liveability of our City now and into the future.

This strategy builds on a strong history of action by Council in the area of sustainability, providing a solid foundation for continuous improvement into the future. It takes a broad understanding of the concept of sustainability and outlines our plan for action over the coming years.

This strategy outlines the key activities that will be taken by Council to implement our Sustainability Policy.

The Sustainability Journey of Penrith City Council

1999	Sustainable Penrith Program adopted
2002	Sustainability self-assessment completed
2003	Energy Performance Contract initiated Sustainable Penrith Action Plan & UNEP Sustainability Principles adopted
2005	Sustainability Champion appointed Resource Data Management System implemented Sustainability Revolving Fund Guidelines adopted Water Way – Water Conservation Plan adopted Carbon Neutral – Emissions Reduction Plan adopted
2006	Sustainable Purchasing Supply Policy adopted Greenhouse Purchasing Action Plan adopted Water Savings Action Plan 2006-2010 adopted
2007	Sustainable Penrith Schools Network established Sustainability Indicators incorporated into Annual Report Energy Savings Action Plan 2007-2011 adopted
2008	Facility Managers Group established
2009	Climate Change Risk Assessment & Adaptation Planning undertaken Louise Petchell 'Learning for Sustainability' Scholarship established
2010	Alignment of Strategic Plan under the UNEP Sustainability Principles
2011	Sustainable Events Policy adopted Water Efficiency Plan 2011-15 adopted Sustainability Health Check completed
2012	Energy Savings Action Plan 2012-16 adopted
2013	Ecological Footprint of the City calculated
2014	Sustainable Buildings Policy adopted Launch of corporate engagement program – Think, Act, Share My Idea reFresh launched

Focus areas

Sustainability at Penrith City Council focuses on the following key areas:

1. Advance the Liveability of the City
 - Be accountable, transparent and ethical in decision making, balancing environmental, social, and economic considerations in the ongoing development of the organisation and the Penrith local government area that enhances liveability and responds to a changing climate.
 - Identify, manage and mitigate risks in a way that is consistent with the precautionary principle and business innovation, including the assessment of alternatives.
2. Leadership
 - Conduct effective governance, business improvement, and advisory processes, ensuring organisational performance is aligned with good practice and is responsive to change while compliant with legislation and relevant standards.
 - Act as an advocate for sustainability in instances where issues have the potential to impact our community, the organisation and our environment.
3. Business Innovation and Resource Efficiency
 - Establish and strive to meet corporate sustainability and innovation targets and report on our performance against these to the organisation and community.
4. Support Sustainable Practice
 - Communicate Council's sustainability expectations to all employees and ensure staff are supported to meet these expectations with appropriate information, training and recognition
 - Support the efforts of the Penrith community and our community partners in the transition to a sustainable future, and provide leadership in sustainability.

Implementation of these focus areas will be through implementation of but not limited to the actions outlined in the following table.

Short term actions (S) refer to actions that can be completed in the current Delivery Program (2013-17), medium term actions (M) refer to actions that will be undertaken during the next Delivery Program (2017-21). A number of ongoing (O) actions have also been identified.

Focus Area	Action	Timeframe
Advance the Liveability of the City	Investigate liveability frameworks and their application to Penrith	S
	Research key issues affecting or likely to affect the liveability of the City and disseminate information	O
	Implement the 'Cooling the City' Strategy to address the issue of urban heat within the Penrith LGA	S
	Research and develop an integrated urban food program	M
	Work collaboratively to facilitate regional planning outcomes that will contribute to a liveable City	S
	Identify opportunities to build a resilient City and respond to a changing climate	O

Focus Area	Action	Timeframe
Leadership	Initiate opportunities to improve the liveability of Penrith City	O
	Seek, advance and showcase opportunities to promote council and City sustainability initiatives	O
	Review and update relevant Council policies and strategies to include sustainability principles and practices	M
	Identify and include key sustainability and liveability issues for the City in Council's advocacy program	S
	Work collaboratively to ensure that sustainability principles form an integral part of corporate planning and reporting	S
	Support and work with internal stakeholders to ensure sustainability and liveability considerations are included in the design and implementation of key projects	O
Business Innovation & Resource Efficiency	Research and apply business innovation to improve the environmental, economic and social sustainability of Council systems, operations and services	M
	Encourage and support the submission of a broad range of projects for funding by the Sustainability Revolving Fund with benefits across the quadruple bottom line	O
	Investigate the inclusion of sustainability considerations in standard tender and request for quote documents	S
	Participate in the Local Government NSW Sustainable Choice Program to identify opportunities to improve our supply chain	O
	Identify projects and initiatives that will reduce reliance on non-renewable energy sources for Council's operations	O
	Develop a Renewable Energy Masterplan to support the transition to more sustainable energy supplies	M
	Undertake energy and water efficiency benchmarking for our major sites and a range of representative buildings	S
	Investigate the installation of rooftop solar systems on council facilities	O
Support Sustainable Practice	Develop sustainability management skills and expertise within the organisation and support sustainability leadership by staff	O
	Investigate and support staff participation in relevant external sustainability training opportunities	O
	Trial a competitive sustainability study tour under the 'Louise Petchell Learning for Sustainability' Scholarship	S
	Recognise and promote good sustainability practice	O
	Review and implement the corporate sustainability engagement program 'Think, Act, Share' to build corporate awareness and understanding of sustainability	O

Focus Area	Action	Timeframe
	Investigate opportunities to support the community in the uptake of sustainable technologies e.g. solar PV	S
	Encourage and support community and business sustainability leaders	O
	Work collaboratively with internal and external stakeholders to increase community understanding and awareness of sustainability and liveability	O
	Develop electronic signage to demonstrate sustainability achievements to the community, e.g. real time solar generation	S

Monitoring and Review

This Strategy covers the remainder of the adopted Delivery Program 2013-7 and extends into the next cycle of the Delivery Program, which will be completed in 2021. The actions within this strategy will be incorporated into the Delivery Program and our annual Operational Plans to guide the activities and focus of Council in the area of sustainability.

Implementation of the Strategy will be monitored via Council's regular monitoring and reporting program which includes six monthly reports against the Delivery Program and Operational Plan, as well as annual reporting, including reporting against relevant indicators and targets.

The Strategy will be reviewed in 2020, with the results then able to feed into our integrated planning processes in the lead up to the development of the Delivery Program 2021-25.

Related Policies and Documents

There are a number of adopted policies and strategies that should be considered in conjunction with this Sustainability Strategy, including:

- Sustainability Policy (draft)
- Cooling the City Strategy (draft)
- Community Gardens Policy (draft)
- Water Sensitive Urban Design Policy
- Buildings Policy
- Sustainable Purchasing Policy
- Sustainable Events Policy
- Sustainability Revolving Fund Guidelines
- Penrith Progression
- City Strategy
- Delivery Program 2013-17
- Operational Plans