# BUSINESS PAPER

**His Worship the Mayor, Councillor Todd Carney (second from left) pictured with the newly-elected members of the NGAA Strategic Advisory Committee. Cr Carney is the Deputy Chair of the National Growth Areas Alliance which represents 22 councils on the fast-growing edges of Australia's major cities, home to over five million people. Together, these Councils advocate for fairer investment and policies to support the infrastructure, services and opportunities their communities need to thrive.**

# Ordinary Meeting

# 27 October 2025

PENRITH CITY COUNCIL

penrithcity.nsw.gov.au

PENRITH CITY COUNCIL

21 October 2025

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and the Regulations thereunder, notice is hereby given that an **ORDINARY MEETING** of Penrith City Council is to be held remotely using audio visual links, video streamed and in the Council Chambers, Civic Centre, 601 High Street, Penrith on Monday 27 October 2025 at 7:00 PM.

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

Yours faithfully

**Andrew Moore**
**General Manager**

***BUSINESS***

**1. LEAVE OF ABSENCE**

**2. APOLOGIES**

**3. CONFIRMATION OF MINUTES**
*Ordinary Meeting - 22 September 2025.*

**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 COUNCIL**

**6. MAYORAL MINUTES**
*ICF Canoe Slalom World Championships make a splash in Penrith.*

**7. NOTICES OF MOTION TO RESCIND A RESOLUTION**

**8. NOTICES OF MOTION AND QUESTIONS ON NOTICE**

**9. ADOPTION OF REPORTS AND RECOMMENDATION OF COMMITTEES**
*Policy Review Committee Meeting - 13 October 2025.*

**10. DELIVERY PROGRAM REPORTS**

**11. URGENT BUSINESS**

**12. COMMITTEE OF THE WHOLE**

**ORDINARY MEETING**

**MONDAY 27 OCTOBER 2025**

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# ADVANCE AUSTRALIA FAIR

**Australians all let us rejoice,**
**For we are one and free;**
**We've golden soil and wealth for toil;**
**Our home is girt by sea;**
**Our land abounds in nature's gifts**
**Of beauty rich and rare;**
**In history's page, let every stage**
**Advance Australia Fair.**

**In joyful strains then let us sing,**
**Advance Australia Fair.**

# WEBCASTING NOTICE

Please note that tonight's meeting other than the confidential sessions are being recorded and will be placed on Council's website. All in attendance should refrain from making defamatory statements. Council takes all care when maintaining privacy, however members of the public gallery and those addressing Council should be aware that you may be recorded.

# Acknowledgement of Country

We acknowledge and pay respect to the Darug and Gundungarra people who are the traditional owners in which Penrith Local Government Area is situated.

We also pay our respect to elders past, present and emerging, and to the First Nations people living in our community today.

# PRAYER

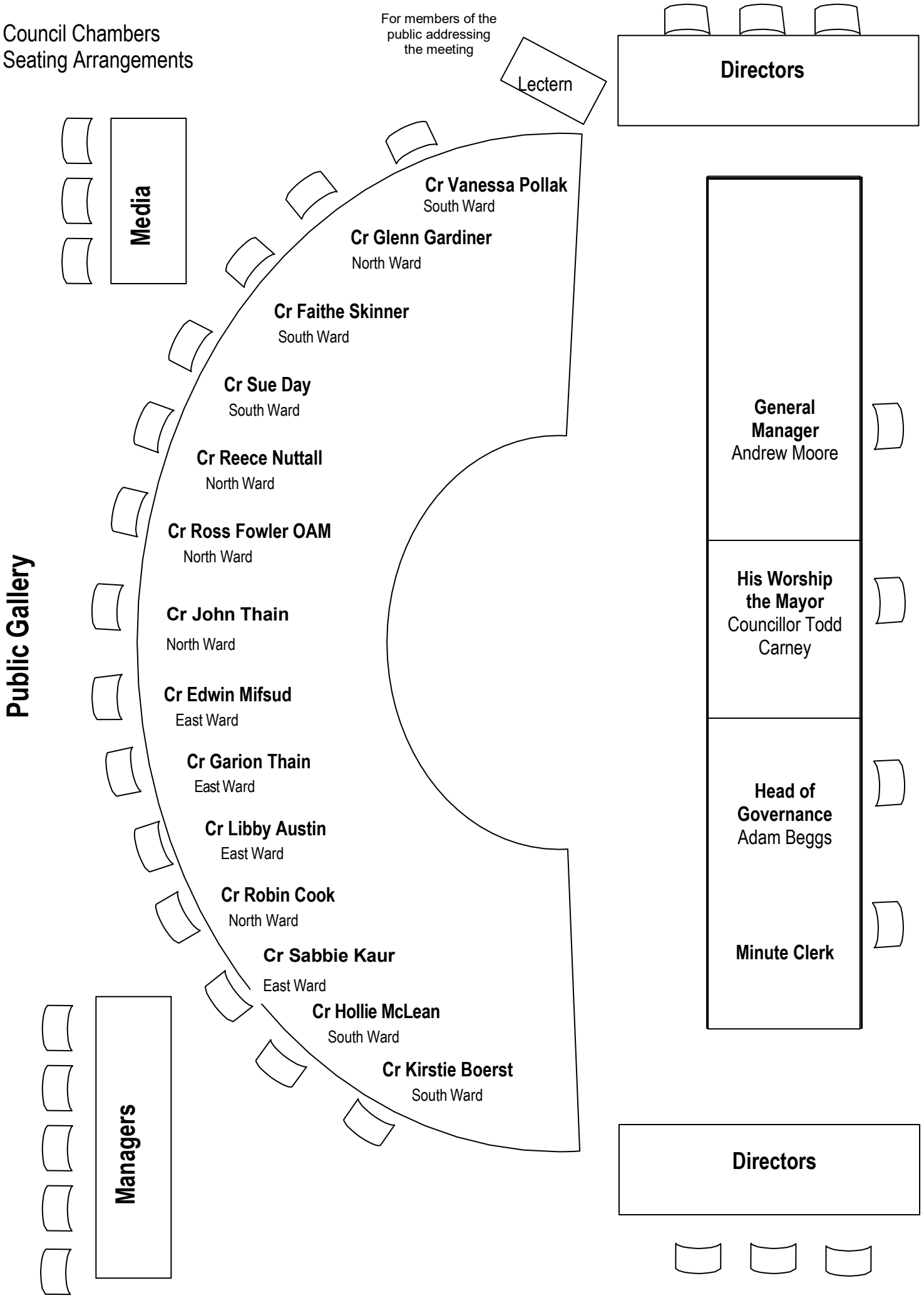
“Sovereign God, tonight as we gather together as a Council we affirm that you are the giver and sustainer of life. We come together as representatives of our community to make decisions that will benefit this city and the people within it.

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

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

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

Council Chambers
Seating Arrangements



## Oath of Office

*I swear that I will undertake the duties of the office of Councillor in the best interests of the people of Penrith and the Penrith City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.*

## Affirmation of Office

*I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of Penrith and the Penrith City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.*

Local Government Act 1993, Section 233A

PENRITH CITY COUNCIL

# 2025 MEETING CALENDAR

## January 2025 - December 2025

**(proposed to be adopted by Council – 28 April 2025)**

| | 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** | **7:00pm** | | 10@ | 3<br>31 | 28 - | 26 # | 30* | 21 | 25@ | 15<br>22^ | 27✓ | 17∞#+ | 8 |
| **Policy Review Committee** | **7:00pm** | | 17 | | 14 | | 23 | | 11 | | 13 | | 1 |

- 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 and/or Deputy Mayor

✓ Meeting at which the 2024-25 Annual Statements are presented

∞ Meeting at which any comments on the 2024-25 Annual Statements are adopted

**+** 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, Councillor Briefings are confidential sessions). Should you wish to address Council, please contact the Head of Governance, Adam Beggs on 4732 7597.

**UNCONFIRMED MINUTES**
**OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL**
**HELD REMOTELY USING AUDIO VISUAL LINKS, VIDEO STREAMED**
**ON THE COUNCIL WEBSITE AND IN THE COUNCIL CHAMBERS**
**ON MONDAY 22 SEPTEMBER 2025 AT 7:03PM**

## NATIONAL ANTHEM

The meeting opened with the National Anthem.

## WEBCASTING STATEMENT

His Worship the Mayor, Councillor Todd Carney read a statement advising that Council Meetings are recorded and webcast.

## ACKNOWLEDGEMENT OF COUNTRY

His Worship the Mayor, Councillor Todd Carney read an Acknowledgement of Country.

## PRAYER

The Council Prayer was read by Rev. Christine Bayliss Kelly.

## PRESENT – IN PERSON

His Worship the Mayor, Councillor Todd Carney and Councillors Libby Austin, Kirstie Boerst, Robin Cook, Sue Day, Sabbie Kaur, Hollie McLean, Edwin Mifsud, Reece Nuttall, Vanessa Pollak, Garion Thain and John Thain.

## LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Glenn Gardiner for the period 20 September 2025 to 30 September 2025 inclusive.

Leave of Absence was previously granted to Councillor Ross Fowler OAM for the period 15 September 2025 to 28 September 2025 inclusive.

Leave of Absence was previously granted to Councillor Faithe Skinner for the period 22 September 2025 to 8 October 2025 inclusive.

## APOLOGIES

There were no apologies.

## CONFIRMATION OF MINUTES - Ordinary Meeting - 15 September 2025

257 RESOLVED on the MOTION of Councillor Sabbie Kaur seconded Councillor Hollie McLean that the minutes of the Extraordinary Meeting of 15 September 2025 be confirmed.

## DECLARATIONS OF INTEREST

Councillor John Thain declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 1 - Magnetic Places Program 2025-26.* Councillor John Thain stated that he would not take part in voting or discussion on this issue.

Councillor John Thain declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Committee of the Whole – Item 3 - Council Property - New Lease - 1-3 Coowarra Drive, St*

*Clair,* Councillor John Thain stated that he would leave the meeting during consideration of this item and would not take part in voting or discussion on this issue.

## MAYORAL MINUTES

### 1 Honouring Uncle Greg Simms OAM

Councillors Kirstie Boerst and Reece Nuttall spoke in support of this Mayoral Minute.

258 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Kirstie Boerst that the Mayoral Minute on Honouring Uncle Greg Simms OAM be received.

### 2 Council's first 12 months

Councillors Hollie McLean, Sabbie Kaur, Libby Austin, Vanessa Pollak and Reece Nuttall spoke in support of this Mayoral Minute.

259 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Hollie McLean that the Mayoral Minute on Council's first 12 months be received.

### 3 Legacy of Doug Rennie OAM lives on

Councillors John Thain and Vanessa Pollak spoke in support of this Mayoral Minute.

260 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor John Thain that the Mayoral Minute on Legacy of Doug Rennie OAM lives on be received.

## DELIVERY PROGRAM REPORTS

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

### 1 Magnetic Places Program 2025-26

261 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Libby Austin

That:

1. The information contained in the report on Magnetic Places Program 2025-26 be received.
2. The four projects (Table 1) recommended by the assessment panel for Council to fund are endorsed.

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

### 2 Results of Public Exhibition and Public Hearing - Planning Proposal for Reclassification of Three Sites in St Marys

262 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor John Thain

That:

1. The information contained in the report on Results of Public Exhibition and Public Hearing - Planning Proposal for Reclassification of Three Sites in St Marys be received.
2. Council endorse the Planning Proposal and its supporting Attachments as provided as Attachment 1 of this report.
3. Council refer the Planning Proposal and its supporting Attachments to the Minster for Planning and Public Spaces with a request for finalisation.
4. The General Manager is authorised to make any necessary minor administrative amendments to the Planning Proposal.

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

| For | Against |
|---|---|
| Councillor Todd Carney | |
| Councillor Libby Austin | |
| Councillor Kirstie Boerst | |
| Councillor Robin Cook | |
| Councillor Sue Day | |
| Councillor Sabbie Kaur | |
| Councillor Hollie McLean | |
| Councillor John Thain | |
| Councillor Edwin Mifsud | |
| Councillor Reece Nuttall | |
| Councillor Vanessa Pollak | |
| Councillor Garion Thain | |

**3 Proposed Dedication of Land for a Riparian Corridor and Open Space within Village 6, Ninth Avenue, Jordan Springs (Western Precinct)**

263 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Reece Nuttall

That:

1. The information contained in the report on Proposed Dedication of Land for a Riparian Corridor and Open Space within Village 6, Ninth Avenue, Jordan Springs (Western Precinct) be received.
2. Council agree to the transfer of land and hand over / dedication of landscaping works in accordance with Condition No. 7 of Development Consent. No. DA15/1535.

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

**4 PCC24/25-51 Shade Structures and Sails**

264 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Libby Austin

That:

1. The information contained in the report on PCC24/25-51 Shade Structures and Sails be received.

2. The tender from Central Industries Pty Ltd be accepted for Shade Structures and Sails for a period of three (3) years, with an option to extend for a further two (2) by one (1) year periods by mutual agreement, and subject to satisfactory performance.
3. The General Manager be authorised to sign all necessary legal documents in relation to this matter.
4. Variations and amendments that do not materially alter the original scope of the contract be managed under the existing Penrith City Council financial delegations within the approved budgets.

**5 Acceptance of Grant Funding - NSW Government 2025 Community Building Partnership Program**

265 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Libby Austin

That:

1. The information contained in the report on Acceptance of Grant Funding - NSW Government 2025 Community Building Partnership Program be received.
2. Approval be given to accept four grants awarded under the CBP25 gram program as detailed in the report, these being:
   - $88,000 – New Storage Building Rance Oval, Werrington.
   - $20,000 – Installation of Bus Shelter on Sunflower Drive, Claremont Meadows
   - $20,000 – Installation of Bus Shelter on Saddington Street, St Marys
   - $20,000 – Installation of Bus Shelter on School House Road, Regentville.
3. The financial contributions from existing budget programs be allocated to the delivery of projects as detailed in the report and included in the CBP grant submissions, these being;
   - $336,840 Building Asset Renewal 25/26
   - $70,680 Bus Shelter Program 2025/26.
4. The General Manager be delegated authority to sign all necessary legal documents in relation to this matter.
5. Letters of appreciation be issued to the NSW Government Minister and local State Members.

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

**6 Establishment of a Panel of Conduct Reviewers**

266 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Sue Day

That:

1. The information contained in the report on Establishment of a Panel of

Conduct Reviewers be received.

2. Council establish a panel of Conduct Reviewers, as per the Procedures for the Administration of the Code of Conduct.
3. The following applicants be placed on Council's Conduct Review Panel for a period up to 4 years:
    - A Human Agency Pty Ltd
    - BAL Lawyers
    - Centium Pty Ltd
    - KPMG
    - Nemesis Consultancy Group Pty Ltd
    - Noble Shore Pty Ltd
    - Pinnacle Integrity
    - Riskwise Consulting Pty Ltd
    - Scout Investigations
    - Sparke Helmore Lawyers
    - Weir Consulting (National)
    - Workdynamic Australia.

**7 Audit Risk & Improvement Committee**

267 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Sue Day that the information contained in the report on Audit Risk & Improvement Committee be received.

**9 Summary of Investments and Banking for the period 1 August 2025 - 31 August 2025**

268 RESOLVED on the MOTION of Councillor Reece Nuttall seconded Councillor Sue Day

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 August 2025 - 31 August 2025 be received.
2. The Council's Cash Book and Bank Statements have been reconciled as at 31 August 2025.

**8 Election of Deputy Mayor**

269 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Libby Austin

That:

1. The information contained in the report on Election of Deputy Mayor be received.
2. Council consider the election of a Deputy Mayor.

3. In the event of more than one councillor being nominated, Council determine the method of election for the office of deputy mayor to be open voting.
4. In accordance with Section 231 (2) of the Local Government Act 1993, the term of Office of the Deputy Mayor be until September 2026 or the meeting of the next election in the event of any postponements

His Worship the Mayor, Councillor Todd Carney, handed over to the Returning Officer,

(General Manager) Andrew Moore, to conduct the election of the Deputy Mayor.

The Returning Officer indicated that he had received one nomination for the position of

Deputy Mayor and that nomination was in order and asked whether there were any other nominations. No other nominations were forthcoming.

The Returning Officer declared Councillor Garion Thain duly elected unopposed as Deputy Mayor until the next Deputy Mayoral election.

Councillors John Thain, Libby Austin, Hollie McLean, Reece Nuttall and Mayor Councillor Todd Carney congratulated the Deputy Mayor on his election.

**URGENT BUSINESS**

**UB 1 Submission to the Local Government Conference**

Councillor John Thain requested that Council officers prepare and submit a motion to the Local Government Conference being held in Penrith in November this year that addresses concerns with the recent release of the Model Code of Meeting Practice. Specifically, that a motion be prepared that addresses Council's opposition to the restriction of reasons permitting Councillors to attend meetings remotely in instances where they have legitimate caring or work reasons.

270 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Libby Austin that the matter be brought forward and dealt with as a matter of urgency.
His Worship the Mayor, Councillor Todd Carney ruled that the matter was urgent and should be dealt with at the meeting.
271 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Libby Austin that Council officers prepare and submit a motion to the Local Government Conference being held in Penrith in November this year that addresses concerns with the recent release of the Model Code of Meeting Practice. Specifically, that a motion be prepared that addresses Council's opposition to the restriction of reasons permitting Councillors to attend meetings remotely in instances where they have legitimate caring or work reasons.

**COMMITTEE OF THE WHOLE**

272 RESOLVED on the MOTION of Councillor Libby Austin seconded Councillor Robin Cook that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:16pm.

**1 Presence of the Public**

CW1 RESOLVED on the motion of Councillor Libby Austin seconded Councillor Robin Cook that the press and public be excluded from Committee of the Whole to deal with the following

matters:

***Outcome 5***

**2 Council Property - New Lease - 5A Tindale Street, Penrith**

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

**3 Council Property - New Lease - 1-3 Coowarra Drive, St Clair**

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

***Outcome 4***

**4 Dunheved Road Upgrade Project**

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

The meeting resumed at 8:28pm and the General Manager reported that the Committee of the Whole met at 8:16pm on Monday, 22 September 2025, the following being present

His Worship the Mayor, Councillor Todd Carney and Councillors Libby Austin, Kirstie Boerst, Robin Cook, Sue Day, Sabbie Kaur, Hollie McLean, Edwin Mifsud, Reece Nuttall, Vanessa Pollak, Garion Thain and John Thain.

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

**CONFIDENTIAL BUSINESS**

**2 Council Property - New Lease - 5A Tindale Street, Penrith**

273 RESOLVED on the MOTION of Councillor Garion Thain seconded Councillor Hollie McLean

CW2 That:

1. The information contained in the report on Council Property - New Lease - 5A Tindale Street, Penrith be received.
2. Council enters the proposed lease over 5A Tindale Street, Penrith on the terms and conditions detailed within the report.

3. All funds received from the lease be allocated to the Property Reserve.
4. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

**Procedural Motion**

274 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Edwin Mifsud that *Item 4 – Dunheved Road Upgrade Project* now be brought forward for consideration.

**4 Dunheved Road Upgrade Project**

275 RESOLVED on the MOTION of Councillor Garion Thain seconded Councillor Libby Austin

CW4 That:

1. The information contained in the report on Dunheved Road Upgrade Project (RFP 24-25/60) be received.
2. The tender from Georgiou Group, for $4,498,428.55 (excluding GST) be accepted to undertake SP1 (Early works) for the Dunheved Road Upgrade Project.
3. Variations and amendments that do not materially alter the original scope of the contract be managed under the existing Penrith City Council financial delegations within the approved budget.
4. The General Manager be authorised to sign all necessary legal documents in relation to this matter.

Having previously declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 3, Councillor John Thain left the meeting, the time being 8:27pm and did not return.

**3 Council Property - New Lease - 1-3 Coowarra Drive, St Clair**

276 RESOLVED on the MOTION of Councillor Garion Thain seconded Councillor Hollie McLean

CW3 That:

1. The information contained in the report on Council Property - New Lease - 1-3 Coowarra Drive, St Clair be received.
2. Council enters the proposed lease over 1-3 Coowarra Drive, St Clair on the terms and conditions detailed within the report.
3. All funds received from the lease be allocated to the Property Reserve.
4. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

**ADOPTION OF COMMITTEE OF THE WHOLE**

277 RESOLVED on the MOTION of Libby Austin seconded Councillor Reece Nuttall that the

recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:31pm.

# PENRITH CITY COUNCIL

## Procedure for Addressing Meetings

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

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

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

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

It should be noted that persons who wish to address the Council are addressing a formal part of the Council Meeting. All persons addressing the Meeting should give consideration to their dress attire. Smart casual is a minimum that is thought to be appropriate when addressing such a forum.

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

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

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

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

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

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

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

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

The person addressing the meeting needs to clearly indicate:

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

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

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

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

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

Adam Beggs
**Public Officer**
02 4732 7597

## MAYORAL MINUTES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| 1 | ICF Canoe Slalom World Championships make a splash in Penrith | 1 |

**Mayoral Minute**

**ICF Canoe Slalom World Championships make a splash in Penrith**

The ICF Slalom World Championships were held in Penrith from 29 September to 4 October – and what an incredible event it was.

These Championships were the biggest canoe slalom event Australia has seen in 20 years, bringing talented athletes and spectators from around the world to our City.

The 2025 championships drew around 10,000 visitors to Penrith. Huge crowds cheered on more than 300 local and international athletes from 40 nations, who competed in 10 medal events.

Australia did us proud. Kate Eckhardt beat many of the world's best and won a bronze medal in the Women's K1 (kayak) Final. Fellow Aussie, Kaylen Bassett, produced his best run and won bronze in the C1 (canoe) Final.

I took my son along to experience the championships, and we had an amazing afternoon at Penrith Whitewater Stadium. The atmosphere was intense as athletes raced in a sport that is all about skill and precision – there is no room for error, which creates fierce competition.

Built for the 2000 Sydney Olympic Games, Penrith Whitewater Stadium was the ideal venue for this international event. We're a proud sporting City and the stadium is an outstanding world-class community asset.

Penrith City Council proudly sponsored this Paddle Australia event. This was an opportunity for a unique tourism boost, aligning with the organisation's ongoing efforts to bring more visitors, events, investment opportunities, and economic benefits to our growing City.

We always welcome the chance to showcase what makes Penrith special – and it was great to see athletes exploring and enjoying our City with their friends and families in their downtime.

I commend Council for being part of such a significant event and thank Paddle Australia for bringing the competition to Penrith. I congratulate all local and overseas athletes on their success.

Cr Todd Carney
**Mayor of Penrith**

**RECOMMENDATION**

That the Mayoral Minute on ICF Canoe Slalom World Championships make a splash in Penrith be received.

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## REPORTS OF COMMITTEES


| Item | | Page |
|---|---|---|
| 1 | Report and Recommendations of the Policy Review Committee Meeting held on 13 October 2025 | 1 |

**REPORT AND RECOMMENDATIONS OF THE POLICY REVIEW COMMITTEE MEETING HELD ON 13 OCTOBER, 2025**

## WEBCASTING STATEMENT

His Worship the Mayor, Councillor Todd Carney read a statement advising that Council Meetings are recorded and webcast.

## PRESENT – IN PERSON

His Worship the Mayor, Councillor Todd Carney, Deputy Mayor, Councillor Garion Thain and Councillors Libby Austin, Kirstie Boerst, Robin Cook, Sue Day, Ross Fowler OAM, Glenn Gardiner, Sabbie Kaur, Hollie McLean, Edwin Mifsud, Reece Nuttall, Vanessa Pollak and Faithe Skinner.

## PRESENT – ATTENDED REMOTELY

Councillor John Thain.

## APOLOGIES

There were no apologies.

## CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 11 August 2025

The minutes of the Policy Review Committee Meeting of 11 August 2025 were confirmed.

## DECLARATIONS OF INTEREST

Councillor Reece Nuttall declared a Non-Pecuniary Conflict of Interest – Significant in *Item 2 - Penrith CBD Corporation - 2024-25 Annual Report and Audited Financial Statements,* as he is on the Penrith CBD Centre Board as Council's Representative. Councillor Reece Nuttall stated that he would leave the meeting during consideration of this item and would not take part in voting or discussion on this item.

Councillor Garion Thain declared a Non-Pecuniary Conflict of Interest – Significant in *Item 1 - St Marys Town Centre Corporation - 2024-25 Annual Report and Audited Financial Statement,* as he is on the St Marys Town Centre Board as Council's Representative. Councillor Garion Thain stated that he would leave the meeting during consideration of this item and would not take part in voting or discussion on this item.

Councillor Faithe Skinner declared a Pecuniary Conflict of Interest in *Item 2 - Penrith CBD Corporation - 2024-25 Annual Report and Audited Financial Statements,* as her business is a member of the CBD Corporation. Councillor Faithe Skinner stated that she would leave the meeting during consideration of this item and would not take part in voting or discussion on this item.

Councillor Ross Fowler OAM declared a Pecuniary Conflict of Interest in *Item 2 - Penrith CBD Corporation - 2024-25 Annual Report and Audited Financial Statements,* as he is the auditor for Penrith CBD Corporation. Councillor Ross Fowler OAM stated that he would leave the meeting during consideration of this item and would not take part in voting or discussion on this item.

Having previously declared a Non-Pecuniary Conflict of Interest – Significant in Item 1, Councillor Garion Thain left the meeting, the time being 7:03pm.

**DELIVERY PROGRAM REPORTS**

**STRATEGIC DIRECTION 3 - SHAPE OUR GROWING CITY**

**1 St Marys Town Centre Corporation - 2024-25 Annual Report and Audited Financial Statement**

RECOMMENDED

That the information contained in the report on St Marys Town Centre Corporation - 2024-25 Annual Report and Audited Financial Statements be received.

Councillor Garion Thain returned to the meeting, the time being 7:20pm.

Having previously declared a Non-Pecuniary Conflict of Interest – Significant in Item 2, Councillor Reece Nuttall left the meeting, the time being 7:20pm.

Having previously declared a Pecuniary Conflict of Interest in Item 2, Councillors Ross Fowler OAM and Faithe Skinner left the meeting, the time being 7:20pm.

**2 Penrith CBD Corporation - 2024-25 Annual Report and Audited Financial Statements**

RECOMMENDED

That the information contained in the report on Penrith CBD Corporation - 2024-25 Annual Report and Audited Financial Statements be received.

Councillors Reece Nuttall, Ross Fowler OAM and Faithe Skinner returned to the meeting, the time being 7:36pm.

**URGENT BUSINESS**
There was no Urgent Business.

There being no further business the Chairperson declared the meeting closed the time being 7:36pm.

**RECOMMENDATION**

That the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 13 October, 2025 be adopted.

## DELIVERY PROGRAM REPORTS


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## STRATEGIC DIRECTION 1 - NURTURE OUR ENVIRONMENT

**Item** **Page**

1 Biodiversity Strategy 1

## 1 Biodiversity Strategy

**Compiled by:** **Michael Middleton, Acting Head of Environmental Health and Compliance**

**Authorised by:** **Andrew Jackson, Director Planning and Regulatory Services**

| | |
|---|---|
| **Outcome** | *Nurture our environment* |
| **Strategy** | *Enhance natural spaces and protect environmental quality* |
| **Principal Activity** | *Improve our biodiversity and safeguard the natural environment* |

### Executive Summary

The Penrith Local Government Area (LGA) contains a rich diversity of natural environments. Our community has expressed that protecting the Nepean River, creeks, waterways, and bushland areas is a key priority. In response, Council acknowledges the need to protect, enhance and restore this biodiversity in a planned and coordinated way across the LGA.

The proposed Penrith Biodiversity Strategy 2026–2036 sets a renewed direction for protecting and enhancing the city's natural environment in response to growing urban pressures, invasive flora and fauna species, extreme weather events and biodiversity loss. It builds on earlier efforts with a stronger focus on ecological resilience, legislative alignment and community engagement.

The proposed Strategy outlines key priorities, including conserving threatened ecosystems, expanding habitat corridors, integrating First Nations knowledge and embedding biodiversity into planning, advocacy and community education. It also responds to recent recommendations from the NSW Government's Independent Review to achieve "nature positive" outcomes, shifting from reactive conservation to proactive restoration.

The proposed Strategy is intended to replace Council's existing outdated Biodiversity Strategy from 2004. Subject to Council endorsement, the draft Strategy will be placed on public exhibition, after which the draft will be brought back to Council for consideration and adoption.

### Background

Penrith supports 13 vegetation communities, most listed as endangered or critically endangered and is home to many fauna and flora species, highlighting our regional ecological significance. Biodiversity in Penrith contributes significantly to the quality of life and environmental health of our local community and has several key benefits including environmental, economic, social, health, cultural and educational. However, biodiversity is under increasing pressure from urban development, illegal land clearing, extreme weather events and invasive species.

It is important to note that biodiversity is not a new concept to Council as we currently integrate biodiversity themes within our existing day to day activities including within strategies such as the Green Grid Strategy, Sport and Recreation Strategy, the Cooling the City Strategy, the St Marys Town Centre Urban Ecology Plan, our daily activities of bushland management programs and community initiatives such as community planting events and educational programs.

The draft Penrith Biodiversity Strategy 2026–2036 outlines a clear and coordinated plan to enhance biodiversity outcomes across public and private land across the LGA. It prioritises ecological corridors, threatened species and threatened ecological communities, most notably our Cumberland Plain Woodland (CPW), of which Penrith retains a significant portion. Effective biodiversity conservation requires a holistic approach that involves collaboration between Council, other government agencies and our community.

In response, the draft Penrith Biodiversity Strategy 2026–2036 is built around six strategic goals:

1. Maintaining Biodiversity
2. Extending Biodiversity
3. Caring for Country
4. Promoting Healthy Community
5. Collaborating and Forming Partnerships
6. Staff training and Compliance Communication

The draft Penrith Biodiversity Strategy 2026–2036 contains an action plan formed under the six goals outlined above. The Action Plan is aspirational and proposes actions that will involve several Council Departments to both lead and to collaborate on.

It is important to note that draft Penrith Biodiversity Strategy 2026–2036 outlines a mix of actions which can be delivered within existing resources and implemented progressively over the 10-year life of the Strategy. In addition, more aspirational actions are also identified, which will be contingent on securing additional resources such as increased operational budgets, external grant funding, or additional staff capacity. Full realisation of the actions is contingent upon securing additional resources through a combination of grants and operational budget. Actions will form part of our Delivery and Operation Plans on a “subject to funding” basis only.

Additionally, six LGA-wide priority precinct sites and corridors have been identified in the draft Strategy. These locations were highlighted in our 2023 Biodiversity Study and will remain a focus for Council. They align with State grant and other State initiatives, potentially positioning Council to secure external funding. By advancing this work, Council achieves improved biodiversity outcomes but also strengthens our ability in leveraging strategic partnerships and investment to deliver long term community and environmental benefits.

A cross-department Biodiversity Strategy Advisory Group will be established to work with the relevant Departments and identify ownership and collaboration of the key actions and priority precinct sites that can be delivered where resources, funding and time allows.

**Current Situation**

In 2004, Council adopted its first Biodiversity Strategy, which laid the foundation for protecting and enhancing the city’s biological diversity. The Biodiversity Strategy recognised the importance of maintaining ecological processes and systems to provide healthy biodiversity. The Biodiversity Strategy was comprehensive, addressing threatening processes, conservation on public and private land and the need for education and awareness. Given the changes that have occurred in Penrith over the past two decades, the original Biodiversity Strategy is no longer sufficient to address the current and emerging biodiversity challenges.

Our city encompasses a diverse mix of different ecosystems and is experiencing biodiversity challenges due to illegal clearing of vegetation, invasive flora and fauna species, unauthorised development and extreme weather events such as floods and fires. These pressures can contribute to an increase in threatened ecological communities and species

across the Penrith Local Government Area (LGA). As a result, there is a need for a structured, coordinated approach to managing, protecting and enhancing our local biodiversity.

In response, a draft 2026-2036 Biodiversity Strategy aimed at protecting, enhancing and restoring biodiversity across the LGA has been developed. The draft Strategy emphasises the importance of ecological corridors, education and long-term planning to ensure biodiversity is integrated into future development and land management practices.

**Financial Implications**

Funding Shortfalls:

- Risk: Limited funding and staff resources may hinder the implementation of proposed actions.
- Treatment: Identify and apply for external grants and work with Council Departments on their capacity, both from a budget and workload perspective.

**Risk Implications**

Interdepartmental Coordination Challenges:

- Risk: The implementation of the Biodiversity Strategy sits across many Council Departments.
- Treatment: Establish a cross-departmental Biodiversity Strategy Advisory Group to oversee implementation, assign clear responsibilities and schedule regular progress reviews.

Legislative Compliance Issues:

- Risk: Failure to align with evolving biodiversity and environmental legislation could result in legal and reputational risks.
- Treatment: Regularly review legislative updates and ensure that all actions are compliant with the biodiversity conservation framework.

**Conclusion**

The Penrith Local Government Area (LGA) contains a rich diversity of natural environments. Our community has expressed that protecting the Nepean River, creeks, waterways, and bushland areas is a key priority. In response, Council acknowledges the need to protect, enhance and restore this biodiversity in a planned and coordinated way across the LGA.

A new Penrith Biodiversity Strategy 2026-2036 has been drafted that will set a renewed direction for protecting and enhancing the city's natural environment in response to growing urban pressures, invasive flora and fauna species, extreme weather events and biodiversity loss. It builds on earlier efforts with a stronger focus on ecological resilience, legislative alignment and community engagement.

**RECOMMENDATION**

That:

1. The information contained in the report on draft Penrith Biodiversity Strategy 2026-2036 be received.
2. The draft Penrith Biodiversity Strategy 2026-2036 (separately enclosed) be put on public exhibition for 28 days.

3. The draft Penrith Biodiversity Strategy 2026-2036 be brough back to Council following a period of public exhibition to consider adoption.

## ATTACHMENTS/APPENDICES

There are no attachments for this report

## STRATEGIC DIRECTION 2 - SUPPORT OUR WELLBEING

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

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**STRATEGIC DIRECTION 3 - SHAPE OUR GROWING CITY**


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| 4 | Works in Kind Agreement - 155-251 Aldington Road, Kemps Creek (The Edge Estate - Frasers)<br>**Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.** | 20 |
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| 8 | Draft Voluntary Planning Agreement - 262 Caddens Road Claremont Meadows (DA22/0835) | 45 |

## 2 Amendment to Voluntary Planning Agreement for Orchard Hills North - Legacy Property

**Compiled by:** **Claudia Amendolia, Planner**
**Joel Carson, Senior Planner**

**Authorised by:** **Natalie Stanowski, Acting Head of City Planning**
**Andrew Jackson, Director Planning and Regulatory Services**

| | |
|---|---|
| **Outcome** | *Shape our growing city* |
| **Strategy** | *Navigate balanced growth and plan strategically* |
| **Principal Activity** | *Ensure services, facilitates and infrastructure meet the needs of a growing population through the contributions framework* |

**Previous Items:** **11- Draft VPA for Stage 1 and 2 of Legacy Property development in Orchard Hills North- Ordinary Meeting- 28 Apr 2025 7:00 PM**
**3- Draft S7.11 Contribution plan and Voluntary Planning Agreement for Orchard Hills North- Councillor Briefing- 14 Apr 2025 At the conclusion of the Policy Review Committee Meeting**
**9- Finalisation of Orchard Hills North Section 7.11 Development Contribution Plan- Ordinary Meeting- 28 Apr 2025 7:00 PM**

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

**Landowners and developers:**
- LegPro Orchard Hills Stage 1 Pty Ltd
- LegPro Orchard Hills Stage 2 Pty Ltd
- LegPro Orchard Hills Stage 3 Pty Ltd

### Executive Summary

The purpose of this report is to seek Council's endorsement to publicly exhibit a draft deed of variation (the Deed) to amend the voluntary planning agreement (VPA) between Council and Legpro Orchard Hills (Legacy Property), to extend the VPA to stage 3 of Legacy Property's Orchard Hills North (OHN) development.

The draft deed seeks to facilitate the delivery of infrastructure, and the dedication of land identified within the Orchard Hills North Contributions Plan (OHN CP) to support approved development application (DA) 24/0085, known as stage 3.

Council resolved at the Ordinary meeting of 28 April 2025, that a further report be prepared for future amendments to the OHN VPA as Legacy's ownership within the precinct grows.

Legacy Property's development will continue to expand as future stages are considered for approval. The VPA will continue to need amending to incorporate the additional stages.

The draft deed has been reviewed against the OHN CP, and Penrith's Developer Infrastructure Agreements Policy (PDIAP) and found to be consistent and acceptable and will facilitate the construction of a new release area. A copy of the draft deed and VPA is provided in Attachment 1.

**Background**

Legacy Property is the major landowner in OHN, with a landownership of 28 properties to be developed across 15 stages. This will result in a development yield of approximately 1,500 residential lots and 2.2ha of non-residential development.

Council officers have worked with Legacy Property to ensure that as development applications are progressed, each stage is supported by the required infrastructure, through the negotiation of offers to enter into a VPA that are consistent with the OHN CP.

At the Ordinary meeting of 28 April 2025, Council considered a report to endorse the draft VPA for Stage 1 and 2 of Legacy Property development in OHN. Council resolved that the draft VPA be placed on public notification and endorsed the draft VPA for execution, where no submissions are received. No submissions were received and the VPA was executed on 4 August 2025.

The value of infrastructure, land dedication and administration payments under the current VPA is approximately $24.1 million. Legacy's contribution requirements payable under the OHN CP for stages 1 and 2 is approximately $21.5 million. The VPA includes a mechanism allowing the initial contribution credits ($2.6 million) to be carried forward and applied to future stages as the development progresses.

*Development Status*

To date, 3 stages of residential development have been approved in OHN, Stage 1 (DA23/0969) - 89 lots, Stage 2 (DA24/0041) – 72 Lots and Stage 3 (DA24/0085) – 155 lots.

Legacy Property has a further three DAs for residential development under assessment, stage 4A (DA24/0431), stage 4B (DA25/0567), stage 5 and stage 6 (DA24/0536). A letter of offer to support these further stages is expected.

In addition, pre-lodgement meetings have been held for future DA's regarding later stages and key infrastructure items identified in the OHN CP. Importantly, the VPA and future amendments will enable infrastructure to be delivered on behalf of Council, consistent with the CP.

Stage 3, DA24/0085 was approved on 24 September 2025. A condition of consent requires a VPA be executed and registered on title prior to the release of a subdivision works certificate for any approved works, excluding those required for bulk earthworks and preliminary site preparation works.

**Draft Amendment to the VPA**

An offer to amend the VPA to incorporate Legacy Property's stage 3 development was accepted on 3 September 2025 after endorsement through the Local Infrastructure Contributions Working Group (LICWG). Subsequently, Legacy provided a draft deed and amendment to the VPA on 25 September 2025. The draft deed has been reviewed by Councils legal representatives HWLE, who also oversaw the drafting of the VPA for stages 1 and 2 in OHN.

The value of the draft amendment to VPA is approximately $21.5 million. In summary, the draft VPA seeks to deliver:

1. Infrastructure items within the OHN CP that applies to Stage 3 ($3.2 million),
2. Land dedication for infrastructure items delivered through the VPA ($3.3) million)
3. Administration payment ($247,600)

4. Recognition of development contribution credits from Stage 2 ($2.6 million)

5. Payment of residual development contributions (approx. $12.1 million), unless the VPA is amended to include additional infrastructure and stages

**Assessment of Draft amendment to VPA**

The PDIAP guides Council, developers and the community on matters to consider when assessing and accepting a VPA.

Overall, the land dedication and infrastructure proposed are in accordance with the schedule of works within the OHN CP and the draft amendment provides a suitable mechanism for the delivery of supporting infrastructure for stage 3 of Legacy's development within the precinct.

The values of infrastructure and land within the draft VPA are consistent with the finalised OHN CP.

*Development Contributions, Offsets and Credits*

The VPA replaces the payment of development contributions for each stage. In lieu of paying development contributions, the developer delivers infrastructure works (such as roads, stormwater infrastructure and open space) and dedicates this land in accordance with the OHN CP.

The value of infrastructure and land delivered for each stage may be greater or lesser than the required development contributions. For stages 1 and 2, the value of works and land exceeds the expected development contributions by $2.6 million. The VPA currently recognises these credits and allows these credits to be applied to future stages of Legacy's development within the precinct.

The inclusion of stage 3 of Legacy's development results in the total value of development contributions payable across stages 1-3 exceeding the total value of infrastructure and land to be dedicated. The draft amendment manages this by recognising there will be a residual development contribution and that this is paid prior to the release lots for stage 3, unless the VPA is amended to include additional infrastructure and stages.

*Infrastructure Delivery and Land Dedication*

The draft amendment secures the delivery and dedication of works and land. Officers have worked with Legacy to develop suitable delivery triggers to ensure that the staging and delivery of infrastructure is orderly and sufficient in supporting the proposed development of stage 3 within the precinct.

*Security*

The draft amendment ensures that security is provided for each component of the works in an amount equivalent to 125% of the agreed value of the works. This ensures adequate security provisions that Council can call on if works are not delivered. The draft VPA also ensures that the agreement is registered on title and the triggers for delivery of infrastructure within the contribution schedule enables the ability for the restriction of release of certificates.

**Financial Implications**

The draft amendment ensures that the residual monetary contribution for stage 3 is to be paid prior to the release of the first residential SC for stage 3, unless the VPA is amended to include additional infrastructure and stages which offset the residual payment.

While Legacy is providing the enabling infrastructure to support their development within the precinct, there are additional infrastructure items in the OHN CP which Council will have to deliver.

As the VPA facilitates infrastructure delivery in lieu of monetary contributions, Council may not be in receipt of a monetary contribution until the later stages of development. While it is not anticipated for these items to be required prior to Council being in receipt of monetary contributions under the CP, should the infrastructure items be required to unlock land for development, Council will have the ability to borrow from an existing development contribution plan or loan fund the infrastructure items.

**Risk Implications**

The provision of infrastructure and the dedication of land through the draft amendment is consistent with the staged approach to DAs and appropriate triggers and mechanisms are in place to withhold the release of residential subdivision certificates should infrastructure not be delivered by the agreed upon time.

**Next Steps**

Should Council endorse the draft amendment for public notification, it will be placed on public notification for 28 days in accordance with the Environmental Planning and Assessment Regulation and the PDIAP. Notification will include publishing the draft amendment on Council's Your Say page and the DPHI Planning Portal, along with a newspaper advertisement in the Western Weekender.

Following the notification period, if any submissions are received in response to VPA matters, a further report will be prepared for Council. This report will provide details of submissions received and seek the endorsement of the execution of the draft amendment, where any issues raised have been addressed. Where no submissions are received or where a submission does not relate directly to specific matters negotiated for the VPA, the draft amendment will be executed.

**Conclusion**

The proposed amendment to VPA for Stage 1 and 2 of Legacy Property's development in OHN represents a significant step forward in facilitating the delivery of essential infrastructure and land dedication to support Stage 3 of the precinct. The amendment aligns with the OHN CP and PDIAP and reflects Council's commitment to ensuring orderly and well-supported urban growth.

The amended VPA provides a clear framework for Legacy's contributions and future development within the precinct. It also establishes a pathway for ongoing collaboration between Council and Legacy, enabling future amendments to be negotiated and finalised in a transparent and consistent manner.

Council's endorsement of the draft deed and amendment will support the timely delivery of infrastructure and housing in OHN, ensuring that development proceeds in a way that benefits the community and aligns with strategic planning objectives.

**RECOMMENDATION**

That:

1. The information contained in the report on Amendment to Voluntary Planning Agreement for Orchard Hills North - Legacy Property be received.
2. Council endorse for notification the draft deed of variation to the voluntary planning agreement for Orchard Hills North provided as Attachment 1 to this report.
3. A further report be prepared for Council following the notification of the draft deed of variation, if submissions are received that relate directly to specific matters negotiated for the VPA and amendments to the draft amendment are proposed.
4. Council endorses the draft deed of variation for execution, where no submissions are received or submissions received do not relate to specific matters negotiated in the draft amendment, during the notification period or no amendments are proposed.
5. If the draft deed of variation is to be executed, Council authorises the General Manager to finalise and sign the deed of variation and make any minor amendments where necessary (e.g. typographic errors, incorrect clause references, dates, and the like).
6. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

**ATTACHMENTS/APPENDICES**

| | | | |
|---|---|---|---|
| **1.** | Draft Deed of Variation to Voluntary Planning Agreement for Orchard Hills North | 77 Pages | Attachments Included |

## 3 Planning Proposal for Alspec Industrial Business Park

**Compiled by:** **Zac Scott, Planner**
**Brooke Levingston, City Planning Coordinator**

**Authorised by:** **Natalie Stanowski, Acting Head of City Planning**
**Andrew Jackson, Director Planning and Regulatory Services**

| | |
|---|---|
| **Outcome** | *Shape our growing city* |
| **Strategy** | *Navigate balanced growth and plan strategically* |
| **Principal Activity** | *Ensure our strategic framework and vision are contemporary and guide land use planning to meet the needs of our community and growing population* |

**Previous Items:** **2- Alspec Industrial Business Park Planning Proposal- Councillor Briefing- 29 Sep 2025 7:00PM**

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

**Proponent:** HB & B Property Pty Ltd

**Subject Land:** 221-235 Luddenham Road, Orchard Hills

### Executive Summary

Council is in receipt of a Planning Proposal for the Alspec Industrial Business Park (AIBP) at 221-235 Luddenham Road, Luddenham.

The Planning Proposal (separately enclosed) seeks to amend Penrith Local Environmental Plan 2010 (LEP 2010) to increase the Height of Building (HOB) control on a portion of the site, known as lot 11, from 24 metres to 40 metres. The proposal will enable high bay warehousing development on this lot within the AIBP. The proponent for the Planning Proposal is HB & B Property Pty Ltd.

An assessment of the Planning Proposal has been undertaken by Council officers. It is consistent with all relevant strategic plans and is supported. The Planning Proposal is also supported by the Local Planning Panel (LPP).

This report recommends that Council endorse the Planning Proposal to be forwarded to the Minister for Planning and Public Spaces with a request to issue a Gateway Determination.

### Background

The subject site is located at 221-235 Luddenham Road, Luddenham and forms part of the broader AIBP. The site was rezoned under a previous Planning Proposal that came into effect on 20 May 2024. The previous Planning Proposal included the following amendments to LEP 2010:

- Rezone part of the site from RU2 Rural Landscape to part E4 General Industrial and C2 Environmental Conservation
- Introduce a HOB control of 24 metres

- Reduce the minimum lot size to 1,000m2
- Introduce density provisions to ensure a mix of large and smaller lots, with Area 5 to provide 40 lots and Area 6 to provide 60 lots (Clause 7.24 of LEP 2010).

This rezoning established the framework under which the AIBP and subsequent Development Applications (DAs) could be progressed. Since this time, several DAs have been prepared and lodged with Council, as well as one State Significant Development Application (SSDA) lodged with the Department of Planning Housing and Infrastructure (DPHI).

A voluntary planning agreement (VPA) was prepared in support of the rezoning. The VPA facilitates the delivery of new and upgraded roads, traffic management facilities for Luddenham Road and Patons Lane, and the dedication of land for the future widening of Luddenham Road. The VPA was executed on 14 May 2024.

A new development control plan (DCP) chapter, E18 Luddenham Road Industrial Business Park, was introduced into Penrith DCP 2014 to guide future development within the AIBP.

**Current Situation**

A Planning Proposal has been submitted that seeks to amend the HOB Map in LEP 2010 to increase the HOB control on a portion of the subject site from 24 metres to 40 metres. The amendment is only proposed to apply to the western portion of 'lot 11'. No other changes to LEP 2010 are sought. A draft HOB map is provided at Attachment 1.

The proposed amendment to the HOB control will enable the progression of a concurrent SSDA (SSD-814314988) which has been lodged with DPHI. The SSDA seeks consent for the construction and operation of a new storage and distribution warehouse, which includes a high bay warehouse component. The high bay component will not result in additional gross floor area (GFA) but will utilise tall storage racks to maximise storage capacity. The proposed LEP amendment will enable progression of the SSDA by ensuring the building height is compliant with LEP 2010.

A masterplan showing the subject site (lot 11) is provided at Attachment 2 and the area that contains the height exceedance at Attachment 3.

The proposal is consistent with the intended outcomes for the AIBP, and, as it will not create additional GFA, it is not expected to generate additional environmental, traffic or parking impacts.

No amendments to the executed VPA or DCP chapter are required in association with this Planning Proposal.

**Key Considerations**

Visual Impact Assessment

A visual impact assessment (VIA) has been submitted in support of the Planning Proposal. The VIA explores eight different viewpoint locations to illustrate how the proposed HOB increase would impact the surrounding vicinity.

The VIA is provided as an appendix to the Planning Proposal. An extract of viewpoint locations and images is provided in Attachment 4 and summarised below.

- Viewpoint 1 is within 1.3 kilometres of the subject site at 443-457 Luddenham Road, Luddenham and looks north towards the project from a rural landscape. The overall impact of the project from this viewpoint is considered to be moderate.
- Viewpoint 2 is located within 625 metres from the subject site on Luddenham Road and the significance of the visual impact is considered to be none. The future development will essentially hidden by existing vegetation from this viewpoint.
- Viewpoint 3 is within 576 metres of the subject site and is located adjacent to 262 Luddenham Road, Orchard Hills and looks north west. The majority of the proposed building would be screened by existing vegetation within the private properties to the east of AIBP. The significance of the visual impact at this location is considered minor.
- Viewpoint 4 is 628 metres of the subject site from Luddenham Road (Adjacent to AIBP), Orchard Hills and looks in a westward direction. The significance of the visual impact is considered to be moderate as the high-bay element would form as a new highly recognisable element within the view which would be recognised as an industrial development. The development of lot 1 within the AIBP will screen subject site from this viewpoint and would effectively reduce the visual impact as a result of the HOB increase.
- Viewpoint 5 is approximately 1.5 kilometres from the subject site at Luddenham Road (Approach from North), Orchard Hills and looks in a southward direction. The significance of this viewpoint is considered to be minor/negligible as surrounding future development of the AIBP will occur behind the existing tree line.
- Viewpoint 6 is approximately 300 metres from the subject site at the future Metro Western Sydney Airport corridor and looks in an eastward direction. The significance of the visual impact is considered to be moderate to minor.
- Viewpoint 7 is approximately 1.1 kilometres from the subject site at 405 Luddenham Road, Luddenham and looks in a northward direction. The significance of the visual impact is minor with the development of the AIBP being screened behind the existing tree line.
- Viewpoint 8 is approximately 3.35 kilometres from the subject site at 2 Homestead Road, Orchard Hills and looks in a southward direction. The significance of the visual impact is moderate to minor with future development of the AIBP being behind the existing tree line.

As the AIBP will develop over the next decade alongside the development of the Orchard Hills South, the Mamre Road Industrial Precinct and Western Sydney Aerotropolis, the overall impacts are considered moderate to minor. The views that will be experienced by passing motorists from Luddenham Road and from land dedicated for the future Outer Sydney Orbital, and pedestrians in very close proximity to the site are transient and temporary as the surrounding area develops. On this basis, the proposed height increase is deemed acceptable.

Strategic Merit

The proposal is located within a precinct currently zoned E4 General Industrial and will support the realisation of the AIBP. The increase to building height will encourage diverse industrial and employment activities.

The Planning Proposal aligns with state and local strategic plans:

*Greater Sydney Region Plan: A Metropolis of Three Cities*

The Planning Proposal is consistent with the Greater Sydney Region Plan as it will enable delivery of large warehousing development which will support the economic growth of the

region. The proposed development will leverage from its proximity to the Western Sydney International Airport (WSI Airport) and the broader Aerotropolis Precinct to deliver industrial employment land to support the economic growth of the Western Parkland City. The delivery of high-quality warehousing will support establishment of the AIBP and will grow investment, business and employment opportunities for existing and future residents of the LGA and the broader Western Economic Corridor.

*Local Strategic Planning Statement (LSPS)*

The relevant Planning Priorities in the Local Strategic Planning Statement are:

- Planning Priority 1: Align development, growth and infrastructure
- Planning Priority 11: Support the planning of the Western Sydney Aerotropolis
- Planning Priority 12: Enhance and grow Penrith's Economic Triangle.

This Proposal is consistent with Planning Priority 1, 11 and 12:

- Planning Priority 1: The AIBP will deliver an industrial precinct that will support freight and industrial activities to service the LGA and surrounding region. An existing Voluntary Planning Agreement (VPA) has been executed for the site which secures the delivery of new and upgraded road infrastructure.
- Planning Priority 11: The proposed development will offer industrial land uses in proximity to the Western Sydney Aerotropolis and will support the significant growth and change currently occurring.
- Planning Priority 12: The AIBP will contribute to the delivery of industries and job opportunities. Freight and logistics industries will be located in a prime location to leverage the economic opportunities growing within Penrith. The project will aid in creating future industrial lands which are critical to ensuring communities have access to jobs and services close to home.

*Employment Lands Strategy*

The relevant Direction in Council's Employment Lands Strategy is:

- Direction 3 – Build on our strengths and facilitate new enterprises.

The AIBP will help deliver short- and medium-term job demands for the Penrith LGA. The proposal will facilitate greater flexibility in height limits applying to part of the site, thereby encouraging diverse industrial and employment activities within the precinct.

**Local Planning Panel Advice**

On 24 September, the Planning Proposal was presented to the LPP for advice. The LPP considered the Planning Proposal and the preliminary assessment prepared by Council officers and recommended that the Planning Proposal be progressed through to Gateway stage, as it is consistent with state and local strategic plans. A copy of the LPP's advice is provided at Attachment 5.

**Financial Implications**

There are no financial implications for Council associated with this report.

If made, the LEP amendment would not impact the executed VPA, including infrastructure or timing for delivery of works. Further, as the proposal will not generate additional GFA, an amendment to the VPA is not required.

**Risk Implications**

There are no risk implications associated with this report.

**Next Steps**

Should Council endorse the recommendations in this report, the Planning Proposal will be forwarded to the Minister for Planning and Public Spaces with a request for a Gateway determination.

The Planning Proposal will be assessed by delegated officers from the Department of Planning, Housing and Infrastructure, who will then issue a Gateway determination which indicates whether the proposal can proceed or not.

If the Gateway determination allows the Planning Proposal to proceed, Council will publicly exhibit the proposal in accordance with the timeframes and conditions in the Gateway determination and in accordance with the community consultation requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Following public exhibition, a further report will be presented to Council on the outcomes of the public exhibition and any submissions received.

**Conclusion**

Council is in receipt of a Planning Proposal which seeks to amend LEP 2010 to increase the HOB control for certain land in the AIBP at 221-235 Luddenham Road, Orchard Hills. The proposed amendment will enable the delivery of high bay warehousing development on 'lot 11' and supports a concurrent SSDA proposal.

The Planning Proposal is consistent with all relevant strategic plans and is supported by the LPP.

This report recommends that Council endorse the Planning Proposal to be forwarded to the Minister for Planning and Public Spaces with a request for a Gateway determination.

**RECOMMENDATION**

That:

1. The information contained in the report on Planning Proposal for Alspec Industrial Business Park

2. Council endorse the Planning Proposal (separately enclosed) of this report to be forwarded to the Minister for Planning with a request to issue a Gateway Determination. The submission will include a request to issue Council with Delegation to be the local plan making authority.

3. The General Manager be granted delegation to make any necessary changes to the Planning Proposal referred to in Item 2:

    - prior to Council's submission of the Planning Proposal to the Minister for Planning and Public Spaces to request a Gateway Determination;
    - as a result of negotiated changes sought by the Department of Planning, Housing and Infrastructure in the lead up to issuing a Gateway Determination; and
    - prior to public exhibition in response to the conditions of the Gateway Determination or negotiation with State agencies.

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

**ATTACHMENTS/APPENDICES**

| | | | |
|---|---|---|---|
| **1.** | Draft Height of Buildings Map | 1 Page | Attachments Included |
| **2.** | Masterplan for Subject Site - Lot 11 | 1 Page | Attachments Included |
| **3.** | Height Breach Diagram | 1 Page | Attachments Included |
| **4.** | Viewpoint Images and Locations | 3 Pages | Attachments Included |
| **5.** | Penrith Local Planning Panel Report and Advice - Alspec Industrial Business Park – 221-235 Luddenham Road Orchard Hills | 6 Pages | Attachments Included |

## 4 Works in Kind Agreement - 155-251 Aldington Road, Kemps Creek (The Edge Estate - Frasers)

**Compiled by:** **Kathryn Sprang, Senior Planner**

**Authorised by:** **Natalie Stanowski, Acting Head of City Planning**
**Andrew Jackson, Director Planning and Regulatory Services**

| | |
|---|---|
| **Outcome** | *Shape our growing city* |
| **Strategy** | *Navigate balanced growth and plan strategically* |
| **Principal Activity** | *Ensure services, facilitates and infrastructure meet the needs of a growing population through the contributions framework* |

**Previous Items:** **2- Upcoming Mamre Precinct Voluntary Planning Agreements and Works in Kind Agreements- Councillor Briefing- 18 Aug 2025 7:00 PM**

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

**Landowner and Developer:** Australand C & I Land Holdings Pty Limited & Frasers

### Executive Summary

This report presents a works in kind agreement (WIKA) for the delivery of part of a collector road and a roundabout at 155-251 Aldington Road, Kemps Creek for Council's endorsement. Councillors were previously advised of this WIKA at Councils briefing on the 18 August 2025.

The collector road, roundabout and associated land acquisition are identified within the Mamre Road Precinct Development Contributions Plan 2022 (Mamre CP) and the Mamre Road Precinct Development Control Plan (2021).

The proposed WIKA is associated with State Significant Development SSD -17552047 which was approved by the Department of Planning Housing and Infrastructure (DPHI) on 3 June 2025. Appropriate conditions are contained within the SSD approval consent to facilitate a WIKA.

Frasers is the developer of the subject site. Under the proposed WIKA, Frasers will deliver part of a collector road and roundabout on the subject site. The total value of the works is approximately $5.6 million as per the rates in the Mamre CP. The development contribution payment obligations for the site are approximately $36 million, so there will be a residual payment owed by Frasers to Council. The payment of the residual amount is a matter dealt with in the LOG-NE voluntary planning agreement (VPA), which was executed earlier this year. The WIKA will reduce the overall development contributions payable on the site.

The Developer has made minor changes to the WIKA template. Under the Penrith Developer Infrastructure Agreements Policy (PDIAP), this triggers the requirement for WIKAs to be reported for endorsement to Council. These minor changes have been reviewed by Council's legal services department and are considered acceptable.

The proposed WIKA has been reviewed against the Mamre CP and PDIAP and found to be generally consistent and acceptable. The proposed WIKA will facilitate the delivery of transport infrastructure and will unlock employment land on the subject site.

**Background**

Frasers submitted a letter of offer to enter into a WIKA on 21 June 2024. Council officers and Frasers negotiated and collaborated on matters including, road tie in works with adjoining landowners and timing of deliverables.

The letter of offer was reviewed by Council's Local Infrastructure Contributions Working Group (LICWG) at its meeting on 28 January 2025. The LICWG provided in principle endorsement for acceptance of the letter of offer, pending address of a number of matters, including:

- Further consultation with various departments in Council
- Confirmation from Frasers on road connections
- Determination of the SSD, which the WIKA relates to.

In response to the above, further consultation with other departments was satisfactorily carried. Frasers also provided additional satisfactory information on road connections, and the SSD was determined on the 3 June 2025.

A conditional acceptance of the letter offer was provided to Frasers on 28 May 2025.

**Assessment of proposed WIKA**

The PDIAP guides Council, developers and the community on matters to consider when assessing a WIKA. The PDIAP has been used by Officer's to assess the suitability of the WIKA, additionally Council's Legal Department has reviewed the proposed WIKA and were satisfied to proceed. How the main risks have been managed in the proposed WIKA are discussed below.

The proposed WIKA was reported to LICWG on the 29 September 2025, LICWG resolved to provide in principal support for the WIKA to proceed to a Council meeting recommending endorsement.

Timing of infrastructure delivery

The timing for delivery in the proposed WIKA has regard to the SSD approval. To ensure timely delivery of the infrastructure, the proposed WIKA has a trigger event that requires the road and roundabout to be delivered to Council prior to the issue of an Occupation Certificate.

Road Connections

Council officers have negotiated with Frasers and adjoining developer Barings to facilitate road connection works. Barings are further progressed and are anticipated to deliver road works on their site ahead of Frasers. Therefore, Frasers have proposed to connect into the roundabout on Barings site. The works as outlined in the proposed WIKA reflect this arrangement. Fraser's SSD approval also facilitates this arrangement.

Security

The proposed WIKA ensures that security is to be provided for each component of the works in an amount equivalent to 125% of the agreed value of works. This ensures adequate

security provisions that Council can call on if works are not delivered and is in accordance with the PDIAP.

Changes to the WIKA Template

As per the PDIAP a WIKA does not require public notification, nor a report to Council if the WIKA template is used and unchanged by the developer. Frasers is proposing a number of minor changes to the template, such as providing one or more bank guarantees, however still equalling 125% of the value of works. As such the WIKA requires resolution from Council to proceed to execution. All the proposed changes have been reviewed by Council's legal services team and were found to be acceptable.

**Relationship to LOG-NE Voluntary Planning Agreement**

Frasers is a member of LOG-NE, who has an executed VPA with Council for the upgrade and widening of Aldington Road. This VPA deals with all residual development contributions payments that may be required by the developers after contributions offset are provided.

The VPA allows for each developer to further reduce residual payments through recognising credits offsets for works (identified in the Mamre CP) on each respective site. For Frasers, the credit offsets for this WIKA and the LOG-NE VPA is anticipated to result in an approximate residual payment of $10 million for Frasers.

**Financial Implications**

The proposed WIKA seeks to deliver road infrastructure on the subject site as identified within the Mamre CP. Frasers will be responsible for the cost of the works associated with the WIKA. The proposed WIKA only partly covers Frasers development contribution obligations for the site and there will be a residual contribution payment due to Council.

This WIKA is considered to be an accelerated way to deliver infrastructure ahead of Council's delivery program and limits the financial risk to Council.

**Risk Implications**

Risk to Council has been limited through the negotiation of the proposed WIKA in accordance with the PDIAP and the review of the proposed WIKA by Council's legal services team.

Risks associated with the proposed WIKA and credits have been appropriately managed through suitable mechanisms in the proposed WIKA. Other risks around non-delivery have been managed through mechanisms such as securities and timing mechanisms on delivery of works.

**Conclusion**

The proposed WIKA for the delivery of part of a collector road and a roundabout represents a benefit to Council, as Council would be unable to fund the land acquisition and delivery of the road works until funds from the Mamre Precinct CP became available. The proposed WIKA is reasonable and seeks to deliver works as identified in the Mamre Precinct CP.

It is recommended that Council endorse the proposed WIKA to proceed to execution.

**RECOMMENDATION**

That:

1. The information contained in the report on Works in Kind Agreement - 155-251 Aldington Road, Kemps Creek (The Edge Estate - Frasers) be received.
2. Council endorses the works in kind agreement for 155-251 Aldington Road, Kemps Creek for execution, as attached.
3. Council authorises the General Manager (or their delegate) to finalise and sign the works in kind agreement and make and minor amendments where necessary (e.g. typographic errors, incorrect clause references, dates and the like).

**ATTACHMENTS/APPENDICES**

**1.** Proposed WIKA - The Edge Estate - Frasers 78 Pages Attachments Included

## 5 Land Transfer for Local Open Space within Jordan Springs East (Central Precinct)

**Compiled by:** **Gavin Cherry, Development Assessment Coordinator**

**Authorised by:** **Peter Wood, Head of Development Services**
**Andrew Jackson, Director Planning and Regulatory Services**

| | |
|---|---|
| **Outcome** | *We plan and shape our growing City* |
| **Strategy** | *Undertake strategic planning that will ensure balanced growth and liveability* |
| **Principal Activity** | *Guide sustainable quality development outcomes for the community through expert advice, transparent, efficient assessment, policy input and continuous improvement* |

### Executive Summary

This report recommends Council accept the transfer of land and associated landscaping embellishment north of Wianamatta Parkway at the entry point into Jordan Springs East, as well as on the eastern side of Garrison Road and adjacent to the Regional Park. The allotments subject of the transfer request are Lot 1010 DP215087 and Lot 1383 DP1215099. Refer to Attachment 1 and Attachment 2 for the applicable Deposited Plans.

A resolution of Council is required to allow for the finalisation of the transfer request in accordance with the conditions of Consent associated with Development Application No. 16/1045. See Attachment number 1 for the issued Notice of Determination. Council also adopted the Central Precinct Plan and Development Control Strategy, which includes a Landscape Maintenance and Handover Plan.

Figure 18 of the adopted Precinct Plan identifies the subject land as being 'other additional open space' and the Landscape Maintenance and Handover Plan includes identified expectations and implications for Council in the acceptance, handover and management of open space land within the Central Precinct. Refer to Attachment 3 for a copy of the Central Precinct Plan Extract.

### Background

Council entered into the St Marys Penrith Planning Agreement on 19 May 2009. The agreement contains provisions for local transport works, open space works and community services for the Western Precinct. This agreement relates to Jordan Springs and specifically includes the Western Precinct which is the precinct in which the proposed land transfer / dedication relates to.

An amended St Mary's Planning Agreement was executed on 20 December 2018.
The executed Planning Agreement does not address or establish an agreement for the transfer of the subject land. As a result, a separate resolution of Council is required to be obtained to allow for the transfer request to be processed.

Development Consent No. 16/1045 approved landscaping works between the Wianamatta Regional Park and the Central Precinct (Jordan Springs East) being north and south of Wianamatta Parkway. The development consent for these works was issued on 6 January 2017 and Condition numbers 12, 13 and 14 establish an expectation for handover of the

land following completion of works. Condition number 21 of this consent also required a 12-month maintenance period to be complied which commenced from the date of works completion. This maintenance period is due to end in December 2025. Refer to Attachment 1 for a copy of the Notice of Determination and refer to Attachment 1 for a copy of the stamped approved landscape design plans.

**Current Situation**

The condition of the land and the nature of embellishments was inspected by Council's Development Engineering and Strategic Assets Departments in July 2025, and the works were found to be acceptable at that time. However, as it was identified that the maintenance period was yet to conclude, the applicant was advised that the request for transfer warranted deferral until December 2025 being 12 months from the date of works completion.

In preparation for a new request for land transfer in December 2025, this report seeks to obtain a resolution of Council in preparation for when that new request for transfer is received. It is also noted that discussions are underway as to whether the land should be transferred as public reserve (local open space) or as an extension of the road reserve. However, the outcome of these ongoing discussions will not alter the requirement to obtain a resolution of Council to accept the transfer of the land into Council's ownership.

**Legal Services Comment**

Section 377(1) of the Local Government Act 1993 requires that a council resolve to accept the transfer of any land. Following a resolution of Council, the developer will lodge a transfer request via Land Registry Services which will be processed and accepted. Following that, Penrith City Council will be the registered proprietor of the land.

**Financial Implications**

There are no adverse financial implications for Council associated with this report. The obligations and implications for the maintenance and management of the land and landscaping assets have been agreed to by Council as part of Development Consent Number 16/1045 with agreements secured from Council's Parks and Recreation Team at the time of the application assessment.

The maintenance obligations are also outlined within the adopted Central Precinct Plan and Development Control Strategy, which includes Landscape Maintenance and Handover Plan, refer to Attachment 4. This adopted Plan outlines minimal maintenance expectations of once per week (October to April) and once per month (May to September) and is largely limited to grass cutting, edging, litter collection and clearing of drainage infrastructure. These works are consistent with general maintenance obligations with respect to local open space within the local government area.

**Risk Implications**

There is no risk implications associated with this report.

**RECOMMENDATION**

That:

1. The information contained in the report on Land Transfer for Local Open Space within Jordan Springs East (Central Precinct) be received.

2. Council agrees to the transfer of land and hand over / dedication of landscaping works in accordance with Development Consent Number 16/104.

**ATTACHMENTS/APPENDICES**

| | | | |
|---|---|---|---|
| **1.** | Location of Lot 1383 DP1215099 | 9 Pages | Attachments Included |
| **2.** | Location of Lot 1010 DP1215087 | 2 Pages | Attachments Included |
| **3.** | Central Precinct Plan Extract - Open Space | 1 Page | Attachments Included |
| **4.** | Landscape Maintenance and Handover Plan Extract | 2 Pages | Attachments Included |
| **5.** | Notice of Determination - DA16-1045 | 9 Pages | Attachments Included |
| **6.** | Stamped Approved Landscape Plans | 15 Pages | Attachments Included |

## 6 Australian Government Black Spot Program 2026/27 and 2026/27 - 2028/29 Towards Zero Safer Roads Program (TZSRP) Funding Nominations

**Compiled by:** **Caitlin Bailey, Senior Traffic Engineer**
**Kablan Mowad, Traffic and Transport Engineering Coordinator**

**Authorised by:** **Joshua Hull, Head of Engineering Services**
**Andrew Jackson, Director Planning and Regulatory Services**

| | |
|---|---|
| **Outcome** | *We can get around our City* |
| **Strategy** | *Provide a safe and efficient road and pathway network* |
| **Service Activity** | *Provide technical advice on traffic issues and plan for the delivery of roads and shared pathways* |

### Executive Summary

The purpose of this report is to advise Council of six (6) road safety projects being submitted under the Australian Government Black Spot Program 2026/27 and 2026/2027 - 2028/29 Towards Zero Safer Roads Program (TZSRP) High Pedestrian Activity Area (HPAA) Sub-Program. The report recommends that the listed projects be submitted to Transport for NSW (TfNSW) as grant funding applications for further consideration.

Based on high level cost estimates, the proposed projects total circa $6.5M investment in road safety initiatives across both grant programs. The grant funding nominations represent 100% of the project costs, and no financial contribution is required from Council.

Applications close on 31 October 2025 and require detailed project nominations to be put forward. This proactive approach ensures Council is well-positioned to secure funding for priority road safety improvements across our Local Government Area.

### Background

Council has been very successful in obtaining road safety grant funding for life and injury saving protection measures across its road network for many years. In the past 5 years alone, Council has secured approximately $6,000,000 in funding for Black Spot and Safer Roads projects, which are in turn delivering road safety and community savings at priority locations right across our road network.

Transport for NSW (TfNSW) recently invited Council to identify and nominate new conforming projects for the Australian Government Black Spot Program 2026/27 and 2026/2027 - 2028/29 Towards Zero Safer Roads Program (TZSRP) High Pedestrian Activity Area (HPAA) Sub-Program, and to forward its submissions to the NSW Black Spot Consultative Panel by 31 October 2025. The formal, more detailed, nominations are being finalised and will be submitted by the due date; the full list of nominated projects are outlined below for Council's information.

The Black Spots Program plays a key role in reducing the national road toll as part of the National Road Safety Strategy and Action Plan. It provides financial support to implement safety treatments and reduce injuries and fatalities at locations where there is a history of casualty crashes occurring, or where there is a risk of crashes occurring. The Black Spot Program is fully funded by the Australian Government and administered by TfNSW.

The Black Spot Program is part of the Government's commitment to reduce crashes on Australian roads. Road crashes are a major cost to Australians every year. Black Spot projects target those road locations where crashes are occurring.

The Australian Government has provided $1.0 billion to the Black Spot Program from the 2013/14 financial year to the 2022/23 financial year, with an ongoing commitment of $150 million each year following. By funding road safety measures such as traffic calming measures and safety barriers at dangerous locations, the program reduces the risk of crashes and injuries. Programs of this sort are very effective, saving the community many times the cost of the relatively minor road improvements that are implemented.

To be eligible for the Black Spot Program, projects are required to meet the minimum eligibility criteria. This includes a minimum number of casualty crashes for urban and rural proposals, Benefit-Cost Ratio (BCR) considerations and a maximum total project cost of $3 million.

The TZSRP HPAA Sub-Program provides funding for councils to nominate and implement infrastructure and reduced speed zones in areas with high pedestrian activity. HPAAs play a vital role in ensuring that vulnerable road users are protected in locations that facilitate a high vehicle movement function whilst also creating a vibrant place that prioritises the safe movement of pedestrian and cyclists. The TZSRP HPAA Sub-Program is fully funded by the NSW Government and administered by TfNSW.

**Current Situation**

The following six (6) projects, listed in Table 1 (below), will be submitted for nomination under the Australian Government Black Spot Program and TZSRP HPAA Sub-Program.

Crash analysis was based on the TfNSW recorded crash data available to Council for the five-year period from 1 July 2019 to 30 June 2024. Nominated projects were prioritised according to the number of injury crashes that had occurred over the five-year period, and the ability to successfully remediate the accident hazards at that location by way of an appropriate treatment.

Projects were then shortlisted from the total list of identified locations in the Local Government Area (LGA) that met the minimum eligibility criteria for the program. The final list of projects offers the Penrith LGA the greatest yield in terms of accident savings for the nomination year and accordingly are the highest ranked against the established criteria. TfNSW will be accepting nominations and conducting a final review and assessment prior to determination.

Council's Traffic and Transport Engineering team has engaged with the Design and Projects, Strategic Asset Management and City Presentation teams. These Teams have confirmed their capacity to deliver the projects and support there nominations.

**TABLE 1. List of Projects to be submitted to TfNSW under the Australian Government Black Spot Program and TZSRP HPAA Sub-Program**

| | Location | Intersection / Length | Suggested Improvements | Program |
|---|---|---|---|---|
| 1 | Glenmore Parkway, between Surveyors Creek Road and St Andrews Drive, | Length | Installation of safety barriers | Black Spot |

| | | | | |
|---|---|---|---|---|
| | Glenmore Park | | | |
| 2 | Somerset Street, between Rodgers Street and Derby Street, Kingswood | Length | Three raised threshold pedestrian (wombat) crossings and supplementary signage and line marking | Black Spot |
| 3 | River Road, between Great Western Highway and Lapstone Place, Emu Plains | Length | Installation of traffic calming, median islands, pedestrian fencing and supplementary signage and line marking | Black Spot |
| 4 | Smith Street, between Stone Street and Racecourse Road, and Racecourse Road, between Jamison Road and Batt Street, South Penrith | Length | Installation of traffic calming, median island, median island stop treatment (MIST), street lighting and supplementary signage and line marking | Black Spot |
| 5 | Forrester Road, between Catalina Street and Griffiths Street, North St Marys | Length | Installation of Traffic Control Signals, pedestrian improvements and lighting | Black Spot |
| 6 | Jordan Springs Centre | Length | High Pedestrian Activity Area | TZSRP HPAA |

The application for Forrester Road requires in-principle support from TfNSW for the proposed Traffic Control Signals at the intersection of Forrester Road and Griffiths Street prior to submission.

It is also noted that a requirement for nominating the Jordan Springs High Pedestrian Activity Area in this funding round is obtaining Council's in-principle support prior to submission. It is anticipated that, should Council endorse this report and the project nomination, such endorsement will satisfy the requirements for the grant submission. Notwithstanding, if Council is successful in securing funding for this project, extensive consultation with the local community will be undertaken, and feedback will be incorporated into the development of the final designs as appropriate.

Funding offers for the Australian Government Black Spot Program 2025/26 have not been announced at this point. A further report to a future Ordinary Meeting will follow if Council is successful with securing funding for the 2025/26 nominations.

**Financial Implications**

Based on strategic cost estimates prepared at the time of writing this report, the six (6) proposed projects across both grant programs total circa $6.5M investment in road safety initiatives.

Council will not face any financial implications as these programs are supported by Federal and State Government grant funds, and no financial contribution is required from Council.

**Risk Implications**

The programs provide for 100% funding, hence there are limited risk implications as Council has a proven track record of over 15 years now in delivery of high-quality projects under these grants.

**Conclusion**

The projects listed in Table 1 are Council's highest priority Black Spot sites and as such will be submitted to TfNSW for their consideration. It is expected that the proposed accident remediation treatments will result in improved levels of traffic safety and a reduction in accidents on local and regional roads within the Local Government Area.

These funding nominations will help realise the Australian Government's National Road Safety Strategy, and NSW Towards Zero strategy, which commits Federal, State and Territory Governments to completely eliminate deaths and serious injuries from road trauma by 2056.

**RECOMMENDATION**

That:

1. The information contained in the report on Australian Government Black Spot Program 2026/27 and 2026/27 - 2028/29 Towards Zero Safer Roads Program (TZSRP) Funding Nominations be received.
2. Council provide in-principle support for the Jordan Springs High Pedestrian Activity Area project to be included for application to Transport for NSW under the HPAA Sub-Program.
3. Funding applications be made to Transport for NSW for the six (6) projects listed in Table 1 of this report.

**ATTACHMENTS/APPENDICES**

There are no attachments for this report

## 7 Letter of Offer for a Voluntary Planning Agreement - Westfield Penrith Planning Proposal

**Compiled by:** **Peter Failes, Senior Planner**
**Brooke Levingston, City Planning Coordinator**

**Authorised by:** **Natalie Stanowski, Acting Head of City Planning**
**Andrew Jackson, Director Planning and Regulatory Services**

| | |
|---|---|
| **Outcome** | *Shape our growing city* |
| **Strategy** | *Navigate balanced growth and plan strategically* |
| **Principal Activity** | *Ensure services, facilitates and infrastructure meet the needs of a growing population through the contributions framework* |

**Previous Items:** **2- Westfield Penrith Planning Proposal (569-595 High Street, Penrith)- Councillor Briefing- 06 Sep 2021 7:00PM**
**3- Westfield Penrith Planning Proposal (569-595 High Street, Penrith)- Councillor Briefing- 21 Mar 2022 7:00PM**
**7- Westfield Penrith Planning Proposal (569-595 High Street, Penrith)- Ordinary Meeting- 29 May 2023 7:00PM**
**3- Planning Proposal and Letter of Offer for Westfield Penrith- Councillor Briefing- 11 Aug 2025 At the conclusion of the Policy Review Committee Meeting**

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

**Proponent:** Scentre Group / Urbis

**Subject Land:** 569-595 High Street, Penrith (Lot 1 DP 1137699)

**Landowner:** Scentre Group, RE1 Limited and GTP RE Limited

### Executive Summary

This report seeks Council's endorsement to publicly exhibit a Letter of Offer (the Offer) to enter into a Voluntary Planning Agreement (VPA) associated with a planning proposal for 569-595 High Street, Penrith. This report also seeks Council's endorsement to grant delegation to the General Manager to negotiate and finalise a draft VPA for public notification and execution.

The Offer (provided at Appendix 1) establishes a development contribution rate for hotel floorspace. The Offer supports a planning proposal which seeks to amend floor space and building height controls in Penrith Local Environmental Plan 2010 (LEP 2010) to enable redevelopment of the site for commercial and hotel development. At its Ordinary meeting of 29 May 2023, Council endorsed the planning proposal to be submitted to the Department of Planning, Housing and Infrastructure (the Department) to request a Gateway determination. Council's resolution also required that, prior to submitting the planning proposal for Gateway, the proponent submit a Letter of Offer to the satisfaction of Council officers.

The Offer has been assessed in accordance with Council's *Penrith Developer Infrastructure Agreements Policy* and was also presented to Council's Local Infrastructure Contributions Working Group (LICWG) on 29 January 2025 and 24 June 2025 who recommended that the Offer be accepted and preparation of a draft VPA may proceed.

Should Council endorse the Offer for public exhibition, it will be exhibited concurrently with the planning proposal and in accordance with the *Environmental Planning and Assessment Act 1979,* the *Environmental Planning and Assessment Regulation 2021* and the *Penrith Developer Infrastructure Agreements Policy*.

Following public exhibition, it is proposed that a draft VPA will be prepared and notified to secure the outcomes of the Offer. It is intended that the VPA will be executed prior to finalisation of the planning proposal.

**Background**

Council is in receipt of a planning proposal for 569-595 High Street, Penrith, which is currently occupied by Westfield Penrith. The planning proposal seeks to amend the floor space and building height controls in LEP 2010 in two specific locations on the site, being the corner of Riley Street and Belmore Streets (referred to as Block A – The Hub) and the corner of Henry and Station Streets (referred to as Block B – Borec House), as shown in Appendix 2. The envisaged development would comprise two towers above a podium, provide more than 35,000m² of floor space and create around 1,360 new jobs once operational.

The proposed changes to Penrith LEP are summarised in the table below.

| Item | Existing Control | Proposed Control |
|---|---|---|
| **Height of Building** | 20 metres | • Block A: 84m (approx. 22 storeys)<br>• Block B: 47m (approx. 11 storeys) |
| **Floorspace** | 1.5:1 floor space ratio (FSR) | Retain existing maximum FSR control of 1.5:1 across the entire Westfield site but allow a maximum gross floor area of up to:<br>• Block A: 24,000m²;<br>• Block B: 14,000m²<br>This will be enforced through a new site-specific clause in Penrith LEP. |

At its Ordinary meeting of 29 May 2023, Council endorsed the planning proposal to be forwarded to the Minister for Planning and Public Spaces with a request to issue a Gateway determination. Council's resolution also required that:

- Prior to submitting the planning proposal for Gateway, the proponent submit a Letter of Offer to the satisfaction of Council officers.
- A further report be presented to Council on the Letter of Offer for endorsement.

The proponent submitted an Offer (discussed in more detail below) which was assessed by Council officers and deemed acceptable. On this basis, the planning proposal was progressed to Gateway stage.

On 12 September 2025, the Department of Planning, Housing and Infrastructure, as delegate for the Minister for Planning and Public Spaces, forwarded a Gateway determination that:

- Allows the planning proposal to proceed to public exhibition.
- Requires the planning proposal to be updated to clarify and update provisions, address recent Ministerial Directions and include a plain English explanation of the proposed site-specific clause.
- Requires consultation with Transport for NSW, Sydney Trains, NSW State Emergency Service, NSW Reconstruction Authority and Heritage NSW.

- Allows Council to exercise local plan-making authority functions.

Council officers will update the planning proposal to ensure the Gateway conditions are satisfied. In accordance with Council's resolution of 29 May 2023, the General Manager has delegation to make any necessary amendments to the planning proposal in response to the conditions of the Gateway determination. A copy of the Gateway determination is provided at Appendix 3.

**Letter of Offer**

The *Penrith Civic Improvements Plan 2008* (CIP) is the current plan that levies contributions in the Penrith City Centre. The contributions collected under the CIP provide funding for roadworks, community facilities, drainage and open space. At present, the CIP does not apply to 'hotels' which means a contribution cannot be levied for this development type.

Given the proponent's intention to develop a hotel on their site, Council officers requested that a monetary contribution be provided for hotel development. This would allow Council to levy a contribution for hotel floorspace on that part of the land subject to the planning proposal. This approach intends to 'close the gap' by ensuring a contribution is collected for all floorspace. Accordingly, the proponent submitted an Offer (provided at Appendix 1), which establishes a contribution rate for hotel development.

The proposal is expected to have a cumulative impact on traffic congestion in the Penrith City Centre, which means there is a limited nexus to target specific works, such as intersection upgrades. Accordingly, it is deemed appropriate to collect a monetary contribution for all floorspace within the development which can be used to contribute towards infrastructure delivery in the City Centre.

The Offer was assessed in accordance with Council's *Penrith Developer Infrastructure Agreements Policy* and was presented to Council's Local Infrastructure Contributions Working Group on 29 January 2025 and 24 June 2025 who recommended that it be accepted and that the preparation of a VPA may proceed.

The key components of the Offer are summarised in the table below.

| | |
|---|---|
| **Application** | All hotel floorspace on Block A and Block B (refer Appendix 2).<br><br>Credits will be applied for any existing floorspace, which is consistent with Council's current approach to developer contributions.<br><br>If an applicable contribution rate applies to hotel development at the time of payment (e.g. an amendment to the CIP is made or a new contribution plan is introduced), the applicable rate will be applied. |
| **Rate** | As per the rate for 'commercial office' in the CIP. This rate was selected as this land use is considered the most comparable to hotel development.<br><br>The current rate for the October-December 2025 period is $234 per sqm of GFA, but the rate will be indexed at the time of payment. |
| **Timing for Payment** | Construction Certificate. |
| **Other floorspace** | To be paid as per the contribution plan which applies at the time of payment. |

Draft VPA

The planning proposal and Offer will be exhibited concurrently to provide transparency to the community about how the proposal will be supported by adequate infrastructure.

Following exhibition, a draft VPA will be prepared to secure the outcomes of the Offer and to ensure the planning proposal is supported by adequate infrastructure. This is discussed further in the 'Next Steps' section of this report.

**Financial Implications**

The Offer establishes a contribution rate for hotel floorspace as the CIP does not currently apply to this development type. This approach intends to close the gap by ensuring a monetary contribution is collected for all floorspace within the development.

The Offer and any subsequent planning agreement does not have the effect of excluding the application of Section 7.11, 7.12 or 7.24 of the *Environmental Planning and Assessment Act 1979* in relation to any development application associated with the planning proposal. This means that any future development will need to consider the payment of applicable development contributions.

The landowner will be responsible for costs associated with preparation and public notification of the Offer and future VPA.

**Risk Implications**

Any risks to Council have been limited through the negotiation of the Offer in accordance with *Council's Penrith Development Infrastructure Agreements Policy* and review of the Offer by Council's Local Infrastructure Contributions Working Group.

The future VPA will be reviewed by Council's Legal Services team and/or external lawyer.

The VPA will be registered on the title of the land, which means it will be binding on, and enforceable against, the owner of the land. The applicant must commence the registration process within 10 business days of the execution of the VPA. The VPA also includes clauses for dispute resolution, to manage instances of non-compliance with VPA conditions. The landowner must submit evidence to Council that they have registered the VPA on title with the NSW Land Registry Services

**Next Steps**

<u>The Offer</u>

Should Council endorse the recommendations in this report, the Offer will be publicly exhibited concurrently with the planning proposal and in accordance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021* and Penrith Developer Infrastructure Agreements Policy.

In accordance with Council's resolution of 29 May 2023, a further report will be presented to Council detailing any submissions received during the public exhibition period, in relation to the planning proposal.

<u>Draft VPA</u>

This report seeks Council's endorsement to grant the General Manager delegation to negotiate and finalise the draft VPA, consistent with the Offer and publicly notify a draft VPA.

Following public notification of the VPA, a further report will be presented to Council outlining submissions received. However, where no submissions are received or where a submission does not relate directly to specific matters negotiated in the VPA, then delegation is provided to the General Manager for the VPA to be executed. This approach will enable the VPA to

be executed in a timely manner and ensure it is finalised before the planning proposal is made.

**Conclusion**

Council is in receipt of a Letter of Offer associated with a planning proposal for 569-595 High Street, Penrith. The Offer establishes a contribution rate for hotel floorspace and supports a planning proposal which seeks to amend floor space and building height controls in LEP 2010 to enable redevelopment of the site for commercial and hotel development. This report seeks Council's endorsement to publicly exhibit the Offer concurrently with the planning proposal.

This report also seeks Council's endorsement to grant delegation to the General Manager to negotiate and finalise the draft VPA for public notification and execution.

**RECOMMENDATION**

That:

1. The information contained in the report on Letter of Offer for a Voluntary Planning Agreement - Westfield Penrith Planning Proposal be received.
2. Council publicly exhibits the Letter of Offer in Appendix 1, in conjunction with the planning proposal, and in accordance with the community consultation requirements in the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2021* and *Penrith Developer Infrastructure Agreements Policy*.
3. A further report be presented to Council following the public exhibition of the planning proposal.
4. That delegation be provided to the General Manager to negotiate and finalise the terms of a draft VPA, consistent with the Letter of Offer.
5. Council endorse the draft VPA for public notification, as prepared under the delegation of the General Manager.
6. A further report be prepared for Council following public notification of the draft VPA, if submissions that relate directly to specific matters negotiated for the VPA are received and/or amendments to the draft VPA are proposed that change the nature and terms of the draft VPA.
7. Council endorses the draft VPA for execution, where no submissions are received or submissions received do not relate to specific matters negotiated in the draft VPA.
8. If the draft VPA is to be executed, Council authorise the General Manager to finalise and sign the VPA and make minor amendments where necessary (e.g. typographic errors, incorrect clause references, dates, and the like).
9. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

**ATTACHMENTS/APPENDICES**

| | | | |
|---|---|---|---|
| **1.** | VPA Letter of Offer for Westfield Penrith | 6 Pages | Appendix |
| **2.** | Location of Land and Proposed Towers on Block A and Block B | 1 Page | Appendix |
| **3.** | Gateway Determination for PP-2025-1540 | 2 Pages | Appendix |

SCENTRE GROUP

29 May 2025

Penrith City Council
PO Box 60
Penrith NSW 2751

**Attention:** Christine Gough

**RE: Draft VPA Offer Letter to support Planning Proposal for 569-595 High Street, Penrith - Westfield Penrith**

Dear Christine,

Scentre Management Limited, RE1 Limited and GPT RE Limited (the Proponent) are proposing this Letter of Offer to enter into a Planning Agreement with Penrith City Council under Section 7.4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and in connection with the above Planning Proposal that was endorsed by Council to proceed to Gateway at its meeting held on 29 May 2023.

## 1. Requirements under Section 7.4 of the EP&A Act

This Letter of Offer (the Offer) has been structured to address the requirements under s7.4 of the *Environmental Planning and Assessment Act 1979*, as set out below:

**S7.4(3)(a) a description of the land to which the agreement applies.**

The offer relates to land known as Westfield Penrith and comprises land known as Lot 1 DP1137699 and shown on the Site Plan at Figure 1 below.

**Figure 1: Site Plan**

Scentre Pty Limited
ABN 95 000 317 279
Level 30, 85 Castlereagh Street, Sydney NSW 2000 Australia
GPO Box 4004, Sydney NSW 2001 Australia
scentregroup.com

SCENTRE GROUP

**S7.4(3)(b) a description of –**

**(i) the change to the environmental planning instrument to which the agreement applies, or**
**(ii) the development to which the agreement applies**

The objective of the Planning Proposal is to facilitate the redevelopment of the eastern portion of Westfield Penrith located at 569-585 High Street, Penrith for a mixed-use commercial and hotel development comprising two towers above a podium. The future redevelopment may include the provision for:

- Employment activities including:
  - Entertainment and leisure;
  - Commercial office;
  - Visitor accommodation;
  - Retail; &
  - Other uses as permitted within the zoning
- Landscaping and public domain upgrades

To achieve this outcome, it is intended to amend PLEP 2010 as follows:

- Height of Building (**HOB**) – retain a maximum HOB of 20m for the site, except for the location of the two building footprints (towers), where the height will be increased to 84m (Block A – The Hub) and 47m (Block B – Borec House), as illustrated in the proposed HOB map.
- Floor Space Ratio (**FSR**) – retain the existing FSR of 1.5:1 for the site, except for the location of the two building footprints (towers) which have no maximum FSR as illustrated in the proposed FSR map.
- Introduce a site-specific clause under Part 7 of the PLEP 2010 setting out the objectives for development on Block A and Block B at 569-595 High Street, Penrith, as well as specific Gross Floor Area (GFA) controls.

**S7.4(3)(c) the nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made**

The proposed Planning Agreement relates to future development that relies on the Planning Proposal, if the Planning Proposal is Gazetted in its current form.

The timing of the provision and manner by which the provision is to be made is summarised in **Table 1** below.

**S7.4(3)(d) in the case of development, whether the agreement excludes (wholly or in part) or does not exclude the application of section 7.11, 7.12 or 7.24 to the development.**

The Planning Agreement does not have the effect of excluding sections 7.11, 7.12 or 7.24 of the Environmental Planning and Assessment Act 1979.

**S7.4(3)(e) if the agreement does not exclude the application of s7.11 to the development, whether the benefits under the agreement are or are not to be taken into consideration in determining a development contribution until section 7.11**

Any benefits under this agreement are not to be taken into account in determining the section 7.11 development contributions for future development applications.

**S7.4(3)(f) a mechanism for the resolution of disputes under the agreement**

The proposed Planning Agreement will include a suitable Dispute Resolution clause generally in accordance with Council's VPA template provided at **Appendix D** of the 'Penrith Development Agreements Policy' (November 2024).

**S7.4(3)(g) the enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer.**

It is intended that the Planning Agreement be registered on the title to the land and it is considered such registration would constitute suitable means of enforcement for the purposes of section7.4(3)(g) of the Act.

In addition, as per Council's VPA template, the Proponent will provide to the Council a Security (by means of a Bank Guarantee, Bond or cash deposit) prior to issue of a relevant construction certificate.

## 2. Risks

The risk associated with this Offer relates to environmental impacts including traffic impacts on the surrounding network that may result from the future development on Block A and Block B enabled by the proposed PLEP 2010 amendment.

To mitigate the impacts associated with the future development on Block A and Block B that are enabled by the proposed PLEP 2010 amendment, the Offer sets out the terms for a monetary contribution that Council can use towards traffic improvement works on the surrounding road network.

## 3. The Offer

The Planning Agreement establishes a contribution rate for hotel floorspace. The contribution for hotel floorspace shall be levied as per Table 1.

The Planning Agreement will apply to any development that increases the gross floor area on Block A and Block B, as identified in Figure 1. Contributions credits will be applied to existing floor space. Monetary contributions for all other development types shall be calculated as per the contribution plan which applies at the time of payment of the contribution.

The final Planning Agreement is to be agreed and executed prior to the Gazettal of the Planning Proposal. The terms of the final Planning Agreement will be subject to review and if necessary, amendment in a form satisfactory to all parties in the event that the scope of the Planning Proposal alters prior to Gazettal.

**Table 1: Monetary Contribution for Hotel Floorspace**

| Application | Rate | Timing |
|---|---|---|
| Hotel floorspace located on Block A and Block B, as identified in Figure 1 | As per the rate for 'Commercial office' in the Penrith Civic Improvements Plan 2008 (to be indexed at the time of payment).<br><br>If at the time of payment of the contribution for hotel floorspace, an applicable contribution rate or contribution plan applies, then the applicable contribution rate or plan will be applied. | At relevant Construction Certificate and at pro-rata rate if development is staged. |

I look forward to progressing the finalisation of this Offer with Council so that planning for this exciting development can continue in collaboration with Council.

In accordance with the Penrith Developer Infrastructure Agreements Policy, the letter provides information on:

- Land affected by the agreement (see above)
- Parties to the agreement and where necessary, authority to act on behalf of other parties:
    - Scentre Management Limited ACN 001 670 579
    - RE1 Limited ACN 145 743 862
    - GPT RE Limited ACN 107 426 504
- The Planning Proposal to which the VPA relates (see above)
- Written consent of all owners of land affected by the agreement (will be provided under separate cover in the coming weeks)
- All matters referred to in s7.4 of the EP&A Act (see above).

Yours sincerely,

Jamie Gordon
General Manager - Development
Scentre Group Development & Asset Management

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SCENTRE GROUP

29 May 2025

Christine Gough
Penrith City Council
601 High St
Penrith NSW 2750

Dear Christine,

**Westfield Penrith – VPO Offer to support Planning Proposal**

This letter confirms that Scentre Management Limited ACN 001 670 579 as responsible entity of the Scentre Group Trust 1, RE1 Limited ACN 145 743 862 as responsible entity of the Scentre Group Trust 2 and GPT RE Limited ACN 107 426 504 as responsible entity of General Property Trust, ("**the Owners**"), being the owners (within the meaning of that term under the Environmental Planning and Assessment Regulation Act 1979) of Westfield Penrith ("**the Property**") hereby authorise the attached VPA Offer Letter dated 29 May 2025 to be submitted by Scentre Group to Penrith City Council.

Yours faithfully,

**SIGNED** by **SCENTRE MANAGEMENT LIMITED** ACN 001 670 579 by its undersigned attorneys who each declare that he has received no notice of revocation of the Power of Attorney dated 26 September 2023 under which this document is signed )

.....
Signature of Attorney A

.....
Name of Attorney A

.....
Signature of Attorney B

Mark Burton

.....
Name of Attorney B

Docusign Envelope ID: 47E3EBFE-D376-434F-BB99-8B4FD8A5733D

SCENTRE GROUP

**SIGNED** by **RE1 LIMITED** ACN 145 743 862 )
by its undersigned attorneys who each )
declare that he has received no notice of )
revocation of the Power of Attorney dated )
26 September 2023 under which this )
document is signed )

Signature of Attorney A

Signature of Attorney B

Mark Burton

Name of Attorney A

Name of Attorney B

**SIGNED** by **GPT RE LIMITED** ACN 107 426 504 )
by its undersigned attorneys who each declare )
that he has received no notice of revocation of )
the Power of Attorney dated 12/10/2022 )
)
under which this document is signed )

Signed by:
James Fisher
00048B5D9090433...

Signature of Attorney

James Fisher

Name of Attorney

Signed by:
Tamina Mehraby
F887C9344E7C470...

Signature of Attorney

Tamina Mehraby

Name of Attorney

**Appendix 2: Westfield Penrith Land and Location of Proposed Towers on Block A and Block B**

NSW GOVERNMENT

**Department of Planning, Housing and Infrastructure**

# Gateway Determination

***Planning proposal (Department Ref: PP-2025-1540)**:* The planning proposal seeks to amend the Height of Building control, amend floor space controls and insert site-specific provisions, within the Penrith LEP 2010, to enable the development of part of Westfield Penrith.

I, the Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Penrith Local Environmental Plan 2010 to Height of Building control, amend floor space controls and insert site-specific provisions for parts of Lot 1 DP 1137699, 569-595 High Street, Penrith (Westfield Penrith) should proceed subject to the following:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

(a) the planning proposal authority has satisfied all the conditions of the gateway determination;

(b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and

(c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 29 May 2026.

**Gateway Conditions**

1. Prior to exhibition, the planning proposal is to be updated, and forwarded to the Minister under s 3.34(6) of the Act, to:

    - Remove the proposed clause 7.31 and provide a plain English explanation of the proposed site-specific clause;
    - Clarify the relationship between the architectural design competition requirements of the proposed site-specific clause and the provisions of clause 8.4 of the PLEP 2010
    - Remove references to the Director-General from the site-specific clause, or alternatively replace with the consent authority;
    - Include a note that the final wording of the site-specific clause will be subject to consultation and drafting with Parliamentary Counsel;
    - Address section 9.1 Direction 1.4A Exclusion of Development Standards from Variation, including the *Guide to exclusions from clause 4.6 of the Standard Instrument*; and
    - Provide an updated timeframe.

2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

(a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and

(b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- Transport for NSW
- Sydney Trains
- NSW State Emergency Service
- NSW Reconstruction Authority
- Heritage NSW.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal (where possible) and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 12 September 2025

**Tina Chappell**
**Director Local Planning and Council Support**
**Central, West and South**
**Department of Planning, Housing and Infrastructure**

**Delegate of the Minister for Planning and Public Spaces**

PP-2025-1540 (IRF25/1862)

## 8 Draft Voluntary Planning Agreement - 262 Caddens Road Claremont Meadows (DA22/0835)

**Compiled by:** **Claudia Amendolia, Planner**
**Ian Stendara, Executive Planner**

**Authorised by:** **Natalie Stanowski, Acting Head of City Planning**
**Andrew Jackson, Director Planning and Regulatory Services**

| | |
|---|---|
| **Outcome** | *Shape our growing city* |
| **Strategy** | *Navigate balanced growth and plan strategically* |
| **Principal Activity** | *Ensure services, facilitates and infrastructure meet the needs of a growing population through the contributions framework* |

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

**Landowner and Developer:** Mark Ventures Pty Ltd

### Executive Summary

The purpose of this report is to seek Council's endorsement of a draft voluntary planning agreement (VPA) sought by Mark Ventures Pty Ltd (the proponent) relating to development application (DA) DA22/0835 at 262-274 Caddens Road, Claremont Meadows (the subject site).

The draft VPA seeks to facilitate the completion and maintenance of vegetation embellishment works, as detailed in a site-specific Vegetation Management Plan (VMP) and the dedication of certain conservation land as identified in the Claremont Meadows Development Contributions Plan (CP), in lieu of payment of development contributions. The draft VPA also provides a monetary contribution to Council for maintenance of this land for 5 years.

DA22/0835 was initially refused in November 2023 due to non-compliance with the Biodiversity Conservation Act 2016 and inconsistencies with relevant planning instruments. Following a Class 1 appeal, the Land and Environment Court (LEC) granted development consent on 5 May 2025. The conditions of consent require the execution of a VPA prior to the issue of a Subdivision Works Certificate (SWC) for the development.

The draft VPA replaces the usual payment of monetary contributions under the CP, with the dedication of 1.34 hectares of land zoned C2 Environmental Conservation. The value of this land ($869,605.18) exceeds the required contribution payment of $574,232. The dedication of this land will complete the conservation land acquisition within the southwestern precinct of Claremont Meadows.

In addition to the land dedication, the proponent will undertake establishment works in accordance with a VMP, maintain these works for 12 months and provide a monetary contribution of approximately $64,000 to support Council for the first 5 years of a maintenance program. The VMP has been reviewed and accepted by Council officers.

The draft VPA, valued at approximately $1 million, includes robust security provisions to ensure delivery of obligations, allows Council to acquire the land for a nominal fee if commitments are not met and bank guarantees for the works. The VPA aligns with Council's infrastructure planning objectives and represents a strategically beneficial outcome, securing high-value conservation land and long-term ecological management.

Should Council endorse the draft VPA for public notification, it will be placed on public notification for 28 days on Council's Your Say page, the DPHI Planning Portal and a newspaper advertisement in the Western Weekender. If any submissions are received in response to VPA matters, a further report will be prepared for Council. Where no submissions are received or where a submission does not relate directly to specific matters negotiated for the VPA, the draft VPA will be executed.

**Background**

The draft VPA relates to land subject to DA22/0835. The total area of the subject site is 2.3501 hectares and is zoned R2 low density residential and C2 Environmental Conservation (R2) under Penrith Local Environmental Plan 2010 (PLEP).

*Development Application*

Development Application DA22/0835 was lodged with Council on 12 September 2022. The application was refused in November 2023 due to non-compliance with biodiversity protection requirements under the Biodiversity Conservation Act 2016 and inconsistencies with State Policies, PLEP, and the Penrith Development Control Plan 2014 (DCP).

The applicant filed a Class 1 appeal with the Land and Environment Court on 1 December 2023. A final conciliation conference was held on 17 April 2025. Subsequently, a decision was issued on 5 May 2025, and consent was issued.

Development consent included a condition requiring a VPA to be executed prior to the issue of a subdivision works certificate (SWC). The condition specifies that the VPA is to be consistent with the letter of offer dated 10 April 2025.

*Claremont Meadows Development Contribution Plan*

The CP provides for a range of infrastructure to support housing growth in Claremont Meadows, including the acquisition of certain conservation land within the precinct. The CP is not subject to the current essential works list that other contributions plans are required to adhere to, as it is an older grandfathered plan.

The subject site encompasses 1.34ha of C2 zoned land. This land is identified within the CP to be acquired for conservation purposes. This land forms part of the Claremont Creek corridor and is located between existing Council-owned conservation parcels. Its dedication will complete the acquisition of conservation land within the Southwestern portion of the CP.

The value of the land as per the CP (indexed) is $869,605.18. The CP also collects contributions for the landscaping of this land.

*Vegetation Management Plan.*

A site-specific VMP was prepared for the subject C2 land, detailing establishment works and a 5-year maintenance regime. Condition 11 of the consent requires the VMP to be updated in consultation with Council prior to the issue of the SWC and to form part of the VPA.

The VMP establishment works include site preparation, initial weeding, monitoring and planting specifications. These works will be maintained by the proponent for a 12 month period. The VMP includes a comprehensive maintenance and monitoring program. This includes monthly maintenance to hand pick and selectively spray weeds and replace lost plants during the first 12 months to establish the habitat. Monitoring during the first 12 months includes taking photographs of fixed monitoring points every 3 months and compiling a brief report quarterly. At the end of the 12 month maintenance period, the developer will also report on any revegetation works undertaken, findings of the monitoring, problems in implementing the VMP, and any adaptation and additions to the VMP.

After the 12 month maintenance period, the report will be handed to Council and Council officers will inspect the subject site to ensure the land and works are satisfactory. Care and responsibility of the land is to be handed over to Council.

The updated VMP has been reviewed and accepted by relevant Council stakeholders. It will guide both the proponent's establishment works and the long-term maintenance program to be undertaken by City Presentation.

*Letter of Offer*

An offer to enter into a VPA was provided with the initial lodgement of the DA that proposed dedication of the C2 land to Council in lieu of the payment of development contributions. The offer was later rescinded as the DA was refused.

An updated offer was formally lodged on 8 October 2024, as a result of the Class 1 appeal. The offer proposed to fully offset development contributions obligations by way of the dedication of 1.34ha of C2 zoned land at no cost to Council, following the completion of vegetation establishment works.

During consultation on the letter of offer, it became the preference of both the proponent and Council officers that the required maintenance period that followed the completion of the vegetation establishment works, could be undertaken by Council, where the proponent provides a monetary contribution for the value of the works. Council has existing maintenance obligations on adjacent conservation land, which can be extended to the subject site. There is capacity within the work program to add this site into the maintenance program.

The proponent quantified the cost of the 5-year maintenance period and offered to pay a monetary contribution of $63,395.88 to Council. This figure has been reviewed and agreed to by Council officers. The timing of this payment will be upon dedication of the land and will be subject to indexation.

To manage risks in respect to the quality and survival of the vegetation establishment works that Council is inherit for maintenance, the proponent agreed undertake an initial 12 month maintenance of the works and is to ensure the site has no more than 5% weed coverage upon dedication.

In total, the letter of offer facilities paid and in-kind maintenance for the vegetation establishment works for 6 years.

**The Draft VPA**

The offer to enter into an agreement was accepted via Court in accordance with Council's policies and procedures. This enabled the proponent to prepare a draft VPA.

The draft VPA was submitted by the proponent in July 2025. The value of the draft VPA is approximately $1 million.

In summary, the draft VPA seeks to deliver:

- the dedication of 1.34ha of C2 zoned land, at no cost to Council
- completion of vegetation establishment works, as described in the VMP
- 12-month maintenance of the vegetation establishment works, and
- a monetary contribution for Council to complete 5 years of maintenance works.

*Assessment of Draft VPA*

Penrith Developer Infrastructure Agreements Policy (PDIAP) guides Council, developers and the community on matters to consider when assessing and accepting a VPA.

The draft VPA has been prepared by the proponent and reviewed by Councils external lawyers. The draft VPA is found to be consistent with the offer endorsed by Councils local infrastructure contributions working group (LICWG).

*Development Contributions, Offsets and Credits*

The draft VPA provides a mechanism to offset development contributions through land dedication. The C2 land is valued at $869,605.18 under the CP, exceeding the required monetary contribution of $574,232.

In addition to land dedication, the VPA provides a mechanism to complete and manage the establishment works in accordance with the VMP, including achieving a site weed coverage of no more than 5%. The establishment works will be maintained for a 12-month period by the proponent in line with the VMP.

To support ongoing maintenance over a five year period, the proponent has offered a monetary contribution of $63,395.88, which has been reviewed and endorsed by Council Officers for integration into future maintenance programs.

*Security*

There are a number of security mechanisms provided in both the DA and the draft VPA.

A subdivision works certificate (SWC) cannot be issued for the development under the draft VPA is executed.

The draft VPA is required to be registered on title and a bank guarantee for 125% of the establishment works and establishment maintenance period works. The draft VPA also enables Council to purchase the land for a nominal fee, if the proponent does not meet their obligations.

**Financial Implications**

Financial security will be provided by the applicant in the form of a bank guarantee for 125% of the establishment and maintenance period works.

Council negotiated 12-month maintenance of the establishment works to mitigate the risk associated with these works failing. The CP has limited funding for the landscaping of this land.

The offsetting of contributions in lieu of the land dedication is considered a good financial outcome for both parties. Council will receive the land at a reasonable cost and the proponent does not have any ongoing commitment to the maintenance of the land and does not have to pay a monetary contribution.

**Risk Implications**

Council officers have worked with Councils lawyers who oversaw the development application appeal, to ensure the draft VPA mitigates Councils risks.

Security is to be provided by the applicant in the form of registration on title and a bank guarantee for 125% of the establishment works and establishment maintenance period works. The draft VPA also enables Council to purchase the land for a nominal fee, if the proponent does not meet their obligations.

A monetary contribution for Council's 5 year maintenance period is to be paid prior to the release of the subdivision certificate (SC). This contribution provides Council with the funds for 5 years of maintenance. After this period of time, maintenance costs will need to be factored into operational budgets, noting that Council is required to take on this land under the CP.

**Next Steps**

Should Council endorse the draft VPA for public notification, it will be placed on public notification for 28 days in accordance with the *Environmental Planning and Assessment Regulation 2021 (NSW)*, Council's Community Participation Plan and Penrith Development Infrastructure Agreements Policy. Notification will include publishing the draft VPA on Council's Your Say page, the DPHI Planning Portal and a newspaper advertisement in the Western Weekender.

Following the notification period, if any submissions are received in response to VPA matters, a further report will be prepared for Council. This report will provide details of submissions received and seek the endorsement of the execution of the draft VPA, where any issues raised have been addressed. Where no submissions are received or where a submission does not relate directly to specific matters negotiated for the VPA, the draft VPA will be executed.

**Conclusion**

The draft VPA aligns with the offer to enter into an agreement which was accepted via Court and subsequently conditioned under DA22/0835.

Council's lawyers who oversaw the Class 1 appeal have reviewed the draft VPA to ensure that risks to Council are mitigated.

The draft VPA represents a strategically beneficial outcome for Council and the proponent. The draft VPA secures C2 land identified for acquisition under the CP, ensuring its establishment and long-term maintenance, and the proponent will not have any ongoing commitment to the maintenance of the land and does not have to pay a monetary contribution.

**RECOMMENDATION**

That:

1. The information contained in the report on Draft Voluntary Planning Agreement - 262 Caddens Road Claremont Meadows (DA22/0835) be received.
2. Council endorse for notification, the Draft Voluntary Planning Agreement - 262 Caddens Road Claremont Meadows (DA22/0835) provided as a separate enclosure to this report.

3. A further report be prepared for Council following public notification of the draft VPA, if submissions are received that relate directly to specific matters negotiated for the VPA and amendments to the draft VPA are proposed.
4. Council endorses the Draft Voluntary Planning Agreement - 262 Caddens Road Claremont Meadows (DA22/0835) for execution, where no submissions are received or submissions received do not relate to specific matters negotiated in the draft VPA, during the public notification period or no amendments are proposed.
5. If the draft VPA is to be executed, Council authorises the General Manager to finalise and sign the VPA and make any minor amendments where necessary (e.g. typographic errors, incorrect clause references, indexation, dates, and the like).
6. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

## ATTACHMENTS/APPENDICES

There are no attachments for this report

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**STRATEGIC DIRECTION 4 - PROVIDE FOR OUR LIFESTYLE**


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| 9 | Proposed Transition from Local Traffic Committee to Local Transport Forum | 54 |

## 9 Proposed Transition from Local Traffic Committee to Local Transport Forum

**Compiled by:** **Kablan Mowad, Traffic and Transport Engineering Coordinator**

**Authorised by:** **Joshua Hull, Head of Engineering Services**
**Andrew Jackson, Director Planning and Regulatory Services**

| | |
|---|---|
| **Outcome** | *Provide for our lifestyle* |
| **Strategy** | *Facilitate easy travel through well-planned and high-quality infrastructure and networks* |
| **Principal Activity** | *Strategically plan and manage current and future traffic flow, active transport provision and parking of the City* |

### Executive Summary

This report outlines the proposed changes to the Local Traffic Committee (LTC) process following the introduction of the 2025 Authorisation and Delegation Instrument issued by Transport for NSW (TfNSW) which changes how councils regulate traffic on local roads. It replaces the former 2011 Delegation to Councils and the 2023 Temporary Delegation, reframing the LTC as an advisory Local Transport Forum (LTF) and vesting decision-making authority in Council.

The new framework enables faster delivery of low impact works through sub-delegations to appropriate officers, while ensuring more significant or sensitive items are endorsed by Council after being presented at the LTF for discussion. The report recommends that Council adopt the implementation model outlined in this report, including the establishment of the Penrith Local Transport Forum, approval of its terms of reference and meeting cadence, and continuation of sub-delegations consistent with the 2025 Instrument.

### Background

Transport for NSW (TfNSW), as the State's road authority, holds overarching statutory power to regulate and control traffic on all roads in NSW. In practice, TfNSW delegates certain traffic management functions to local councils, allowing councils to manage local road issues while TfNSW retains ultimate authority. Historically (since 1991), TfNSW's predecessor the Roads and Traffic Authority (RTA) delegated its Roads Act powers to councils under the Local Traffic Committee (LTC) model. The delegation instrument has been updated periodically since its original implementation.

The 2011 Delegation to Councils (issued by the then Roads and Maritime Services (RMS)) was the most recent version of TfNSW's delegation. It provided Council with limited authority to approve local traffic control measures, subject to a formal LTC process. Under this model, any proposed traffic or parking changes on Council's local roads had to be considered by the LTC which was a committee made up of Council (Chair), TfNSW representatives, NSW Police, and local State Member/s of Parliament (MP) or their nominees. The LTC's recommendations were decided by majority vote before Council could proceed. Council would then formally adopt the LTC's agreed recommendations at a Council meeting, after which implementation would follow.

Under the LTC model, virtually all changes affecting traffic regulation required LTC advice/approval, and Council had little discretion to bypass the process for minor matters.

This added lead time made monthly LTC meetings critical for project delivery. In 2023, TfNSW introduced a Temporary Delegation pilot that relaxed some requirements (permitting staff level approvals and faster delivery of low impact works), foreshadowing the broader reforms now introduced. The Temporary Delegation has been implemented effectively by Council since its introduction, streamlining local decision-making process.

***Regulation of Traffic***

In the context of TfNSW's delegation of its overarching powers, the regulation of traffic refers to the legal authority delegated by TfNSW for councils to control, restrict, or direct the movement of vehicles, pedestrians, or animals on local roads. This includes installing, altering, or removing traffic control devices (such as signs, line marking, and traffic calming devices), implementing road closures or detours, and managing parking.

Types of proposals relating to the regulation of traffic include but are not limited to:

- Minor Signage and Line Marking Items – Small-scale adjustments to signs and road markings aimed at improving clarity and safety for road users.

- Special Events – Temporary traffic management plans designed to accommodate increased activity and ensure safe movement during events such as festivals, parades, or sporting events.

- Minor Traffic Facilities – Installation of low-impact infrastructure like pedestrian refuges, raised wombat crossings or speed humps to enhance local traffic safety and accessibility.

- Major Traffic Facilities – Larger infrastructure projects such as roundabouts, signalised intersections, or road realignments that significantly alter traffic flow and improve network efficiency.

- Australian Government Black Spot and Get NSW Active Grant Project Proposals – Targeted proposals funded to address high-risk crash locations and promote active transport options like walking and cycling.

- Signage and Line Marking Plans for Greenfield Subdivisions – Road layout designs for newly developed residential and industrial areas to ensure safe and orderly road use from the outset.

- Signage and Line Marking Schemes Along Existing Roads – More extensive upgrades or modifications to existing road signage and markings to reflect changing conditions, improve safety, or support new traffic patterns.

**Current Situation**

The 2025 Authorisation and Delegation Instrument, as shown in Appendix 1, came into effect on 1 August 2025 and allows for a more open approach to how Council chooses to regulate traffic on local roads. The new Instrument replaces both the 2011 Delegation and the 2023 Temporary Delegation entirely, marking a significant change in how Council chooses to endorse local road traffic proposals.

The new Instrument introduces a new set of powers and conditions, reframing the LTC as an advisory forum. Key features include:

- Renaming of the Local Traffic Committee to the "Local Transport Forum" (LTF).
- Removal of voting requirements – The LTF has no voting power. Decision-making is now delegated entirely to Council. The forum's role is to provide advice and share information. Council must consider the LTF's input in good faith, but the final decisions rest with Council alone.
- Sub-delegation to staff – Recognising the need for efficiency, the 2025 Instrument allows Council to sub-delegate these powers to its staff (e.g. to the General Manager or appropriate Council officers). This means that not every signage or line marking change needs a Council resolution. Experienced Council officers with the appropriate levels of expertise can be empowered to approve routine changes to the regulation of traffic directly, speeding up response times for local requests and operational needs.

The new Instument states that Council has discretion on which matters to bring to the LTF. For most routine proposals, referring them to the Forum is optional at Council's discretion, but it is mandatory to refer more significant changes for advice. Specifically, any proposal that would:

*"for a period exceeding 6 months:*

*(i) restrict or prohibit passage along a road of any persons, vehicles, or animals; or*

*(ii) compel or prevent a turn from one public road to another public road; or*

*for a period exceeding 24 hours:*

*(iii) prevent, impede, or hinder the safe or efficient operation of a public passenger service; or*

*(iv) prevent access to a public transport station, stop, wharf, or service; or*

*(v) remove or render less effective any bus priority measure."*

In addition to the above mandatory referral items, it is proposed that any significant or contentious proposals be brought to the LTF for endorsement by Council.

***Formation of the Local Transport Forum***

In order to align with the 2025 Authorisation and Delegation Instrument, the Penrith Local Traffic Committee will be transitioned into the Penrith Local Transport Forum. Updated terms of reference have been prepared to align with the Instrument's provisions, as shown in Appendix 2. A Council representative will sit on the Forum and Councillors will continue to be invited or involved as observers. The Instrument mandates Council, TfNSW, Police and local State Members of Parliament representatives as the core invitees (plus bus/public transport operators must be invited when relevant) with a quorum defined as Council and TfNSW presence. It is intended that the current LTC membership is rolled over to form the LTF invitee list.

Administrative processes such as templates for agendas/minutes and reports to Council will be amended to align with the 2025 Delegation Instrument. Forum meeting minutes will be captured to be presented for endorsement at a subsequent Council Ordinary Meeting.

It is anticipated that with the operational efficiency gains that will be brought about by aligning with the 2025 Authorisation and Delegation Instrument, simpler items with minor impacts can be actioned much faster. This will result in shorter LTF agendas and therefore it is proposed that LTF meetings be held for 90 minutes on a bi-monthly meeting schedule

(over the odd months to avoid the January shutdown). This will help keep the meetings more engaging with a fuller agenda.

As part of developing the proposed LTF model to align with the 2025 Delegation Instrument, officers have engaged with adjoining councils to discuss their intended approaches to the new delegation. In addition, our Governance team has conducted a review of reports from a broad range of councils across NSW. This review found that, while there are some variations in how individual councils are approaching the new Instrument, our proposed model is generally aligned with the approaches being adopted by other councils.

***Delegations***

Following the introduction of the new delegation instrument, sub-delegations have been issued to the Director Planning and Regulatory Services, the Head of Engineering Services, and the Traffic and Transport Engineering Coordinator. This interim arrangement ensures proposals can continue to be assessed and approved in a timely manner until the new LTF process is endorsed and implemented by Council. As part of the formation of the new LTF and updating of relevant processes, these sub-delegations will continue to be in place to align with the approval processes outlined below.

***Proposed Implementation***

Advice has been obtained from Council's Governance team to guide the new process following the introduction of the revised Instrument.

*Approval Process for Minor Proposals*

The proposed process for endorsing minor traffic and transport proposals begins with a Council officer undertaking an investigation into the matter and preparing a proposal. Before proceeding, the officer must confirm whether the proposal needs to be presented to the LTF for endorsement.

If no referral to the LTF is required, the proposal is then reviewed by the Traffic and Transport Engineering Coordinator or Head of Engineering Services to ensure that the proposal has been thoroughly investigated and prepared and determine whether or not the proposal is significant enough to warrant a referral to the LTF. Once satisfied that LTF referral is not required and the proposal has been thoroughly reviewed it is endorsed under sub-delegation.

The proposal then undergoes the consultation or notification process with relevant stakeholders which will operate in the same way it did under the LTC process. If substantial objections are received (i.e. generally three or more separate objections), the proposal will then be referred to the LTF for further consideration with a recommendation for Council's consideration. If no significant objections arise, the proposal proceeds to implementation.

*Approval Process for Major Proposals*

Mandatory referral items under the delegation or proposals considered to have major impact will be presented as agenda items to a bi-monthly LTF meeting. Similar to the process for minor proposals, a Council officer will undertake an investigation into the matter and prepare a proposal. Once investigated and a proposal prepared, an LTF report will be drafted for inclusion in the next LTF meeting agenda. The LTF considers and discusses the item, and its advice is captured in the minutes along with a recommendation to Council. The recommendation is presented to Council for endorsement via the LTF meeting minutes.

If endorsed by Council, the proposal proceeds to consultation/notification, consistent with previous LTC practice. If substantial objections are received (i.e. generally three or more separate objections), the proposal is referred back to the LTF for further consideration, with a recommendation for Council's consideration. If no significant objections arise, the proposal proceeds to implementation.

*Statement of Concern*

Council can progress proposals after considering the LTF's advice, unless TfNSW advises that it will issue a "Statement of Concern" regarding any mandatory referral item. With the removal of voting the new Instrument introduces ability for a Statement of Concern to be issued by TfNSW, which is a new mechanism whereby TfNSW can request a brief pause (7 days) on a particular decision if they have serious safety or network concerns, providing their reasons in writing. Council must then respond in writing addressing those concerns, and after an additional 7 days may proceed. In all cases, Council is obligated to consider the Forum's advice and any Statement of Concern in its decision-making, but ultimately the Council bears responsibility for the decision.

The table below outlines the proposed approval processes for each of the typical types of non-mandatory referral items.

| Type of Proposal | Previous Approval Process | Proposed Approval Process |
|---|---|---|
| **Minor Signage and Line Marking Items** | Approval available under the Temporary Delegation | Approval under sub-delegation of the 2025 Instrument |
| **Special Events** | Approval via the Local Traffic Committee process | Cyclical events to be endorsed under sub-delegation of the 2025 Instrument and new events to be endorsed via the Local Transport Forum process |
| **Minor Traffic Facilities** | Approval available under the Temporary Delegation | Approval under sub-delegation of the 2025 Instrument |
| **Major Traffic Facilities** | Approval via the Local Traffic Committee process | Approval via the Local Transport Forum process |
| **Australian Government Black Spot and Get NSW Active Grant Project Proposals** | Approval via the Local Traffic Committee process | Approval via the Local Transport Forum process |
| **Signage and Line Marking Plans for Greenfield Subdivisions** | Approval under the previous Greenfield Subdivision delegation | Approval under sub-delegation of the 2025 Instrument |
| **Signage and Line Marking Schemes Along Existing Roads** | Approval available under the Temporary Delegation | Approval under sub-delegation of the 2025 Instrument except for sensitive locations (e.g. CBD or outside schools) |

Over the last two Council terms, Council has endorsed a total of 425 items, comprising 304 standard business paper LTC agenda reports, 84 general business LTC reports, 4 out-of-session LTC reports, 8 greenfield subdivision delegation items, and 25 temporary delegation

items. Of these, only one item was debated and deferred during a Council meeting due to resident concerns, however it was ultimately endorsed in its original form.

These figures show that 100% of proposals put forward by the Traffic and Transport Engineering team for approval have proceeded to endorsement and implementation. This outcome reflects the high level of trust in the team's expertise and its commitment to ensuring that only well-considered, high-quality proposals that are designed in accordance with relevant standards and guidelines are put forward for endorsement.

**Financial Implications**

There are no financial implications for Council associated with this report.

**Risk Implications**

Under the new delegation instrument with the removal of the voting system, Council is now solely responsible for decision-making on the regulation of traffic, which transfers legal, operational, reputational, and community risk to Council particularly where decisions are novel, high-impact, or contested. To mitigate these risks, major proposals will be brought to Local Transport Forum for discussion and consideration of feedback and then Council for formal endorsement.

It should also be noted that while the new delegation grants Council additional powers for the regulation and control of traffic, TfNSW remains the statutory head of power and all matters brought to an LTF meeting will still require a level of support from TfNSW before proceeding.

**Conclusion**

The proposed model for aligning with the 2025 Authorisation and Delegation Instrument and formation of the Local Transport Forum offers a modern, balanced approach that will significantly enhance Council's efficiency in managing traffic and transport matters.

The Traffic and Transport Engineering team has demonstrated its expertise through the effective use of the previous LTC model over many years. Building on this proven track record, the new processes will empower experienced officers to action routine minor proposals more efficiently, allowing Council to provide more responsive solutions to community needs. Importantly, major or sensitive proposals will be brought before the Local Transport Forum for discussion and then formally endorsed by Council.

It is recommended that the implementation model outlined in this report, including the establishment of the Penrith Local Transport Forum, approval of its terms of reference and meeting cadence, and continuation of sub-delegations consistent with the 2025 Instrument be adopted.

**RECOMMENDATION**

That:

1. The information contained in the report on Proposed Transition from Local Traffic Committee to Local Transport Forum be received.
2. The Penrith Local Transport Forum be formed in accordance with the terms of reference provided in Appendix 2.
3. Council confirm membership with representatives of the Local Transport Forum and write to local State Members of Parliament to reconfirm nominees.

4. Sub-delegation under the new 2025 Authorisation and Delegation Instrument be granted to the Director Planning and Regulatory Services, Head of Engineering Services and Traffic and Transport Engineering Coordinator.

**ATTACHMENTS/APPENDICES**

| | | | |
|---|---|---|---|
| **1.** | 2025 Authorisation and Delegation Instrument | 6 Pages | Appendix |
| **2.** | Terms of Reference - Local Transport Forum | 1 Page | Appendix |

**AUTHORISATION AND DELEGATION**

**PRESCRIBED TRAFFIC CONTROL DEVICES AND REGULATION OF TRAFFIC**

*Roads Act 1993*
*Road Transport Act 2013*

On behalf of Transport for NSW, I, Josh Murray, Secretary of the Department of Transport:

a) **REVOKE** the instrument of 31 October 2011 titled "*Roads and Maritime Services – Delegation to Councils*"; and

b) **REVOKE** the instrument of 12 December 2023 titled "*Instrument of Delegation and Authorisation – Traffic Management and Pedestrian Works – Temporary Delegation to Councils No.2"*; and

c) **DELEGATE** under section 3I(1) of the *Transport Administration Act 1988* and all other enabling powers, the functions set out in **Schedule 1** to the delegates set out in **Schedule 2**, subject to the conditions and limitations set out in **Schedule 4**; and

d) **AUTHORISE** those delegates, under section 3I(2) of the *Transport Administration Act 1988*, to sub-delegate the functions set out in **Schedule 1** to the persons set out in **Schedule 3**; and

e) **AUTHORISE** the delegates set out in **Schedule 2**, under section 122(b) of the *Road Transport Act 2013***,** to install or display (or interfere with, alter, or remove) any prescribed traffic control device required to give effect to the carrying out of traffic control work except where indicated as restricted in the Transport for NSW *"Traffic Signs Register"*, subject to the conditions and limitations set out in **Schedule 4**; and

f) **CONSENT**, under s.87(4) of the *Roads Act 1993,* to the construction, installation, maintenance, repair, removal, or replacement of a portable traffic control light used temporarily by a delegate in the context of carrying out road work or traffic control work, subject to the conditions and limitations set out in **Schedule 4**; and

g) **DIRECT** that failure to comply with the conditions and limitations set out in **Schedule 4** renders the prescribed traffic control device authorisation and delegation inoperative with respect to the functions exercised.

*Note: the authorisation at (e) above is referred to in this Instrument as "the prescribed traffic control device authorisation".*

This Instrument commences on 1 August 2025 and continues in force until revoked.

Josh Murray
Secretary
Department of Transport

Date: 21/07/2025

Authorisation and Delegation Instrument

## SCHEDULE 1 – FUNCTIONS

(a) The functions and powers of Transport for NSW under section 115(2) of the *Roads Act 1993* to regulate traffic on a public road for purposes other than those set out in in that section.

(b) The power to establish and operate a special event parking scheme for a road under Part 8, Division 3 of the *Road Transport (General) Regulation 2021.*

## SCHEDULE 2 – DELEGATES

A council constituted under the *Local Government Act 1993*.

## SCHEDULE 3 – SUB-DELEGATES

The general manager of a council, or an employee of the council.

## SCHEDULE 4 – CONDITIONS AND LIMITATIONS

*Note: Reference to a delegate in this Schedule includes reference to a sub-delegate.*

**1. Scope of Authorisation and Delegation**

A delegate must not exercise a function listed in Schedule 1 of this Instrument and may not use the prescribed traffic control device authorisation:

(a) outside its local government area as constituted under the *Local Government Act 1993*;

(b) on a road or part of a road classified as a Freeway, Controlled Access Road, Tollway, or Transitway; or

(c) on any road identified with the 'Administrative Category' of 'State' in the '*Schedule of Classified Roads and Unclassified Regional Roads*' (as published and amended from time to time by Transport for NSW), except with the written consent of Transport for NSW

*Note: The prescribed traffic control device authorisation allows delegates to install, display, etc. those devices and extends to the engagement of third parties (such as developers, road construction contractors, etc.) to install and display any such devices as a consequence of a delegate's decision and approval under this Instrument.*

**2. Local Transport Forum**

(a) A delegate must convene a Local Transport Forum to which a representative from each of the following is invited to attend:

(i) the delegate

(ii) Transport for NSW

(iii) NSW Police Force

(iv) The local Member(s) of NSW Parliament

(v) The operator of any public passenger service likely to be affected by traffic control work proposed by the delegate

(b) A delegate may invite any other person to attend the Local Transport Forum.

(c) A delegate may seek technical advice from the Local Transport Forum regardless of whether this Instrument is being used.

(d) The Local Transport Forum is to provide advice to the delegate on any matter put before it for advice.

(e) A delegate must consider any advice provided by the Local Transport Forum.

**3. Mandatory prior referral of some proposals**

(a) A delegate must refer to the Local Transport Forum any proposal to exercise a function listed in Schedule 1 of this Instrument or to use the prescribed traffic control device authorisation where that proposal would:

for a period exceeding **6 months**:

(i) restrict or prohibit passage along a road of any persons, vehicles, or animals; or

(ii) compel or prevent a turn from one public road to another public road;

or

for a period exceeding **24 hours**:

(iii) prevent, impede, or hinder the safe or efficient operation of a public passenger service; or

(iv) prevent access to a public transport station, stop, wharf, or service; or

(v) remove or render less effective any bus priority measure.

(b) Following consideration of advice provided by the Local Transport Forum, the delegate may proceed with the proposal unless the Transport for NSW representative advises the meeting of the Local Transport Forum that Transport for NSW will be submitting a Statement of Concern within seven (7) days.

(c) If a Statement of Concern has been provided to the delegate in accordance with clause (b) above, the delegate may not exercise the relevant function until a further seven (7) days after it has circulated to the members of the Local Transport Forum, a written response addressing the Statement of Concern and setting out the delegate's reasons for proceeding to exercise the function.

**4. Keeping of records**

(a) The proceedings of the Local Transport Forum must be recorded and made public as soon as practicable.

(b) A post facto record of any use of the prescribed traffic control device authorisation (excluding any instance that has already been the subject of prior referral per condition 3) must be tabled at the Local Transport Forum as soon as practicable and no later than three (3) months after the fact.

**5. Coordination**

(a) A delegate must consult any public passenger service operator – either directly or via the Local Transport Forum – before exercising any function listed in Schedule 1 of this Instrument or using the prescribed traffic control device authorisation where it is likely to affect the operation of a public passenger service provided by that operator.

(b) Details of such consultation undertaken outside of the Local Transport Forum must be tabled at the Local Transport Forum as soon as practicable.

(c) A delegate must give not less than seven (7) days' notice to NSW Police Force and Transport for NSW – either directly or via the Local Transport Forum – before regulating traffic under this Instrument for the purposes of a public event.

**6. References**

(a) A delegate must use the NSW Design of Roads and Streets Manual (TS 00066, as amended from time to time) as a primary reference when exercising a function listed in Schedule 1 of this Instrument or using the prescribed traffic control device authorisation.

(b) Use of a portable traffic control light or R4-212n roadwork speed limit sign under this Instrument must be in accordance with the Transport for NSW Traffic Control at Work Sites Manual (TS 05492, as amended from time to time).

**7. Preservation of head of power**

Notwithstanding this Instrument, Transport for NSW reserves all and any rights and powers, including to:

(a) Direct a public authority under clause 8I of Schedule 1 of the *Transport Administration Act 1988*, or alter or remove, or direct the alteration or removal of any prescribed traffic control device, under Part 5.3, Division 2 of the *Road Transport Act 2013*; and

(b) Carry out road work in accordance with Part 6 of the *Roads Act 1993;* and

(c) Carry out traffic control work on any public road, including exclusive power to carry out or consent to the construction, erection, installation, maintenance, repair, removal or replacement of a traffic control light under section 87 of the *Roads Act 1993*; and

(d) Regulate traffic under Part 8 of the *Roads Act 1993.*

(e) Revoke or withdraw this delegation, authorisation, or any component of it at any time with respect to any or all delegates.

# LOCAL TRANSPORT FORUM

## Invitees

Council representative

Transport for NSW

NSW Police Force representative

Local State Member of Parliament or their representative

Public transport operators that may be affected by a proposal

**All available Councillors are invited to attend**

## Terms of Reference

Purpose

The LTF serves as an advisory body established in accordance with the 2025 Authorisation and Delegation Instrument. Its purpose is to provide expert advice and facilitate stakeholder input on major local traffic and transport matters, supporting Council's decision-making responsibilities.

Function

The LTF considers and discusses significant or sensitive traffic and transport proposals, capturing advice and recommendations in meeting minutes. The LTF recommendations are then presented to Council for formal endorsement in line with the 2025 Authorisation and Delegation Instrument.

October 2025

**STRATEGIC DIRECTION 5 - WORK TOGETHER**


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## 10 Summary of Investments and Banking for the period 1 September 2025 - 30 September 2025

**Compiled by:** **James Legarse, Treasury and Operations Accountant**

**Authorised by:** **Neil Farquharson, Chief Financial Officer**
**Matthew Bullivant, Director Corporate Services**

| | |
|---|---|
| **Outcome** | *We have open and collaborative leadership* |
| **Strategy** | *Deliver an efficient, transparent and accountable service to the community* |
| **Principal Activity** | *Support financial sustainability through financial planning and budget management and provide accurate reporting to the community* |

### Executive Summary

This report on the Summary of Investments & Banking for September 2025 is submitted for the purpose of financial accountability and to satisfy the investment reporting requirements of the Local Government (General) Regulation 2005 (clause 212), the Local Government Act 1993 (the Act) (Section 625) and the Council's Investment Policy.

The report certifies that the Council investments comply with the forms of investment made by order of the Minister under section 625(2) of the Local Government Act 1993. The current Ministerial Order was issued under Council Circular 11-01 on 17 February 2011.

The report provides a summary of investments for the period 1 September 2025 to 30 September 2025 and a reconciliation of invested funds as at 30 September 2025.

The investment returns versus the benchmark as a percentage for September 2025 are:

- Council portfolio current month's yield 4.68%
- Council portfolio annualised yield to date 4.92%
- 90-day Bank Bill Swap Rate (Benchmark) 3.57%
- Enhanced 90-day Bank Bill Swap Rate (Benchmark – BBSW + 30bps) 3.87%
- Original Budget estimated return (2025/26 Financial Year) 4.25%

The report recommends that the information contained in the report be received.

### Current Situation

A Summary of Investments is shown in Appendix 1, including Economic Commentary for September 2025, Historical Investment Performance Analysis tables and charts, a reconciliation of Invested Funds for September 2025 and various Investment Summary and Investment Portfolio analysis tables and charts.

The Reserve Bank of Australia (RBA) met on 30 September 2025, and the Board decided to keep the Cash Rate at 3.6%. Inflation has eased significantly since its 2022 peak, though the pace of decline has slowed, with recent data suggesting a possible rise in the September quarter – result for this quarter is not available upon completion of this report. Domestic economic activity is showing signs of recovery, driven by rising household incomes and improving financial conditions, particularly in the housing sector. Labour market conditions remain stable but tight, with low underutilisation and high unit labour costs due to weak productivity. Uncertainty persists due to both domestic factors—such as household

consumption trends—and global risks including trade policies and geopolitical tensions. In light of these conditions, the Board unanimously decided to maintain the current cash rate, noting that monetary policy remains well-positioned to respond to evolving economic developments while prioritising price stability and full employment.

**Financial Implications**

Adopting the recommendations of this report confirms Council's investment returns are favourably exceeding the Original Budget, as well as outperforming the benchmark for the month. More detailed Financial Implications are contained in Appendix 1.

**Risk Implications**

The Council's investments have been placed in accordance with Section 625 of the Local Government Act 1993, relevant regulations, and the Council's adopted Investment Policy. The Council's Investment Policy has objectives to preserve capital, ensure liquidity of funds to meet cash flow requirements and achieve an acceptable rate of return having reference to the Council's risk tolerance.

**Conclusion**

This report confirms that the Council's investments have been placed in accordance with relevant legislation/regulations, the Council's Investment Policy and highlights the Council's investment performance for September 2025. Additionally, the report assures the Council that Council's Cash Book and Bank Statements have been reconciled.

**Certificate of Responsible Accounting Officer**

I hereby certify the following:

1. All investments have been made in accordance with Section 625 of the Local Government Act 1993, relevant regulations, and Council's Investment Policy.
2. The Council's Cash Book and Bank Statements have been reconciled as at 30 September 2025.

Neil Farquharson

**RECOMMENDATION**

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 September 2025 - 30 September 2025 be received.
2. The Council's Cash Book and Bank Statements have been reconciled as at 30 September 2025.

**ATTACHMENTS/APPENDICES**

**1.** Investment Report as at 30 September 2025 6 Pages Appendix

Penrith City Council

## Summary of Investments
## 30 September 2025

**Commentary**

The Reserve Bank of Australia (RBA) met on 30 September 2025, and the Board decided to keep the Cash Rate at 3.6%. Inflation has eased significantly since its 2022 peak, though the pace of decline has slowed, with recent data suggesting a possible rise in the September quarter – result for this quarter is not available upon completion of this report. Domestic economic activity is showing signs of recovery, driven by rising household incomes and improving financial conditions, particularly in the housing sector. Labour market conditions remain stable but tight, with low underutilisation and high unit labour costs due to weak productivity. Uncertainty persists due to both domestic factors—such as household consumption trends—and global risks including trade policies and geopolitical tensions. In light of these conditions, the Board unanimously decided to maintain the current cash rate, noting that monetary policy remains well-positioned to respond to evolving economic developments while prioritising price stability and full employment.

It is to be noted, as illustrated in Graph 1 of this report, both Council's benchmarks of BBSW monthly return and Enhanced BBSW have been surpassed in September 2025, showing the impact of the continued improvements in interest rates being invested. To ensure consistency and accuracy in calculating the Council Investment Portfolio's month-end return, the monthly rate of return for TCorp's Long-term Growth Fund has been revised to align with the fund's 1-year return, as reported in TCorp's monthly Performance Summary, rather than the monthly return. This change will smooth out fluctuations and has been backdated to the month when the Council initially invested in the Long-term Growth Fund (March 2025). As a result of this update, the Council's Monthly Net Return (Annualised) has shown a significantly wider deviation from the benchmark figures. The Council remains proactive in securing the best interest rates on offer at the time the funds are invested.

Australia's 10-year government bond yield arrived at 4.37%, 5 basis points lower than the previous month's result; as investors continue to assess the Reserve Bank's policy outlook. Borrowing rates for both businesses and households is easing, consistent with the RBA cash rate and Bank Bill Swap Rate. The Australian dollar is at the low end of its narrow range of recent times.

The inflation rate at the second quarter of 2025 (April-June 2025), being the most recent quarterly result, dropped to 2.1%, 3 basis points lower than the previous quarter, in both headline and underlying terms. The August 2025 unemployment rate remained static at 4.2% - the same result as previous month. The September 2025 unemployment rate has not been released upon completion of this report.

The investment returns versus the benchmark and annual budget as a percentage for September 2025 are:

| | |
|---|---|
| Council portfolio current month's yield | 4.68% |
| Council portfolio annualised yield to date | 4.92% |
| 90-day Bank Bill Swap Rate (Benchmark) | 3.57% |
| Enhanced 90-day Bank Bill Swap Rate (Benchmark – BBSW + 30bps) | 3.87% |
| Original budget estimated return (2025/26 Financial Year) | 4.25% |

Penrith City Council

Historical Investment Performance

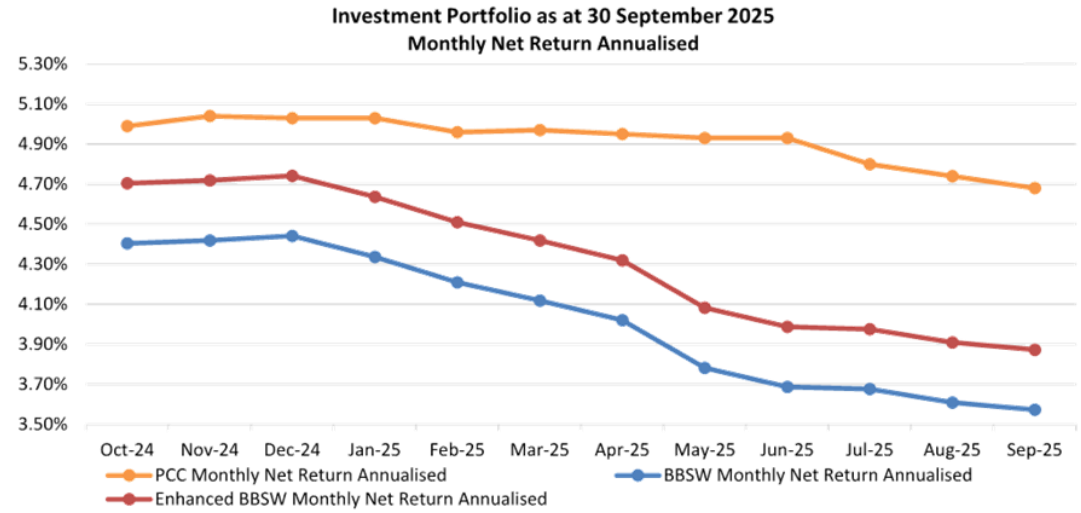
*Table 1*

| | Actual Portfolio Monthly Return | Benchmark (BBSW) | Enhanced Benchmark (BBSW+30bps) |
|---|---|---|---|
| Current Portfolio Yield (including FRNs) | 4.68% | 3.57% | 3.87% |
| Past 12 Month Portfolio Performance | 4.92% | 4.02% | 4.25% |
| Portfolio Return for the Period | 0.39% | 0.30% | 0.32% |

**Portfolio Yield (Actual Versus Benchmark)**

The annual weighted average income return on investments to 30 September 2025, was 4.92%. This graph tracks performance over time and shows that the yield has ranged between a low of 4.68% and a high of 5.04% over the last 12 months. The reportable month's result has surpassed the BBSW monthly return benchmark.

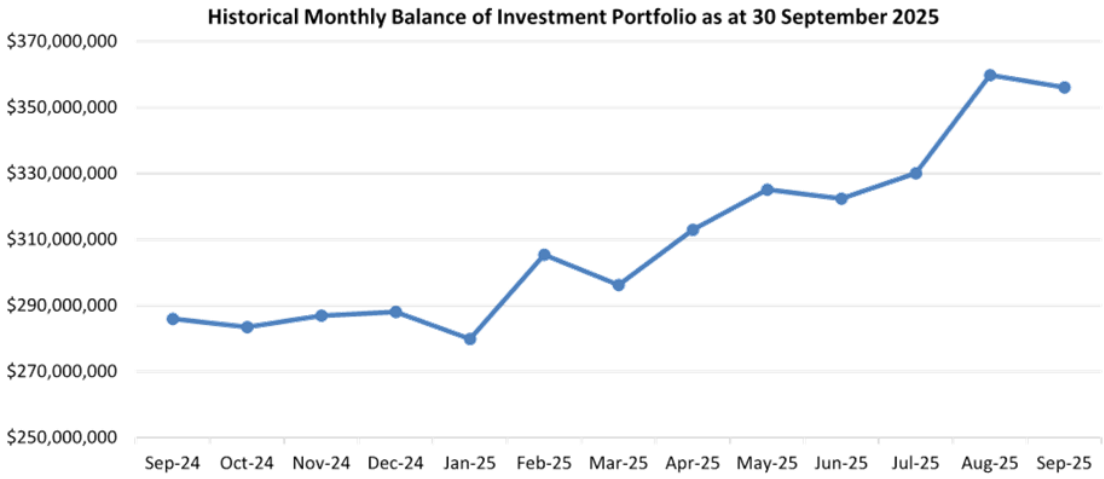
*Graph 1*




**Annual Portfolio (Actual)**

The graph below illustrates the annual trend of the Council's monthly Investment Portfolio balances.

*Graph 1.1*



Penrith City Council

## Investment Summary by Asset Group and Monthly Movement

*Table 1.1*

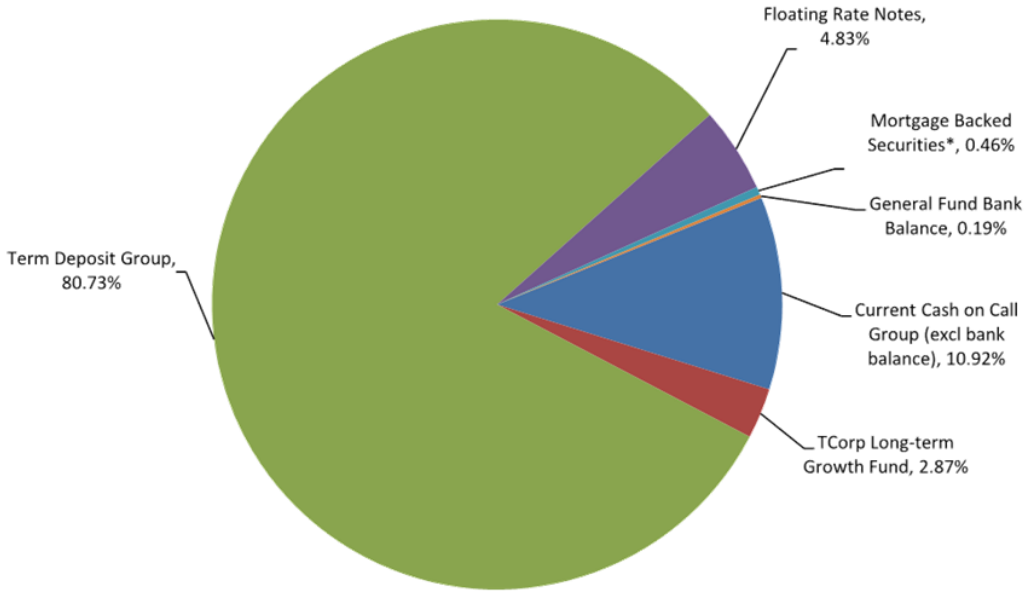
| Asset Group | Closing Value (Face Value) 31 August 2025 | | Closing Value (Face Value) 30 September 2025 | |
|---|---|---|---|---|
| | $ | % | $ | % |
| Current Cash on Call Group (excl General Fund balance) | 33,315,670 | 9.26% | 38,899,693 | 10.92% |
| TCorp Long-term Growth Fund | 9,979,622 | 2.77% | 10,217,463 | 2.87% |
| Term Deposit Group | 292,500,000 | 81.29% | 287,500,000 | 80.73% |
| Floating Rate Notes | 17,200,000 | 4.78% | 17,200,000 | 4.83% |
| Mortgage Backed Securities* | 1,628,550 | 0.45% | 1,628,550 | 0.46% |
| ***Sub-Total*** | ***354,623,842*** | | ***355,445,706*** | |
| General Fund Bank Balance | 5,204,172 | 1.45% | 690,834 | 0.19% |
| **Total** | **359,828,014** | **100%** | **356,136,540** | **100%** |

**MBS Purchased in 2006/2007 prior to the current Ministerial Investment Order. This product is being 'Grandfathered' – i.e., the Council will continue to actively manage these investments within the portfolio. However, the Council is not permitted to place further funds in this bank, due to its credit rating.*

**September 2025 Investments % Allocation by Asset Groups**

The graph below illustrates the dissection of the Council's Portfolio per investment products or categories.

*Graph 1.2*



Penrith City Council

## Reconciliation of Invested Funds and Monthly Movement

*Table 1.2*

| | Period Ending 31 August 2025 $ | Period Ending 30 September 2025 $ |
|---|---|---|
| Represented by: | | |
| **Externally Restricted Assets** | | |
| Section 7.11 Developer Contributions | 115,287,312 | 115,568,805 |
| Restricted Contributions for Works | 5,960,674 | 5,772,387 |
| Unexpended Grants* | 44,977,835 | 47,974,703 |
| Unexpended Loan Funds | 13,566,473 | 13,528,662 |
| Other Externally Restricted | 13,643,762 | 26,849,322 |
| **Sub-Total** | **193,436,056** | **209,693,879** |
| **Internally Restricted Assets - Funding of Operations** | | |
| Internal Reserves | 112,115,593 | 117,470,183 |
| Security Bonds and Deposits | 25,391,025 | 24,825,642 |
| **Sub-Total** | **137,506,618** | **142,295,825** |
| **Restricted Assets Utilised in Operations** | | |
| Unrestricted Invested Funds | 28,885,340 | 4,146,836 |
| **Total Cash and Investments** | **359,828,014** | **356,136,540** |

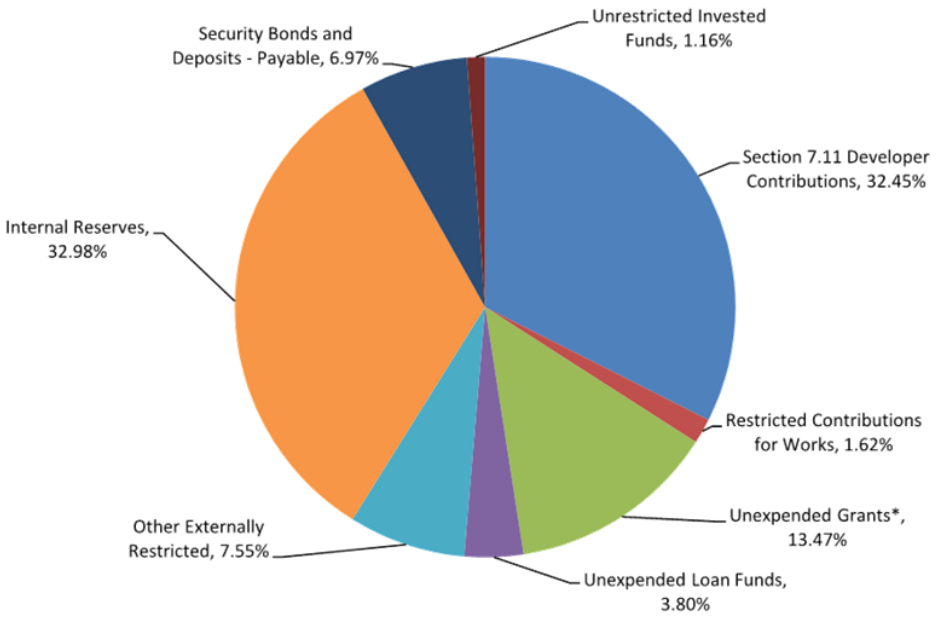
**Balance may be in deficit when funds are spent in advance of grant payment date to the Council.*

***NOTE:*** *The above figures have been prepared under cash basis accounting.*

**September 2025 Investments % Allocation by Cash Reserve Type**

This graph demonstrates the allocation of the Council's cash reserves.

*Graph 1.3*



*Penrith City Council*

## Investment Summary

*(Graphed to reflect fund ratings as % of portfolio)*

*Table 1.3*

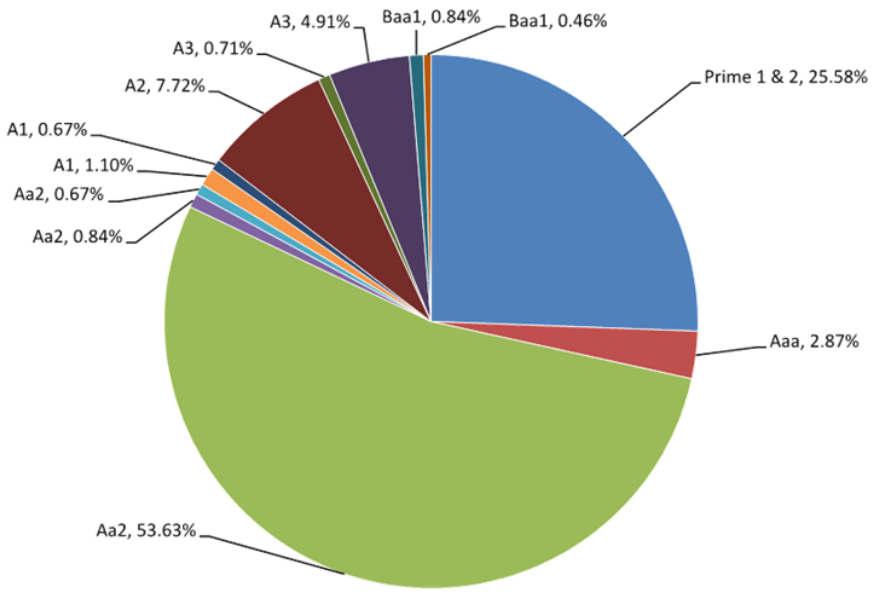
| | | 30 September 2025 | | |
|---|---|---|---|---|
| **Credit Rating (per Moody's)** | **Bank/Financial Institution -** | **Utilised $** | **Portfolio %** | **Policy Maximum %** |
| **Short Term** | | | | |
| Prime 1 | CBA, NAB & Westpac | 66,590,527 | 18.70% | 100% (40% per institution) |
| Prime 2 | AMP Bank, BOQ & ING Bank | 24,500,000 | 6.88% | 5% (10% per institution) |
| ***Prime 1 & 2*** | | ***91,090,527*** | 25.58% | |
| **Long Term** | | | | |
| Aaa | TCorp Long-term Growth Fund | 10,217,463 | 2.87% | 100% (40% per institution) |
| Aa2 | Term Deposit (CBA,WBC & NAB) | 191,000,000 | 53.63% | 100% (40% per institution) |
| Aa2 | Floating Rate Note (WBC) | 3,000,000 | 0.84% | 100% (40% per institution) |
| Aa2 | Floating Rate Note (NAB) | 2,400,000 | 0.67% | 100% (40% per institution) |
| A1 | Floating Rate Note (Suncorp) | 3,900,000 | 1.10% | 40% (25% per institution) |
| A1 | Floating Rate Note (Macquarie Bank) | 2,400,000 | 0.67% | 40% (25% per institution) |
| A2 | Term Deposit (Rabobank Australia Ltd) | 27,500,000 | 7.72% | 40% (20% per institution) |
| A3 | Floating Rate Note (ING Bank) | 2,500,000 | 0.71% | 20% (10% per institution) |
| A3 | Term Deposit (ING Bank) | 17,500,000 | 4.91% | 20% (10% per institution) |
| Baa1 | Floating Rate Note (Bank of Queensland) | 3,000,000 | 0.84% | Grandfathered |
| Baa1 | Mortgage Backed Securities (Barclays Capital)* | 1,628,550 | 0.46% | Grandfathered |
| ***Sub-Total*** | | ***265,046,013*** | 74.42% | |
| **Total Portfolio** | | **356,136,540** | **100.00%** | |

**Investments placed prior to current Ministerial Order and/or financial institution's change in credit rating by Moody's. The product(s) is/are being 'Grandfathered' – i.e., the Council will continue to actively manage these investments within the portfolio. However, the Council is not permitted to place further funds in the bank(s), due to its/their credit rating.*

**September 2025 Investments % Allocation by Moody's Fund Rating**

Reflects Moody's fund ratings as percentage (%) of the portfolio, to show compliance with the Council's Investment Policy objectives of minimising risk.

*Graph 1.4*



Penrith City Council

## Diversification of Portfolio

*(Graphed to reflect fund ratings as % of portfolio)*

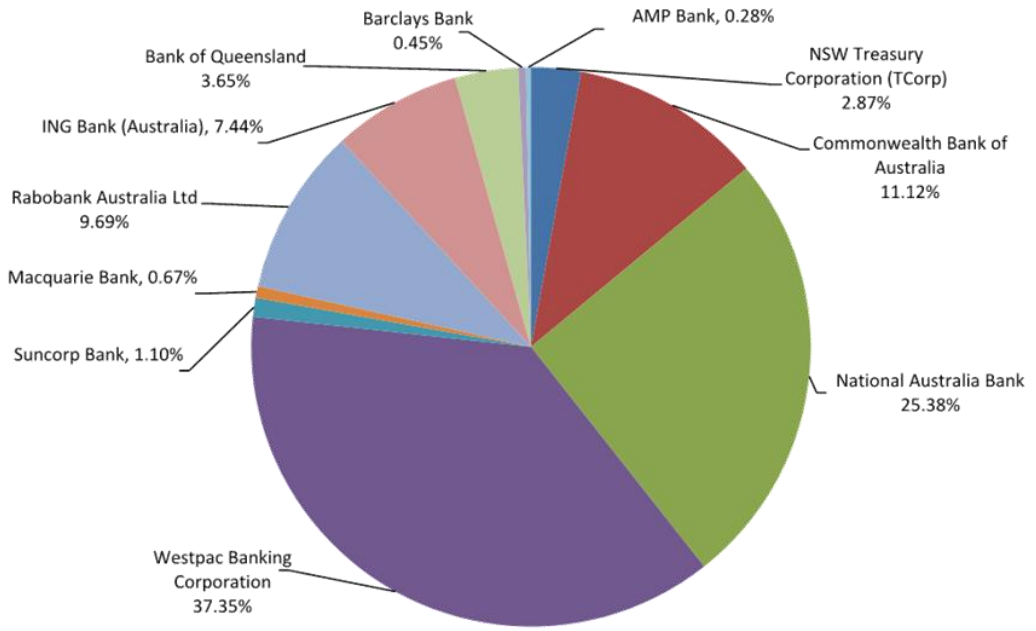
*Table 1.4*

| | | | 30 September 2025 | |
|---|---|---|---|---|
| **Dealing Bank** | **Short Term** | **Long Term** | **Investment ($)** | **Allocation (%)** |
| NSW Treasury Corporation (TCorp) | Prime 1 | Aaa | 10,217,463 | 2.87% |
| Commonwealth Bank of Australia | Prime 1 | Aa3 | 39,590,527 | 11.12% |
| National Australia Bank | Prime 1 | Aa3 | 90,400,000 | 25.38% |
| Westpac Banking Corporation | Prime 1 | Aa3 | 133,000,000 | 37.35% |
| Suncorp Bank | Prime 1 | A1 | 3,900,000 | 1.10% |
| Macquarie Bank | Prime 1 | A1 | 2,400,000 | 0.67% |
| Rabobank Australia Ltd | Prime 2 | A2 | 34,500,000 | 9.69% |
| ING Bank (Australia) | Prime 2 | A3 | 26,500,000 | 7.44% |
| Bank of Queensland | Prime 2 | Baa1 | 13,000,000 | 3.65% |
| Barclays Bank | Prime 2 | Baa1 | 1,628,550 | 0.45% |
| AMP Bank | Prime 2 | Baa2 | 1,000,000 | 0.28% |
| **Total Investment** | | | **356,136,540** | **100.00%** |

**September 2025 Investment % Allocation by Financial Institutions (per Moody's Credit Ratings)**

Reflects the spread of investments amongst various Financial Institutions to show portfolio diversification in accordance with the Council's Policy of risk aversion.

*Graph 1.5*



## 11 Annual Pecuniary Interest Returns 2024 -2025

**Compiled by:** **Jess Perich, Governance Support Officer**
**Avanthi Fernando, Governance Officer**
**Stuart Benzie, Governance Manager**

**Authorised by:** **Adam Beggs, Head of Governance**

| | |
|---|---|
| **Outcome** | *Work together* |
| **Strategy** | *Act with integrity, transparency and accountability* |
| **Principal Activity** | *Lead the organisation's excellence efforts to ensure it is operating effectively, efficiently, transparently and compliant to manage risks and continuously improve* |

### Executive Summary

According to *clause 4.21* of the *Model Code of Conduct for Local Councils in NSW 2020 (the Code) "a Councillor or designated person must make and lodge with the General Manager a return in the form set out in schedule 2 of the Code, disclosing interests specified in schedule 1 of the Code within three (3) months after becoming a Councillor or designated person, 30 June each year and the Councillor or designated person becoming aware of an interest they are required to disclose under Schedule 1 that has not been previously disclosed…".*

Designated persons include the General Manager, other senior staff, and staff holding a position identified by the Council as a position of a designated person because it involves the exercise of certain functions such as regulatory or contractual.

Audit, Risk, and Improvement Committee (ARIC) members are also identified as designated persons under *clause 4.8(d)* of the Code.

In addition, Local Planning Panel members are required under *clause 4.17* of the *Code of Conduct for Local Planning Panels 2020* to *"make and lodge with the panel chair a return in the form set out in schedule 2 to this Code, disclosing interests as specified in schedule 1 to the Code within one (1) month after becoming a panel member, 30 June each year and the panel member becoming aware of an interest they are required to disclose under Schedule 1 that has not been previously disclosed".*

This report details a list of annual disclosures lodged by Councillors, designated persons, ARIC members, and Local Planning Panel members.

### Background

Part 4 of the *Model Code of Conduct for Local Councils* regarding the registration and tabling of returns lodged by Councillors and designated persons prescribes that:

- the General Manager must keep a register of returns required to be lodged with the General Manager under c*lause 4.21*, using the form set out in *schedule 2* of the Code (*clause 4.24*)

- returns required to be lodged with the General Manager under *clause 4.21(a)* and *(b)* must be tabled at the first Meeting of the Council after the last day the return is required to be lodged (*clause 4.25*).

A register of all returns lodged by Councillors and designated persons, in accordance with *clause 4.21* of the *Code of Conduct*, is currently kept by Council as required by this part of the Code.

Returns lodged under *clause 4.21* are to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*. Accordingly, returns will be available on Council's website subject to redaction, where permitted in accordance with public interest principles and applicable guidelines. Consultation is undertaken with designated persons before being published.

*Schedule 2* of the *Code of Conduct for Local Planning Panels* prescribes that:

- the information collected on the returns form to be kept by the General Manager in a register of returns.
- the General Manager is required to table all returns at a council meeting, and
- information contained in the returns form will be published on the council's website.

**The following *Clause 4.21(b)* returns under the Code of Conduct for Local Councils have been lodged by Councillors and Designated persons:**

| Councillor | Return Period | Date Lodged |
|---|---|---|
| Cr Edwin Mifsud | 01 July 2024 – 30 June 2025 | 15 July 2025 |
| Cr Faithe Skinner | 01 July 2024 – 30 June 2025 | 22 September 2025 |
| Cr Garion Thain | 01 July 2024 – 30 June 2025 | 15 September 2025 |
| Cr Glenn Gardiner | 01 July 2024 – 30 June 2025 | 31 August 2025 |
| Cr Hollie McLean | 01 July 2024 – 30 June 2025 | 1 July 2025 |
| Cr John Thain | 01 July 2024 – 30 June 2025 | 24 August 2025 |
| Cr Kirstie Boerst | 01 July 2024 – 30 June 2025 | 15 September 2025 |
| Cr Libby Austin | 01 July 2024 – 30 June 2025 | 15 September 2025 |
| Cr Reece Nuttall | 01 July 2024 – 30 June 2025 | 29 September 2025 |
| Cr Robin Cook | 01 July 2024 – 30 June 2025 | 1 July 2025 |
| Cr Ross Fowler OAM | 01 July 2024 – 30 June 2025 | 1 July 2025 |
| Cr Sabbie Kaur | 01 July 2024 – 30 June 2025 | 8 September 2025 |
| Cr Sue Day | 01 July 2024 – 30 June 2025 | 3 July 2025 |
| Cr Todd Carney | 01 July 2024 – 30 June 2025 | 11 August 2025 |
| Cr Vanessa Pollak | 01 July 2024 – 30 June 2025 | 25 September 2025 |

| Name | Position Title | Return Period | Date Lodged |
|---|---|---|---|
| Andrew Jackson | Director Planning and Regulatory Services | 01 July 2024 – 30 June 2025 | 27 September 2025 |
| Andrew Moore | General Manager | 01 July 2024 – 30 June 2025 | 1 July 2025 |

| | | | |
|---|---|---|---|
| Kylie Powell | Director Futures and Strategy | 01 July 2024 – 30 June 2025 | 22 August 2025 |
| Sandy Davies | Director Community Connection | 01 July 2024 – 30 June 2025 | 18 August 2025 |
| Stephen Britten | Director Business Operations | 01 July 2024 – 30 June 2025 | 28 August 2025 |
| Matthew Bullivant | Director Corporate Services | 01 July 2024 – 30 June 2025 | 2 July 2025 |
| Adam Wilkinson | Director Asset Services | 01 July 2024 – 30 June 2025 | 7 July 2025 |
| Adam Beggs | Head of Governance | 01 July 2024 – 30 June 2025 | 14 July 2025 |
| Aisha Poole | Head of Waste and Resource Recovery | 01 July 2024 – 30 June 2025 | 2 September 2025 |
| Andrew Robinson | Head of Community Facilities and Recreation | 01 July 2024 – 30 June 2025 | 24 July 2025 |
| Andrew Avery | Head of Legal Services | 01 July 2024 – 30 June 2025 | 4 August 2025 |
| Anna Petersen | Public Affairs Manager | 01 July 2024 – 30 June 2025 | 5 August 2025 |
| Anne Sacco | Head of Design | 01 July 2024 – 30 June 2025 | 4 August 2025 |
| Belinda Zammit | Head of Communications | 01 July 2024 – 30 June 2025 | 29 September 2025 |
| Carlie Ryan | Head of City Strategy | 01 July 2024 – 30 June 2025 | 1 July 2025 |
| Christine Gough | Head of City Planning | 01 July 2024 – 30 June 2025 | 11 August 2025 |
| David Parry | Head of Customer Experience | 01 July 2024 – 30 June 2025 | 3 July 2025 |
| Glenn McCarthy | Head of Program Assurance | 01 July 2024 – 30 June 2025 | 1 July 2025 |
| Gregory McCarthy | Head of Environmental Health and Compliance | 01 July 2024 – 30 June 2025 | 1 July 2025 |
| Jade Bradbury | Head of Children's Services | 01 July 2024 – 30 June 2025 | 3 September 2025 |
| Jane Howard | Chief Information Officer | 01 July 2024 – 30 June 2025 | 14 July 2025 |
| Jennifer Pollard | Head of Future Directions and Resilience | 01 July 2024 – 30 June 2025 | 4 August 2025 |
| Joshua Fayle | Head of People and Culture | 01 July 2024 – 30 June 2025 | 24 September 2025 |
| Joshua Hull | Head of Engineering Services | 01 July 2024 – 30 June 2025 | 3 July 2025 |
| Justin Day | Head of Property Investment | 01 July 2024 – 30 June 2025 | 15 August 2025 |
| Kevin Brennan | Head of Economy and Marketing | 01 July 2024 – 30 June 2025 | 17 September 2025 |
| Linda Ross | Head of City Presentation | 01 July 2024 – 30 June 2025 | 25 September 2025 |
| Marcella Kelshaw | Head of City Activation, Community and Place | 01 July 2024 – 30 June 2025 | 8 September 2025 |
| Michael Alderton | Head of Strategic Asset Management | 01 July 2024 – 30 June 2025 | 4 August 2025 |
| Neil Farquharson | Chief Financial Officer | 01 July 2024 – 30 June 2025 | 1 July 2025 |
| Peter Wood | Head of Development Services | 01 July 2024 – 30 June 2025 | 4 August 2025 |
| Rebekah Elliott | St Marys Place Manager | 01 July 2024 – 30 June 2025 | 1 July 2025 |
| Robert Tweddle | Head of Business Operations and Priority Projects | 01 July 2024 – 30 June 2025 | 7 July 2025 |
| Sarah Dean | Head of Library Services | 01 July 2024 – 30 June 2025 | 7 July 2025 |

| | | | |
|---|---|---|---|
| Stephannie Mikhail | Head of Business Excellence | 01 July 2024 – 30 June 2025 | 1 July 2025 |
| Tariq Rasheed | Head of Projects | 01 July 2024 – 30 June 2025 | 18 September 2025 |
| Tim Power | Acting Head of Legal Services | 01 July 2024 – 30 June 2025 | 3 July 2025 |
| Tracy Chalk | Head of Aquatics and Leisure | 01 July 2024 – 30 June 2025 | 29 September 2025 |
| Elizabeth Gavey | ARIC Member | 01 July 2024 – 30 June 2025 | 15 July 2025 |
| Sheridan Dudley | ARIC Member | 01 July 2024 – 30 June 2025 | 7 July 2025 |
| Carl Millington | ARIC Member | 01 July 2024 – 30 June 2025 | 9 July 2025 |

**The following *Clause 4.17(b)* annual returns under the Code of Conduct for Local Planning Panels have been lodged:**

| Name | Position Title | Start date | Date Lodged |
|---|---|---|---|
| Graham Brown | Chair | 01 July 2024 – 30 June 2025 | 1 July 2025 |
| Stephen Alchin | Alternate Chair | 01 July 2024 – 30 June 2025 | 13 September 2025 |
| Donna Rygate | Alternate Chair | 01 July 2024 – 30 June 2025 | 5 August 2025 |
| Helen Mansfield | Expert Member | 01 July 2024 – 30 June 2025 | 11 September 2025 |
| Clare Swan | Expert Member | 01 July 2024 – 30 June 2025 | 14 August 2025 |
| Philip North | Expert Member | 01 July 2024 – 30 June 2025 | 15 September 2025 |
| Awais Piracha (Dr) | Expert Member | 01 July 2024 – 30 June 2025 | 1 July 2025 |
| Kate Bartlett | Expert Member | 01 July 2024 – 30 June 2025 | 14 July 2025 |
| Patrick Hurley | Expert Member | 01 July 2024 – 30 June 2025 | 22 July 2025 |
| David Ryan | Expert Member | 01 July 2024 – 30 June 2025 | 3 July 2025 |
| Stuart McDonald | Expert Member | 01 July 2024 – 30 June 2025 | 7 July 2025 |
| Jeremy Swan | Expert Member | 01 July 2024 – 30 June 2025 | 14 July 2025 |
| Stephen Driscoll | Expert Member | 01 July 2024 – 30 June 2025 | 2 September 2025 |
| Michael Evesson | Expert Member | 01 July 2024 – 30 June 2025 | Not received |
| Chris Young | Expert Member | 01 July 2024 – 30 June 2025 | 1 July 2025 |
| Lisa Trueman | Expert Member | 01 July 2024 – 30 June 2025 | 28 September 2025 |
| Juliet Suich | Expert Member | 01 July 2024 – 30 June 2025 | 16 September 2025 |
| Bruce Simpson | Expert Member | 01 July 2024 – 30 June 2025 | 22 August 2025 |
| Vanessa Howe | Community Representative - East Ward | 01 July 2024 – 30 June 2025 | 11 July 2025 |
| Harold Dulay | Community Representative - South Ward | 01 July 2024 – 30 June 2025 | 29 September 2025 |
| Benjamin Adamson | Community Representative - North Ward | 01 July 2024 – 30 June 2025 | 7 July 2025 |

**Financial Implications**

There are no financial implications for Council associated with this report.

### Risk Implications

Councillors and designated persons are required to disclose pecuniary interests listed in Schedule 1 in accordance with *clause 4.21* of the Model Code. Local Planning Panel members are required to disclose pecuniary interests in accordance with *clause 4.17* of the Code of Conduct for Local Planning Panels. The disclosures of pecuniary interests are expected to uphold Councillors', designated persons', and Local Planning Panel members' honest and responsible conduct while executing their duties and to minimise possible breaches of pecuniary interest obligations set out in the Codes. The management of Council's pecuniary interest returns are one of a series of measures implemented to manage risks associated with decision making throughout the organisation.

### Conclusion

All returns were completed and lodged prior to the due date, with the exception of one member of the Local Planning Panel who has not submitted their return despite attempts from Council staff due to ill health. Until such time as that return has been received the member of the Local Planning Panel will not be able to sit and perform their role.

These returns are recorded in the register maintained by the Governance Department.

Returns will be available on Council's website subject to redaction, where permitted in accordance with public interest principles and applicable guidelines.

## RECOMMENDATION

That:

1. The information contained in the report on Annual Pecuniary Interest Returns 2024 -2025 be received.
2. All annual Pecuniary Interest Returns lodged be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009* subject to appropriate redactions.

## ATTACHMENTS/APPENDICES

There are no attachments for this report

## 12 Draft Financial Statements 2024-25

**Compiled by:** **Cheryl Freeburn, Operational Finance Manager**

**Authorised by:** **Neil Farquharson, Chief Financial Officer**
**Matthew Bullivant, Director Corporate Services**

| | |
|---|---|
| **Outcome** | *We have open and collaborative leadership* |
| **Strategy** | *Deliver an efficient, transparent and accountable service to the community* |
| **Principal Activity** | *Support financial sustainability through financial planning and budget management and provide accurate reporting to the community* |

### Executive Summary

The draft 2024-25 Financial Statements for Penrith City Council have been prepared by Council staff, using the accrual method of accounting and comply with Australian Accounting Standards and the New South Wales Local Government Code of Accounting Practice and Financial Reporting.

This report covers:

- Legislative requirements;
- Background to the Financial Policies;
- Budget Performance; and
- Summary of Financial Results.

### Legislative Requirements

The Local Government Act requires the following steps:

1. Council officers prepare the Financial Statements;
2. The Council issues a statement that the accounts are in order;
3. The Council refers the Financial Statements to its auditors for checking;
4. The Auditor returns the Financial Statements with an audit opinion attached;
5. The Financial Statements are placed on public display and the community may make submissions; and
6. The Financial Statements are formally presented during a Council Ordinary Meeting with the addressing of the meeting by Council's Auditor;

At the time of writing the report Council officers have completed Step 1 by preparing the Statements and this report recommends completion of Steps 2, 3, 4 and 5 at tonight's meeting. The Auditors have received an advance copy of the draft Financial Statements and have now completed several weeks of their audit program. It is considered appropriate that the Council issue the required statement for the 2024-25 accounts to refer the Financial Statements to the Auditors. Following receipt of their audit opinion, it is considered appropriate that the 2024-25 Financial Statements to be placed on Public Exhibition and reported back to Council at the November Ordinary Meeting.

### Current Situation

The Financial Statements have been prepared by Council officers, using the accrual method of accounting and comply with Australian Accounting Standards and the New South Wales Local Government Code of Accounting Practice and Financial Reporting. Councils' financial

records have been reconciled and are in order. The Financial Statements present a fair and accurate assessment of Councils financial position.

Council's Auditors were engaged to commence their audit on the 8 September 2025, with Council officers continuing to assist with the audit process. A draft copy of the Financial Statements was also provided to a meeting of Council's Audit Risk and Improvement Committee (ARIC) on the 3 September 2025 and they have reviewed the draft Financial Statements in accordance with the ARIC Charter (adopted by Council in February 2025). The version of the statements that has been provided for endorsement by ARIC is not anticipated to be materially different from the version presented to Council.

At the time of writing this report, the audit is nearing completion. The draft Financial Statements have been separately enclosed.

The Financial Statements are required to be audited by an independent auditor and lodged with the Office of Local Government (OLG) before 31 October each year.

**Summary of Financial Results**

The following figures provide a summary of the key results for 2024-25 compared to prior year 2023-24 and the actual change from current year (CY) to prior year (PY) restated figures:

| Item ($'000) | 2024-25 Original Budget | 2024-25 Actuals (CY) | 2023-24 Actuals (PY) Restated | Actual Change CY to PY |
|---|---|---|---|---|
| **Income Statement** | | | | |
| Revenue (including capital) | 349,318 | 390,526 | 411,943 | (21,417) |
| Operating Expenditure | 279,680 | 268,083 | 252,230 | (15,853) |
| Depreciation and Amortisation | 63,451 | 71,376 | 64,277 | (7,099) |
| Operating result from continuing operations (including capital) | 6,187 | 51,067 | 95,436 | (44,369) |
| Operating results from discontinued operations | | | (361) | 361 |
| Net Operating result for the year | 6,187 | 51,067 | 95,075 | (44,008) |
| Capital Grants and Contributions | 44,725 | 62,032 | 92,062 | 30,030 |
| Operating results from continuing operations (before capital) | (38,538) | (10,965) | 3,013 | (13,978) |
| **Financial Position** | | | | |
| Total Borrowings | | 29,791 | 34,801 | 5,010 |
| Cash and Investments | | 334,589 | 283,932 | 50,657 |
| Employee Benefit Provision | | 39,577 | 39,300 | (277) |
| Contract Liabilities (Current) | | 35,672 | 18,446 | (17,226) |

| Key Indicators/Benchmark | 2024-25 | 2023-24 | 2022-23 |
|---|---|---|---|
| Operating Performance Ratio/ > 0% | (7.61%) | (6.07%) | (4.59%) |
| Own Source Operating Revenue Ratio/ > 60% | 76.61% | 68.42% | 70.18% |
| Unrestricted Current Ratio/ > 1.5x | 5.15x | 4.22x | 5.89x |
| Debt Service Cover Ratio/ > 2 | 7.95x | 1.29x | 5.58x |
| Rates Outstanding Percentage/ < 5% | 4.53% | 4.81% | 5.01% |
| Cash Expense Cover Ratio/ > 3 mths | 11.83 | 9.76 | 10.07 |

Council finished the year with a deficit Operating Result from continued operations before Capital Income of $10.956m compared to last year's surplus (restated) of $3m, an unfavourable difference of $13.978m compared to last year's result and $27.582m favourable to the 2024-25 Original Budget. The main reason for the decrease to the prior year surplus is the $22.39m profit on sale from Investment Property which settled on 28 June 2024. Depreciation continues to increase annually following the comprehensive revaluations and indexation of asset classes. In addition, Council received an additional $17.3m Capital and $7.2m Operating Grants and Contributions in 2024-25 than was originally budgeted for. Further details of actual variances to original budget can be found in Note B5-1 Material budget variations.

Council held $334.59m in Cash and Investments as at 30 June 2025, an additional $50.658m from 30 June 2024 and this is mainly due to additional grants and contributions received during the year which have not been spent as at 30 June 2025.

Detailed Key Indicators (calculations reported under Note H1-1 of the General Purpose Financial Statements unaudited):

- **Operating Performance** – measures Council's achievement of containing Operating Expenditure within Operating Revenue. Capital Grants and Contributions, Fair Value adjustments and profit or losses on sale are excluded, however depreciation is included. The benchmark is greater than 0%.
  In 2024-25, Council's indicator was a deficit of 7.61%. The main reason for the deficit ratio result is the increase in depreciation following comprehensive revaluations. As the replacement cost of Council's assets continue to increase and further assets are constructed, depreciation expenditure will continue to increase. Council continues to plan for the long term (including managing asset management costs), forecasting asset renewal and investment in capital assets and balancing operational revenue and expenditure, with a focus on delivering balanced and sustainable budgets.

- **Own Source Operating Revenue** – is the degree of reliance on external funding sources such as Operating Grants and Contributions which can be an unreliable form of income. The benchmark is greater than 60% and a higher percentage means Council receives more of its revenue from Rates, Fees and Charges, and is less reliant on Grants and Contributions. In 2024-25, Council's indicator was 76.61% (68.42% in 2023-24) which is an improvement on previous year.

- **Unrestricted Current Ratio -** Unrestricted Current Assets exceed Current Liabilities by a ratio of 5.15:1 (4.22:1 in 2023-24). This is better than the Office of Local Government's benchmark of 1.5:1 and ensures Council has sufficient working capital to satisfy short term obligations.

- **Debt Service Cover Ratio** – measures the availability of operating cash to service our debt including interest, principal and lease payments. The Benchmark for this indicator is greater than 2. For 2024-25, Council's indicator was 7.95:1 (1.29:1 in 2023-24 which was lower than Benchmark). During the 2023-24 financial year a $30m variable loan was repaid in full, following the sale of investment property for which the loan was originally used to purchase the site. This has had a significant and expected impact, the ratio has returned to above benchmark in the current financial year. Council continues to use borrowings to fund Infrastructure Programs and Projects, however Council's level of debt is continually monitored to ensure it is sustainable without compromising service levels.

- **Rates Outstanding** – The Rates Outstanding Ratio is an indicator that highlights the effectiveness of Council's credit management practices. The ratio is 4.53% for the year ended 2024-25 compared to 4.81% in 2023-24. Rates arrears have reduced from prior peaks during the pandemic with the result now being below the benchmark. Council has returned to business as usual debt recovery processes, and continues with a compassionate approach to debt recovery to assist ratepayers experiencing cost of living pressures.

- **Cash Expense Cover Ratio** – indicates the number of months a council can continue paying its immediate expenses without additional cash inflow. The Benchmark is greater than 3 months. Council's indicator for 2024-25 was 11.83 months compared to 9.76 months in 2023-24, which is better than Benchmark and ensures Council has sufficient liquidity to meet all cash expenses and exceeds benchmark.

**Assets & Revaluations**

Fair Value

Council moved to Fair Value reporting in the 2010-11 Financial Statements with the revaluation of Community Land. The OLG issued Circular (12-09) and confirmed the revaluation cycle of Infrastructure, Property, Plant and Equipment (IPPE) to a maximum 5-year cycle (unless Council assesses there has been material changes to the valuations beforehand). Summary of dates for valuations are listed in the table below:

| Asset Class | Due |
|---|---|
| Roads, Bridges, Footpaths, Drainage | 30 June 2025 |
| Investment Properties | 30 June 2027 |
| Buildings | 30 June 2027 |
| Operational Land | 30 June 2027 |
| Community and Crown Land; Land Under Roads | 30 June 2027 |
| Other Open Space/recreational assets; Land Improvements - depreciable | 30 June 2028 |

In addition to the comprehensive revaluations performed in 2024-25, a fair value assessment of Infrastructure Assets has been completed to determine if there have been any material changes, and balances have been adjusted.

An extract of the revaluation figures compared to the Opening Written Down Value and Closing Value have been summarised in the table below, which does not include addition, disposals or depreciation, which also make up the closing value. Full details of asset movements can be found within the Financial Statements in Note C1-8 Infrastructure, property, plant and equipment.

| Extract of Revaluation figures compared to Opening Gross Replacement Cost and Closing Gross Replacement Cost Balances (does not include additions or depreciation which also make up the closing value) | | | | |
|---|---|---|---|---|
| Type | Opening Value ($) | Revaluation ($) | Closing Value ($) | Change (%) |
| Operational Land | 309,161,000 | 22,683,000 | 334,696,000 | 7.3% |
| Community land | 706,766,000 | 60,006,000 | 773,333,000 | 8.5% |

| | | | | |
|---|---|---|---|---|
| Crown land | 66,996,000 | 5,874,000 | 72,870,000 | 8.8% |
| Land under roads | 309,173,000 | 33,731,000 | 344,633,000 | 10.9% |
| Buildings | 571,732,000 | 20,329,000 | 375,628,000 | 3.6% |
| Roads | 1,948,373,000 | 174,852,000 | 1,455,715,000 | 9.0% |
| Stormwater drainage | 1,066,929,000 | 294,127,000 | 1,016,845,000 | 27.6% |
| Open Space/Recreation | 183,300,000 | 13,982,000 | 166,899,000 | 7.6% |

Councils' stormwater drainage values increased significantly due to increasing construction costs applied to Councils infrastructure network, which has increased over the years as well as improvements to asset identification and condition classification.

Restatement of Prior Year Figures

As part of the comprehensive revaluation and audit process, assets which can be identified as having been included in the financial statements for the first time, that should have already been included, are required to be reported as a correction of error and requires restatement of prior year statement balances. A summary has been included in Note G4-1 Correction of errors where it was identified that additional bridge assets found in a survey conducted in 2021 were previously not recorded in the financial asset register. The discrepancy was identified as part of the revaluation process and were included in the current year for the first time. This error resulted in a net increase in bridge assets at 1 July 2023 of $103.1m and at 30 June 2024 of $121.2m. Depreciation expense for the year ended 30 June 2024 has increased by $1,469,000. In addition, road formation bulk earthworks were identified as missing from previous revaluations and were included in the current year figures for first time. This error resulted in a net increase in road formation bulk earthworks at 1 July 2023 of $50.0m and at 30 June 2024 of $54.2m.

Asset Systems

Council's Strategic Asset Management team has been actively enhancing our asset capture and data management processes. Further, Council has commenced an Enterprise Resource Planning (ERP) initiative, which includes a significant upgrade to the asset register. The objective is to consolidate and modernise asset data into a single, integrated asset register - within the ERP framework.

Over the past 18 months, Council has also invested in additional resources, effectively doubling the size of our Data and Systems team. This expanded team continues to drive improvements in asset data quality and capture processes. These resources are currently secured until 30 June 2026, with a view to extending their engagement beyond that date.

Our overarching vision is to modernise Council's strategic asset management approach across the LGA by continuously improving our systems, policies, and strategies.

Council's Special Schedule Report on Infrastructure Assets (unaudited)

There are several performance indicators that are shown in Special Schedules Report on Infrastructure Assets as at 30 June 2025 included within the Financial Statements:

**Buildings and Infrastructure Renewals Ratio** – used to assess the rate at which infrastructure assets are being renewed against the rate at which they are depreciating.

Council's indicator in 2024-25 is 37.68% (61.49% in 2023-24). Councils renewals ratio has decreased (unfavourably) significantly for two main reasons. Firstly, due to capture and reporting of assets which were identified during the revaluation process, and had not been previously valued, this includes the value of road formation which does not require renewal. Secondly, in 2023-24 Council received a one-off grant of $13m to be spent on repair of Council roads.

**Infrastructure Backlog Ratio** – shows what proportion the backlog is against the total value of Council's infrastructure. Council's indicator in 2024-25 is 2.32% (4.99% in 2023-24). The Benchmark is less than 2%. The infrastructure backlog ratio has decreased (favourably) following the change in condition of stormwater assets as part of the comprehensive revaluation. Significant amounts of capital expenditure works on major projects such as Gipps St Recreation Precinct, Regatta Park, and Andrews Road Roundabout have also improved the ratio.

**Asset Maintenance Ratio** – compares the actual versus required annual asset maintenance identified in Council's asset management plans. A ratio of greater than 100% indicates that the Council is investing enough funds within the year to stop the infrastructure backlog from growing. Council's indicator for 2024-25 is 62.81% which is below the Benchmark and has not significantly changed from 2024 ratio of 62.27%. Review of existing maintenance levels and requirements is an ongoing process.

**Costs to bring assets to agreed service level** – Council's estimated cost to bring to an agreed level of service as set by Council. This ratio has decreased from 3.59% to 1.71% due to the value of stormwater assets being deemed to be in higher conditions 1 and 2 increasing, and road formation assets being deemed to be in condition 1. This has reduced the proportion of assets in the lower conditions 4 and 5.

**Financial Implications**

Detailed financial implications resulting from the 2024-25 financial year income and expenditure is included within this report and within the Financial Statements (separately enclosed).

**Risk Implications**

The Financial Statements are prepared by Council staff, using the accrual method of accounting and comply with Australian Accounting Standards and the New South Wales Local Government Code of Accounting Practice and Financial Reporting. Internal controls are established and maintained to ensure that they are reliable, have recorded all material transactions, appropriate accounting policies have been applied, the risk of fraud and errors have been minimised.

**Conclusion**

The 2024-25 Draft Annual Financial Statements has been prepared and the external audit is nearing completion. The Financial Statements include the results of the fair value assessment by Council of the infrastructure asset classes. After allowing for $62m of Capital Grants and Contributions, Council finished the 2024-25 year with a surplus from Ordinary Activities of $51m and a deficit Net Operating Result of $10.9m excluding Capital Grants and Contributions. Most Financial Performance Measures are in line with expectations and Council's short-term Financial Position remains sound. The Operating Performance Ratio and Infrastructure Ratios are below benchmark and a focus for Council to guide a path to

improve financial sustainability and Council's Resourcing Strategy is being implemented to ensure we take appropriate actions to continue to be able to meet the service level needs of our community.

It is proposed that the Public Exhibition period will commence as soon as practicable following the finalisation of the audit and issue of the auditor reports, with written submissions to be received within 7 days in accordance with Section 420 of the Local Government Act 1993. A further report will be presented to Council following the public exhibition period.

**RECOMMENDATION**

That:

1. The information contained in the report on Draft Financial Statements 2024-25 be received.
2. Pursuant to s413(2)(c) it is the Council's opinion that:
    a. The Financial Statements and schedules have been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, the Local Government Australian Infrastructure Management Guidelines, and Australian Accounting Standards. The Statements comply with Australian Statements of Accounting Concepts.
    b. The Financial Statements present fairly the Council's financial position as at 30 June 2025 and the operating result for the year then ended.
    c. The statements are in accord with Council's accounting and other records.
3. Pursuant to the Local Government Code of Accounting Practice and Financial Reporting and Section 215 of the Local Government (General) Regulation 2005 it is the Council's opinion that:
    a. The accompanying Special Purpose Financial Report has been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting and the requirements of National Competition Policy. The Code requires the inclusion of various charges and subsidies which are not actually paid or payable.
    b. The Special Purpose Financial Report is a special purpose report and is not required to comply with Australian Accounting Standards. The above legislative requirements differ from Australian Accounting Standards and hence the report does not comply with Australian Accounting Standards.
    c. The Special Purpose Financial Statements present a modelled scenario for comparative purposes. They do not report an actual result.
4. The Statements be forwarded to Council's Auditors for completion of the audit.
5. The Financial Statements be placed on public exhibition following the completion of the audit.

6. A further report be presented to Council following the public exhibition period.

**ATTACHMENTS/APPENDICES**

There are no attachments for this report

## 13 Debt Write Off Report

**Compiled by:** **Dana Reid, Team Leader - Rates**
**Jade Bradbury, Head of Children's Services**

**Authorised by:** **Neil Farquharson, Chief Financial Officer**
**Matthew Bullivant, Director Corporate Services**
**Stephen Britten, Director Business Operations**

| | |
|---|---|
| **Outcome** | *We have open and collaborative leadership* |
| **Strategy** | *Deliver an efficient, transparent and accountable service to the community* |
| **Principal Activity** | *Support financial sustainability through financial planning and budget management and provide accurate reporting to the community* |

### Executive Summary

Council policy requires that any debts above $3,000 may only be written off under approval by the Council.

As part of Council's normal Financial Management Practices, outstanding debts are reviewed periodically by Council officers. The review process highlighted two accounts as "doubtful" with the debts totalling $13,596 excluding GST.

All reasonable steps have been taken to recover the debts, however the amounts are deemed irrecoverable for various reasons and as such are now being recommended to the Council for write off.

Writing off these outstanding monies does not necessarily prevent Council from pursuing debt collection in the future if circumstances change for the debtors. However, to accurately present Council's financial status, it is prudent to periodically identify certain debts for write off.

### Background

Regulations 131 and 213 of the Local Government (General) Regulation 2005 allow for the write off of Rates and Charges and other Council debts if the Council or the General Manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.

The fact that a debt is written off under clauses 131 or 213 does not prevent Council from taking legal proceedings to recover the debt if circumstances change in the future.

A resolution of the Council is required in respect of the writing off a rate, charge, or other Council debt if the amount is above $3,000.

A resolution or order writing off an amount of rates or charges must—

(a) specify the name of the person whose debt is being written off, and

(b) identify the account concerned, and

(c) specify the amount written off,

or must refer to a record kept by the council in which those particulars are recorded.

**Current Situation**

| Account Name | Account | Amount (excl. GST) |
|---|---|---|
| Nor'side Investments Pty Ltd | Sundry Debtor 58969 | $10,000 ($2,000 net write off amount after offset with debtor overpayment) |

Council has been seeking to recover a $10,000 overpayment made to Nor'side Investments Pty Ltd, resulting from a bond deposit being inadvertently refunded twice in September 2021. This followed an earlier $8,000 overpayment to Council by the Debtor in April 2021 relating to Section 7.11 Contributions. Although these are two separate matters, Council's net financial loss is $2,000 from this customer.

The $10,000 overpayment was identified via our reconciliation process that revealed a negative balance in the Refundable Deposits Ledger. Upon investigation, it became clear that the duplicate refund had occurred due to a manual processing error during the release of non-supplier payments.

To prevent future errors, several improvements have been introduced or are currently being developed within Accounts Payable:

- Balance checks prior to authorisation of a payment application - A new control has been implemented to ensure account balances are checked by Council officers before a payment application is authorised. This helps flag anomalies, such as duplicate or excessive payments, reducing the risk of overpayments.

- Real-time validation - Manual transaction data entry screens have been upgraded to include real-time visibility of the remaining balance in a refundable deposit account. This allows Accounts Payable officers to verify that sufficient funds are available and that the correct amount is being refunded whilst processing the payment.

- To streamline and safeguard the release of non-supplier payments, new technology is being introduced. A digital system is under development that will allow payees to submit refund requests online. Once approved, funds will be returned directly to the payee's credit card. This will replace the current manual application and data entry process and significantly reduce the chance of error.

These measures aim to strengthen internal controls and reduce the risk of duplicate payments or other manual processing errors.

After the overpayment was discovered, Council officers contacted Nor'side Investments Pty Ltd to request repayment, and a Debtor Account was raised for $10,000. The recipient responded stating that they had overpaid an amount of $8,000 to Council in April 2021 relating to Section 7.11 Contributions. The customer would only repay the $10,000 if Council refunded the $8,000.

Council is under no obligation, and at law it isn't empowered, to refund the $8,000, due to the passage of more than 12 months since the payment was made as prescribed by section 7.11 Developer Contribution Plan conditions, and because the funds are not able to be isolated in the pool of contributions where they were deposited.

Furthermore, there is no guarantee that the full amount of $10,000 will be recovered even if the repayment of the $8,000 could be made. Given the possibility of not receiving the $10,000 and the practical limitations of enforcement, it is recommended that Council writes off the $10,000 debtor.

As indicated earlier in the report, writing off the debt does not mean that it cannot be recovered into the future. The purpose of writing off the debt is so that Council's financial statements are more accurately reflected.

| **Account Name** | **Account** | **Amount (excl. GST)** |
|---|---|---|
| Ms Shania Wiggett | Childcare – 277058176 | $3,596 |

Children's Services has been pursuing the recovery of a childcare debt totalling $3,596 from Ms Shania Wiggett. The debt resulted from the government's withdrawal of her Child Care Subsidy (CCS), which led to full fees of $464 per week being charged over six weeks. Additionally, Ms Wiggett accrued an overdue balance while receiving CCS by making only partial weekly payments.

Ms. Wiggett was unable to pay the outstanding amount. Efforts were made by Ms Wiggett to secure financial assistance through various government support agencies; however, no support was provided.

To prevent similar occurrences in the future, Children's Services has implemented the following improvements:

- Ongoing checks are now conducted to promptly identify any changes or cancellations in CCS entitlements, enabling timely intervention and communication with affected families
- Families are contacted as soon as subsidy issues are detected to discuss potential impacts and explore available support options
- Staff have received updated training on CCS processes, early risk identification, and compassionate communication with vulnerable families
- Stronger relationships have been established with local and government support agencies to improve access to emergency financial assistance for families in need.

These measures aim to reduce the likelihood of similar issues arising in the future.

Given the low probability of recovering the outstanding amount, it is recommended that Council writes off the debt of $3,596.

**Financial Implications**

The 2025-26 Annual Budget includes Provisions for Bad Debts, Abandoned Rates and Extra Charges. The current available balances are sufficient to allow for the write offs outlined in this report and will not impact on Council's forecasted financial position.

**Risk Implications**

To avoid the risk of carrying an extremely high accounts receivable balance and overstating the amount of income, standard accounting procedures dictate that it is necessary to write off those debts that are deemed irrecoverable

**Conclusion**

Council Officers have reviewed outstanding debts as of 23 September 2025 and are satisfied that two debts totalling $13,596 require write off as prescribed in clauses 131 & 213 of the Local Government (General) Regulation 2005.

The recommendation to write off these debts is based on the conclusion that there are no reasonable prospects of recovery or that further recovery action would not be cost effective. Therefore, these debts are being recommended to the Council for write off.

**RECOMMENDATION**

That:

1. The information contained in the report on Debt Write Off Report be received.
2. The two accounts totalling $13,596 (excluding GST) as outlined in the Debt Write Off report be written off as irrecoverable.

**ATTACHMENTS/APPENDICES**

There are no attachments for this report.

## 14 Disaster Recovery Grant Funding Acceptance - Drainage asset restoration works at River Road, Leonay and Riverside Road, Emu Heights

**Compiled by:** **Michelle Sando, Disaster Recovery Grants Funding Specialist**
**Michael Alderton, Head of Strategic Asset Management**

**Authorised by:** **Adam Wilkinson, Director Asset Services**

| | |
|---|---|
| **Outcome** | *Work together* |
| **Strategy** | *Manage resources sustainably for current and future generations* |
| **Principal Activity** | *Strategically manage Council's assets, fleet and plant to minimise risk, reflect lifecycle costs and meet community needs* |

### Executive Summary

This report recommends that Council accepts the NSW Public Works grant funding offer of up to $2,772,873 (ex GST) for flood recovery works at 197A River Road, Leonay and 2C Riverside Road, Emu Heights.

### Background

Following a 48 hour heavy rainfall event in NSW on 5 and 6 April 2024, the Australian Federal Government declared a Natural Disaster Event for affected Local Government areas. This Declaration enacted the joint Australian Government and State cost sharing arrangement to facilitate the provision of assistance to disaster affected communities. Through the Disaster Recovery Funding Arrangements 2018 (DRFA), the Australian Government provides financial assistance directly to the States to assist them with costs associated with certain disaster relief and recovery assistance measures. In NSW, the state bodies responsible for assessing and approving financial assistance applications under the DRFA are Transport for NSW and NSW Public Works Authority.

Under the DRFA, the Australian Government provides financial assistance of up to 75% of eligible expenditure on relief and recovery assistance. Subject to grants being offered impacted Councils are required to co-contribute 25% of the total grant amount or a cap of $1,000,000, whichever is the lesser, for the April 2024 declared disaster event.

In May 2024, Council applied for grant funding to NSW Public Works under the Disaster Relief Assistance Program for 2 projects in the Penrith LGA.

The projects submitted were:

1. 2C Riverside Road, Emu Heights. Drainage channel and sinkhole repair works. Trunk drainage channel has scoured out, with the formation of an adjacent sinkhole. (Estimated $689,629)
2. 197A River Road, Leonay. Repair a major slip around a stormwater discharge point at 197A River Road, Leonay. (Estimated $3,007,535)

Council staff have met with representatives from Public Works on several occasions post grant submission to assist in finalising Council's request for funding.

**Current Situation**

Flooding of the Nepean River and local water courses since 2022 has caused significant structural damage and movement to Councils infrastructure including the Nepean Riverbank and drainage infrastructure in Emu Heights.

At its Ordinary Meeting on Monday 28 April 2025 Council considered a report on River Road, Emu Plains Low Level Footpath Grant Funding - Great River Walk. The report addressed Nepean River flooding during the March and June 2022 flood events These flood events caused five riverbank slips near the water's edge, parallel to River Road which impacted the lower walking path between No 17 and No 80 River Road which in turn impacted the lower footpath and associated infrastructure.

At that meeting, Council resolved to accept the funding offer of $4,806,456.37 from NSW Public Works noting the full project cost of $5,049,148.76.

The report also noted two other projects that Council applied for, being the repair of a major slip around a stormwater discharge point at 197A River Road, Leonay and the repair of a trunk drainage channel at Riverside Road, Emu Heights, being the subject of this report.

In response to Councils grant submission for these two projects, NSW Public Works has approved Council's grant application of $3,697,164 for repair of these two sites in July 2025. The terms of the funding arrangement are that the works are completed by 30 May 2028.

**Financial Implications**

The estimated cost of the combined projects is $3,697,164. Public Works has offered to pay Council up to 75% of the cost of the works, with a maximum payment of $2,772,873.

Under the terms of the offer, Council is required to contribute 25% of the actual costs of completing the works. Based on the current project estimate, Council's contribution is $924,291. The co-contribution will be sourced from the Stormwater Management Service Charge (SMSC) Reserve as follows:

2025/26 FY - $300,000

2026/27 FY - $400,000

2027/28 FY - $224,291

Should the project be completed under budget, Public Works will only pay 75% of the actual cost of works.

**Risk Implications**

Any cost overruns during construction will not be eligible for increased funding unless they are caused by unforeseeable circumstances which Council could not reasonably have predicted. If any cost overruns occur, Council will need to negotiate with NSW Public Works for additional funding or source the funds from Council's budgets.

**Conclusion**

Acceptance of the funding and the ultimate completion of this project will re-stabilise and repair Council's stormwater infrastructure and reduce the likelihood of further damage in future flood and storm events.

It is recommended that Council accept the NSW Public Works grant offer of up to $2,772,873 and Council co-fund the project in the amount of $924,291 as required under the DRFA Guidelines. The total project funding being $3,697,164.

**RECOMMENDATION**

That:

1. The information contained in the report on Disaster Recovery Grant Funding Acceptance - Drainage asset restoration works at River Road, Leonay and Riverside Road, Emu Heights be received.
2. Council accepts the funding offer of up to $2,772,873 from NSW Public Works.
3. Council funds the co-contribution cost of up to $924,291 to complete the repairs from the Stormwater management Service Charge.

**ATTACHMENTS/APPENDICES**

There are no attachments for this report.

## 15 Exhibition and Public Hearing of Plans of Management

**Compiled by:** **Caroline Orde, Strategic Asset Management Coordinator - Buildings and Open Space**
**Michael Alderton, Head of Strategic Asset Management**
**Andrew Robinson, Head of Community Facilities and Recreation**

**Authorised by:** **Adam Wilkinson, Director Asset Services**

| | |
|---|---|
| **Outcome** | *Work together* |
| **Strategy** | *Manage resources sustainably for current and future generations* |
| **Principal Activity** | *Strategically manage Council's assets, fleet and plant to minimise risk, reflect lifecycle costs and meet community needs* |

### Executive Summary

The purpose of this report is to consider four (4) new generic Plans of Management that relate to Council's Community Land, together with a site-specific Plan of Management for Gipps Street Recreation Precinct. In particular, we seek Council's endorsement of the Plans for exhibition, together with the delivery of a 'Public Hearing' as required under the terms of the Local Government Act.

Penrith City Council has over 2,000 reserves; approximately 300 of these reserves are classified as Operational Land. The majority of Council land is classified as Community Land, which includes Crown Land reserves for which Council is Crown Land Manager (CLM). Community Land that is owned by Council or Crown Land managed by Council must have a Plan of Management (PoM) in place under the Crown Land Management Act 2016 (CLM Act) and the Local Government Act 1993 (LG Act).

In accordance with the requirements of these Acts, five draft PoM's, have been prepared to cover Council's Community Land, being:

1. General Community Use,
2. Sportsgrounds,
3. Parks (separately enclosed),
4. Natural Areas and
5. Gipps Street Recreation Precinct

As part of the PoM adoption process, the Department of Planning, Housing and Infrastructure (DPHI) on behalf of the Minister have reviewed the General Community Use, Sportsgrounds, Parks and Natural Areas PoM's and provided approval to progress Public Exhibition and Public Hearing subject to Council endorsement.

The Gipps Street Recreation Precinct Plan of Management does not require DPHI or Ministerial approval and as such a public exhibition period occurred between 25 June 2024 and 22 July 2024. Two written submissions from the NSW State Emergency Service (SES) were received and issues raised were addressed in the design of the Gipps Street facility and accommodated in the PoM documentation. Following the conclusion of the public exhibition there was a further update and corrections required to the PoM, which necessitates a re-exhibition of the Plan. In addition, as part of the PoM process a Public Hearing is also required regarding the land classification.

**Background**

Penrith City Council has over 2,000 reserves. Approximately 300 of these reserves are classified as Operational Land and the remainder are classified as Community Land; including Crown Land reserves for which it is Crown Land Manager (CLM). Community Land must be categorised as either Park, Sportsground, Natural Area, General Community Use or a combination of these.

Importantly, Plans of Management are required not only to meet legislative requirements, they provide documented classification of public land and indicate how the land may be used or developed. All Community Land owned by Council, or where Council is designated as a CLM, must have a PoM in place.

Following a four-year review, the CLM Act was amended and adopted in 2016 and became 'active' from 1 July 2018. The CLM Act requires Councils to undertake some functions that were previously managed by Crown Lands. These functions include Native Title compliance for dedicated or reserved Crown land managed by a Council CLM and land vested in a Local Council under Division 4.2 of the CLM Act. Due to the provisions under the CLM Act, all Councils were required to update their current PoM's to be in line with the new legislation.

At its Council's Ordinary Meeting on 28 March 2022 Council considered a report on Plans of Management. This report identified that Council's existing PoM's were under review to comply with new legislation under the CLM Act and the LG Act.

In addition to the review of existing PoM's, Council considered a report at its Ordinary Meeting on 24 June 2024 on Gipps Street Recreation Precinct – Draft Plan of Management. The report recommended that a draft PoM be placed on Public Exhibition for Gipps Street Recreation Precinct. The public exhibition period occurred between the 25 June and 22 July 2024. After an extensive notification period, including letter box drops to 1,331 residents, two written submissions were received from the NSW State Emergency Services. Subsequently the PoM was updated to address those submissions.

**Current Situation**

To adopt a Plan of Management (POM) for Community Land in NSW, you must first classify the land as "Community" under the Local Government Act 1993, then prepare a draft POM by engaging the community, get Ministerial consent for the classification and management approach, and finally, follow the public exhibition and consultation requirements of the Local Government Act before formally adopting the plan.

In point form the steps to adopt a new PoM are:

1. Draft the PoM's and obtain written advice from a qualified Native Title Manager
2. Secure endorsement from Council to notify DPHI and obtain their written consent to adopt the draft PoM's
3. Notify the landowner (DPHI) of the draft PoM and seek the DPHI's written consent to adopt the draft PoM's
4. Once this is received, Council publicly notifies and exhibits the PoM's under section 38 of the LG Act
5. If there are changes to the PoM following public exhibition, Council must seek DPHI's consent to adopt the PoM
6. Seek Council approval to adopt the PoM's.

Council Officers have been through an extensive internal stakeholder engagement process to update the existing PoM's to meet the requirements of the CLM Act and the LG Act and to bring the format and quality of information to a contemporary standard. Native Title Manager Advice has also been secured to ensure that the draft PoM's comply with the CLM Act and the LG Act. Council has notified the DPHI of the draft PoM's and secured DPHI's written consent to adopt the draft PoM's.

This has proven to be an essential and exhaustive process; the next step is to place the PoM's on public exhibition and to conduct a Public Hearing.

**Financial Implications**

Council has budgeted for and engaged an external consultant to run the public hearing and finalise a report. As such there are no financial implications for the exhibition and nor the public hearing process.

**Risk Implications**

Council is required to adopt their draft PoM's to comply with the CLM Act and the LG Act**.**

**Conclusion**

In line with the required legislation and process, and internal engagement, Council has updated their PoM's for - General Community Use, Sportsgrounds, Parks, Natural Areas and Gipps Street Recreation Precinct to meet the requirements of the CLM Act and LG Act. They are ready to be placed on public exhibition and the associated Public Hearing, in accordance with the legislation.

**RECOMMENDATION**

That:

1. The information contained in the report on Exhibition and Public Hearing of Plans of Management be received.
2. Council endorses the Four (4) Draft Generic Plans of Management, and the Draft Gipps Street Plan of Management, for the purpose of Exhibition and to conduct a Public Hearing.

**ATTACHMENTS/APPENDICES**

| | | | |
|---|---|---|---|
| **1.** | Plan of Management - General Community Use | 53 Pages | Attachments Included |
| **2.** | Plan of Management - Sportsgrounds | 64 Pages | Attachments Included |
| **3.** | Plan of Management - Natural Areas | 73 Pages | Attachments Included |
| **4.** | Plan of Management - Gipps Street | 75 Pages | Attachments Included |

## 16 Audit Risk & Improvement Committee and 2025 - 2028 Strategic Internal Audit Program

**Compiled by:** **Vinay Apte, Risk and Audit Officer**
**Anthony Robinson, Corporate Assurance Lead**

**Authorised by:** **Andrew Avery, Head of Legal Services**
**Matthew Bullivant, Director Corporate Services**

| | |
|---|---|
| **Outcome** | *Work together* |
| **Strategy** | *Act with integrity, transparency and accountability* |
| **Principal Activity** | *Lead the organisation's excellence efforts to ensure it is operating effectively, efficiently, transparently and compliant to manage risks and continuously improve* |

### Executive Summary

The report provides information on the meeting of Council's Audit, Risk and Improvement Committee (ARIC) meeting held on 3 September 2025. The minutes of the ARIC meeting held on 3 September 2025 are shown in Appendix 1, and the key take-outs of the meetings are outlined in the body of this report. The report also seeks the adoption of the Strategic Internal Audit Program for a three-year period.

### Background

Council has established an Audit, Risk and Improvement Committee (ARIC) in accordance with the *Local Government Act 1993* and the Office of Local Government's Guidelines. The ARIC reviews key aspects of Council's operations, including compliance, risk, fraud control, financial management, governance, strategic planning, service reviews, and performance measurement. It also advises Council to support continuous improvement.

The Committee meets at least four times per year and operates under a Charter adopted by Council on 10 February 2025. Minutes are reported to Council quarterly.

A new Strategic Internal Audit Program (SIAP) for 2025/26 to 2027/28 has been developed and was endorsed by ARIC in June 2025. The SIAP aligns with the Global Internal Audit Standards and outlines the audit planning process for the three-year period. The term has been reduced from four years to three to align with the ARIC Strategic Workplan and the Council term. The ARIC reviews the SIAP on an annual basis and Council will be informed of any updates or changes to the SIAP through regular reporting.

Under current legislation, the SIAP must be adopted by resolution of the governing body. This report recommends that Council resolve to adopt the SIAP.

### Current Situation

<u>3 September 2025 ARIC Meeting</u>

A copy of the Minutes from the ARIC meeting held on 3 September 2025 is attached to this report. The primary focus of the meeting was the draft financial statements for the year ended 30 June 2025. The following key matters were noted during the meeting:

1) *Asset valuation and asset management maturity*

The committee reviewed a $800 million increase in asset value, confirming it reflects genuine growth and improved valuation processes. Roads and drainage assets rose by approximately 30%, supported by the construction of 80 km of roads and 130 km of drainage infrastructure. Road valuations now incorporate pavement and sub-layer depth for greater accuracy. Drainage assets are identified via CCTV inspections, with ongoing improvements. Council is transitioning from spreadsheets to a centralised asset register integrated with the new Enterprise Resource Planning (ERP) system. This system will support more detailed asset tracking and enable more accurate setting of useful lives.

*2) Financial statements and developer contributions*

The ARIC reviewed the draft financial statements, noting that budget variances were largely driven by a dynamic operating environment, including changes to the capital works program and delays in recruitment.

A $7,000,000 negative balance in developer contributions was discussed and attributed to timing differences, with future receipts expected to offset the current deficit which was expended on drainage works. While the draft financial statements complied with the prescribed accounting standards, the ARIC recommended the inclusion of explanatory notes to improve clarity and transparency for readers. Subsequent to the ARIC, this matter was raised with the Audit Office of NSW and they advised Council to not make any changes and that they will consider it next year.

*3) Audit Office, ERP and Children's Services*

The NSW Audit Office's Interim Management Letter identified issues with IT access management. These are expected to be addressed through the design of user roles and access reviews as part of the ERP system implementation. ARIC noted that the ERP transition should resolve many of the findings and requested that this be reflected in Council's formal response. Comments relating to asset revaluation will be included in the final management letter once the process is complete.

The Auditor-General's 2025–26 program will focus on resource use, grants administration, major projects, climate risk, and First Nations outcomes. ARIC also received verbal confirmation from senior management that Children's Services safeguards, including staff ratios, the four-eyes policy, and Working with Children Check compliance, are in place and meet regulatory requirements.

*4) Long-term financial sustainability, WHS, and strategic risks*

Council is working to improve asset renewal ratios, which are currently below benchmark, through enhanced systems, exploration of alternative revenue sources, and service reviews. ARIC encouraged broader community engagement on the trade-offs between service levels and cost increases and recommended that sustainability considerations be embedded in the Long-Term Financial Plan.

The General Manager provided updates on the adoption of city performance metrics and progress on strategic initiatives including the Community Strategic Plan, the St Marys Masterplan, and Council's work in artificial intelligence. In relation to Work Health and Safety, Council has implemented controls to manage crystalline silica exposure. Workers compensation premiums have increased by 150 percent, and ARIC requested a detailed report on this matter for its December 2025 meeting.

*5) Major projects, business improvement, internal audit*

The ARIC noted that the current process of determining project costs, budgeting, and tendering may result in escalated costs due to the passage of time between each phase. Council is mitigating these risks by progressing design work earlier to ensure the projects are ready for tender and construction as soon as funding becomes available through grants, budget allocations, or other sources.

The Business Improvement team has adopted a Strategic Review Framework, and ARIC encouraged closer integration with Internal Audit and a focus on measurable outcomes. Internal Audit achieved 90 percent completion of its annual program for the second consecutive year, which was acknowledged by the committee. ARIC also requested that timelines for implementing Community Facilities audit recommendations be aligned with assessed risk levels.

**Strategic Internal Audit Program 2025/26 – 2027/28**

Summary of process:

The Internal Audit Team applies a risk-based approach to prioritise audit activity over the next three-year period. Auditable areas, including departments, locations, processes, projects and functions, are assessed using factors such as complexity, financial materiality, political sensitivity, extent of change, and existing risk ratings. The auditable areas are categorised as departments, locations, processes, projects and functions to provide a comprehensive cross-section of Council's operations, known as the "Audit Universe".

To finalise the Strategic Internal Audit Program, the following consultation was undertaken:

1. Managers provided input on risk and control ratings through risks review meetings; conducted in March 2025
2. Managers reviewed the Audit Universe and assessed the extent of change;
3. Directors were interviewed regarding senior management concerns;
4. A strategic risk workshop was held with the Executive Leadership Team on 30 April 2025;
5. The ARIC Chairperson was consulted on audit priorities;
6. A draft program was reviewed by the ARIC Chair and General Manager; and
7. Final endorsement of the program was provided by the ARIC.

Internal Audit Program 2025/26 – 2027/28 (IAP 25-28)

Following the process outlined above, the below tables capture the internal audits selected over the three-year period, endorsed by the ARIC in June 2025, and recommended to the Council for adoption:

*2025 / 2026 Financial Year*

| # | Audit Title | Short Description |
|---|---|---|
| **1** | DRIVES24 | Required to allow Council to use the Driver Vehicle System (DRIVES). It is a central database that supports regulatory functions related to driver licensing and vehicle registration across New South Wales. |
| **2** | Chain of Responsibility Obligations | To verify parties meet their obligations under Heavy Vehicle National Law, reducing the risk of non-compliance, penalties, and safety incidents. |
| **3** | Location Visits | Part of a rolling program of compliance audits at satellite locations of Council enabling broad coverage of processes and risks including fraud & corruption. |

| # | Audit Title | Short Description |
|---|---|---|
| **4** | Continuous Risk Improvement Program (CRIP) | This Audit is commissioned and funded by CivicRisk Mutual to identify frameworks and procedures in place to manage risks. This audit is brought forward from the 2024-25 plan. |
| **5** | Procurement | High priority audit brought forward from 2024-25; last audited in 2018. Risk of fraud/corruption, legislative/regulatory non-compliance and poor value for money received from suppliers. Review design of procurement controls, such as purchase orders, approvals and tenders, and perform sample tests of detail to establish control effectiveness. |
| **6** | Development Compliance | Risk of regulatory breaches and reputational damage from unauthorised or non-compliant developments. Verify planning conditions, approvals, and statutory requirements are investigated and enforced; never audited |
| **7** | Work Health & Safety Management System | Risk of injury, legal liability, WC claims, and non-compliance with WHS legislation. Verify systems are in place to manage hazards, protect workers, and meet regulatory obligations; last audit 2018 |
| **8** | Voluntary Planning Agreement | High financial, legal, and reputational risks associated with negotiated developer contributions. Verify transparency, accountability, and compliance with planning legislation, while confirming that agreed outcomes are delivered and properly managed; last audit 2019 |
| **9** | Aquatic & Leisure Services | High-risk nature of these facilities, where public safety, especially for children, is critical. Focus on risk management practices, financial management, benchmarking and plant maintenance; last audit Location Visit 2023 |
| **10** | Cyber Security | Risk of data breaches, service disruption, and regulatory non-compliance. Verify controls are in place to protect sensitive information, maintain system integrity, and safeguard against evolving cyber threats. Last audit 2023 |

*2026 / 2027 Financial Year*

| # | Audit Title | Short description |
|---|---|---|
| **1** | DRIVES24 | As above |
| **2** | Regional Illegal Dumping (RID) Squad Governance | To meet the obligation in the EPA agreement for biennial audits of governance and fraud & corruption risk management (PCC is the host Council for the RID Squad) |
| **3** | National Heavy Vehicle | As above |

| # | Audit Title | Short description |
|---|---|---|
| | Compliance | |
| **4** | Location Visits | As above |
| **5** | Testing of Key Risk Controls | Rolling program of audits focusing on Councils most critical controls per operational risk registers; as identified in IAS, aligns with risk management improvement project (controls library + controls self-assessment) and AGILE auditing pilots targeting project Optimus and Delivering for Penrith project |
| **6** | Contract Management | Risk of financial loss, non-performance, and non-compliance with contract and other legal requirements (e.g. WHS). Verify contracts are effectively managed, monitored, and aligned with organisational objectives and legal obligations; last audit 2023 |
| **7** | Project Management | High risk area due to volume of current/incoming multimillion dollar projects, expected future pipeline, and complexities involved; PMO + framework has been in place since 2023; last audit 2023 |
| **8** | City Presentation (Public Space Maintenance) | High visibility and community impact. Verify assets are maintained to required standards, safety risks are managed, and service levels meet community expectations and regulatory obligations; including contract management and WHS compliance; never audited |
| **9** | Follow-up Audit | Periodic check of completed recommendations; last audit 2025 |
| **10** | Environmental Health (Biodiversity) | Risk of regulatory breaches and reputational damage. Audit to focus on related policies and procedures, implementation, and monitoring systems. Ensuring compliance with internal standards and relevant legal/regulatory frameworks |

*2027 / 2028 Financial Year*

| # | Audit Title | Short description |
|---|---|---|
| **1** | DRIVES24 | As above |
| **2** | National Heavy Vehicle Compliance | As above |
| **3** | Location Visits | As above |
| **4** | Development Applications | Risk of non-compliance with planning legislation, delays, and inconsistent decision-making. Verify assessment processes are transparent, timely, and aligned with |

| # | Audit Title | Short description |
|---|---|---|
| | | statutory requirements and council policies; last audit 2020 |
| **5** | Testing of Key Risk Controls | As above |
| **6** | External Assessment of Internal Audit | Required every 5 years to maintain conformance with Global Internal Audit Standards; last audit 2024 |
| **7** | Traffic Management, Parking and Road Safety | Risk of accidents, congestion, and community dissatisfaction. Verify policies, controls, and infrastructure are effectively managing safety, compliance, and accessibility in line with legislative and strategic requirements; review operations of Traffic Committee; never audited |
| **8** | Events Management | Risk of safety incidents, regulatory non-compliance, and reputational damage. Verify events are planned and delivered in line with legal requirements, risk management practices, and community expectations; never audited |
| **9** | Financial processing functions | Risk of errors, fraud, and non-compliance with financial regulations. Verify transactions are accurate, properly authorised, and aligned with internal controls and accounting standards; plan to initiate after ERP implementation; last audit 2021 |
| **10** | City Presentation (Roads & Footpaths Renewal & Maintenance) | Risk of asset deterioration, safety hazards, and liability claims. Verify maintenance activities are prioritised, delivered efficiently, economically, and aligned with service standards and community needs; include WHS compliance; last audit 2021 |

The recommended list of reserve audits for the Strategic Audit Plan (2025-2028) is as follows (in order of priority):

1. Children Services Temporary Staff (Risk priority: High)
   *Audit of processes and controls for sourcing temporary carers/educators from staff hire companies and casual staffing pools (financial and legal/compliance impacts)*

2. Property Management (Risk priority: High / last audit 2020)
   *Audit to assess the robustness of the governance and internal control frameworks for the disposal, acquisition, leasing, licensing and management of Council property and the extent to which these frameworks support the achievement of Council's objectives (financial and legal/compliance risks)*

3. Section 10.7 Certificates (Risk priority: High / last audit 2021)
   *Audit of processes and controls for issuing Section 10.7 certificates to property owners, ensuring accuracy and completeness (legal/compliance impacts)*

4. Rates (Risk priority: High / last audit 2018)

*Audit of Council's rating function, aiming to provide assurance that rates are levied and collected efficiently and in compliance with legislation and internal policies (financial impacts)*

5. Recruitment and Personnel (Risk priority: Medium / last audit 2020)
   *Audit of Council's recruitment function, aiming to provide assurance that recruitment is fair and equitable, conforms to legal requirements and is supported by a defensible process (operational/ service delivery and legal/compliance impacts)*

6. Customer Experience (Risk priority: Medium / last audit 2021)
   *Audit of processes and controls in place to ensure customers are consistently satisfied following their interactions with Council's customer experience pathways and that the Customer Promise is delivered (operational/service delivery and reputational impacts)*

Strategic Risks

The below strategic risks have been identified by the Executive Leadership Team as part of an ongoing series of risk review workshops facilitated by the Risk Team. To date, detailed assessments have been completed on the top 6 strategic risks. Priority improvement areas are agreed, which include specific risk mitigation actions to be progressed by Department Heads. The actions are added to a tracker that has been set up for monitoring all strategic risk actions, and status updates are made by Department Heads prior to each ELT strategic risk session. A strategic risk update is provided to the ARIC on a six-monthly basis.

| # | Strategic Risk | Status | Audits that will cover the Strategic Risk (and relevant year of the SIAP) |
|---|---|---|---|
| **1** | Financial sustainability | Assessed and tracked | Testing of Key Risk Controls (years 2 and 3) |
| **2** | Major projects | Assessed and tracked | Testing of Key Risk Controls (years 2 and 3)<br>Project Management (year 2)<br>Contract Management (year 2) |
| **3** | Disasters and catastrophic events | Assessed and tracked | Location Visits (years 1 – 3) |
| **4** | Cyber security | Assessed and tracked | Cyber Security (year 1) |
| **5** | Population growth and urbanisation impacting on planning and infrastructure delivery | Assessed and tracked | Voluntary Planning Agreements (year 2)<br>Testing of Key Risk Controls (year 2 – 3)<br>Development Applications (year 3) |
| **6** | Infrastructure resilience and maintenance | Assessed and tracked | City Presentation (Public Space Maintenance) (year 2)<br>City Presentation (Roads & Footpaths Renewal & |

| | | | |
|---|---|---|---|
| | | | Maintenance) (year 3) |
| **7** | Fraud and corruption | Assessment due 25-26 | Location Visits (year 1 – 3)<br>Financial Processing Functions (year 3)<br>Procurement (year 1) |
| **8** | Workforce planning and development | Assessment due 25-26 | Testing of Key Risk Controls (year 2 – 3) |
| **9** | Climate change and environmental sustainability | Assessment due 25-26 | |
| **10** | Lack of alignment / acceptance of priorities across departments | Assessment due 26-27 | |
| **11** | Flood planning / mitigation | Assessment due 26-27 | |

**Financial Implications**

The program of work outlined above is resourced and budget allocated.

**Risk Implications**

The Audit, Risk, and Improvement Committee (ARIC) plays a pivotal role in ensuring the effective governance and management of risk within Council. The ARIC delves into critical risk implications identified through comprehensive assessments and evaluations conducted by Council officers. These implications encompass a wide spectrum of potential risks, ranging from financial and operational to reputational and regulatory, all of which pose significant challenges to the council's objectives and obligations.

Addressing the identified risk implications demands a concerted effort from management, ARIC, and relevant stakeholders. By proactively identifying, assessing, and mitigating risks, Council enhances its resilience, fosters sustainable growth, and fulfills its mandate of serving the community effectively and responsibly. The ARIC remains committed to providing oversight, guidance, and recommendations to navigate the complex risk landscape and safeguard Council's interests and objectives.

**Conclusion**

The draft Minutes of the Audit, Risk and Improvement Committee meetings held on 3 September 2025 are provided in Appendix 1.

A new Strategic Internal Audit Program has been developed and spans three years from 2025/26 – 2027/28. This brings it into alignment with the ARIC Strategic Work Plan and the Council term. The Internal Audit Program 2025/26 – 2027/28 was endorsed by the ARIC in June 2025 and is presented for the Council’s consideration and adoption, in alignment with the Guidelines for Risk Management and Internal Audit for Local Government in NSW.

**RECOMMENDATION**

That:

1. The information contained in the report on Audit Risk & Improvement Committee and 2025 - 2028 Strategic Internal Audit Program be received.

2. The Council adopts the Strategic Internal Audit Program 2025/26 – 2027/28.

**ATTACHMENTS/APPENDICES**

| | | | |
|---|---|---|---|
| **1.** | Minutes - Audit Risk and Improvement Committee Meeting - 3 September 2025 | 10 Pages | Appendix |

**UNCONFIRMED MINUTES**
**OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF PENRITH CITY COUNCIL HELD REMOTELY USING AUDIO VISUAL LINKS AND IN THE PASSADENA ROOM, PENRITH**
**ON WEDNESDAY 3 SEPTEMBER 2025 AT 8:30 AM**

**PRESENT**

**Independent Members**
Elizabeth Gavey (Chair), Sheridan Dudley and Carl Millington.

**Councillor Member**
Deputy Mayor Councillor Ross Fowler OAM

**Council Officers**
Andrew Moore (General Manager), Adam Wilkinson (Director - Asset Services), Stephen Britten (Director - Business Operations) and Jade Bradbury (Head of Children's Services), Neil Farquharson (Acting Director Corporate Services), Ben Collins (Acting Chief Finance Officer), Cheryl Freeburn (Operational Finance Manager), Michael Alderton (Head of Strategic Asset Management), Michael Hughes (Head of Business Excellence), Brooke Conroy (Business Improvement Manager), Andrew Avery (Head of Legal Services), Anthony Robinson (Corporate Assurance Lead), Anubhav Raizada (Senior Internal Auditor) and Vinay Apte (Risk and Audit Officer).

**External Service Provider Representatives**
Reiky Jiang (Director Financial Audit, Audit Office of NSW) and Robert Hayek (Audit Leader - Financial Audit, Audit Office of NSW - Teams).

**INTRODUCTION**
The Chair acknowledged the Indigenous land that Council stands upon, that others online were standing upon, and paid respect to all elders, past present and emerging.

The Chair welcomed Committee members and attendees to the meeting.

**APOLOGIES**

Matthew Bullivant (Director – Corporate Services).

**CONFIRMATION OF MINUTES - Audit, Risk and Improvement Committee Meeting - 11 June 2025**

ARIC 23 resolved that the minutes of the Audit, Risk and Improvement Committee Meeting of 11 June 2025 be confirmed.

**DECLARATIONS OF INTEREST**
There were no updates to standing declarations of interest.

**DELIVERY PROGRAM REPORTS**

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

**2024-25 Draft Financial Statements**

The Operational Finance Manager introduced the report.

Asset Management

The ARIC sought clarification from management regarding the $800 million increase in asset value, specifically whether it was due to new acquisitions, revaluation of existing assets, discovery of unrecorded assets, or other factors. The Director – Asset Services provided the following information:

- There has been significant asset growth and Council has strengthened its valuation process through comprehensive analysis and the application of AI
- The value of roads and drainage systems increased by approximately 30%.
- An additional 80 km of roads (valued at around $300 million) and 130 km of drainage systems (valued at approximately $350 million) were constructed during the year.
- Road pavement and the depth of the layers beneath the road also being considered for road asset valuation purpose.

The ARIC further enquired how the different types of pipes are valued for financial assessment. The Director – Asset Services stated that drainage assets were identified through CCTV inspections and Council is progressively enhancing its valuation process through continuous improvement initiatives with AI.

The Director – Asset Services advised that, as part of process maturity, the Council is transitioning from multiple spreadsheets to a centralized asset register. This register will be integrated within the new Enterprise Resource Planning (ERP) system, which will consolidate renewal, maintenance, and financial functions into a single platform.

The ARIC enquired if further work was done in refining the useful lives of assets by further componentising the different elements making up assets. The Head of Strategic Asset Management informed the focus currently was on the new ERP system which will in the future help Council define useful lives more accurately.

Financial Statements

The ARIC sought clarification on the significant variance between actual results and the budget, and the root cause of this discrepancy.

The General Manager explained that Penrith Council operates in a dynamic environment, with several changes throughout the year—particularly in the capital program, project reworks, recruitment processes, and forecasted liabilities—contributing to variances from the original budget. However, regular quarterly reviews have been implemented to strengthen forecasting accuracy and reduce future discrepancies.

The ARIC also sought assurance from the Audit Office regarding the feasibility of completing the revaluation process by 27 October 2025. The Audit Leader – Financial Audit (Audit Office of NSW) advised that a substantial volume of asset valuation data has been received from Penrith City Council and is currently being reviewed. If all required information has been provided, the revaluation process is expected to be completed by 27 October 2025.

The ARIC requested information regarding the scheduling of a meeting to finalise the financial statements. In response, the Operational Finance Manager recommended that the meeting be held on or about 15 October 2025.

The ARIC requested clarification regarding the reporting of developer contributions in the financial statements and the reason for a $7 million negative balance in this externally restricted reserve related to drainage.
The Operational Finance Manager informed that the negative balance was on account of

current overspending on drainage. The General Manager confirmed that money would be collected in the future to reverse this overspend and that the reporting of the externally restricted reserve was in line with the accounting code.
The ARIC opined that while the reporting of developer contributions (including any associated overspend), may be consistent with currently accepted accounting treatments, there should be no impact on restricted cash. Instead, the overspend should be deemed to have been sourced from other non-restricted funds, which essentially means it reduces the amount of unrestricted cash at year end. The ARIC noted that maintaining the integrity of restricted cash balances is important for transparency and suggested that this approach may provide a clearer representation of available unrestricted funds.
The Committee recommended improvement in the clarity of Statement of Developer Contributions section of the financial statements by presenting them with explanatory notes.

**RECOMMENDATION**

ARIC 24 resolved that the information contained in the report on 2024-25 Draft Financial Statements be received.

**1. Audit Office of NSW - Interim Management Letter for the year ended 30 June 2025**

The Director Financial Audit, Audit Office of NSW presented the Interim Management Letter. She informed that the issues observed were mainly in relation to Information Technology (IT).
ARIC inquired whether departmental responsibilities around system access management and review—distinct from those of the IT division—were clearly defined and understood. The General Manager responded that with the implementation of the new ERP system, discussions around roles and responsibilities related to system access and reviews will be undertaken to address these concerns.

The ARIC noted that the transition from Empower to the new ERP system is expected to resolve the identified issues, a view supported by the General Manager. ARIC further recommended that this be reflected in the response to the Audit Office.

The ARIC questioned why comments raised in the meeting on the asset revaluation process were not included in the interim management letter. The Director of Financial Audit (Audit Office of NSW) explained that the revaluation process is still ongoing, and any related observations will be included in the final management letter.

The Director of Financial Audit (Audit Office of NSW) informed the ARIC that the Auditor-General of the Audit Office of NSW has recently published his second annual work program. The program contains five focus areas including

1) Optimal use of public resources.
2) Grant administration review.
3) Major Capital Projects review.
4) Climate change risk and opportunities.
5) First Nations.

The Operational Finance Manager left the meeting at 9:38am.

**RECOMMENDATION**

ARIC 25 resolved that the information contained in the report on Audit Office of NSW - Interim management Letter for the year ended 30 June 2025 be received.

**Children's Services Follow-up Questions**

The Director Business Operations and Head of Children's Services entered the meeting at 9:35am.

The ARIC asked about Council's management of the application of competitive neutrality and whether the cost of delivering children's services was being assessed.
The Director of Business Operations explained that childcare services rely heavily on subsidies, and a project is underway to identify services with disproportionately high staff cost-to-income ratios. He further noted that preschool services offer greater financial sustainability compared to long day care, which is provided by PCC to meet community needs and fill a market gap. PCC continues to lead the industry in service quality.

He also noted that a project is underway to improve staff cost-to-income ratios without reducing staffing levels. He assured ARIC that PCC consistently maintains, and often exceeds, the required staff-to-child ratios to ensure compliance with regulatory standards.

ARIC further asked questions in relation to- staff to children rations, four eyes policy, video monitoring policy, qualification of staff, permission to use mobile phones on the floor and monitoring of the status of Working With Children checks. Answers to the same were provided by the Head of Children's Services.

The Director Business Operations, Head of Children's Services and Head of Strategic Asset Management left the meeting at 9:50am.

**2. Action Items Report**

ARIC inquired about the Long-Term Financial Plan (LTFP), presented in the previous meeting and on how the council planned to tackle the issue of below benchmark asset renewal ratios.

The General Manager advised that better management of assets and improvement of systems was being worked upon. There has been a rapid growth in the city assets and discussions have been done with the community about their aspirations relating to Council assets and their condition. The feedback has been incorporated in the delivery program and a review of service levels has been done. A Special Rate Variation program has also been kicked off and work is being done on the reduction of long-term costs. The LTFP reflects this vision and activities.

The ARIC recommended that in order to support Council's long-term financial sustainability, Council should initiate an open dialogue with the community to understand their preferences regarding either a reduction in services or an increase in costs,

The ARIC quoted that financial sustainability and asset management needed to be discussed in the LTFP.

The ARIC advised that, in relation to the General Manager's attestation of compliance, where Council is in compliance with the requirement, it may be preferable to exclude any supporting commentary.

The ARIC requested inclusion of the details of the reported safe work incidents and actions taken to address them in the upcoming WHS report in December 2025 and requested that in the future when reporting Governance Indicators to the ARIC, if there are matters to report an indication of "next" or remediating steps be included to demonstrate action being taken by

Council.

Actions

1) Chief Financial Officer to provide a six-monthly presentation on the long-term financial plan to the ARIC.
2) The Council to correct the membership dates for the ARIC members in the General Manager's Attestation and review the detail provided in the responses
3) The ARIC requested inclusion of the details of the safe work reportable incidents and actions taken to address them in the upcoming WHS report in December 2025.

**RECOMMENDATION**

ARIC 26 resolved that the information contained in the report on Action Items Report be received.

**General Managers Update**

The general manager provided an update on the following: -

1) Adoption of the delivery program which provides the community information on the upcoming plans, challenges, etc.
2) Special Rates Variation – Management has put forward a special rates variation plan to the council.
3) Contributions plan for the St Marys Masterplan
    a. Significant changes to St Marys with major transformations in infrastructure
    b. Significant community assets
4) Community Services Plan (CSP)
5) Adoption of AI across the business.

The General Manager advised that the Council has introduced City metrics to measure the performance delivery based on community expectations.

The General Manager provided an update on Work Health and Safety issues as below:

1) Crystalline Silica issue update – Council has introduced changes in work process and concrete products used to control workers' exposure to crystalline silica
2) Workers' compensation – The workers compensation premium has seen a significant increase (150%) creating a concern for the management.

The ARIC acknowledged the concern regarding the rising workers' compensation premiums and sought clarification on the measures undertaken to both reduce premium costs and minimise the frequency of claims in the upcoming WHS report in December 2025.

The General Manager also provided information on some of the significant risks for the Council as below: -

a) Project Management – Closure of legacy projects has helped the Council from a financial risk perspective.
b) Dwelling cap on Penrith CBD –The Council is advocating for changes to the 4500-dwelling cap to the State Government as that cap is slowly approaching capacity completion. The Council is advocating a short term as well as a long-term solution on the issue.
c) Children's Services – There has been an issue impacting the safety and security of staff wearing council childcare uniforms who have been abused and harassed at the

local shopping centres by some community members, presumably as a result of recent childcare issues in Victoria.. The staff were provided assistance and support.

d) Swimming pools – AI systems that would alert the lifeguards in case a swimmer was at drowning risk are being investigated.

Acting Chief Financial Officer left the meeting at 10:53am.

Action

1) Information on measures undertaken to both reduce premium costs and minimise the frequency of claims for workers compensation to be provided in the upcoming WHS report in December 2025.

**3. Major Projects Update**

The Head of Business Excellence and Business Improvement Manager entered the meeting at 10:53am.

Head of Business Excellence introduced the report.

The ARIC noted that the sometimes lengthy process of determining project costs, budgeting, tendering, and scoping often results in escalated costs due to the passage of time and the need to revise project scopes, thereby significantly prolonging the project initiation phase.
The General Manager responded that, to mitigate this, the Council is advancing project designs to ensure they are ready for tender and construction as soon as funding becomes available through grants, budget allocations, or other sources.

In response to ARIC's enquiry regarding the change in plans for the Sydney Smith Drive intersection upgrade as part of the Coreen Avenue project, the Director of Asset Services provided the following clarification:

- Coreen Avenue serves as a critical connector between two state roads, necessitating its upgrade. During the initial scoping phase, multiple intersections—including Sydney Smith Drive—were assessed for potential improvements. However, the funding allocated to the project did not permit upgrades to all intersections initially considered.
- Consequently, a prioritised and outcome-focused approach was adopted. Following further assessment, it was determined that upgrading the Lemon Grove intersection would more effectively support the project's objectives and maximise the impact of the available funding.

The ARIC also enquired about any learnings for Council from this experience.
The Director of Asset Services advised that definitive planning before receiving the funding of the project was crucial for its success.

**RECOMMENDATION**

ARIC 27 resolved that the information contained in the report on Major Projects Update be received.

**4. Business Improvement Program September 2025**

The Business Improvement Manager introduced the report.

The ARIC provided feedback indicating a more concise format—ideally a two-page summary—would be more appropriate for the ARIC's review. It should focus on key elements such as the primary areas of focus, the impact of the study, lessons learned, major issues

encountered, and other relevant insights.

The ARIC enquired about the process used by the Business Improvement team to identify projects that would require a review. The Business Improvement Manager advised that the current approach follows a "pull" methodology, whereby the Business Improvement Team is engaged by business units requesting reviews, as against the "push" methodology, in which the team proactively identifies areas for review based on assessed risk levels.

To enhance strategic alignment, the team—together with the Executive Leadership Team (ELT)—has recently adopted a Strategic Business Review Framework. This framework evaluates four distinct business models and incorporates a prioritisation matrix to assess units against defined criteria. This enables targeted deployment of resources to areas with the greatest need and potential impact.

The ARIC noted that Council's Internal Audit function and Business Improvement team present a valuable opportunity for collaboration and emphasised that a more integrated approach between them could significantly enhance the overall effectiveness and value derived from their respective activities.

The ARIC further commented that whilst the business improvement team was reviewing the inputs and processes, it was important to review the outputs and outcomes as well. The team needed to close the loop in terms of benefits derived, costs reduced, efficiencies gained, etc.

The Acting Head of Business Excellence and the Business Improvement Manager left the meeting at 11:15am.

**RECOMMENDATION**

ARIC 28 resolved that the information contained in the report on Business Improvement Program September 2025 be received.

5. **Internal Audit Status**

The Senior Internal Auditor introduced the report.

The ARIC commended the Internal Audit team for achieving a 90% completion rate of the annual audit program for the second consecutive year, and acknowledged the positive stakeholder feedback received, reflecting the team's professionalism and effectiveness.

Community Facilities and Recreation
The ARIC recognised the detailed audit and quality of the report and the robustness of its recommendations. However, the ARIC expressed concern over the extended due date of 30 June 2026 assigned to all recommendations and highlighted the recommendation regarding proper use of delegations of authority as requiring prompt action.
In response, the Corporate Assurance Lead clarified that the due dates reflected in the report were in consensus with the relevant Director. The ARIC subsequently recommended a review of the proposed implementation timelines to ensure alignment with the risk profile of each recommendation.

Ethical Framework
The ARIC sought clarification on whether the Council considers the benchmark score of 85% to be satisfactory for mandatory training, noting that a percentage completion rate by staff

can sometimes be a crude measure given staff may have only recently joined Council, be on extended leave etc..
The General Manager informed that the importance of mandatory training is stressed upon and tone is set from the top and there has been significant improvement in completion rates. In case of some departments like procurement, childcare, etc. there are challenges with getting the staff off the floor and allocating them time for training but work is being done and completion rates are improving.

Follow-up audit
The ARIC asked about the methodology used to sample select recommendations for the Follow-up audit. The Corporate Assurance Lead explained that global internal audit standards mandate the inclusion of all high-rated recommendations in follow-up audits and selective medium-rated recommendations. He noted that in previous years, this approach had yielded positive outcomes. While expressing a desire to expand coverage, he emphasised that resource allocation necessitate a balanced allocation between the annual audit program and follow-up activities, requiring prioritisation.

The ARIC asked about the interim controls in place to mitigate identified risks in instances where the implementation of the new ERP system was the proposed solution and will take some time. The Corporate Assurance Lead took the question on notice and advised that a response would be provided at the next ARIC meeting in December 2025.

The ARIC asked about the removal of the Development Assessment audit from the internal audit program.
The Corporate Assurance Lead advised that a consultant review was currently underway in that area, aligned with the General Manager's KPIs, which the General Manager confirmed. He further noted that the audit had been included in the third year (2026–27) of the Internal Audit Strategic Plan , but was temporarily suspended. However, the audit plan remains flexible and the inclusion of this audit can be reconsidered at an appropriate time.

Action
1) Management to consider a review of the proposed recommendation implementation timelines in the Community Facilities and Recreation Audit Report to ensure alignment with the risk profile of each recommendation..
2) The Audit team to provide information about the interim controls in place to mitigate identified risks in instances where the implementation of a new ERP system was the proposed solution to recommendations reviewed in the Follow-up Audit.

**RECOMMENDATION**

ARIC 29 resolved that the information contained in the report on Internal Audit Status be received.

**6. Report on Implementation of Outstanding Audit Recommendations**

The Senior Internal Auditor introduced the report.

The ARIC noted that many overdue recommendations (with revised timelines) were nearing completion and also observed that the management comments on the progress of these recommendations were less generic and more specific.

In relation to the Project Management audit, the ARIC asked about an issue identified as

being a high risk, with management comments that it was a rare occurrence and therefore assigned a due date of June 2026. The ARIC noted that, despite its infrequency, the issue pertains to a key regulatory requirement to have a conflict-of-interest policy and should therefore be addressed with appropriate urgency and seriousness.
The General Manager took the question on notice and it will be responded to in the next ARIC meeting in December 2025.

The ARIC enquired how risks were being mitigated in cases where recommendations were overdue and a revised due date had been proposed.
The Corporate Assurance Lead advised that a process is in place requiring Director-level approval to revise due dates for overdue recommendations. The ARIC recommended that Directors be reminded that they should consider the risk aspect when approving any extension of recommendation due dates, to ensure continued risk management.

Action
1) The council should follow up on the Project Management Audit recommendation regarding the conflict-of-interest policy and report back at the December 2025 meeting..

**RECOMMENDATION**

ARIC 30 resolved that the information contained in the Report on Implementation of Outstanding Audit Recommendations be received.

**7. Public Interest Disclosure Policy - Annual Compliance Report**

The ARIC chair introduced the report.

**RECOMMENDATION**

ARIC 10 resolved that the information contained in the report on Public Interest Disclosure Policy - Annual Compliance Report be received.

**8. General Business**

The ARIC noted that the Council's Financial Statements will have to be signed off in October 2025 through an online meeting.

The ARIC Chair noted that her term on the ARIC finishes at the end of October 2025. She will circulate the draft ARIC annual report up till October 2025 and do a hand over to the new ARIC chair. The ARIC chair requested the results of the ARIC and Internal Audit surveys recently conducted be sent to her for incorporation in the draft ARIC annual report..

The ARIC recruitment process for the new member was currently underway with the advertisement closing on 8 September 2025. The ARIC suggested some possible improvements in the recruitment process that would assist with a smooth transition of ARIC membership.

The next ARIC meeting is scheduled on 10 December 2025.

The ARIC requested the meeting dates to be set out for the year 2026.

The ARIC discussed the proposed use of Teams Transcription for ARIC meetings and the members requested further consultation with them prior to this tool being used.

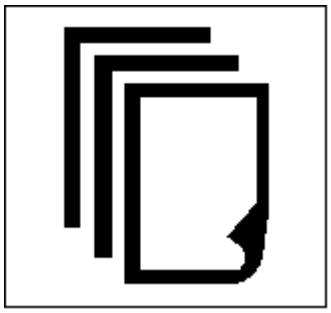
General Manager bid farewell to the outgoing ARIC Chair and thanked her for all her contributions to effective functioning of ARIC function in Penrith City Council.

There being no further business the Chairperson declared the meeting closed the time being 11:54am.

Action

1) The Corporate Assurance Lead to schedule a Financial Statements review online meeting for the ARIC in October 2025.
2) The Corporate Assurance Lead to send the results of the ARIC and Internal Audit surveys to the ARIC chair.
3) The Corporate Assurance Lead to send out the ARIC dates for the calendar year 2026.

# ATTACHMENTS



| | |
|---|---|
| Date of Meeting: | Monday 27 October 2025 |
| Report Title: | Amendment to Voluntary Planning Agreement for Orchard Hills North - Legacy Property |
| Attachments: | Draft Deed of Variation to Voluntary Planning Agreement for Orchard Hills North |

K&L GATES

# Deed of Variation to Planning Agreement

**Penrith City Council**
ABN 43 794 422 563

and

**LegPro Orchard Hills Stage 1 Pty Ltd (ACN 673 136 206) as trustee for LegPro Orchard Hills Stage 1 Unit Trust**
ABN 37 734 873 636

and

**LegPro Orchard Hills Stage 2 Pty Ltd (ACN 673 759 209) as trustee for LegPro Orchard Hills Stage 2 Unit Trust**
ABN 88 296 326 360

and

**LegPro Orchard Hills Stage 3 Pty Ltd (ACN 673 754 026) as trustee for LegPro Orchard Hills Stage 3 Unit Trust**
ABN 62 562 494 829

DRAFT

**K&L Gates**

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# Deed of Variation

## Date

2025

## Parties

1. **Penrith City Council** (**ABN 43 794 422 563**) (**Council**);

2. **LegPro Orchard Hills Stage 1 Pty Ltd** (**ACN 673 136 206**) **as trustee for LegPro Orchard Hills Stage 1 Unit Trust** (**ABN 37 734 873 636**) (**Stage 1 Developer**);

3. **LegPro Orchard Hills Stage 2 Pty Ltd** (**ACN 673 759 209**) **as trustee for LegPro Orchard Hills Stage 2 Unit Trust** (**ABN 88 296 326 360**) (**Stage 2 Developer**); and

4. **LegPro Orchard Hills Stage 3 Pty Ltd** (**ACN 673 754 026**) **as trustee for LegPro Orchard Hills Stage 3 Unit Trust** (**ABN 62 562 494 829**) (**Stage 3 Developer**).

## Background

A. On 4 August 2025, the Stage 1 Developer, Stage 2 Developer and Council entered into the Planning Agreement.

B. The parties agree to vary the Planning Agreement as set out in this Deed.

## Agreed terms

## 1. Definitions and interpretation

### 1.1 Definitions

(a) In this Deed:

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW).

**Deed** means this Deed including the background, any schedules and any annexures.

**Effective Date** means the date on which Council grants Development Consent to the Stage 3 DA.

**Planning Agreement** means the Voluntary Planning Agreement made between the parties and dated 4 August 2025.

**Regulation** means the *Environmental Planning and Assessment Regulation 2021* (NSW).

(b) Unless otherwise indicated, words or expressions defined in the Planning Agreement have the same meaning in this Deed.

### 1.2 Interpretation

In this Deed, unless the context requires otherwise:

(a) the singular includes the plural and vice versa;

(b) a gender includes the other genders;

(c) headings are used for convenience only and do not affect the interpretation of this Deed;

(d) other grammatical forms of a defined word or expression have a corresponding meaning;

(e) a reference to a document is to that document as amended, novated, supplemented, extended or restated from time to time;

(f) a reference to a party is to a party to this Deed and includes that party's executors, administrators, successors, permitted assigns and permitted substitutes;

(g) "person" includes a natural person, partnership, body corporate, association, joint venture, governmental or local authority, and any other body or entity whether incorporated or not;

(h) a reference to all or any part of a statute, rule, regulation or ordinance (**statute**) is to that statute as amended, consolidated, re-enacted or replaced from time to time;

(i) "include", "for example" and any similar expressions are not used, and must not be interpreted, as words of limitation;

(j) a reference to any agency or body that ceases to exist, is reconstituted, renamed or replaced, or has its powers or functions removed (**defunct body**) is to the agency or body that performs most closely the powers or functions of the defunct body;

(k) any provision in this Deed which is in favour of more than one person benefits all of them jointly and each of them severally; and

(l) any provision in this Deed which binds more than one person binds all of them jointly and each of them severally.

## 2. Acknowledgements

The parties acknowledge and agree that:

(a) this Deed is an amendment to the Planning Agreement within the meaning of section 203(5) of the Regulation; and

(b) this Deed is not a planning agreement within the meaning of section 7.4(1) of the Act.

## 3. Commencement

This Deed commences and has effect on and from the Effective Date.

## 4. Warranties

The parties warrant to each other that they:

(a) have full capacity to enter into this Deed; and

(b) are able to fully comply with their obligations under this Deed and the Planning Agreement as varied by this Deed.

## 5. Variation of Planning Agreement

### 5.1 Variation

With effect on and from the Effective Date, the Planning Agreement is varied in accordance with the mark-up shown on the copy of the Planning Agreement contained in Annexure A.

### 5.2 Prior rights and obligations not affected

This Deed does not affect the rights and obligations of the parties to the extent that they relate to the period prior to the Effective Date.

### 5.3 Inconsistency

If there is any inconsistency between the provisions of this Deed and the provisions of the Planning Agreement, then the provisions of this Deed prevail to the extent of that inconsistency.

## 6. Explanatory Note

(a) The Appendix contains an Explanatory Note relating to the varied Planning Agreement required by section 205(1) of the Regulation.

(b) The parties acknowledge and agree that the Explanatory Note must not be used to assist in construing the Planning Agreement.

## 7. General

### 7.1 Costs

The Stage 3 Developer is to pay Council's reasonable costs of preparing, negotiating and executing this Deed within 28 days of receipt of a tax invoice from Council.

### 7.2 Governing law

This Deed is governed by New South Wales law and each party irrevocably submits to the exclusive jurisdiction of courts exercising jurisdiction in New South Wales and courts of appeal from them in respect of any proceedings arising out of or in connection with this Deed.

### 7.3 Modification of Deed

No modification or alteration of any provision of this Deed will be valid unless it is in writing and signed by all parties to this Deed.

### 7.4 Severability

Any provision of this Deed which is invalid in any jurisdiction must, in relation to that jurisdiction:

(a) be read down to the minimum extent necessary to achieve its validity, if applicable; and

(b) be severed from this Deed in any other case,

without invalidating or affecting the remaining provisions of this Deed or the validity of that provision in any other jurisdiction.

### 7.5 Further Acts

Each party must promptly execute all documents and do all things reasonably required to effect, perfect or complete this Deed and all transactions incidental to it.

### 7.6 No adverse construction

No provision of this Deed is to be construed to the disadvantage of a party solely because that party was responsible for preparing or proposing this Deed or the provision.

### 7.7 Counterparts

(a) This Deed may be executed in any number of counterparts, each executed by one or more parties.

(b) All counterparts, taken together, constitute one instrument.

(c) A party may execute this Deed by signing any counterpart. To the extent permitted by law, a counterpart may be executed electronically.

(d) This Deed is binding on the parties on exchange of counterparts. A copy of a counterpart that is electronically scanned and emailed to each other party or their authorised representative:

(i) must be treated as an original counterpart;

(ii) is sufficient evidence of the execution of the original; and

(iii) may be produced in evidence for all purposes in place of the original.

### 7.8 Electronic signatures

(a) To the extent permitted by law, a party may sign this Deed electronically, including by using software or a platform for the electronic execution of documents and each party consents to the Deed being signed in this way.

(b) A print out of the executed Deed once all parties signing electronically have done so, will be an executed original counterpart of this Deed, irrespective of which party prints it.

(c) Each party that signs this Deed electronically represents and warrants that it or anyone signing on its behalf:

(i) has been duly authorised to enter into and execute this Deed electronically and to create obligations that are valid and binding obligations on the party;

(ii) has affixed their own electronic signature; and

(iii) where applicable, holds the position or title indicated under their electronic signature,

and each party is estopped from asserting otherwise.

(d) No person may challenge the validity of this Deed by virtue only of the fact that it has been electronically signed by or on behalf of any party.

## 8. Developer Trustee Limitation of Liability

### 8.1 Stage 1 Developer Trustee

(a) **Definitions**

In this clause:

(i) **Trust** means the LegPro Orchard Hills Stage 1 Unit Trust; and

(ii) **Trust Deed** means the trust deed establishing the Trust.

(b) **Limitation of Liability**

(i) The Stage 1 Developer warrants that:

(A) it enters into this Deed in its capacity as trustee of the Trust and in no other capacity; and

(B) it is empowered by the terms of the Trust Deed or any other instrument constituting the Trust to enter into this Deed in accordance with its provisions; and

(C) it is entitled to be indemnified out of the assets of the Trust in respect of the obligations and liabilities assumed by it under the terms of this Deed.

(ii) The Council acknowledges and agrees that, despite any other provision of this Deed, any liability or obligation of the Stage 1 Developer arising under or in connection with this Deed can only be enforced to the extent to which they are entitled to be, and are in fact, indemnified for that liability or obligation out of the assets of the Trust. This includes without limitation any representation, warranty or conduct by the Stage 1 Developer.

(iii) Clause 8.1(b)(ii) does not apply to any liability or obligation of the Stage 1 Developer to the extent there is a reduction in their ability to be indemnified for that liability or obligation out of the assets of the Trust as a result of the Stage 1 Developer's fraud, negligence or breach of trust.

### 8.2 Stage 2 Developer Trustee

(a) **Definitions**

In this clause:

(i) **Trust** means the LegPro Orchard Hills Stage 2 Unit Trust; and

(ii) **Trust Deed** means the trust deed establishing the Trust.

(b) **Limitation of Liability**

(i) The Stage 2 Developer warrants that:

(A) it enters into this Deed in its capacity as trustee of the Trust and in no other capacity; and

(B) it is empowered by the terms of the Trust Deed or any other instrument constituting the Trust to enter into this Deed in accordance with its provisions; and

(C) it is entitled to be indemnified out of the assets of the Trust in respect of the obligations and liabilities assumed by it under the terms of this Deed.

(ii) The Council acknowledges and agrees that, despite any other provision of this Deed, any liability or obligation of the Stage 2 Developer arising under or in connection with this Deed can only be enforced to the extent to which they are entitled to be, and are in fact, indemnified for that liability or obligation out of the assets of the Trust. This includes without limitation any representation, warranty or conduct by the Stage 2 Developer.

(iii) Clause 8.2(b)(ii) does not apply to any liability or obligation of the Stage 2 Developer to the extent there is a reduction in their ability to be indemnified for that liability or obligation out of the assets of the Trust as a result of the Stage 2 Developer's fraud, negligence or breach of trust.

**8.3 Stage 3 Developer Trustee**

(a) **Definitions**

In this clause:

(i) **Trust** means the LegPro Orchard Hills Stage 3 Unit Trust; and

(ii) **Trust Deed** means the trust deed establishing the Trust.

(b) **Limitation of Liability**

(i) The Stage 3 Developer warrants that:

(A) it enters into this Deed in its capacity as trustee of the Trust and in no other capacity; and

(B) it is empowered by the terms of the Trust Deed or any other instrument constituting the Trust to enter into this Deed in accordance with its provisions; and

(C) it is entitled to be indemnified out of the assets of the Trust in respect of the obligations and liabilities assumed by it under the terms of this Deed.

(ii) The Council acknowledges and agrees that, despite any other provision of this Deed, any liability or obligation of the Stage 3

Developer arising under or in connection with this Deed can only be enforced to the extent to which they are entitled to be, and are in fact, indemnified for that liability or obligation out of the assets of the Trust. This includes without limitation any representation, warranty or conduct by the Stage 3 Developer.

(iii) Clause 8.3(b)(ii) does not apply to any liability or obligation of the Stage 3 Developer to the extent there is a reduction in their ability to be indemnified for that liability or obligation out of the assets of the Trust as a result of the Stage 3 Developer's fraud, negligence or breach of trust.

**Executed** as a deed

**Signed and delivered** for and on behalf of **Penrith City Council** (ABN 43 794 422 563) by its duly authorised officer in the presence of:

| | |
|---|---|
| ..... | ..... |
| Signature of witness | Signature of authorised officer |
| Electronic signature of me, _____, affixed on _____ *[Strike out if not required]* | Electronic signature of me, _____, affixed on _____ *[Strike out if not required]* |
| ..... | ..... |
| Name of witness (please print) | Name of authorised officer (please print) |

This document was signed in counterpart and witnessed over audio visual link in accordance with section 14G of the *Electronic Transactions Act 2000 (NSW)*. *[Strike out if not required]*

**Executed as a Deed by** LegPro Orchard Hills Stage 1 Pty Ltd (ACN 673 136 206) as trustee for LegPro Orchard Hills Stage 1 Unit Trust ABN 37 734 873 636 in accordance with section 127(1) of the *Corporations Act 2001 (Cth)*:

.....
Signature of sole director / secretary

Electronic signature of me, Elton Matthew Hyder IV, affixed on _____ *[Strike out if not required]*

.....
Name
(please print)

**Executed as a Deed by** LegPro Orchard Hills Stage 2 Pty Ltd (ACN 673 759 209) as trustee for LegPro Orchard Hills Stage 2 Unit Trust ABN 88 296 326 360 in accordance with section 127(1) of the *Corporations Act 2001 (Cth)*:

.....
Signature of sole director / secretary

Electronic signature of me, Elton Matthew Hyder IV, affixed on _____ *[Strike out if not required]*

.....
Name
(please print)

**Executed as a Deed by** LegPro Orchard Hills Stage 3 Pty Ltd (ACN 673 754 026) as trustee for LegPro Orchard Hills Stage 3 Unit Trust ABN 62 562 494 829 in accordance with section 127(1) of the *Corporations Act 2001 (Cth)*:

.....
Signature of sole director / secretary

Electronic signature of me, Elton Matthew Hyder IV, affixed on _____ *[Strike out if not required]*

.....
Name
(please print)

**Annexure A**

# Annexure A

## Voluntary Planning Agreement

### Orchard Hills North Stage 1, Stage 2 and Stage 3 Planning Agreement

**Penrith City Council**

*ABN 43 794 422 563*

**LegPro Orchard Hills Stage 1 Pty Ltd (ACN 673 136 206) as trustee for LegPro Orchard Hills Stage 1 Unit Trust (ABN 37 734 873 636)**

**LegPro Orchard Hills Stage 2 Pty Ltd (ACN 673 759 209) as trustee for LegPro Orchard Hills Stage 2 Unit Trust (ABN 88 296 326 360)**

**LegPro Orchard Hills Stage 3 Pty Ltd (ACN 673 754 026) as trustee for LegPro Orchard Hills Stage 3 Unit Trust (ABN 62 562 494 829)**

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# Deed of Agreement

**Date**

## Parties

### First party

| | |
|---|---|
| **Name** | Penrith City Council (**Council**) |
| **ABN** | 43 794 422 563 |
| **Contact** | The General Manager |
| **Telephone** | 02 4732 7777 |

### Second party

| | |
|---|---|
| **Name** | LegPro Orchard Hills Stage 1 Pty Ltd (ACN 673 136 206) as trustee for the LegPro Orchard Hills Stage 1 Unit Trust<br>(**Stage 1 Developer**) |
| **ACN** | 673 136 206 |
| **Contact** | Head of Development |
| **Telephone** | 02 9252 1111 |

### Third party

| | |
|---|---|
| **Name** | LegPro Orchard Hills Stage 2 Pty Ltd (ACN 673 759 209) ATF LegPro Orchard Hills Stage 2 Unit Trust<br>(**Stage 2 Developer**) |
| **ACN** | 673 759 209 |
| **Contact** | Head of Development |
| **Telephone** | 02 9252 1111 |

### Fourth party

| | |
|---|---|
| **Name** | LegPro Orchard Hills Stage 3 Pty Ltd (ACN 673 754 026) ATF LegPro Orchard Hills Stage 3 Unit Trust<br>(**Stage 3 Developer**) |
| **ACN** | 673 754 026 |
| **Contact** | Head of Development |
| **Telephone** | 02 9252 1111 |

## Background

A. On 30 June 2023, amendments to the *Penrith Local Environmental Plan 2010* which rezoned land located at Caddens Road, Kingswood Road and Castle Road in Orchard Hills North (**Orchard Hills North Land**), to enable delivery of new housing, a village centre, open space, roads and other supporting infrastructure were gazetted and took effect from 1 October 2023.

B. The Orchard Hills North Land is expected to be delivered in approximately 15 stages.

C. On 2 November 2023 and 23 January 2024 respectively the Stage 1 Developer and the Stage 2 Developer made Stage 1 DA23/0969 and Stage 2 DA24/0041 Development Applications to carry out the Development on the Land.

D. At the time of the lodgement and determination of the Stage 1 DA and the Stage 2 DA, the Council was finalising preparation of a Section 7.11 Contributions Plan to support the rezoning of the Orchard Hills North Land. The Stage 1 DA, the Stage 2 DA and the Stage 3 DA were accompanied by an offer by the Stage 1 Developer, Stage 2 Developer and Stage 3 Developer to enter into this deed to make contributions for public purposes if Development Consent was granted.

E. On 16 September 2024, the Council granted Development Consent to the Stage 1 DA.

F. On 18 December 2024, the Council granted Development Consent to the Stage 2 DA.

G. On 28 April 2025, the Council adopted the Orchard Hills North Development Contributions Plan 2025 which commenced on 20 May 2025.

H. On 24 September 2025, the Council granted Development Consent to the Stage 3 DA.

I. Further Development Applications are expected to be lodged for future stages of the redevelopment of the Orchard Hills North Land, and this deed will be amended to incorporate the future stages.

## Operative part

### 1 Definitions

In this deed, unless the context indicates a contrary intention:

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW);

**Address** means a party's address set out in the Notices clause of this deed;

**Approval** means any certificate, licence, consent, permit, approval or other requirement of any Authority having jurisdiction in connection with the activities contemplated by this deed;

**Authority** means any government, semi-governmental, statutory, administrative, fiscal or judicial body, department, commission, authority, tribunal, public or other person;

**Bank Guarantee** means an irrevocable and unconditional undertaking that is not limited in time and does not expire by one of the following trading banks:

(a) Australia and New Zealand Banking Group Limited,

(b) Commonwealth Bank of Australia,

(c) Macquarie Bank,

(d) National Australia Bank,

(e) St George Bank Limited,

(f) Westpac Banking Corporation, or

(g) Other financial institution approved by the Council,

to pay an amount or amounts of money to the Council on demand and containing terms and conditions reasonably acceptable to the Council;

**Bond** means a documentary performance bond which must be denominated in Australian dollars and be an unconditional undertaking issued by an Australian Prudential Regulation Authority (**APRA**) regulated authorised deposit taking institution or an insurer authorised by APRA to conduct new or renewal insurance business in Australia that has at all times an investment grade security rating from an industry recognised rating agency;

**Business Day** means a day on which banks are open for general banking business in Sydney, excluding Saturdays and Sundays;

**Certificate of Practical Completion** means the written certificate confirming the Works, or part of the Works, have been completed to the Council's satisfaction issued under clause 8.1(d) of Schedule 2;

**Claim** means any claim, loss, liability, damage, proceeding, order, judgment or expense arising out of the operation of this deed;

**Complying Development Certificate** has the same meaning as in the Act;

**Construction Certificate** means a construction certificate as defined under section 6.4 of the Act;

**Construction Terms** means the terms set out in Schedule 2;

**Contributions** means the dedication of land, the payment of money or the carrying out of Works required under this deed;

**Contributions Plan** means the Orchard Hills North Development Contributions Plan 2025, as adopted by Council on 28 April 2025;

**CPI** means the All Groups Consumer Price Index applicable to Sydney published by the Australian Bureau of Statistics;

**Damages** means all liabilities, losses, damages, costs and expenses, including legal fees and disbursements and costs of investigation, litigation, settlement, judgment, interest and penalties;

**Dealing**, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land;

**Dedication Land** means that part of the Land to be dedicated to Council in accordance with this deed, as shown on the plan at Annexure B;

**Developer** means the:

(a) Stage 1 Developer;

(b) Stage 2 Developer; and

(c) Stage 3 Developer;

**Development** means the development proposed by:

(a) DA23/0969 being integrated development for Torrens title subdivision of one lot into 87 residential lots and 2 residue lots, including upgrade works to Caddens Road and a portion of Mariposa Circuit, drainage works in Braeburn Street, earthworks, new roads, landscaping, retaining walls, stormwater works and associated civil works (**Stage 1 DA**);

(b) DA24/0041 being integrated development for Torrens title subdivision of three existing lots into 72 residential lots, 1 residue lot and 1 lot for a drainage reserve including demolition of existing structures, retention of one dwelling, tree and vegetation removal, earthworks, new roads and footpaths, landscaping, retaining walls, stormwater works and associated works (**Stage 2 DA**); and

(c) DA24/0085 being the Torrens title subdivision to create 155 residential lots, 1 drainage reserve lot, and 1 residue lot, including civil works being bulk earthworks, stormwater management, vegetation removal, new roads and upgrade of existing Kingswood Road, landscaping and associated works (**Stage 3 DA**).

**Development Application** has the same meaning as in the Act;

**Development Consent** has the same meaning as in the Act;

**Fax Number** means a party's facsimile number set out in the Notices clause of this deed;

**GST** has the same meaning as in the GST Law;

**GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition of or administration of the GST;

**Handover** means, with respect to any Works, the time Council takes possession of and assumes responsibility for the work in accordance with the Construction Terms;

**Insolvent** means, in relation to a party:

(a) that party makes an arrangement, compromise or composition with, or assignment for, the benefit of its creditors or a class of them;

(b) a receiver, receiver and manager, administrator, provisional liquidator, trustee, controller, inspector or analogous person is appointed in relation to, or over, all or any part of that party's business, assets or securities;

(c) a presumption of insolvency has arisen under legislation because of the party's failure to comply with a statutory demand or analogous process;

(d) an application for the winding up of, or for the appointment of a receiver to, that party, other than winding up for the purpose of solvent reconstruction or re amalgamation, is presented and not withdrawn or dismissed within 21 days (or such longer period agreed to by the parties), or an order is made or an effective resolution is passed for the winding up of, or for the appointment of a receiver to, that party, or any analogous application is made or proceedings initiated;

(e) any shareholder or director of that party convenes a meeting for the purpose of considering or passing any resolution for the winding up or administration of that party;

(f) that is an individual, a creditor's petition or a debtor's petition is presented to the Official Receiver or analogous authority in relation to that party;

(g) an execution or analogous process is levied or enforced against the property of that party;

(h) that party ceases or suspends, or threatens to cease or suspend, the conduct of all or a substantial part of its business;

(i) that party disposes of, or threatens to dispose of, a substantial part of its assets;

(j) that party stops or suspends, or threatens to stop or suspend, payment of all or a class of its debts; or

(k) that party is unable to pay the party's debts as and when they become due and payable.

**Land** means the land identified at Annexure A to this deed;

**Law** means:

(a) any law applicable including legislation, ordinances, regulations, by-laws and other subordinate legislation;

(b) any Approval, including any condition or requirement under it; and

(c) any fees and charges payable in connection with the things referred to in paragraphs (a) and (b);

**Maintain** means works to bring an item to or keep an item in a state of reasonable condition and in accordance with relevant standards applicable at the time of construction of the item, including repairing any defects due to use of poor materials or due to poor workmanship, but does not include repairing normal wear and tear, removing graffiti or repairing any item damaged as a consequence of vandalism. **Maintained** and **Maintenance** have corresponding meanings;

**Modification Application** means any application to modify a Development Consent under section 4.55 of the Act;

**Monetary Contribution** means the monetary contribution payable by the Developer under clause 6 of this deed;

**Occupation Certificate** means an occupation certificate as defined under section 6.4 the Act;

**Public Reserve** has the same meaning as in the *Local Government Act 1993* (NSW);

**Public Road** has the same meaning as in the *Roads Act 1993* (NSW);

**Register** means the Torrens title register maintained under the *Real Property Act 1900* (NSW);

**Regulation** means the *Environmental Planning and Assessment Regulation 2021*;

**Stage** means a stage of the Development;

**Subdivision Certificate** means a subdivision certificate defined under section 6.4 of the Act;

**Subdivision Works Certificate** means a subdivision works certificate defined under section 6.4 of the Act; and

**Works** means the work identified in the Contributions Table in Schedule 1 under the subheading Works.

## 2 Interpretation

In this deed, unless the context indicates a contrary intention:

(a) (**documents**) a reference to this deed or another document includes any document which varies, supplements, replaces, assigns or novates this deed or that other document;

(b) (**references**) a reference to a party, clause, paragraph, schedule or annexure is a reference to a party, clause, paragraph, schedule or annexure to or of this deed;

(c) (**headings**) clause headings and the table of contents are inserted for convenience only and do not affect interpretation of this deed;

(d) (**person**) a reference to a person includes a natural person, corporation, statutory corporation, partnership, the Crown and any other organisation or legal entity and their personal representatives, successors, substitutes (including persons taking by novation) and permitted assigns;

(e) (**party**) a reference to a party to a document includes that party's personal representatives, executors, administrators, successors, substitutes (including persons taking by novation) and permitted assigns;

(f) (**president, General Manager, CEO or managing director**) the president, General Manager, CEO or managing director of a body or Authority means any person acting in that capacity;

(g) (**requirements**) a requirement to do any thing includes a requirement to cause that thing to be done, and a requirement not to do any thing includes a requirement to prevent that thing being done;

(h) (**including**) including and includes are not words of limitation, and a list of examples is not limited to those items or to items of a similar kind;

(i) (**corresponding meanings**) a word that is derived from a defined word has a corresponding meaning;

(j) (**singular**) the singular includes the plural and vice-versa;

(k) (**gender**) words importing one gender include all other genders;

(l) (**parts**) a reference to one or more things includes each part and all parts of that thing or group of things but nothing in this clause implies that part performance of an obligation constitutes performance of that obligation;

(m) (**rules of construction**) neither this deed nor any part of it is to be construed against a party on the basis that the party or its lawyers were responsible for its drafting;

(n) (**legislation**) a reference to any legislation or provision of legislation includes all amendments, consolidations or replacements and all regulations or instruments issued under it;

(o) (**time and date**) a reference to a time or date in connection with the performance of an obligation by a party is a reference to the time and date in Sydney, Australia, even if the obligation is to be performed elsewhere;

(p) (**joint and several**) an deed, representation, covenant, right or obligation:

(i) in favour of two or more persons is for the benefit of them jointly and severally; and

(ii) on the part of two or more persons binds them jointly and severally;

(q) (**writing**) a reference to a notice, consent, request, approval or other communication under this deed or an agreement between the parties means a written notice, request, consent, approval or agreement;

(r) (**replacement bodies**) a reference to a body (including an institute, association or Authority) which ceases to exist or whose powers or functions are transferred to another body is a reference to the body which replaces it or which substantially succeeds to its power or functions;

(s) (**Australian currency**) a reference to dollars or $ is to Australian currency;

(t) (**month**) a reference to a month is a reference to a calendar month; and

(u) (**year**) a reference to a year is a reference to twelve consecutive calendar months.

## 3 Planning Agreement under the Act

(a) The parties agree that this deed is a planning agreement within the meaning of section 7.4 of the Act.

(b) Schedule 3 of this deed summarises the requirements for planning agreements under s 7.4 of the Act and the way this deed addresses those requirements.

## 4 Application of this deed

This deed applies to:

(a) the Development, and

(b) the Land.

## 5 Operation of this deed

This deed commences on and from the date it is executed by all parties.

## 6 Contributions to be made under this deed

### *6.1 Monetary Contribution*

(a) The Developer will pay to Council the monetary contributions as set out in Schedule 1.

(b) In relation to the monetary contributions detailed at line items 6 - 12 (inclusive) of Table B of Schedule 1 to this deed, the Developer is to pay the greater of:

(i) the amount in column titled 'Amount'; or

(ii) the amount as indexed at the time of payment in accordance with the Contributions Plan.

(c) The Developer will pay to Council the monetary contributions by the times set out in Schedule 1.

(d) The Monetary Contribution must be paid by way of bank cheque in favour of Council or by deposit by means of electronic funds transfer into an account specified by Council.

(e) The Monetary Contribution will be taken to have been made when the Council notifies the Developer in writing that the bank cheque has been received and cleared funds or electronic funds have been deposited in the Council's bank account.

(f) The parties agree and acknowledge that the Monetary Contribution will be used by the Council for the purposes identified in the column titled 'Description' in Schedule 1 to this deed and/or for the purposes identified in the Contributions Plan.

*6.2 Works*

(a) The Developer will carry out the Works in accordance with this deed, including the Construction Terms, and any Development Consent or other Approval granted for the Works.

(b) The Works or any part of the Works required under this deed will be taken to have been completed for the purposes of this deed when a Certificate of Practical Completion has been issued for those Works.

(c) The Works or any part of the Works required under this deed will be taken to have been delivered to Council on Handover in accordance with the Construction Terms.

(d) The Works must be delivered to the Council in accordance with the timing as set out in Schedule 1.

(e) The parties agree and acknowledge that the Works serve the public purposes set out in Schedule 1.

*6.3 Dedication of Land*

(a) The Developer must dedicate or cause to be transferred to the Council, at no cost to the Council, the Dedication Land freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates and contracts in, over or in connection with the land, including but not limited to, municipal rates and charges, water rates and land tax.

(b) The Developer must take all steps, prepare all documents and meet all costs required to dedicate the Dedication land including, but not limited to:

(i) removing any encumbrances on the title to the land;

(ii) creating an interest in land in favour of Council if required;

(iii) subdividing the Land to create a separate lot for the Dedication Land;

(iv) preparing and lodging documents for registration;

(v) obtaining the consent of any other parties to the registration of the relevant documents; and

(vi) attending to any requisition relating to any dealing or document lodged for registration.

(c) The obligation to dedicate the Dedication Land will be taken to have been satisfied when the Public Reserve is dedicated to Council by operation of the registration of a plan of subdivision in accordance with section 49 of the *Local Government Act 1993* (NSW).

(d) The obligation to dedicate the Dedication Land will be taken to have been satisfied when the Public Road is dedicated to Council by operation of the registration of a plan of subdivision in accordance with section 9 of the *Roads Act 1993* (NSW).

*6.4 Maintenance and Rectification of Defects*

(a) The Developer must Maintain the Works and rectify any defects after Handover of the Works in accordance with the Construction Terms.

*6.5 Public Access and Easements*

[Not used]

*6.6 Access to Council owned land*

(a) The Council agrees to permit the Developer, upon receiving at least 10 Business Days' prior notice, to enter, pass through or occupy any Council owned or controlled land in order to enable the Developer to properly perform its obligations under this deed. Nothing in this clause creates or gives the Developer any estate or interest in any part of the Council owned or controlled land.

(b) The Developer indemnifies the Council, its employees, officers, agents and contractors from and against all Claims in connection with the entry or access by the Developer to, or any presence of the Developer on, Council owned or controlled land for the purposes of performing their obligations under this deed, except to the extent such Claim arises either directly or indirectly as a result of the Council or its employees, officers, agents, contractors or workmen's negligence, default, act or omission.

*6.7 Deferral of Works*

(a) Despite any other provision of this deed, if the Developer is delayed in completing any Works by the time required in Schedule 1:

(i) The Developer must make a written request to the Council, detailing the Work (or part thereof) proposed to be deferred, the reason for the delay and the proposed revised delivery date for that item of Work;

(ii) The Developer, at the time of the request to defer works, must provide a construction timeline confirming the intended completion date of any outstanding works; and

(iii) The Developer must provide the Council with an additional Bank Guarantee or Bond so that the total amount secured is 200% of the value of the subject Work or part thereof. The security which has already been provided pursuant to clause 11.2 in relation to the specific Work (or part thereof) which is proposed to be deferred may be taken into account in calculating the 200% security under this clause.

(b) Upon receipt of the written request pursuant to 6.7(a), Council will, acting reasonably, consider the request and inform the Developer within 10 Business

Days if the request has been accepted and the revised delivery date for the item of Work. Without limiting the matters that Council may take into account in considering any such request, Council may consider:

(i) risk to life or property;

(ii) risk of environmental harm;

(iii) impacts on the amenity of adjoining landowners and occupiers;

(iv) sufficiency of any existing infrastructure to service development; and

(v) the effect of the deferral of the item of Work (or part thereof) on the dedication of land identified in Table 2 of Schedule 1 or the delivery of other Works.

(c) If the Developer complies with any approval issued by Council pursuant to clause 6.7(b), the Developer will not be in breach of this deed as a result of not complying with Schedule 1.

## 7 Development Contributions

### *7.1 Application of s 7.11, s 7.12 and Subdivision 4 of Division 7.1 of the Act*

(a) This deed excludes the application of section 7.11 of the Act to the Development.

(b) This deed excludes the application of section 7.12 of the Act to the Development.

(c) This deed does not exclude the application of Subdivision 4 of Division 7.1 of the Act.

(d) The benefits under this deed are not to be taken into consideration in determining a development contribution under section 7.11 of the Act, including contributions payable in relation to any future stage of the proposed development.

### *7.2 Credit for Contributions*

(a) In consideration of the Developer performing its obligations under this deed, the Contributions listed in Table B of Schedule 1 under this deed may be taken into consideration in determining a development contribution in relation to future stages of the proposed development of the Orchard Hills North Land subject to the following requirements:

(i) the Contribution must be delivered in total, consistent with the Contributions Plan, unless staged delivery and credit has been otherwise agreed in writing by Council;

(ii) in the case of Works, a Certificate of Practical Completion pursuant to clause 6.2(b) must have been issued;

(iii) in the case of land dedication, the Dedication Land is in the ownership of Council; and

(iv) the value of the Contribution made is the value of the Monetary Contribution, Works and any Dedication Land identified in the Contributions Plan, as indexed at the time the Contribution is made.

(b) Nothing in this deed:

(i) requires Council to refund or repay any Contributions;

(ii) requires Council to pay any amount to the Developer if the value of the Contributions is more than the contributions payable under the Contributions Plan; or

(iii) exempts the Developer from paying any contributions payable under the Contributions Plan for future stages of the redevelopment of the Orchard Hills North Land which are not subject to a credit in accordance with clause 7.2(a).

## 8 Registration of this deed

### *8.1 Developer Interest*

The Developer represents and warrants to the Council that on the date of this deed it is the registered proprietor of the Land.

### *8.2 Registration of this deed*

(a) The Developer agrees to procure the registration of this deed under the *Real Property Act 1900* (NSW) in the relevant folios of the Register of the Land in accordance with section 7.6 of the Act.

(b) The Developer, at its own expense, must:

(i) procure the lodgement of this deed with the Registrar General as soon as reasonably practicable after this deed comes into operation, but in any event, no later than 10 Business Days after that date;

(ii) procure the registration of this deed by the Registrar-General in the relevant folios of the Register for the Land as soon as reasonably practicable after this deed is lodged for registration; and

(iii) provide documentary evidence that the registration of this deed has been completed to Council within 5 Business Days of receiving confirmation that the registration has occurred.

(c) The Developer warrants that, as at the date of this deed, it has obtained the consent of each person who has an estate or interest in the Land registered under the *Real Property Act 1900* (NSW) or is seized or possessed of an estate or interest in the Land to the registration of this deed on title.

(d) The Developer, at its own expense will, promptly after the execution of this deed and if requested by Council, take all practical steps, and otherwise do anything that the Council reasonably requires to procure:

(i) An acceptance of the terms of this deed and an acknowledgement in writing from any existing mortgagee in relation to the Land that the mortgagee will adhere to the provisions of this deed if it takes possession of the Land as mortgagee in possession;

(ii) The execution of any documents; and

(iii) The production of the relevant duplicate certificates of title,

to enable the registration of this deed in accordance with clause 8.2.

*8.3 Removal from Register*

The Council will, at the Developer's cost, provide a release and discharge of this deed so that it may be removed from the folios of the Register for the Land (or any part of it) provided the Council is satisfied the Developer has duly fulfilled its obligations under this deed in respect of that part of the Land.

*8.4 Caveat*

(a) The Developer acknowledges and agrees that:

(i) when this deed is executed, the Council is deemed to have acquired and the Developer is deemed to have granted, an equitable estate and interest in the Land for the purposes of section 74F(1) of the *Real Property Act 1900* (NSW) and consequently the Council will have a sufficient interest in the Land in respect of which to lodge a caveat over the Land notifying that interest; and

(ii) it will not object to the Council lodging a caveat in the relevant folios of the Register for the Land nor will it seek to remove any caveat lodged by the Council provided the caveat does not prevent registration of any dealing or plan other than a transfer.

(b) The Council must, at Developer's cost, register a withdrawal of any caveat in respect of the Land within five Business Days after the Developer complies with clause 8.2.

(c) The Developer must notify the Council within 5 Business Days after the registration of any subdivision plan that creates a separate lot for the Dedication Land or any part of the Dedication Land.

(d) The Developer acknowledges and agrees that, in the event a separate lot is created for the Dedication Land or any part of the Dedication Land, it will not object to Council lodging a caveat in the relevant folios of the Register for that land, nor will it seek to remove any such caveat lodged by Council, until the relevant part of the Land is dedicated to Council in accordance with this deed.

## 9 Review of this deed

*9.1 Review generally*

(a) This deed may be reviewed or modified.

(b) Any review or modification of this deed will be conducted in the circumstances and in the manner determined by the parties.

(c) No modification or review of this deed will be of any force or effect unless it is in writing and signed by the parties to this deed.

(d) A party is not in breach of this deed if it does not agree to an amendment to this deed requested by a party in, or as a consequence of, a review.

## 10 Dispute Resolution

### *10.1 Reference to Dispute*

If a dispute arises between the parties in relation to this deed, the parties must not commence any court proceedings relating to the dispute unless the parties have complied with this clause, except where a party seeks urgent interlocutory relief.

### *10.2 Notice of Dispute*

The party wishing to commence the dispute resolution process must give written notice (**Notice of Dispute**) to the other parties of:

(a) The nature of the dispute,

(b) The alleged basis of the dispute, and

(c) The position which the party issuing the Notice of Dispute believes is correct.

### *10.3 Representatives of Parties to Meet*

(a) The representatives of the parties must promptly (and in any event within 15 Business Days of the Notice of Dispute) meet in good faith to attempt to resolve the notified dispute.

(b) The parties may, without limitation:

(i) resolve the dispute during the course of that meeting,

(ii) agree that further material or expert determination in accordance with clause 10.6 about a particular issue or consideration is needed to effectively resolve the dispute (in which event the parties will, in good faith, agree to a timetable for resolution); or

(iii) agree that the parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

### *10.4 Further Notice if Not Settled*

If the dispute is not resolved within 10 Business Days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (Determination Notice) by mediation under clause 10.5 or by expert determination under clause 10.6.

### *10.5 Mediation*

If a party gives a Determination Notice calling for the dispute to be mediated:

(a) The parties must agree to the terms of reference of the mediation within 15 Business Days of the receipt of the Determination Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply;

(b) The mediator will be agreed between the parties, or failing agreement within 15 Business Days of receipt of the Determination Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;

(c) The mediator appointed pursuant to this clause 10.5 must:

(i) Have reasonable qualifications and practical experience in the area of the dispute; and

(ii) Have no interest or duty which conflicts or may conflict with his or her function as a mediator, he or she being required to fully disclose any such interest or duty before his or her appointment;

(d) The mediator shall be required to undertake to keep confidential all matters coming to his or her knowledge by reason of his or her appointment and performance of his or her duties;

(e) The parties must within 10 Business Days of receipt of the Determination Notice notify each other of their representatives who will be involved in the mediation (except if a resolution of the Council is required to appoint a representative, the Council must advise of the representative within 5 Business Days of the resolution);

(f) The parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement; and

(g) In relation to costs and expenses:

(i) Each party will bear its own professional and expert costs incurred in connection with the mediation; and

(ii) The costs of the mediator will be shared equally by the parties unless the mediator determines that a party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full costs of the mediation to be borne by that party.

*10.6 Expert determination*

If the dispute is not resolved under clause 10.3 or clause 10.5, or the parties otherwise agree that the dispute may be resolved by expert determination, the parties may refer the dispute to an expert, in which event:

(a) The dispute must be determined by an independent expert in the relevant field:

(i) Agreed upon and appointed jointly by the parties; and

(ii) In the event that no agreement is reached or no appointment is made within 10 Business Days of the agreement to refer the dispute to an expert, appointed on application of a party by the then President of the Law Society of New South Wales;

(b) The expert must be appointed in writing and the terms of the appointment must not be inconsistent with this clause;

(c) The determination of the dispute by such an expert will be made as an expert and not as an arbitrator and will be in writing and contain the reasons for the determination;

(d) The expert will determine the rules for the conduct of the process but must conduct the process in accordance with the rules of natural justice;

(e) Each party will bear its own costs in connection with the process and the determination by the expert and will share equally the expert's fees and costs; and

(f) Any determination made by an expert pursuant to clause 10.6 is final and binding upon the parties except unless:

(i) Within 5 Business Days of receiving the determination, a party gives written notice to the other party that it does not agree with the determination and commences litigation; or

(ii) The determination is in respect of, or relates to, termination or purported termination of this deed by any party, in which event the expert is deemed to be giving a non-binding appraisal.

*10.7 Litigation*

If the dispute is not *finally* resolved in accordance with this clause 10, then either party is at liberty to litigate the dispute.

*10.8 No suspension of contractual obligations*

Subject to any interlocutory order obtained under clause 10.1, the referral to or undertaking of a dispute resolution process under this clause 10 does not suspend the parties' obligations under this deed.

## 11 Enforcement and Security

*11.1 Default*

(a) In the event a party considers another party has failed to perform and fulfil an obligation under this deed, it may give notice in writing to the other party (**Default Notice**) giving all particulars of the matters in respect of which it considers default has occurred and by such notice require the default to be remedied within a reasonable time not being less than 21 days.

(b) In determining a reasonable time, regard must be had to both the nature of the default and the work or other action required to remedy it and whether or not the continuation of the default constitutes a public nuisance or raises other circumstances of urgency or emergency.

(c) If a party disputes the Default Notice it may refer the dispute to dispute resolution under clause 10 of this deed.

*11.2 Security*

In this clause 11.2, **Security** means a Bank Guarantee, Bond or cash deposit to be held by Council.

(a) The Developer must provide to the Council:

(i) Within 10 Business Days of the date of this deed, Security for the Stage 1 DA in an amount of 125% of the cost of the Works as identified at Schedule 1 of this deed, subject to any indexation;

(ii) Prior to the issue of a Subdivision Works Certificate for the Stage 2 DA, Security in an amount of 125% of the cost of the Works as identified at Schedule 1 of this deed, subject to any indexation; and

(iii) Prior to the issue of a Subdivision Works Certificate for the Stage 3 DA, Security in an amount of 125% of the cost of the Works as identified at Schedule 1 of this deed, subject to any indexation.

(b) The Council may call on a Security provided under clause 11.2 if:

(i) the Developer is in material or substantial breach of this deed and has failed to rectify the breach within a reasonable period of time after having been given reasonable notice (which must not be less than 21 Business Days) in writing to do so in accordance with clause 11.1 of this deed; or

(ii) the Developer becomes Insolvent.

(c) If requested by Council, within 20 Business Days of each anniversary of a Security provided under clause 11.2(a), the Developer must provide Council with one or more replacement Securities (**Replacement Security**) in an amount calculated in accordance with the following:

$$A = \frac{B \times D}{C}$$

Where:

A is the amount of the Replacement Security,

B is the amount of the Security to be replaced,

C is the CPI for the quarter ending immediately before the date of the Security to be replaced,

D is the CPI for the quarter ending immediately before the date of the Replacement Security,

provided A is greater than B.

(d) On receipt of a replacement Security provided under clause 11.2(c), the Council must release and return to the Developer, as directed, the Security that has been replaced as soon as reasonably practicable.

(e) At any time following the provision of a Security under this clause, the Developer may provide the Council with one or more replacement Securities totalling the amount of all Securities required to be provided under this clause for the time being. On receipt of such replacement Security, the Council must release and return to the Developer, as directed, the Securities which it holds that have been replaced as soon as reasonably practicable.

(f) Subject to this clause and the provisions of this deed, the Council may apply the proceeds of a Security to satisfy:

(i) any obligation of the Developer under this deed to deliver Contributions, and

(ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this deed.

(g) The Council must promptly return a Security provided under this clause if requested by the Developer and:

(i) Handover has occurred for an item of Works to which the Security relates; and

(ii) the Developer has provided a Bond or Bank Guarantee required under the Construction Terms for defects liability and maintenance of the item of Works; and

(iii) if the Security relates to other items of Works for which a Certificate of Practical Completion has not been issued, a replacement Security is provided by the Developer in an amount determined in accordance with clause 11.2(c).

(h) For the avoidance of doubt, Council may retain a component of the Security it holds for an item of Works that is equivalent to 25% of the value of the Works, in satisfaction of the requirement to submit a Bank Guarantee or Bond under the Construction Terms for defects liability and maintenance.

(i) Nothing in this clause 11.2 prevents or restricts the Council from taking any enforcement action in relation to:

(i) any obligation of the Developer under this deed; or

(ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this deed,

that is not or cannot be satisfied by calling on a Security.

*11.3 Compulsory Acquisition*

(a) If the Developer does not dedicate the Dedication Land to Council as required by this deed, the Council may compulsorily acquire the relevant land, in which case the Developer consents to the Council compulsorily acquiring that land for compensation in the amount of $1.00 without having to follow the pre-acquisition procedures in the *Land Acquisition (Just Terms Compensation) Act 1991* and may recover any costs, including legal costs, incurred by the Council on acquisition of the land from the Developer.

(b) Clause 11.3(a) constitutes an agreement for the purposes of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW).

(c) Except as otherwise agreed between the Developer and Council, the Developer must ensure the Dedication Land is freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, rights, charges, rates, strata levies and contracts, except as may be permitted by this deed on the date that the Council will acquire the land in accordance with clause 11.3(a).

(d) The Developer indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the whole or any part of the relevant land under clause 11.3(a).

(e) The Developer must pay the Council, promptly on demand, an amount equivalent to all costs, including legal costs, incurred by the Council acquiring the whole or any part of the relevant land under clause 11.3(a) that are not or cannot be recovered by calling on a Security.

*11.4 Restriction on the issue of Certificates*

(a) Not used.

(b) Not used.

(c) In accordance with section 6.14 of the Act and section 34 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* (NSW), the following obligations under this deed must be satisfied before a Subdivision Works Certificate is issued for the Development or any part of the Development:

(i) Payment of the Monetary Contribution in accordance with clause 6.1; and

(ii) Provision of Securities required under clause 11.2.

(d) In accordance with section 6.15(1)(d) of the Act, the following obligations under this deed must be satisfied before a Subdivision Certificate is issued for the Development or any part of the Development:

(i) Payment of the Monetary Contribution in accordance with clause 6.1;

(ii) Delivery of the Works in accordance with clause 6.2;

(iii) Dedication of the Dedication Land in accordance with clause 6.3; and

(iv) Provision of a Bank Guarantee or Bond for any item of the Works for defects liability and maintenance under the Construction Terms.

### *11.5 General Enforcement*

(a) Without limiting any other remedies available to the parties, this deed may be enforced by any party in any Court of competent jurisdiction.

(b) Nothing in this deed prevents:

(i) a party from bringing proceedings in the Land and Environment Court to enforce any aspect of this deed or any matter to which this deed relates; and

(ii) the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this deed or any matter to which this deed relates.

## 12 Assignment and Dealings

### *12.1 Assignment*

(a) A party must not assign or deal with any right under this deed without the prior written consent of the other parties.

(b) Any change of ownership or control (as defined in section 50AA of the *Corporations Act 2001* (Cth)) of a party (excluding the Council) shall be deemed to be an assignment of this deed for the purposes of this clause.

(c) Any purported dealing in breach of this clause is of no effect.

### *12.2 Transfer of Land*

(a) The Developer may not transfer, assign or dispose of the whole or any part of its right, title or interest in the Land (present or future) or in the Development to another person (**Transferee**) unless before it sells, transfers or disposes of that right, title or interest:

(i) the Developer satisfies the Council that the proposed Transferee is financially capable of complying with the Developer's obligations under this deed;

(ii) the Developer satisfies the Council that the rights of the Council will not be diminished or fettered in any way;

(iii) the Transferee delivers to the Council a novation deed signed by the Transferee in a form and of such substance as is acceptable to the Council containing provisions under which the Transferee agrees to comply with all the outstanding obligations of the Developer under this deed;

(iv) any default under any provisions of this deed has been remedied or waived by the Council, on such conditions as the Council may determine; and

(v) the Developer and the Transferee pay the Council's reasonable costs in relation to the assignment.

## 13 Approvals and consents

Except as otherwise set out in this deed, and subject to any statutory obligations, a party may give or withhold an approval or consent to be given under this deed in that party's absolute discretion and subject to any conditions determined by the party. A party is not obligated to give its reasons for giving or withholding consent or for giving consent subject to conditions.

## 14 No fetter

### *14.1 Discretion*

This deed is not intended to operate to fetter, in any manner, the exercise of any statutory power or discretion of the Council, including, but not limited to, any statutory power or discretion of the Council relating to the Development Application or any other application for Development Consent (all referred to in this deed as a "**Discretion**").

### *14.2 No fetter*

No provision of this deed is intended to constitute any fetter on the exercise of any Discretion. If, contrary to the operation of this clause, any provision of this deed is held by a court of competent jurisdiction to constitute a fetter on any Discretion, the parties agree:

(a) They will take all practical steps, including the execution of any further documents, to ensure the objective of this clause is substantially satisfied,

(b) In the event that clause 14.2(a) cannot be achieved without giving rise to a fetter on the exercise of a Discretion, the relevant provision is to be severed and the remainder of this deed has full force and effect, and

(c) To endeavour to satisfy the common objectives of the parties in relation to the provision of this deed which is to be held to be a fetter on the extent that is possible having regard to the relevant court judgment.

## 15 Notices

Any notice given under or in connection with this deed (**Notice**):

(a) must be in writing and signed by a person duly authorised by the sender;

(b) must be addressed as follows and delivered to the intended recipient by hand, by prepaid post or by email at the address below, or at the address last notified by the intended recipient to the sender after the date of this deed:

| | |
|---|---|
| (i) to Penrith City Council: | PO Box 60, Penrith, NSW 2751<br>Fax: (02) 4732 7958<br>Email: council@penrith.city<br>Attention: The General Manager |
| (ii) to the Developer | Level 45, 25 Martin Place, Sydney NSW 2000<br>Email: info@legacyproperty.com.au<br>Attention: The Company Director(s) and Secretary |

(c) is taken to be given or made:

(i) in the case of hand delivery, when delivered;

(ii) in the case of delivery by post, 3 Business Days after the date of posting (if posted to an address in the same country) or 7 Business Days after the date of posting (if posted to an address in another country); and

(iii) in the case of an email, at the time the email is sent to the email address stated above, unless the sender receives an automated delivery failure notice; and

(d) if under clause 15(c) a Notice would be taken to be given or made on a day that is not a Business Day in the place to which the Notice is sent, or later than 4.00 pm (local time), it is taken to have been given or made at the start of business on the next Business Day in that place.

## 16 General

### *16.1 Relationship between parties*

(a) Nothing in this deed:

(i) constitutes a partnership between the parties; or

(ii) except as expressly provided, makes a party an agent of another party for any purpose.

(b) A party cannot in any way or for any purpose:

(i) bind another party; or

(ii) contract in the name of another party.

(c) If a party must fulfil an obligation and that party is dependent on another party, then that other party must do each thing reasonably within its power to assist the other in the performance of that obligation.

*16.2 Time for doing acts*

(a) If the time for doing any act or thing required to be done or a notice period specified in this deed expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.

(b) If any act or thing required to be done is done after 5.00 pm on the specified day, it is taken to have been done on the following Business Day.

*16.3 Further assurances*

Each party must promptly execute all documents and do all other things reasonably necessary or desirable to give effect to the arrangements recorded in this deed.

*16.4 Variation*

A provision of this deed can only be varied by a later written document executed by or on behalf of all parties and in accordance with the provisions of the Act.

*16.5 No assignment*

A party cannot assign or otherwise transfer its rights under this deed without the prior written consent of the other party.

*16.6 Counterparts*

This deed may be executed in any number of counterparts. All counterparts taken together constitute one instrument.

*16.7 Legal expenses, stamp duty and administration fees*

The Developer must pay, within 28 days of receipt of a tax invoice, on demand Council's reasonable legal costs and disbursements in connection with the negotiation, preparation, execution, stamping, and release and discharge of this deed, including the reasonable costs incurred by the Council in obtaining any advice about this deed or the value of land or works to be delivered under this deed.

*16.8 Entire agreement*

The contents of this deed constitute the entire agreement between the parties and supersede any prior negotiations, representations, understandings or arrangements made between the parties regarding the subject matter of this deed, whether orally or in writing.

*16.9 Representations and warranties*

The parties represent and warrant that they have the power and authority to enter into this deed and comply with their obligations under the deed and that entry into this deed will not result in the breach of any law.

*16.10 Severability*

If a clause or part of a clause of this deed can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal,

unenforceable or invalid, that clause or part is to be treated as removed from this deed, but the rest of this deed is not affected.

*16.11 Invalidity*

(a) A word or provision must be read down if:

(i) this deed is void, voidable, or unenforceable if it is not read down;

(ii) this deed will not be void, voidable or unenforceable if it is read down; and

(iii) the provision is capable of being read down.

(b) A word or provision must be severed if:

(i) despite the operation of clause 16.11(a), the provision is void, voidable or unenforceable if it is not severed; and

(ii) this deed will be void, voidable or unenforceable if it is not severed.

(c) The remainder of this deed has full effect even if clause 16.11(b) applies.

*16.12 Waiver*

A right or remedy created by this deed cannot be waived except in writing signed by the party entitled to that right. Delay by a party in exercising a right or remedy does not constitute a waiver of that right or remedy, nor does a waiver (either wholly or in part) by a party of a right operate as a subsequent waiver of the same right or of any other right of that party.

*16.13 GST*

(a) Words and expressions which are not defined in this deed but which have a defined meaning in GST Law have the same meaning as in the GST Law.

(b) Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this deed are exclusive of GST.

(c) If GST is imposed on any supply made under or in accordance with this deed, the Developer must pay the GST or pay to the Council an amount equal to the GST payable on or for the taxable supply, whichever is appropriate in the circumstances.

*16.14 Governing law and jurisdiction*

(a) The laws applicable in New South Wales govern this deed.

(b) The parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts competent to hear appeals from those courts.

## 17 Reporting

Within one month of the issue of the final Subdivision Certificate for each Stage of the Development, and until the Developer's obligations under this deed are satisfied, the Developer must provide a written report to Council detailing the progress of the provision of Contributions under this deed and the progress of the Development.

## 18 Developer Trustee Limitation of Liability

18.1 *Stage 1 Developer Trustee*

(a) **Definitions**

In this clause:

(i) **Trust** means the LegPro Orchard Hills Stage 1 Unit Trust; and

(ii) **Trust Deed** means the trust deed establishing the Trust.

(b) **Limitation of Liability**

(i) The Stage 1 Developer warrants that:

(A) it enters into this deed in its capacity as trustee of the Trust and in no other capacity; and

(B) it is empowered by the terms of the Trust Deed or any other instrument constituting the Trust to enter into this deed in accordance with its provisions; and

(C) it is entitled to be indemnified out of the assets of the Trust in respect of the obligations and liabilities assumed by it under the terms of this deed.

(ii) The Council acknowledges and agrees that, despite any other provision of this deed, any liability or obligation of the Stage 1 Developer arising under or in connection with this deed can only be enforced to the extent to which they are entitled to be, and are in fact, indemnified for that liability or obligation out of the assets of the Trust. This includes without limitation any representation, warranty or conduct by the Stage 1 Developer.

(iii) Clause 18.1(b)(ii) does not apply to any liability or obligation of the Stage 1 Developer to the extent there is a reduction in their ability to be indemnified for that liability or obligation out of the assets of the Trust as a result of the Stage 1 Developer's fraud, negligence or breach of trust.

18.2 *Stage 2 Developer Trustee*

(a) **Definitions**

In this clause:

(i) **Trust** means the LegPro Orchard Hills Stage 2 Unit Trust; and

(ii) **Trust Deed** means the trust deed establishing the Trust.

(b) **Limitation of Liability**

(i) The Stage 2 Developer warrants that:

(A) it enters into this deed in its capacity as trustee of the Trust and in no other capacity; and

(B) it is empowered by the terms of the Trust Deed or any other instrument constituting the Trust to enter into this deed in accordance with its provisions; and

(C) it is entitled to be indemnified out of the assets of the Trust in respect of the obligations and liabilities assumed by it under the terms of this deed.

(ii) The Council acknowledges and agrees that, despite any other provision of this deed, any liability or obligation of the Stage 2 Developer arising under or in connection with this deed can only be enforced to the extent to which

they are entitled to be, and are in fact, indemnified for that liability or obligation out of the assets of the Trust. This includes without limitation any representation, warranty or conduct by the Stage 2 Developer.

(iii) Clause 18.2(b)(ii) does not apply to any liability or obligation of the Stage 2 Developer to the extent there is a reduction in their ability to be indemnified for that liability or obligation out of the assets of the Trust as a result of the Stage 2 Developer's fraud, negligence or breach of trust.

18.3 *Stage 3 Developer Trustee*

(a) **Definitions**

In this clause:

(i) **Trust** means the LegPro Orchard Hills Stage 3 Unit Trust; and

(ii) **Trust Deed** means the trust deed establishing the Trust.

(b) **Limitation of Liability**

(i) The Stage 3 Developer warrants that:

(A) it enters into this deed in its capacity as trustee of the Trust and in no other capacity; and

(B) it is empowered by the terms of the Trust Deed or any other instrument constituting the Trust to enter into this deed in accordance with its provisions; and

(C) it is entitled to be indemnified out of the assets of the Trust in respect of the obligations and liabilities assumed by it under the terms of this deed.

(ii) The Council acknowledges and agrees that, despite any other provision of this deed, any liability or obligation of the Stage 3 Developer arising under or in connection with this deed can only be enforced to the extent to which they are entitled to be, and are in fact, indemnified for that liability or obligation out of the assets of the Trust. This includes without limitation any representation, warranty or conduct by the Stage 3 Developer.

(iii) Clause 18.3(b)(ii) does not apply to any liability or obligation of the Stage 3 Developer to the extent there is a reduction in their ability to be indemnified for that liability or obligation out of the assets of the Trust as a result of the Stage 3 Developer's fraud, negligence or breach of trust.

## Schedule 1 Contributions Table

**Table A** - Contributions not identified in the Contributions Plan

| **Monetary Contributions** | | | | | | |
|---|---|---|---|---|---|---|
| **No.** | **Description** | **Timing** | **Lots** | **Rate** | **Amount** | **Security** |
| 1. | Monetary contribution towards a community facility to be delivered by Council | To be paid by 31 December 2026 | NA | NA | $750,000 | Registration on title |
| 2. | Monetary contribution towards resurfacing of Frogmore Road in Area B to be delivered by Council | To be paid by 31 December 2030 | NA | NA | $211,985 | Registration on title |
| **Works** | | | | | | |
| **No.** | **Description** | **Timing** | **Delivery Trigger** | **Completion Date** | **Value** | **Security** |
| 3. | Public artwork, to be delivered within OS8 | Works to be completed with the delivery of OS8 | Works to be completed with the delivery of OS8 and no later than 31 December 2026 | 31 December 2026 | $335,000 | Bond at 125% value of works |
| 4. | Caddens Road resurfacing between Kingswood Road and Cadda Ridge Drive | Works to be completed with the Stage 1 works | Works to be completed by 31 December 2026 | 31 December 2026 | NA | Release of subdivision certificate |
| 5. | Pedestrian Connections to Caddens Rd as per Stage 1 VPA plan and s138 Concept as shown in Annexure D | Works to be completed with the Stage 1 works | Works to be completed by 31 December 2025 | 31 December 2025 | NA | Release of subdivision certificate |

**Table B** - Contributions identified in the Contributions Plan (indexed to December 2024)

| **Monetary Contributions** | | | | | | |
|---|---|---|---|---|---|---|
| **No.** | **Description** | **Timing** | **Lots** | **Rate** | **Amount** | **Security** |
| **Stage 1** | | | | | | |
| 6. | Monetary contribution for plan administration – Stage 1 | To be paid prior to issue of first residential subdivision certificate for Stage 1 | 83 | $629.34 | $52,235.04 | Release of subdivision certificate |
| 7. | Monetary contribution for district open space – Stage 1 | To be paid prior to issue of first residential subdivision certificate for Stage 1 | 83 | $1,000.08 | $83,006.35 | Release of subdivision certificate |
| **Stage 2** | | | | | | |
| 8. | Monetary contribution for plan administration – Stage 2 | To be paid prior to issue of first residential subdivision certificate for Stage 2 | 69 | $629.34 | $ 43,424.31 | Release of subdivision certificate |

| | | | | | | |
|---|---|---|---|---|---|---|
| 9. | Monetary contribution for district open space – Stage 2 | To be paid prior to issue of first residential subdivision certificate for Stage 2 | 69 | $1,000.08 | $ 69,005.28 | Release of subdivision certificate |
| **Stage 3** | | | | | | |
| 10. | Monetary contribution for plan administration – Stage 3 | To be paid prior to issue of first residential subdivision certificate for Stage 3 | 152 | $ 629.34 | $95,659.68 | Release of subdivision certificate. |
| 11. | Monetary contribution for district open space – Stage 3 | To be paid prior to issue of first residential subdivision certificate for Stage 3 | 152 | 1,000.08 | $152,012.16 | Release of subdivision certificate. |
| 12. | Monetary contribution for Stage 3 | To be paid prior to issue of first residential subdivision certificate for Stage 3 | NA | NA | $12,160,966.02 as indexed at time of payment, noting that this contribution amount is indexed as at 31 December 2024. | Release of subdivision certificate. |
| **Dedication of Land** | | | | | | |

| No. | CP Work Item | Description of Works | Timing | Delivery Trigger | Completion Date | Value of Land | Security |
|---|---|---|---|---|---|---|---|
| **Stage 1** | | | | | | | |
| 13. | NA | Land dedication for half roads fronting OS5, comprising approximately 876sqm being part of Lot 10 DP1302833 | Stage 1 subdivision certificate | Dedication to occur with the first residential subdivision certificate for Stage 1. | 1 December 2025 | $474,616.08 | Release of subdivision certificate and compulsory acquisition provision |
| 14. | NA | Land dedication for half roads fronting OS1, comprising approximately 628sqm being part of Lot 10 DP1302833 | Stage 1 subdivision certificate | Dedication to occur with the first residential subdivision certificate for Stage 1. | 1 December 2025 | $340,249.89 | Release of subdivision certificate and compulsory acquisition provision |
| **Stage 2** | | | | | | | |
| 15. | 3.07 | Land dedication for WB1 and part drainage channel, comprising approximately 11,450sqm being part of Lot 20 DP1304679 | Stage 2 subdivision certificate | Dedication to occur with the first residential subdivision certificate for Stage 2. | 1 June 2026 | $ $6,175,958.89 | Release of subdivision certificate and compulsory acquisition provision |
| 16. | 3.06 | Land dedication for WB1 (existing Flood Liable land). | Stage 2 subdivision certificate | Dedication to occur with the first residential subdivision certificate for Stage 2. | 1 June 2026 | $25,093.86 | Release of subdivision certificate and compulsory acquisition provision |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 17. | NA | Land dedication for half roads fronting OS5, comprising approximately 882sqm being part of Lots 9 & 10 DP1302833 and Lot 20 DP1304679 | Stage 2 subdivision certificate | Dedication to occur with the first residential subdivision certificate for Stage 2. | 1 June 2026 | $477,866.88 | Release of subdivision certificate and compulsory acquisition provision |
| 18. | NA | Land dedication for East-West collector road, comprising approximately 2311sqm being part of Lot 20 DP1304679. | Stage 2 subdivision certificate | Dedication to occur with the first residential subdivision certificate for Stage 2. | 1 June 2026 | $1,252,097.91 | Release of subdivision certificate and compulsory acquisition provision |
| 19. | NA | Land dedication for North-South collector road (Caddens Road to East-West Road), comprising approximately 6,384sqm being part of Lot 20 DP1304679. | Stage 2 subdivision certificate | Dedication to occur with the first residential subdivision certificate for Stage 2. | 1 June 2026 | $3,458,845.99 | Release of subdivision certificate and compulsory acquisition provision |
| **Stage 3** | | | | | | | |
| 20. | B2 | Water Cycle Management Facility. Dedication of approximately 6,152sqm of land for Basin B2 being part of Lot 8 and 9 DP1344 and Lot 100 DP700141. | Stage 3 subdivision certificate | Dedication to occur with the first residential subdivision certificate for Stage 3. | 1 June 2027 | $3,333,148.58 | Release of subdivision certificate and compulsory acquisition provision |

| Works | | | | | | | |
|---|---|---|---|---|---|---|---|
| **No.** | **CP Work Item** | **Description of Works** | **Timing** | **Delivery Trigger** | **Completion Date** | **Value of Works** | **Security** |
| **Stage 1** | | | | | | | |
| 21. | EECR1 | Caddens Road north side only (east of Braeburn Street to Creek closure), to approximately 470 lineal meters | Works to be undertaken within stage 1. | Works to be completed prior to the release of the first residential subdivision certificate for stage 1 and any following stages. | 1 December 2025 | $613,840.14 | Bond at 125% value of works |
| 22. | OSHR5 | Works for half roads fronting OS 5, comprising approximately 100 lineal meters of road. | Works to be undertaken within stage 1. | Works to be completed prior to the release of the first residential subdivision certificate for stage 1 and any following stages. | 1 December 2025 | $130,536.82 | Bond at 125% value of works |

| Works | | | | | | | |
|---|---|---|---|---|---|---|---|
| **No.** | **CP Work Item** | **Description of Works** | **Timing** | **Delivery Trigger** | **Completion Date** | **Value of Works** | **Security** |
| 23. | OSHR1 | Works for half roads fronting OS 1, comprising approximately 80 lineal meters of road. | Works to be undertaken within stage 1. | Works to be completed prior to the release of the first residential subdivision certificate for stage 1 and any following stages. | 1 December 2025 | $104,429.46 | Bond at 125% value of works |
| | **Stage 2** | | | | | | |
| 24. | WB1 | Works for WB1 basin and part drainage channel | Works to be undertaken within stage 2. | Works to be completed prior to the release of the first residential subdivision certificate for stage 2 and any following stages.<br>Construction of bulk earthworks and sediment basin only for subdivision certificate. | 1 June 2026 | $5,728,608 | Bond at 125% value of works |
| 25. | WB1GPT | 2 x GPTs for WB1 | Works to be undertaken within stage 2. | Works to be completed prior to the release of the first residential subdivision certificate for stage 2 and any following stages. | 1 June 2026 | $259,139 | Bond at 125% value of works |

| Works | | | | | | | |
|---|---|---|---|---|---|---|---|
| **No.** | **CP Work Item** | **Description of Works** | **Timing** | **Delivery Trigger** | **Completion Date** | **Value of Works** | **Security** |
| 26. | WB1 | Raingarden for WB1 (media bed, access and planting) | 90% of catchment housing completion. | Basin conversion and raingarden embellishment to occur 90% of catchment housing completion. | N/A | $973,393.76 | Bond at 125% value of works |
| 27. | OSHR5 | Works for half roads fronting parks for OS5, comprising approximately 100m lineal meters of road. | Works to be undertaken within stage 2. | Works to be completed prior to the release of the first residential subdivision certificate for stage 2 and any following stages. | 1 June 2026 | $130,536 | Bond at 125% value of works |
| 28. | EW2 | East / West Road<br>Works for a four-lane section of collector road comprising approximately 204 lineal meters of road. | Works to be undertaken within stage 2. | Works to be completed prior to the release of the first residential subdivision certificate for stage 2 and any following stages. | 1 June 2026 | $1,917,324.88 | Bond at 125% value of works |
| 29. | NS1 | North South Road<br>Works for a three-lane section of collector road comprising approximately 190 lineal meters of road. | Works to be undertaken within stage 2. | Works to be completed prior to the release of the first residential subdivision certificate for stage 2 and any following stages. | 1 June 2026 | $1,653,466.45 | Bond at 125% value of works |

| Works | | | | | | | |
|---|---|---|---|---|---|---|---|
| **No.** | **CP Work Item** | **Description of Works** | **Timing** | **Delivery Trigger** | **Completion Date** | **Value of Works** | **Security** |
| 30. | EECR2 | Caddens Road north side only (O'Connell Lane to Ulm Road). Upgrade of local roads surrounding development. Approximately 160 lineal meters of road. | Works to be undertaken within stage 2. | Works to be completed prior to the release of the first residential subdivision certificate for stage 2 and any following stages. | 1 June 2026 | $208,858.92 | Bond at 125% value of works |
| **Stage 3** | | | | | | | |
| 31. | B2 | Water Cycle Management Facility. | Works to be undertaken within Stage 3. | Works to be completed prior to the release of the first residential subdivision certificate for stage 3.<br>Construction of bulk earthworks and sediment basin only for subdivision certificate | 30 June 2027 | $1,843,131.62 | Bond at 125% value of works |
| 32. | B2 | Raingarden for B2 including media bed, access, planting | 90% of catchment housing completion | Basin conversion and raingarden embellishment to occur 90% of catchment housing completion. | N/A | \|$801,713.67 | Bond at 125% value of works . |

| Works | | | | | | | |
|---|---|---|---|---|---|---|---|
| **No.** | **CP Work Item** | **Description of Works** | **Timing** | **Delivery Trigger** | **Completion Date** | **Value of Works** | **Security** |
| 33. | B2 | GPT for Basin B2 (P1009) | Works to be undertaken within Stage 3. | Works to be completed prior to the release of the first residential subdivision certificate for stage 3. | 30 June 2027 | $97,177.41 | Bond at 125% value of works |
| 34. | EEKR1 | Kingswood Road (west side - Castle Road to Caddens Road) along development frontage for 323m | Works to be undertaken within Stage 3. | Works to be completed prior to the release of the first residential subdivision certificate for stage 3. | 30 June 2027 | $421,633.94 | Bond at 125% value of works |

## Schedule 2 Construction terms

**1. Interpretation**

For the purposes of this Schedule 2, the defined terms in clause 1 of this deed and the Interpretation principles in clause 2 of this deed will apply and, unless context indicates a contrary intention:

**Builder** means any entity contracted under the Construction Contract to carry out the Works.

**Construction Contract** means the contract to carry out the Works (whether or not that is a contract for the Works only or forms part of a contract for the building of other components of the Development).

**Defects Liability and Maintenance Period** means in respect of each item of building works which together comprise the Works the period of 12 months from the date on which Handover of the Works occurs.

**Detailed Design** means the final specifications and finishes for the Works prepared in accordance with clause 5.2 of this Schedule 2 and will include the design of the Works, the location for the Works, installation specifications and estimated costs of construction and/or installation.

**Services** means all water, gas, electricity, television, drainage, sewerage, cable TV, data communications, telecommunications and other services which are required under a Development Consent or an Approval and which are necessary or desirable for the construction or operation of the Development.

**Superintendent** means the Superintendent appointed under any Construction Contract.

**2. Requirements of Authorities and Approvals**

2.1. These Construction Terms must be read and construed subject to:

(a) any requirements or conditions of any Development Consent; and

(b) the requirements of and conditions imposed by all relevant Authorities and all Laws relating to the Development and the construction of the Development.

2.2. If the Developer requires any Approvals in order to carry out the obligations under this deed, then the Developer will acquire all Approvals necessary to carry out the Works at its own cost.

2.3. The Developer must ensure that the Works carried out under this deed are carried out:

(a) in accordance with the relevant Development Consent for the Works and all Approvals and the requirements of all Laws, including without limitation, work health and safety legislation; and

(b) in a good and workmanlike manner and so that they are diligently progressed until completion;

AND it is acknowledged that to the extent that there is any inconsistency between this deed and any Approval the terms of the Approval shall take precedence.

**3. Costs of Works**

All costs of the Works must be borne by the Developer.

**4. Project Management and Contractor Engagement**

4.1. The Developer will be responsible for managing the Works.

4.2. The Developer will ensure that any contractor it engages to carry out the Works agrees to:

(a) carry out the Developer's obligations in these Construction Terms as part of any Construction Contract; and

(b) invite a Council representative to be present at each on-site meeting attended by the Superintendent.

4.3. Despite clause 4.2(b), the Council representative is not entitled to attend any part of an on-site meeting attended by the Superintendent which the Developer considers commercial-in-confidence and must leave if requested.

**5. Design Development**

5.1. **Concept Design**

Council and the Developer have worked in consultation with each other to prepare and agree the concept plans for the Works at Annexure D.

5.2. **Detailed Design**

(a) Prior to Works commencing the Developer must provide a copy of the draft Detailed Design to the Council for approval.

(b) Within 15 Business Days of receiving the Detailed Design, Council will respond to the Developer with any suggested amendments to the Detailed Design.

(c) Council and the Developer must work in consultation with each other to prepare and agree the Detailed Design and must both act reasonably and with due expedition in their consultations with each other.

(d) If the Detailed Design is not completed and agreed within 15 Business Days of Council providing its suggested amendments in accordance with clause 5.2(b) of this Schedule, to avoid possible delays to the issue of a Certificate of Practical Completion, the Council will, in its sole discretion, be entitled to decide on any outstanding or undecided matter or item relating to areas that are to be accessible to the public, provided that any decision made by Council under this clause:

(i) is consistent with the obligation to carry out the Works and dedicate the Dedication Land under this deed; and

(ii) is consistent with the Development Consent; and

(iii) does not materially and adversely affect the Development; and

(iv) is not unreasonable.

5.3. Any acceptance by the Council of the Detailed Design under this clause 5 is not to be taken as approval of or to any Construction Certificate for the Works.

5.4. **Good faith**

The parties must act promptly and in good faith to consult in relation to the Detailed Design.

**6. Carrying out of Works**

6.1. **Communication**

The Developer must notify Council on the commencement of the Works and keep Council reasonably informed of progress of the Works and provide to Council such information about the Works as Council reasonably requests.

6.2. **Standard of Works**

(a) Unless otherwise provided, the Developer shall, and must cause the Builder to, use suitable new materials and proper and tradesmanlike workmanship when carrying out the Works.

(b) The qualitative standard of the design and finishes for the Works must be no less than those described in the following documents:

(i) Any relevant Australian Standard; or

(ii) Any relevant design standards or guidelines and any other requirements or policies applied by the Council from time to time in assessing the adequacy of any works or improvements proposed for the public domain or to be accessible to the public in accordance with this deed.

(c) The Developer will obtain any relevant standards (including design standards), specifications, or guidelines and any other requirements or policies referred to in clause 6.2(b)(ii)(ii) of this Schedule from Council if the Council fails to deliver them to the Developer.

(d) The Developer may but is not obliged to reinstate any Works where damage or destruction is as a result of:

(i) Any act or omission of the Council or its employees, consultants or agents relating to any part of the Works under this deed; or

(ii) The use or occupation by the Council or its employees, consultants or agents, Council's representatives or other contractor of the Council of any part of the Works.

6.3. **Damage to people, property & utilities**

(a) The Developer is to ensure to the fullest extent reasonably practicable that, in performing its obligations under this deed:

(i) all necessary measures are taken to protect people and property;

(ii) unnecessary interference with the passage of people and vehicles is avoided; and

(iii) nuisances and unreasonable noise and disturbances are prevented.

(b) Without limiting clause 6.3(a) of this Schedule, the Developer is not to obstruct, interfere with, impair or damage any public road, public footpath, public cycleway or other public thoroughfare, or any pipe, conduit, drain, watercourse or other public utility or service on any land except as authorised in writing by the Council or any relevant Authority.

**7. Inspection**

(a) On completion of the Detailed Design, the Council will provide a schedule of inspections to be undertaken by Council (**Inspection Schedule**) to occur at specified stages of the construction of the Works (**Inspection Stage**). If the

Council does not provide the Inspection Schedule, the Developer must request the Inspection Schedule from the Council prior to the Works commencing.

(b) Five Business Days prior to reaching an Inspection Stage as set out in the Inspection Schedule, the Developer must notify the Council of the proposed inspection date (**Inspection Date**).

(c) On the Inspection Date, or other agreed date, the Developer must ensure that any employees, contractors, agents or representatives of Council have access to and may enter the Land to inspect the Works.

(d) In addition to carrying out inspections in accordance with the Inspection Schedule, the Council and its employees, contractors, agents or representatives may enter the Land or any part of the Land on which the Works are located to inspect the progress of the Works, subject to:

(i) the terms of the Construction Contract (save for any clause of the Construction Contract which prevents the Council from accessing the Land);

(ii) giving reasonable notice to the Developer;

(iii) complying with all reasonable directions of the Developer; and

(iv) being accompanied by the Developer or a nominee, or as otherwise agreed.

(e) The Council may, acting reasonably, within 5 Business Days of carrying out an inspection (either under clause 7(c) or 7(d) of Schedule 2), notify the Developer of any defect or non-compliance in the Works and direct the Developer to carry out work to rectify that defect or non-compliance within a reasonable period of time. Such work may include, but is not limited to:

(i) removal of defective or non-complying material;

(ii) demolishing defective or non-complying work;

(iii) reconstructing, replacing or correcting any defective or non-complying work; and

(iv) not delivering any defective or non-complying material to the site of the Works.

(f) If the Developer is issued a direction to carry out further work under clause 7(e) of this Schedule, the Developer must, at its cost, rectify the defect or non-compliance specified in the Notice within the time period specified in the Notice, provided that it is reasonable having regard to the nature of the works.

(g) If the Developer fails to comply with a direction to carry out work given under clause 7(e) of this Schedule, the Council will be entitled to refuse to accept that the Works (or the relevant part of the Works) meet the Council's standards and specifications and may refuse to issue a Certificate of Practical Completion, until the required Works have been completed to the Council's satisfaction, acting reasonably.

(h) For the avoidance of doubt, any acceptance by the Council that the Developer has rectified a defect or non-compliance identified in a notice issued under clause 7(e) of this Schedule does not constitute:

(i) acceptance by the Council that the Works comply with all Approvals and Laws; or

(ii) an Approval by the Council in respect of the Works; or

(iii) an agreement or acknowledgment by the Council that the Works or the relevant part of the Works are complete and may be delivered to the Council in accordance with this deed.

**8. Completion**

8.1. **Practical Completion**

(a) When the Developer considers that the Works, or any part of the Works, are complete, the Developer must send a Notice to the Council accompanied by complete works as executed plans, any relevant certificates or consents of any public utility authority and a request for written certification from the Council that the Works are complete.

(b) Within 10 Business Days of receipt of the notice under clause 8.1(a) of this Schedule 2, the Council will carry out an inspection of the Works and will, acting reasonably, either:

(i) provide written certification to the Developer that the Works have been completed; or

(ii) notify the Developer of any additional information required or matters which must be addressed by the Developer prior to the certification being issued.

(c) If the Developer is required to provide additional information or address any matters under clause 8.1(b)(ii) of this Schedule, the Developer will provide that information to Council or address those matters within 10 Business Days of receiving the notice or within a reasonable period of time and make a further request under clause 8.1(a) of this Schedule 2 for written certification that the Works have been completed.

(d) Practical completion will be achieved in relation to the Works or any part of the Works when a Certificate of Practical Completion has been issued for those Works.

8.2. **Handover**

(a) The Developer is responsible for the delivery and care of the Works at all times prior to Handover of the Works.

(b) Handover will occur and Council will assume responsibility for the Works:

(i) following dedication to Council of the land on which Works are located; or

(ii) if Works are carried out on land already owned by Council, on the issue of a Certificate of Practical Completion for those Works.

8.3. **Delivery of documents**

(a) If it has not already done so, the Developer must as soon as practicable, and no later than 20 Business Days after the date on which the Certificate of Practical Completion is issued in respect of the Works or any part of the Works deliver to the Council, complete and legible copies of:

(i) all "as built" full-sized drawings, specifications and relevant operation and service manuals;

(ii) all necessary certificates including the certificates of any consultants of the Developer that the Council may reasonably require, and Approvals of any public utility authority (where relevant); and

(iii) copies of all Approvals required for use of the land subject to the Works.

(b) The Developer must as soon as practicable, and no later than 20 Business Days after the date on which the Certificate of Practical Completion is issued in respect of the Works or any part of the Works, provide the Council with a tour of the land subject to the Works and provide reasonable instructions on the operation and use of the Services on that land.

8.4. Assignment of Warranties and Causes of Action

(a) The Developer must assign (as beneficial owner) or cause to be assigned to Council the benefit of any warranties and guarantees obtained by the Developer and the Builder (and capable of assignment) with respect to any material or goods incorporated in or forming part of the Works.

(b) To the extent that any such warranties or guarantees cannot be assigned, the Developer must at the request of Council do anything reasonably required by Council to enforce such warranties or guarantees for the benefit of Council.

**9. Defects Liability and Maintenance**

9.1. **Maintenance**

(a) Prior to the issue of a Certificate of Practical Completion for any part of the Works, the Developer must provide to the Council a Maintenance Schedule setting out the proposed maintenance works and estimated costs for the relevant part of the Works over the Maintenance Period.

(b) Within 10 Business Days of receiving the Maintenance Schedule, Council must issue a written notice to the Development advising of any changes it requires to the Maintenance Schedule, which changes must be reasonable and in accordance with Council's usual practice for maintaining works of the same type.

(c) Within 5 Business Days of receiving the Council's notice under clause 9.1(b) of this Schedule, the Developer must provide to Council a final Maintenance Schedule incorporating the Council's changes.

(d) The Works or any part of those works, must be Maintained by the Developer in accordance with the Maintenance Schedule for the Maintenance Period.

(e) The Developer must follow relevant Council policies and obtain all Approvals necessary to carry out the Maintenance required under this clause.

(f) The Council must give the Developer and its contractors any access required to carry out Maintenance in accordance with the Maintenance Schedule.

9.2. **Defects Liability and Maintenance Period**

(a) During the Defects Liability and Maintenance Period, the Council (acting reasonably) may give to the Developer a notice (Rectification Notice) in writing that identifies a defect in the Works or any Maintenance requirement that has not been complied with.

(b) The Rectification Notice must specify:

(i) action required to be undertaken by the Developer to rectify the defect or Maintain the Works (Rectification Works); and

(ii) having reasonable regard for the scope of the Rectification Works, the date on which the defect must be rectified, or the Maintenance work completed (Rectification Date).

(c) The Developer must comply with the Rectification Notice by:

(i) procuring the performance of the Rectification Works by the Rectification Date, or such other date as agreed between the parties;

(ii) keeping the Council reasonably informed of the action to be taken to rectify the defect or Maintain the Works; and

(iii) carrying out the Rectification Works.

(d) The Council must give the Developer and its contractors any access required to carry out the Rectification Works.

(e) When the Developer considers that the Rectification Works are complete, either the Developer must notify the Council and provide documentation, plans or invoices which establish that the Rectification Works were carried out.

(f) The Council may inspect the Rectification Works within 15 Business Days of receiving a Notice from the Developer under clause 9.2(e) of this Schedule 2 and, acting reasonably:

(i) issue a further Rectification Notice if it is not reasonably satisfied that the Rectification Works are complete; or

(ii) notify the Developer in writing that it is satisfied the Rectification Works are complete.

(g) The Developer must meet all costs of and incidental to rectification of defects or Maintenance of Works under this clause 9.2.

(h) If the Developer fails to comply with a Rectification Notice, then the Council may do such things or take such action as is necessary to carry out the Rectification Works, including accessing and occupying any part of the Land without further notice to the Developer, and may:

(i) call upon any Bond or Bank Guarantee provided to the Council under clause 9.3 of this Schedule to meet its costs of carrying out Rectification Works; and

(ii) recover as a debt due to the Council by the Developer in a court of competent jurisdiction, any difference between the amount of the Bond or Bank Guarantee and the costs incurred by the Council in carrying out Rectification Works.

(i) The Developer must request that Council inspect the Works 28 days prior to the end of the Defects Liability and Maintenance Period. The Council must inspect the Works at any time after receiving the request from the Developer and before to the end of the Defects Liability and Maintenance Period.

(j) If, prior to the end of the Defects Liability and Maintenance Period:

(i) the Developer fails to request the inspection, or

(ii) the Council does not carry out the inspection,

the Council may extend the Defects Liability and Maintenance Period so that the inspection may be carried out.

9.3. **Security for Defects Liability**

(a) Prior to the issue of a Certificate of Practical Completion for each item of the Works the Developer must deliver to the Council Bonds or Bank Guarantees in an amount equivalent to 25% of the value of the works as detailed at Schedule 1 for the particular item of Works.

(b) The Developer discloses and the Council acknowledges that the Bonds or Bank Guarantees may be supplied by the Builder and form a part of the security held by the Developer from the Builder under the terms of the Construction Contract, provided that:

(i) any Bond or Bank Guarantee provided by the Builder benefits the Council and satisfies the requirements of this deed; and

(ii) the Developer procures an agreement from the Builder that the Council will be entitled to call on any Bond or Bank Guarantee provided by the Builder, in accordance with the terms of this deed and the terms of any Construction Contract.

(c) Within 10 Business Days after the Defects Liability and Maintenance Period for a particular item of Works has expired Council must (if it has not called on it) return the Bond or Bank Guarantee referred to in clause 9.3(a) of this Schedule for that item of Works (or any remaining balance of it) to the Developer.

(d) Notwithstanding clause 9.2(c) of this Schedule 2, if during the Defects Liability and Maintenance Period for a particular item of Works, the Council issues a Rectification Notice, then the Council need not deliver the balance of any Bonds or Bank Guarantees provided to it until the Rectification Notice has been complied with.

**10. Risk**

The Developer undertakes the Works entirely at its own risk.

**11. Insurance**

(a) Prior to the commencement of the construction of any of the Works, the Developer must ensure the Builder effects and the Developer must produce evidence to the Council of the following insurances issued by an insurer approved by the Council (acting reasonably) in a form approved by the Council (acting reasonably):

(i) construction works insurance for the value of the Works;

(ii) public risk insurance for at least $20 million;

(iii) workers compensation insurance as required by Law.

(b) The Developer must provide evidence of currency of insurance required by clause 11(a) of this Schedule 2 upon request by the Council, acting reasonably, throughout the term of this deed.

**12. Indemnities**

The Developer indemnifies the Council, its employees, officers, agents and contractors from and against all Claims in connection with the carrying out by the Developer of the Works except to the extent such Claim arises either directly or indirectly as a result of the Council or its employees, officers, agents, contractors or workmen's negligence, default, act or omission.

**13. Intellectual Property Rights**

The Council acknowledges that the Developer or its contractors hold all rights to copyright and any intellectual property which may exist in the Works. To the extent the Developer have or receive intellectual property rights for the Works, the Developer shall assign those intellectual property rights to Council or permit use thereof.

**14. Risk of contamination**

The Developer acknowledges and agrees:

(a) that it is responsible for the management and remediation of any contamination present upon or under the land on which the Works are to be carried out;

(b) it will attend to any necessary remediation at their own costs; and

(c) to the fullest extent permitted by Law indemnify and release the Council from any Claim which might arise from any contamination with respect to the land on which the Works are to be carried out.

**15. Plans**

The parties acknowledge and agree that further detail and refinement of plans and documents in connection with this deed may be necessary having regard to the following matters:

(a) matters affecting Works not capable of identification on or before the date of this deed; or

(b) by agreement between the parties.

## Schedule 3 Summary of requirements (section 7.4)

| **Subject and subsection of the Act** | **Planning Agreement** |
|---|---|
| **Planning instrument and/or Development Application** – Section 7.4(1)<br>The landowners have: | |
| (a) Sought a change to an environmental planning instrument | ☐ Yes<br>☒ No |
| (b) Made, or propose to make a Development Application | ☒ Yes<br>☐ No |
| (c) Entered into an agreement with, or are otherwise associated with, a person to whom paragraph (a) or (b) applies | ☐ Yes<br>☒ No |
| **Description of the land to which the Planning Agreement applies** – Section 7.4(3)(a) | Lot 10 DP 1302833, otherwise known as 124 Caddens Rd, Orchard Hills<br>Lot 11 DP 1309130, otherwise known as 146 Caddens Road, Orchard Hills<br>Lot 20 DP 1304679, otherwise known as 148 Caddens Road, Orchard Hills<br>Lot 6 DP1344, otherwise known as 2 Kingswood Road, Orchard Hills<br>Lot 71 DP1302829, otherwise known as Part 90-96 Caddens Road, Orchard Hills<br>Lot 73 DP1302829, otherwise known as Part 90-96 Caddens Road, Orchard Hills<br>Lot 8 DP1344, otherwise known as 98-104 Caddens Road, Orchard Hills<br>Lot 9 DP1344, otherwise known as 106-112 Caddens Road, Orchard Hills<br>Lot 2 DP1302831, otherwise known as 114 Caddens Road, Orchard Hills |
| **Description of the change to the environmental planning instrument or development to which the Planning Agreement applies** - Section 7.4(3)(b) | See Definitions, Stage 1 DA, Stage 2 DA and Stage 3 DA |
| **The scope, timing and manner of delivery of contributions required by the Planning Agreement** – Section 7.4(3)(c) | See Schedule 1. |

| | |
|---|---|
| **Applicability of section 7.11 of the Act** – Section 7.4(3)(d) | Excluded, see clause 7. |
| **Applicability of section 7.12 of the Act** – Section 7.4(3)(d) | Excluded, see clause 7. |
| | |
| **Applicability of Subdivision 4 of Division 7.1 of the Act** – Section 7.4(3)(d) | Not excluded, see clause 7. |
| **Whether the benefits are or are not to be taken into consideration in determining a development contribution under section 7.11** – Section 7.4(3)(e) | No, see clause 7. |
| **Mechanism for dispute resolution** – Section 7.4(3)(f) | See clause 10 |
| **Enforcement of the Planning Agreement by a suitable means** – Section 7.4(3)(g) | See clause 11 |
| **Registration of the Planning Agreement** – Section 7.6 | See clause 8 |
| **No obligation to grant consent or exercise functions** – Section 7.4(9) | See clause 14 (no fetter) |

## Execution

Executed as a deed in _____.

**Signed, sealed and delivered** for and on behalf of **Penrith City Council** by its authorised delegate in accordance with a resolution of the Council dated 28 April 2025: )
)
)

.....
Signature of witness

.....
Signature of Authorised Delegate

Print position:

.....
Print name

.....
Print name

**Signed, sealed and delivered** by **LegPro Orchard Hills Stage 1 Pty Ltd** (ACN 673 136 206) in its capacity as trustee of the LegPro Orchard Hills Stage 1 Unit Trust in accordance with section 127 of the Corporations Act 2001 (Cth):

.....
Signature of Sole Director and Secretary

.....
Name of Sole Director and Secretary in full

**Signed, sealed and delivered** by **LegPro Orchard Hills Stage 2 Pty Ltd** (ACN 673 759 209) in its capacity as trustee of the LegPro Orchard Hills Stage 2 Unit Trust in accordance with section 127 of the *Corporations Act 2001* (Cth):

.....
Signature of Sole Director and Secretary

.....
Name of Sole Director and Secretary in full

**Signed, sealed and delivered** by **LegPro Orchard Hills Stage 3 Pty Ltd** (ACN 673 754 026) in its capacity as trustee of the LegPro Orchard Hills Stage 3 Unit Trust in accordance with section 127 of the *Corporations Act 2001* (Cth):

.....
Signature of Sole Director and Secretary

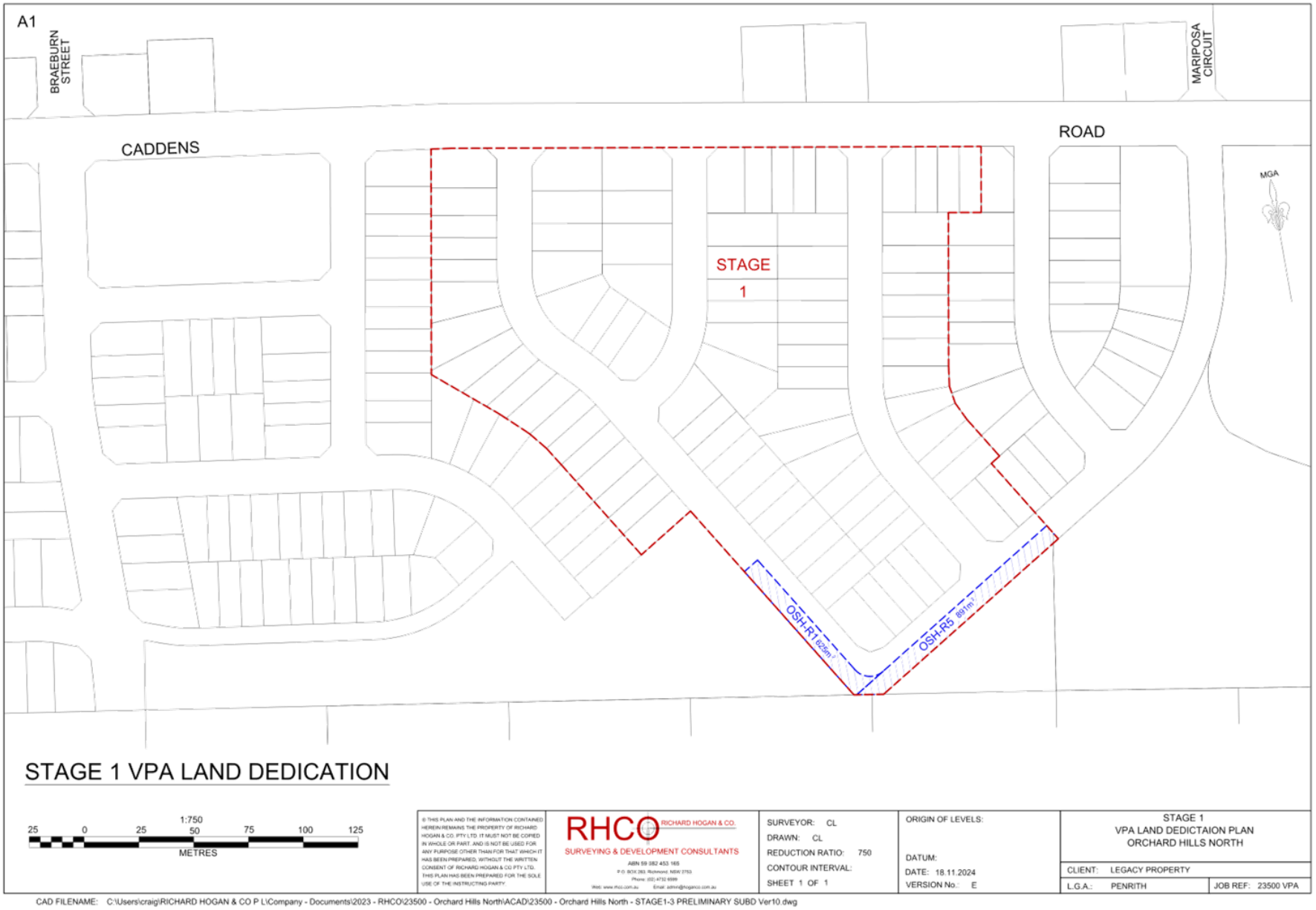
.....
Name of Sole Director and Secretary in full

Annexure A Plan showing Land

| Address | Lot/DP |
|---|---|
| 124 Caddens Rd, Orchard Hills | Lot 10 DP 1302833 |
| 146 Caddens Rd, Orchard Hills | Lot 11 DP1309130 |
| 148 Caddens Rd, Orchard Hills | Lot 20 DP1304679 |
| 2 Kingswood Road, Orchard Hills | Lot 6 DP1344 |
| Part 90-96 Caddens Road, Orchard Hills | Lot 71 DP1302829<br>Lot 73 DP1302829 |
| 98-104 Caddens Road, Orchard Hills | Lot 8 DP1344 |
| 106-112 Caddens Road, Orchard Hills | Lot 9 DP1344 |
| 114 Caddens Road, Orchard Hills | Lot 2 DP1302831 |

LEGEND
Land owned by Legacy
Orchard Hills North Site Boundary
Lot 71 DP 1302829
Lot 6 DP 1344
Lot 8 DP 1344
Lot 9 DP 1344
Lot 2 DP 1302831
10 DP1302833
11 DP1309130
20 DP1304679
Lot 73 DP 1302829
Caddens Road
Kingswood Road
Ulm Road
Castle Road
Legacy Land Holding Ownership Plan - Lot 2 DP 1302831, Lot 71, 73 DP 1302829, Lot 6, 8 and 9 DP 1344, LOT 10 DP1302833, LOT 11 DP1309130 and LOT 20 DP1304679
ORCHARD HILLS NORTH
30 0 60 120 180 240 300 metres
Ref: LEGOH-17-019-7 Date: 23/09/2025 Revision: A Scale: 1:3,000@A1
Note: All areas and dimensions subject to detailed survey
Design+ Planning

Annexure B Plan showing Dedication Land


A1
BRAEBURN STREET
MARIPOSA CIRCUIT
CADDENS
ROAD
MGA
STAGE
1
OSH-R1 625m²
OSH-R5 691m²
STAGE 1 VPA LAND DEDICATION
25 0 25 50 75 100 125
1:750
METRES
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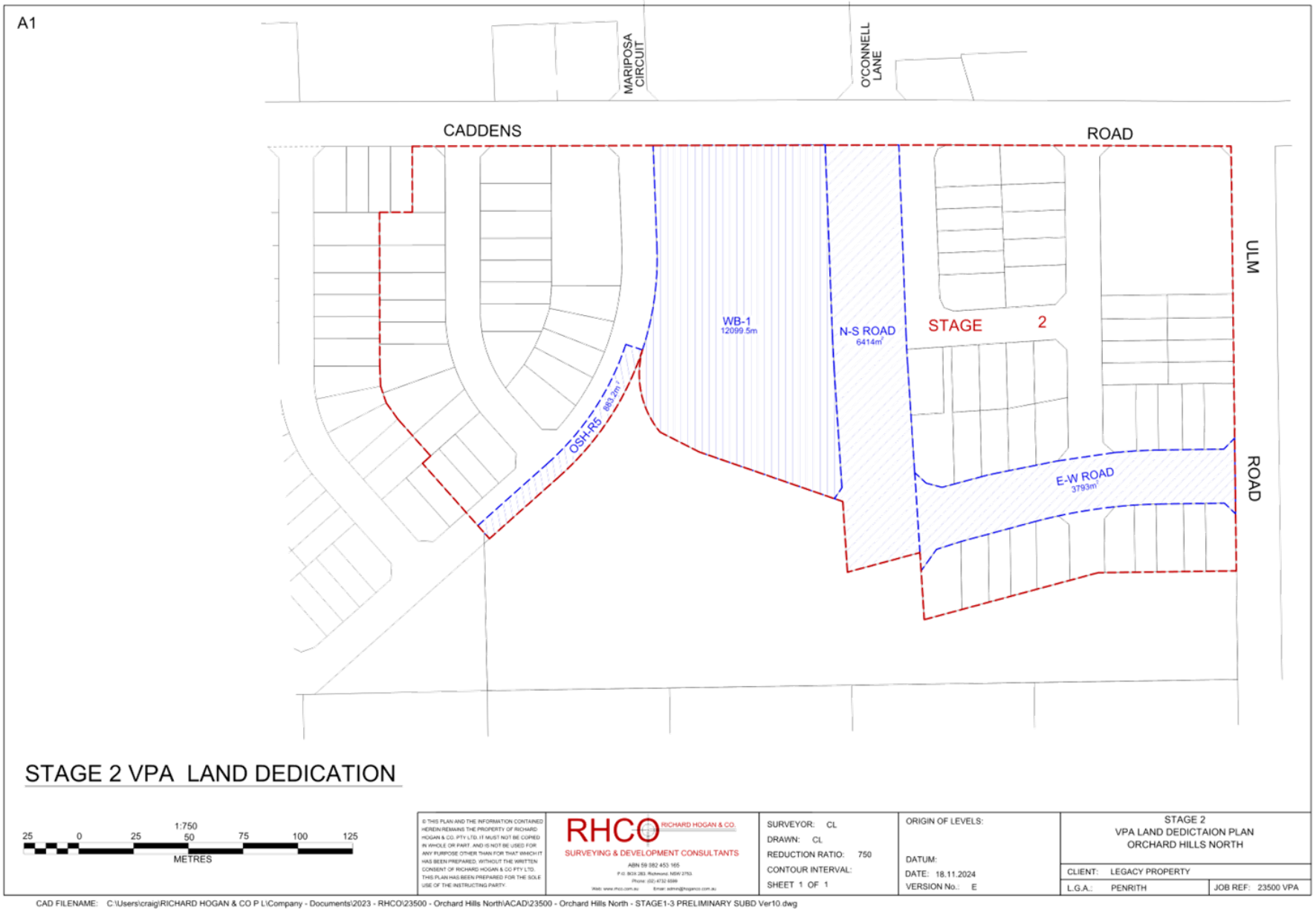
RHCO RICHARD HOGAN & CO.
SURVEYING & DEVELOPMENT CONSULTANTS
ABN 59 082 453 165
P.O. BOX 283 Richmond, NSW 2753
Phone: (02) 4732 6599
Web: www.rhco.com.au Email: admin@rhogancs.com.au
SURVEYOR: CL
DRAWN: CL
REDUCTION RATIO: 750
CONTOUR INTERVAL:
SHEET 1 OF 1
ORIGIN OF LEVELS:
DATUM:
DATE: 18.11.2024
VERSION No.: E
STAGE 1
VPA LAND DEDICTAION PLAN
ORCHARD HILLS NORTH
CLIENT: LEGACY PROPERTY
L.G.A.: PENRITH
JOB REF: 23500 VPA
CAD FILENAME: C:\Users\craig\RICHARD HOGAN & CO P L\Company - Documents\2023 - RHCO\23500 - Orchard Hills North\ACAD\23500 - Orchard Hills North - STAGE1-3 PRELIMINARY SUBD Ver10.dwg


A1
MARIPOSA CIRCUIT
O'CONNELL LANE
CADDENS
ROAD
ULM
ROAD
WB-1
12099.5m
N-S ROAD
6414m²
STAGE 2
OSH-R5
6883.2m²
E-W ROAD
3793m²
STAGE 2 VPA LAND DEDICATION
1:750
25 0 25 50 75 100 125
METRES
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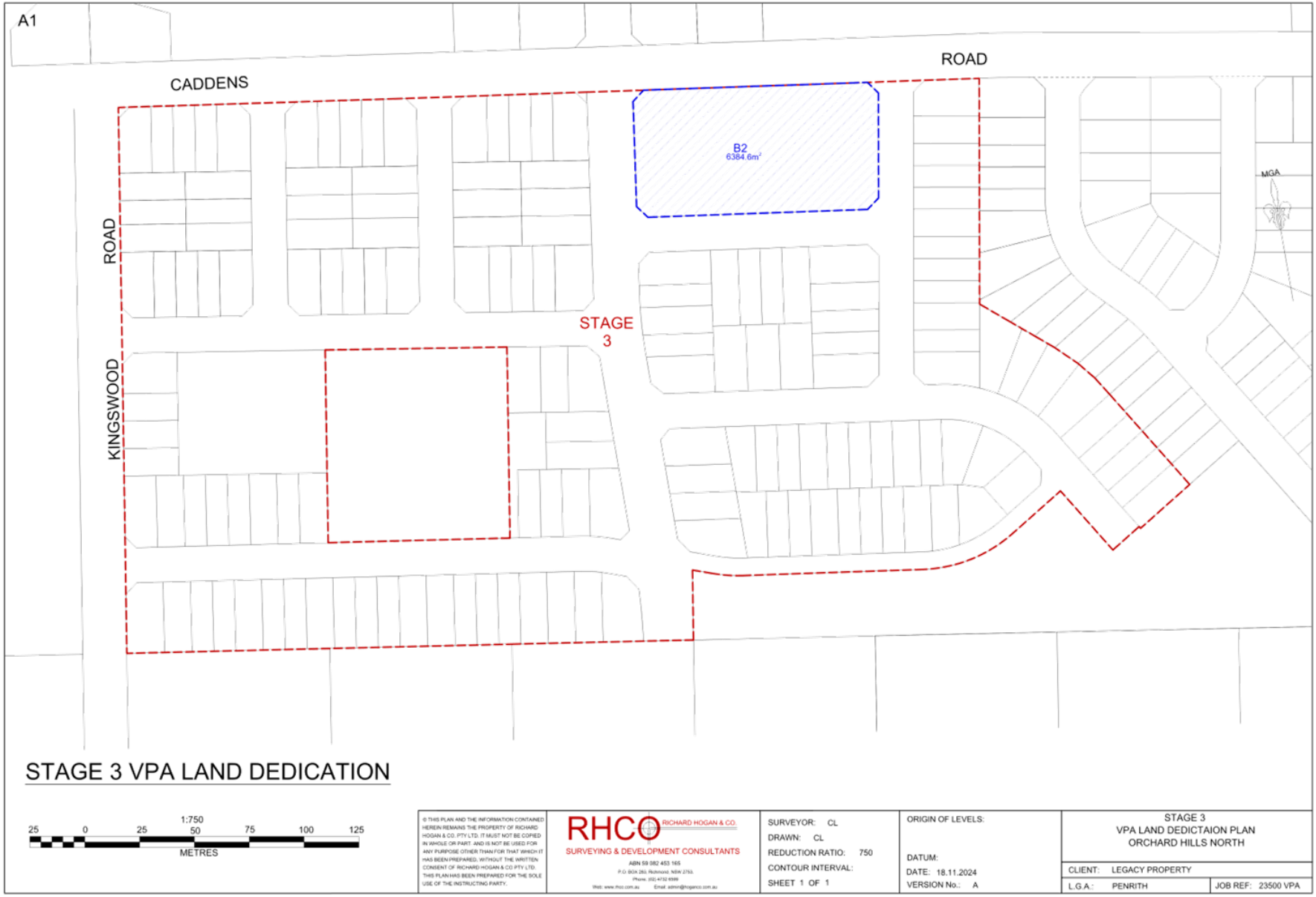
SURVEYING & DEVELOPMENT CONSULTANTS
ABN 59 082 453 165
P.O. BOX 283 Richmond, NSW 2753
Phone: (02) 4732 9399
Web: www.rhco.com.au Email: admin@rhogan.com.au
SURVEYOR: CL
DRAWN: CL
REDUCTION RATIO: 750
CONTOUR INTERVAL:
SHEET 1 OF 1
ORIGIN OF LEVELS:
DATUM:
DATE: 18.11.2024
VERSION No.: E
STAGE 2
VPA LAND DEDICTAION PLAN
ORCHARD HILLS NORTH
CLIENT: LEGACY PROPERTY
L.G.A.: PENRITH
JOB REF: 23500 VPA
CAD FILENAME: C:\Users\craig\RICHARD HOGAN & CO P L\Company - Documents\2023 - RHCO\23500 - Orchard Hills North\ACAD\23500 - Orchard Hills North - STAGE1-3 PRELIMINARY SUBD Ver10.dwg


A1
CADDENS
ROAD
ROAD
B2
6384.6m²
STAGE
3
KINGSWOOD
MGA
STAGE 3 VPA LAND DEDICATION
1:750
25 0 25 50 75 100 125
METRES
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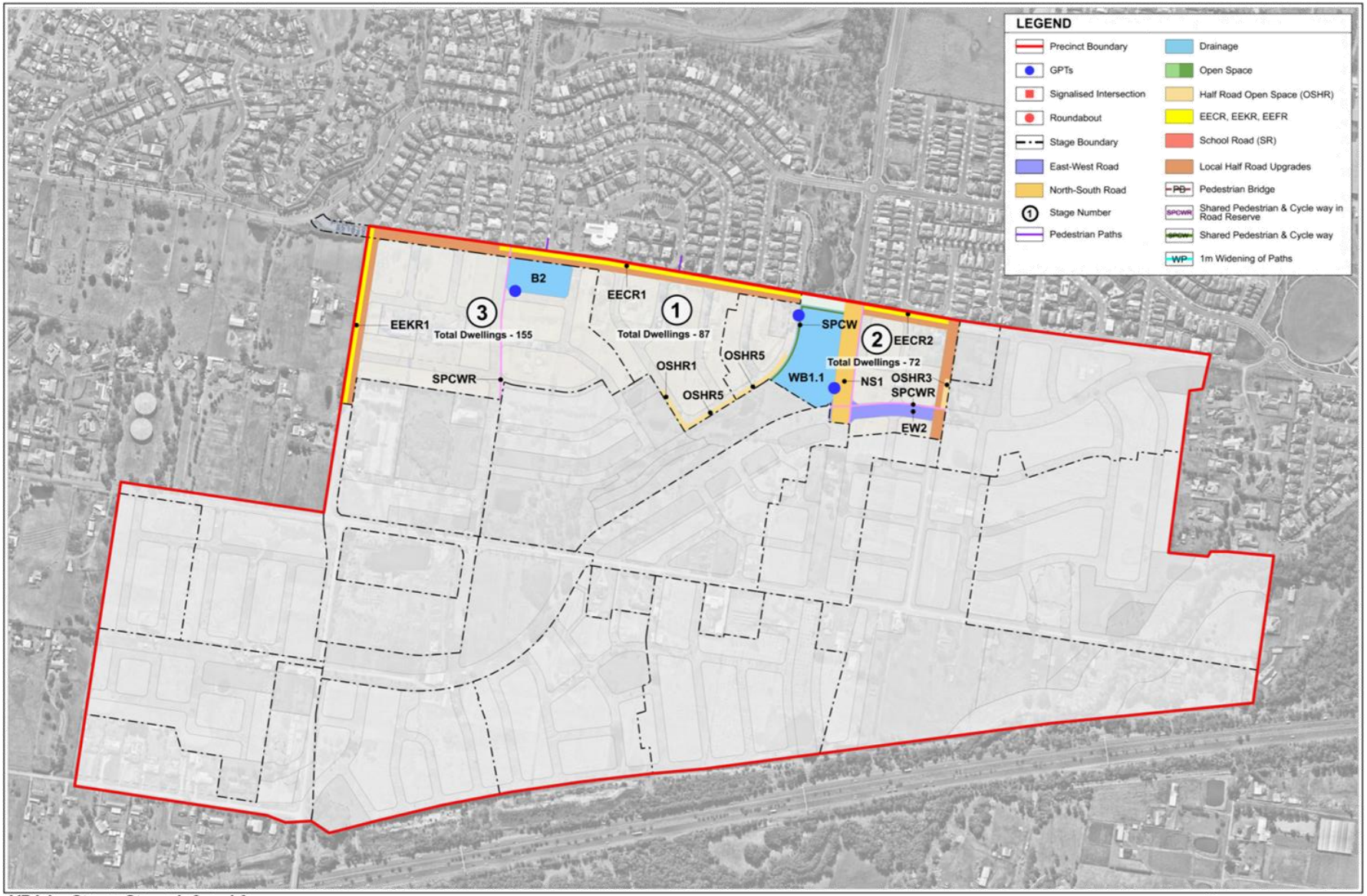
Web: www.rhco.com.au Email: admin@rhogan.com.au
SURVEYOR: CL
DRAWN: CL
REDUCTION RATIO: 750
CONTOUR INTERVAL:
SHEET 1 OF 1
ORIGIN OF LEVELS:
DATUM:
DATE: 18.11.2024
VERSION No.: A
STAGE 3
VPA LAND DEDICTAION PLAN
ORCHARD HILLS NORTH
CLIENT: LEGACY PROPERTY
L.G.A.: PENRITH
JOB REF: 23500 VPA
CAD FILENAME: C:\Users\craig\RICHARD HOGAN & CO P L\Company - Documents\2023 - RHCO\23500 - Orchard Hills North\ACAD\23500 - Orchard Hills North - STAGE1-3 PRELIMINARY SUBD Ver10.dwg

## Annexure C Plan Public Access Land

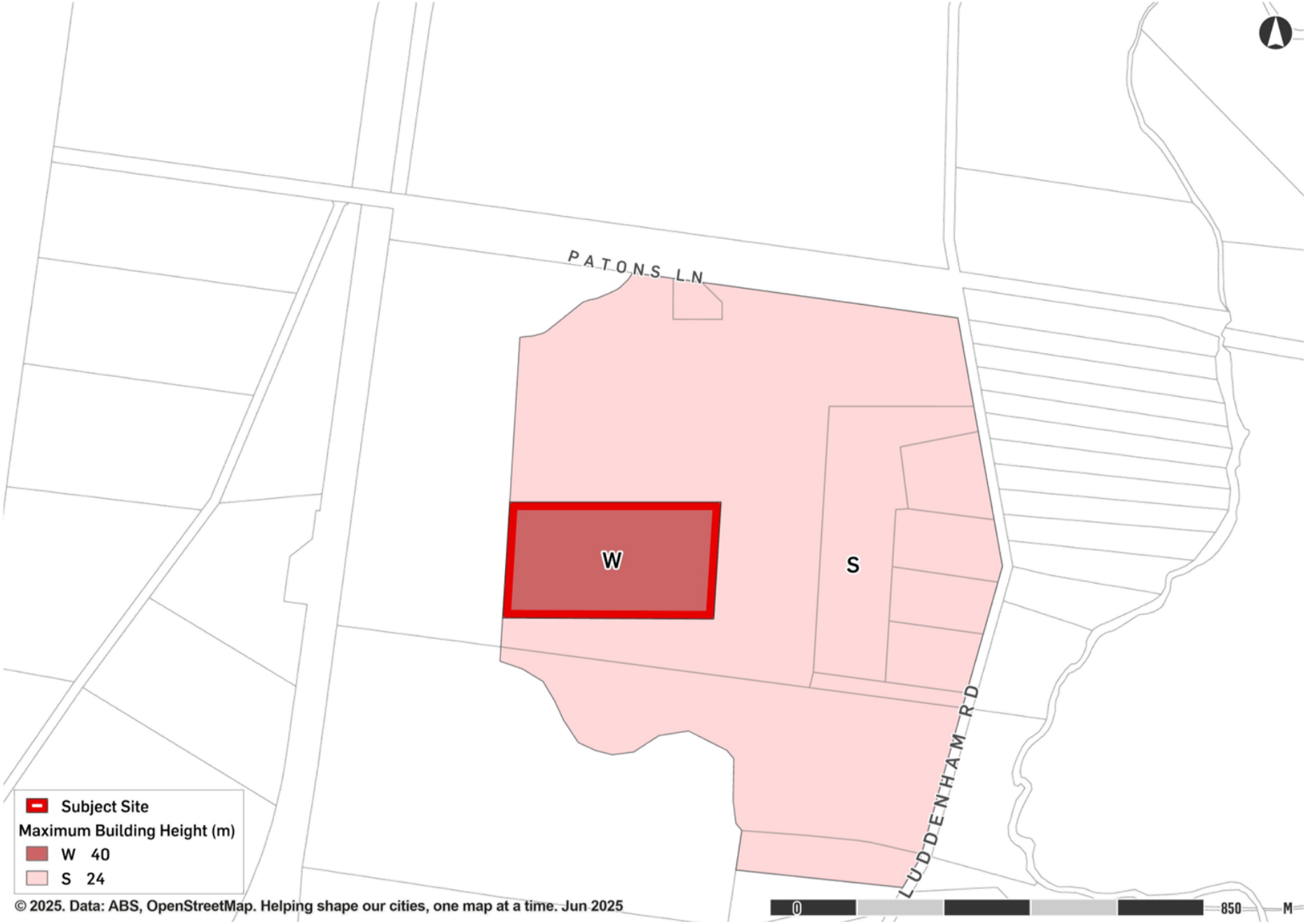
[Not used]

Annexure D Plan showing Works

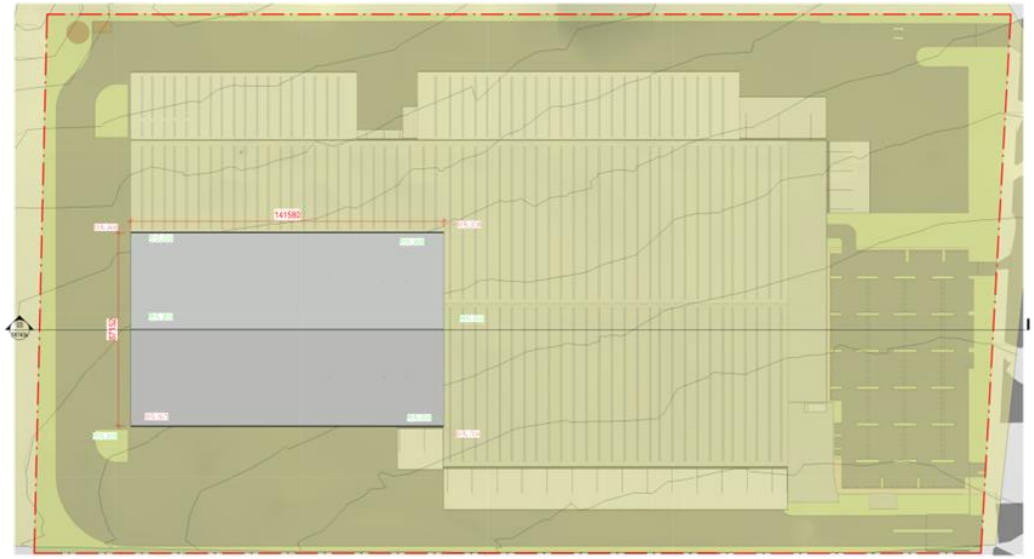

LEGEND
Precinct Boundary
GPTs
Signalised Intersection
Roundabout
Stage Boundary
East-West Road
North-South Road
Stage Number
Pedestrian Paths
Drainage
Open Space
Half Road Open Space (OSHR)
EECR, EEKR, EEFR
School Road (SR)
Local Half Road Upgrades
Pedestrian Bridge
Shared Pedestrian & Cycle way in Road Reserve
Shared Pedestrian & Cycle way
1m Widening of Paths
B2
EECR1
EEKR1
3
Total Dwellings - 155
1
Total Dwellings - 87
SPCW
2
EECR2
Total Dwellings - 72
OSHR1
OSHR5
WB1.1
NS1
OSHR3
SPCWR
SPCWR
OSHR5
EW2
VPA by Stage_Stage 1, 2 and 3
ORCHARD HILLS NORTH
30 0 60 120 180 240 300 metres
Ref: LEGOH-19-004-16 Date: 25/09/2025 Revision: K Scale: 1:6,000@A3
Note: All areas and dimensions subject to detailed survey
Design+ Planning

# ATTACHMENTS

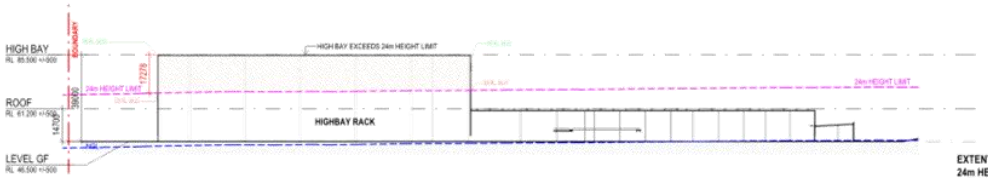
| | |
|---|---|
| Date of Meeting: | Monday 27 October 2025 |
| Report Title: | Planning Proposal for Alspec Industrial Business Park |
| Attachments: | Draft Height of Buildings Map<br>Masterplan for Subject Site - Lot 11<br>Height Breach Diagram<br>Viewpoint Images and Locations<br>Penrith Local Planning Panel Report and Advice - Alspec Industrial Business Park – 221-235 Luddenham Road Orchard Hills |


PATONS LN
W
S
LUDDENHAM RD
Subject Site
Maximum Building Height (m)
W 40
S 24
© 2025. Data: ABS, OpenStreetMap. Helping shape our cities, one map at a time. Jun 2025
0
850
M

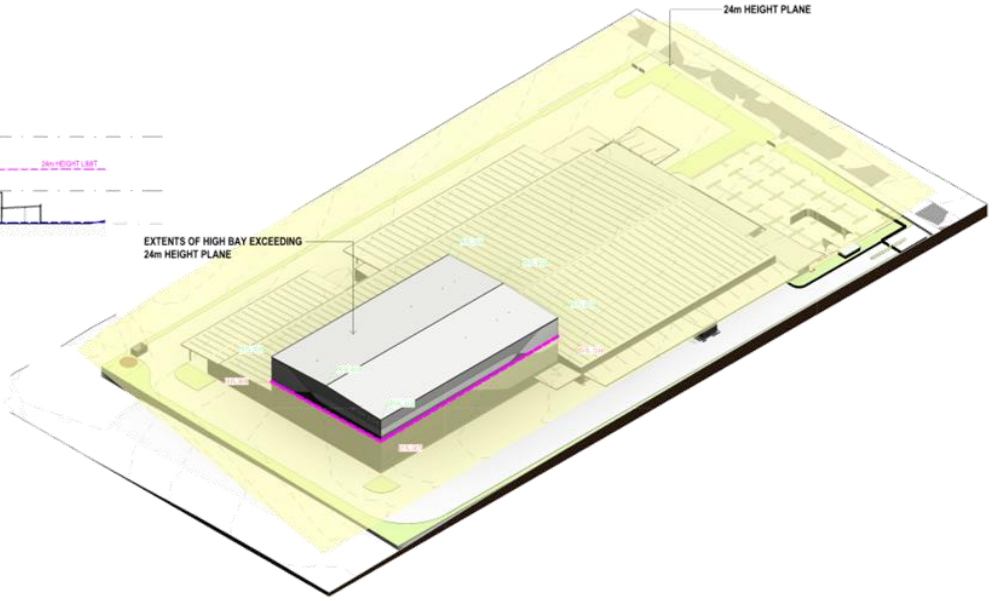
# Masterplan for Subject Site (Lot 11) - Alspec Industrial Business Park




2 Height Breach Diagram - Roof Plan




03 Height breach Diagram - Section Through High Bay
SK130.0




| | | |
|---|---|---|
| Project Name | Alspec Industrial Business Park Storage and Distribution Warehouse | |
| Project Address | Luddenham Road, Orchard Hills NSW | |
| SKETCH | | |
| Key Plan | | |
| HEIGHT BREACH DIAGRAM | | |
| Author: RA | Checked: NG | Sheet Size: A1 |
| Scale: 1:750 | | |
| Drawing Number: 14291_SK143a | Issue: P1 | |

nettletontribe

VIEWPOINT LOCATION AND IMAGES – AIBP PLANNING PROPOSAL

Viewpoint 1: Cumulative photomontage. 443-457 Luddenham Road, Luddenham – looking North

Viewpoint 2: Cumulative photomontage. Luddenham Road - approach from South

Viewpoint 3: Cumulative photomontage. Adjacent to 262 Luddenham Road, Orchard Hills – Looking West

Figure 30c. Viewpoint 3 - Adjacent to 262 Luddenham Road, Orchard Hills - Looking West (Photomontage Cumulative) Approx Planar Panoramic Angle of View - 53.5° JULY 2

Viewpoint 4: Cumulative photomontage. Luddenham Road, adjacent to estate boundary – looking West

Figure 31c: Viewpoint 4 - Luddenham Road (Adjacent to Estate Boundary), Orchard Hills - Looking West (Photomontage - Cumulative) Approx Planar Panoramic Angle of View - 53.5° JULY 2(

Viewpoint 5: Cumulative photomontage. Luddenham Road - approach from North

Figure 32c: Viewpoint 5 - Luddenham Road (Approach from North), Orchard Hills - Looking South (Photomontage - Cumulative) Approx Planar Panoramic Angle of View - 53.5° JULY 2(

Viewpoint 6: Cumulative photomontage. View from future North South Rail Link – looking East

Figure 33b: Viewpoint 6 - View from future North South Rail Link, Orchard Hills - Looking East (Photomontage Y15) Approx Planar Panoramic Angle of View - 53.5° JULY

Viewpoint 7: Cumulative photomontage. Luddenham Road (driveway to No 405) - looking North

Figure 34a: Viewpoint 7 - 443-457 Luddenham Road, Luddenham - Looking North (Photomontage Y0 & Y15) Approx Cylindrical Panoramic Angle of View - 67° JULY 2025 REV D Job no. 241111 Page 47

Viewpoint 8: Cumulative photomontage. Adjacent to 2 Homestead Road, Orchard Hills – looking Southeast

***Penrith Local Planning Panel Advice***

| | |
|---|---|
| **PLANNING PROPOSAL REF** | PP-2025-1360 |
| **PLANNING PROPOSAL DESCRIPTION** | Alspec Industrial Business Park – 221-235 Luddenham Road, Orchard Hills |
| **DATE OF LPP MEETING** | 24 September 2025 |
| **PANEL MEMBERS** | Steve Alchin (Chair)<br>Steve Driscoll (Expert)<br>Kate Bartlett (Expert)<br>Harold Dulay (Community Representative) |
| **APOLOGY** | None Listed |
| **DECLARATIONS OF INTEREST** | None Listed |

**Executive Summary**

This report seeks advice from the Local Planning Panel regarding a Planning Proposal for the Alspec Industrial Business Park (AIBP) at 221-235 Luddenham Road, Orchard Hills.

The Planning Proposal seeks to amend Penrith Local Environmental Plan 2010 (PLEP 2010) to increase the Height of Building (HOB) control to a portion of the site from 24 metres to 40 metres. The proposed amendment will enable progression of a concurrent State Significant Development Application (SSDA) for a high bay warehousing development by ensuring the building height is compliant with PLEP 2010.

The Planning Proposal will be reported to Council in coming weeks with a recommendation to forward the Planning Proposal to the Minister for Planning and Public Spaces to seek a Gateway Determination. A Gateway Determination will allow public exhibition and community and agency consultation to occur once any Gateway conditions are met.

**Background**

The Planning Proposal relates to 221-235 Luddenham Road, Orchard Hills, as shown in the table below:

| Address | Legal Description | Area | Existing zoning |
|---|---|---|---|
| 221-235 Luddenham Road, Orchard Hills, NSW, 2748 | Lot 1 DP 1293805 | 104,959sqm | E4 General Industrial |

The site underwent a previous rezoning in May 2024 which rezoned part of the site from RU2 Rural Landscape to part E4 General Industrial and part C2 Environmental Conservation. The Planning Proposal also applied a maximum HOB control of 24 metres, a minimum lot size control of 1000sqm, and minimum lot density provisions. This rezoning established the framework under which the AIBP and subsequent DAs could be progressed. Since this time, several DAs have been prepared and lodged with Council, as well as one SSDA lodged with the Department of Planning, Housing and Infrastructure.

A Voluntary Planning Agreement (VPA) was prepared in support of the Planning Proposal. The VPA facilitates the delivery of new and upgraded roads, traffic management facilities for Luddenham Road and Patons Lane, and the dedication of land for the future widening of Luddenham Road. The VPA was executed 14 May 2024.

**Current Situation**

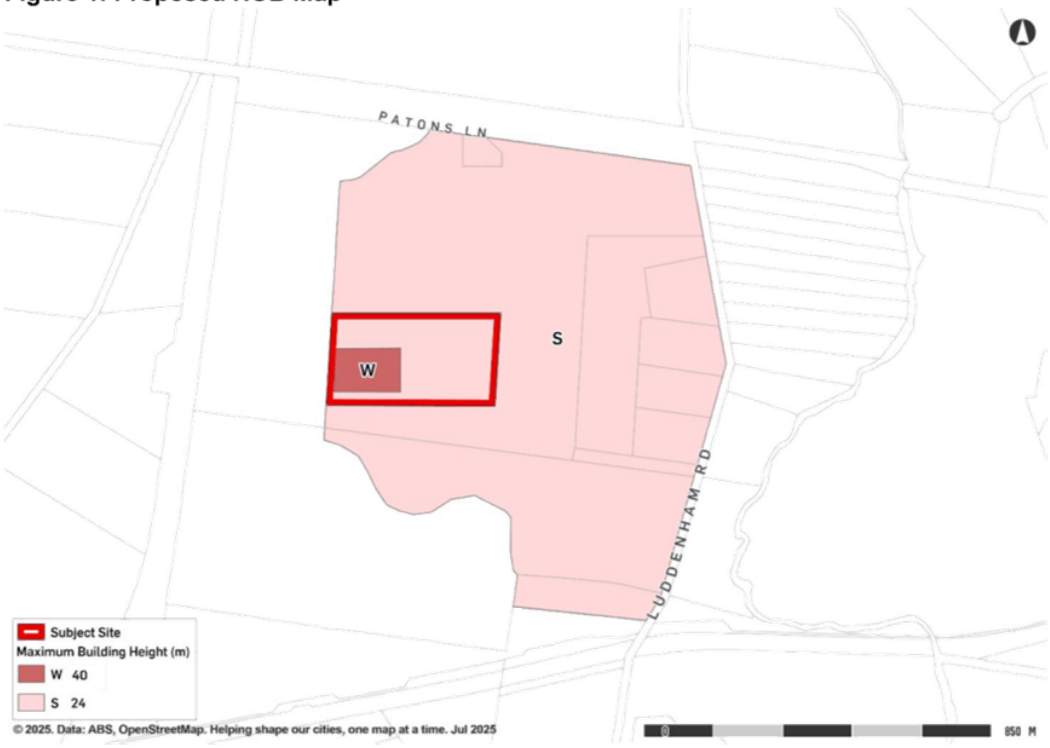
A Planning Proposal (provided as Attachment 1) has been submitted to Council which seeks to amend LEP 2010 to increase the HOB control to a portion of the site from 24 metres to 40 metres. This amendment will enable progression of a concurrent SSDA for the construction and operation of a new storage and distribution warehouse, which includes a high bay warehousing component at the western portion of the site. The proposed amendment will enable progression of this SSDA by ensuring the building height is compliant with PLEP 2010.

It is noted that the amendment will not result in additional Gross Floor Area (GFA) and only seeks to facilitate high bay warehouse storage.

The proposed amendments are identified in the table below and Figure 1.

| Application | Existing HOB Control | New HOB Control |
|---|---|---|
| Area W, as identified in the draft HOB map. | 24 metres | 40 metres<br>No other changes to HOB are proposed. |

**Figure 1: Proposed HOB Map**




Visual Impact Assessment

A Visual Impact Assessment has been submitted in support of the Planning Proposal. The assessment explored eight different viewpoint locations to illustrate how the proposed HOB

increase would impact the surrounding vicinity. The Visual Impact Assessment is provided at Appendix 3 of the Planning Proposal. Viewpoint locations and images are also provided at Attachment 2 of this report.

- Viewpoint 1 is within 1.3 kilometres of the subject site at 443-457 Luddenham Road, Luddenham and looks north towards the project from a rural landscape. The overall impact of the project from this viewpoint is considered to be moderate.
- Viewpoint 2 is located within 625 metres from the subject site on Luddenham Road and the significance of the visual impact is considered to be none. The future development will essentially be hidden by vegetation from this viewpoint.
- Viewpoint 3 is within 576 metres of the subject site and is located adjacent to 262 Luddenham Road, Orchard Hills and looks north west. The majority of the proposed building would be screened by existing vegetation within the private properties to the east of AIBP. The significance of the visual impact at this location is judged to be minor.
- Viewpoint 4 is 628 metres of the subject site from Luddenham Road (Adjacent to SIBP), Orchard Hills and looks in a westward direction. The significance of the visual impact is considered to be moderate as the high-bay element would form as a new highly recognisable element within the view which would be recognised as an industrial development. The development of lot 1 within the AIBP will screen subject site from this viewpoint and would effectively reduce the visual impact as a result of the HOB increase.
- Viewpoint 5 is approximately 1.5 kilometres from the subject site at Luddenham Road (Approach from North), Orchard Hills and looks in a southward direction. The significance of this viewpoint is considered to be minor/negligible as surrounding future development of the AIBP will occur behind the existing tree line.
- Viewpoint 6 is approximately 300 metres from the subject site at the future Metro Western Sydney Airport corridor and looks in an eastward direction. The significance of the visual impact is considered to be moderate to minor.
- Viewpoint 7 is approximately 1.1 kilometres from the subject site at 405 Luddenham Road, Luddenham and looks in a northward direction. The significance of the visual impact is minor with the development of the AIBP being screened behind the existing tree line.
- Viewpoint 8 is approximately 3.35 kilometres from the subject site at 2 Homestead Road, Orchard Hills and looks in a southward direction. The significance of the visual impact is moderate to minor with future development of the AIBP being behind the existing tree line.

As the AIBP will develop over the next decade alongside the development of the Mamre Road Industrial Precinct and Western Sydney Aerotropolis, the overall impacts are considered moderate to minor. The views that will be experienced by passing motorists from Luddenham Road and from land dedicated for the future Outer Sydney Orbital, and pedestrians in very close proximity to the site are transient and temporary as the surrounding area develops. On this basis, the proposed height increase is deemed acceptable.

Strategic merit

The proposal is located within a precinct currently zoned E4 General Industrial and will support the realisation of the AIBP. The increase to building height will encourage diverse industrial and employment activities.

The Planning Proposal aligns with state and local strategic plans:

*Greater Sydney Region Plan: A Metropolis of Three Cities*

The Planning Proposal is consistent with the Greater Sydney Region Plan as it will enable delivery of large warehousing development which will support the economic growth of the region and in close proximity to the WSI Airport. Establishment of the AIBP will grow investment, business and employment opportunities for existing and future residents of the LGA and the broader Western Economic Corridor. The proposal will support delivery of high bay warehousing which will maximise freight and logistics operations.

*Local Strategic Planning Statement (LSPS)*

The relevant Planning Priorities in the LSPS are:

- Planning Priority 1: Align development, growth and infrastructure
- Planning Priority 11: Support the planning of the Western Sydney Aerotropolis
- Planning Priority 12: Enhance and grow Penrith's Economic Triangle.

This Proposal is consistent with Planning Priority 1, 11 and 12 of the LSPS:

- Planning Priority 1: The AIBP will deliver an industrial precinct that will support freight and industrial activities to service the LGA and surrounding region. An existing Voluntary Planning Agreement (VPA) has been executed for the site which secures the delivery of new and upgraded road infrastructure.
- Planning Priority 11: The proposed development will offer industrial land uses in proximity to the Western Sydney Aerotropolis and will support the significant growth and change currently occurring.
- Planning Priority 12: The AIBP will contribute to the delivery of industries and job opportunities. Freight and logistics industries will be located in a prime location to leverage the economic opportunities growing within Penrith. The project will aid in creating future industrial lands which are critical to ensuring communities have access to jobs and services close to home.

*Employment Lands Strategy*

The relevant Direction in Council's Employment Lands Strategy is:

- Direction 3 – Build on our strengths and facilitate new enterprises.

The AIBP will help deliver short- and medium-term job demands for the Penrith LGA and the broader Precinct. The proposal will facilitate greater flexibility in height limits applying to part of the site, thereby encouraging diverse industrial and employment activities within the precinct.

<u>DCP Amendment</u>

In isolation to the Planning Proposal, an amendment to chapter *E18 Luddenham Road Industrial Business Park* of Penrith Development Control Plan 2014 (DCP 2014) is proposed to respond to feedback raised during the assessment of previous DAs for the AIBP. This amendment includes

the following changes:

- Introduction of a Lot Yield Map to guide the assessment of subdivision proposals and to ensure compliance with lot yield controls in LEP 2010.
- Minor amendment to correct drafting errors relating to road cross sections.
- Include the outcomes of the previous estate wide cumulative noise assessment as an appendix.

**Conclusion**

This report seeks advice from the LPP regarding a Planning Proposal for the AIBP at 221-235 Luddenham Road, Orchard Hills. The Planning Proposal seeks to amend LEP 2010 to increase the HOB control on a portion of the site from 24 metres to 40 metres. The proposed amendment will facilitate the delivery of high bay warehousing development on 'lot 11' of the subject site.

The Planning Proposal is consistent with all relevant strategic plans, including Council's Local Strategic Planning Statement and Employment Lands Strategy.

The Planning Proposal will be reported to Council in coming weeks with a recommendation to progress the Planning Proposal to the Minister for Planning and Public Spaces to seek a Gateway Determination. The Local Planning Panel's advice will be included in this report.

**ATTACHMENTS**

- Attachment 1: Planning Proposal and appendices
- Attachment 2: Viewpoint locations and images

**Panel Advice provided pursuant to Section 2.19 of the EP&A Act 1979**

The Panel has considered the Planning Proposal and the preliminary assessment prepared by Council officers and provides the following advice:

1. The Planning Proposal is generally supported for the following reasons:
    a. The Planning Proposal is consistent with the Greater Sydney Region Plan and Western City District Plan.
    b. The Planning Proposal is consistent with the Local Strategic Planning Statement and Employment Lands Strategy.
    c. The Planning Proposal will assist in economic development and fostering local employment through the amendment in the HOB control of the PLEP 2010.
2. It is recommended that the Planning Proposal be progressed through the Gateway process.

| | |
|---|---|
| Steve Alchin (Chair) | Steve Driscoll (Expert) |
| Kate Bartlett (Expert) | Harold Dulay (Community Representative) |

# ATTACHMENTS

| | |
|---|---|
| Date of Meeting: | Monday 27 October 2025 |
| Report Title: | Works in Kind Agreement - 155-251 Aldington Road, Kemps Creek (The Edge Estate - Frasers) |
| Attachments: | Proposed WIKA - The Edge Estate - Frasers |

# Works in Kind Agreement

**Penrith City Council**

*ABN 43 794 422 563*

FPI Developments NSW Pty Limited
ACN 648 326 676 (**Developer**)

Australand C & I Land Holdings Pty Limited (ACN 107 356 641) as trustee for the Frasers Property C&I Land Holdings (Kemps Creek No. 2) Trust (ABN 58 649 084 762)
(**Landowner**)

**3469-5547-0393v8Sydney**
Level 29, MLC Centre, 19 Martin Place, Sydney NSW 2000
PO Box Q1164, QVB Post Office, Sydney NSW 1230
t: +61 2 9373 3555 | f: +61 2 9373 3599 | DX 282 Sydney | www.sparke.com.au
adelaide | brisbane | canberra | darwin | melbourne | newcastle | perth | sydney | upper hunter NLS\NLS\74540161\1

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| **Annexure C** | **Plan showing Dedication Land** | | **37** |

# Agreement

## Date

## Parties

### First party

| | |
|---|---|
| **Name** | Penrith City Council (**Council**) |
| **ACN** | 43 794 422 563 |
| **Contact** | The General Manager |
| **Telephone** | 02 4732 7777 |

### Second party

| | |
|---|---|
| **Name** | FPI Developments NSW Pty Limited (**Developer**) |
| **ACN** | 648 326 676 |
| **Contact** | Michaela Leerdam |
| **Telephone** | 02 9767 2120 |

### Third party

| | |
|---|---|
| **Name** | Australand C & I Land Holdings Pty Ltd as trustee for the Frasers Property C&I Land Holdings (Kemps Creek No. 2) Trust (ABN 58 649 084 762) (**Landowner**) |
| **ACN** | 107 356 641 |
| **Contact** | Michaela Leerdam |
| **Telephone** | 02 9767 2120 |

## Background

A. On 3 June 2025, the Consent was granted to carry out the Development on the Land.

B. Condition A36 of the Consent requires the payment of monetary contributions to Council in accordance with the Contributions Plan.

C. In accordance with section 7.11(5) of the Act, the Developer has offered to enter into this Agreement requiring it to carry out the Works, being Works in the Contributions Plan.

D. Council has agreed to apply the value of the Works as a credit against the requirement to pay monetary contributions under condition A36 of the Consent..

## Operative part

### 1 Definitions

In this agreement, unless the context indicates a contrary intention:

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW);

**Address** means a party's address set out in the Notices clause of this agreement;

**Approval** means any certificate, licence, consent, permit, approval or other requirement of any Authority having jurisdiction in connection with the activities contemplated by this agreement;

**Authority** means any government, semi-governmental, statutory, administrative, fiscal or judicial body, department, commission, authority, tribunal, public or other person;

**Bank Guarantee** means an irrevocable and unconditional undertaking that is not limited in time and does not expire by one of the following trading banks:

(a) Australia and New Zealand Banking Group Limited,

(b) Commonwealth Bank of Australia,

(c) Macquarie Bank,

(d) National Australia Bank,

(e) St George Bank Limited,

(f) Westpac Banking Corporation, or

(g) Other financial institution approved by the Council,

to pay an amount or amounts of money to the Council on demand and containing terms and conditions reasonably acceptable to the Council;

**Bond** means a documentary performance bond which must be denominated in Australian dollars and be an unconditional undertaking issued by an Australian Prudential Regulation Authority (APRA) regulated authorised deposit taking institution or an insurer authorised by APRA to conduct new or renewal insurance business in Australia that has at all times an investment grade security rating from an industry recognised rating agency;

**Business Day** means a day on which banks are open for general banking business in Sydney, excluding Saturdays and Sundays;

**Certificate of Practical Completion** means the written certificate issued by the Council under clause 10.1(d) of Schedule 2 to the effect that, in the reasonable opinion of the Council, the Works, or part of the Works, have been completed to the Council's satisfaction.

**Claim** means any claim, loss, liability, damage, proceeding, order, judgment or expense arising out of the operation of this agreement;

**Consent** means State Significant Development Consent SSD-17552047, as may be modified from time to time.

**Construction Certificate** means a construction certificate as defined under section 6.4 of the Act;

**Construction Terms** means the terms set out in Schedule 2;

**Contributions Plan** means the Mamre Road Precinct Development Contributions Plan 2022 (effective from 4 April 2022) and Mamre Road Precinct Development Contributions Plan 2021 Background Report (March 2022);

**CPI** means the All Groups Consumer Price Index applicable to Sydney published by the Australian Bureau of Statistics;

**Damages** means all liabilities, losses, damages, costs and expenses, including legal fees and disbursements and costs of investigation, litigation, settlement, judgment, interest and penalties;

**Dealing**, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land;

**Dedication Land** means that part of the Land to be dedicated to Council in accordance with this agreement, as shown indicatively on the plan at Annexure C;

**Development** means the development the subject of the Consent, being:

(a) the construction and operation of eight warehouses with a total gross floor area of 153,343 square metres and a 14-lot Torrens title subdivision;

(b) site preparation works include demolition of existing structures, site remediation, and bulk earthworks; and

(c) supporting infrastructure works including construction and operation of stormwater management facilities comprising a series of basins, a naturalised trunk drainage channel, and on-lot infrastructure, one collector road, one local industrial road, and one estate road.

**Development Contributions** means development contributions required by a condition of the Consent imposed in accordance with section 7.11 of the Act;

**GST** has the same meaning as in the GST Law;

**GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition of or administration of the GST;

**Handover** means, with respect to any Works, the time Council takes possession of and assumes responsibility for the Works in accordance with the Construction Terms;

**Insolvent** means, in relation to a party:

(a) that party makes an arrangement, compromise or composition with, or assignment for, the benefit of its creditors or a class of them;

(b) a receiver, receiver and manager, administrator, provisional liquidator, trustee, controller, inspector or analogous person is appointed in relation to, or over, all or any part of that party's business, assets or securities;

(c) a presumption of insolvency has arisen under legislation because of the party's failure to comply with a statutory demand or analogous process;

(d) an application for the winding up of, or for the appointment of a receiver to, that party, other than winding up for the purpose of solvent reconstruction or re amalgamation, is presented and not withdrawn or dismissed within [21] days (or such longer period agreed to by the parties), or an order is made or an effective

resolution is passed for the winding up of, or for the appointment of a receiver to, that party, or any analogous application is made or proceedings initiated;

(e) any shareholder or director of that party convenes a meeting for the purpose of considering or passing any resolution for the winding up or administration of that party;

(f) that is an individual, a creditor's petition or a debtor's petition is presented to the Official Receiver or analogous authority in relation to that party;

(g) an execution or analogous process is levied or enforced against the property of that party;

(h) that party ceases or suspends, or threatens to cease or suspend, the conduct of all or a substantial part of its business;

(i) that party disposes of, or threatens to dispose of, a substantial part of its assets;

(j) that party stops or suspends, or threatens to stop or suspend, payment of all or a class of its debts; or

(k) that party is unable to pay the party's debts as and when they become due and payable.

**Land** means, which includes the Dedication Land:

(a) Lot 33 DP258949;

(b) Lots 24-28 DP255560; and

(c) Lot 10 DP253503,

known as 155-251 Aldington Road, Kemps Creek;

**Law** means:

(a) any law applicable including legislation, ordinances, regulations, by-laws and other subordinate legislation;

(b) any Approval, including any condition or requirement under it; and

(c) any fees and charges payable in connection with the things referred to in paragraphs (a) and (b);

**Maintain** means works to bring an item to or keep an item in a state of reasonable condition and in accordance with relevant standards applicable at the time of construction of the item, including repairing any defects due to use of poor materials or due to poor workmanship, but does not include repairing normal wear and tear, removing graffiti or repairing any item damaged as a consequence of vandalism. **Maintained** and **Maintenance** have corresponding meanings.

**Modification Application** means any application to modify the Development Consent under section 4.55 of the Act;

**Occupation Certificate** means an occupation certificate as defined under section 6.4 the Act;

**Public Road** has the same meaning as in the *Roads Act 1993*;

**Register** means the Torrens title register maintained under the *Real Property Act 1900* (NSW);

**Related Body Corporate** has the meaning given to that term in s 9 of the *Corporations Act 2001* (Cth);

**Security** has the meaning given to that term in clause 9.2(a);

**Subdivision Certificate** means a subdivision certificate defined under section 6.4 of the Act;

**Subdivision Works Certificate** means a subdivision works certificate defined under section 6.4 of the Act; and

**Works** means the work set out in Schedule 1.

## 2 Interpretation

In this agreement, unless the context indicates a contrary intention:

(a) (**documents**) a reference to this agreement or another document includes any document which varies, supplements, replaces, assigns or novates this agreement or that other document;

(b) (**references**) a reference to a party, clause, paragraph, schedule or annexure is a reference to a party, clause, paragraph, schedule or annexure to or of this agreement;

(c) (**headings**) clause headings and the table of contents are inserted for convenience only and do not affect interpretation of this agreement;

(d) (**person**) a reference to a person includes a natural person, corporation, statutory corporation, partnership, the Crown and any other organisation or legal entity and their personal representatives, successors, substitutes (including persons taking by novation) and permitted assigns;

(e) (**party**) a reference to a party to a document includes that party's personal representatives, executors, administrators, successors, substitutes (including persons taking by novation) and permitted assigns;

(f) (**president, General Manager, CEO or managing director**) the president, General Manager, CEO or managing director of a body or Authority means any person acting in that capacity;

(g) (**requirements**) a requirement to do any thing includes a requirement to cause that thing to be done, and a requirement not to do any thing includes a requirement to prevent that thing being done;

(h) (**including**) including and includes are not words of limitation, and a list of examples is not limited to those items or to items of a similar kind;

(i) (**corresponding meanings**) a word that is derived from a defined word has a corresponding meaning;

(j) (**singular**) the singular includes the plural and vice-versa;

(k) (**gender**) words importing one gender include all other genders;

(l) (**parts**) a reference to one or more things includes each part and all parts of that thing or group of things but nothing in this clause implies that part performance of an obligation constitutes performance of that obligation;

(m) (**rules of construction**) neither this agreement nor any part of it is to be construed against a party on the basis that the party or its lawyers were responsible for its drafting;

(n) (**legislation**) a reference to any legislation or provision of legislation includes all amendments, consolidations or replacements and all regulations or instruments issued under it;

(o) (**time and date**) a reference to a time or date in connection with the performance of an obligation by a party is a reference to the time and date in City or State, Australia, even if the obligation is to be performed elsewhere;

(p) (**joint and several**) an agreement, representation, covenant, right or obligation:

(i) in favour of two or more persons is for the benefit of them jointly and severally; and

(ii) on the part of two or more persons binds them jointly and severally;

(q) (**writing**) a reference to a notice, consent, request, approval or other communication under this agreement or an agreement between the parties means a written notice, request, consent, approval or agreement;

(r) (**replacement bodies**) a reference to a body (including an institute, association or Authority) which ceases to exist or whose powers or functions are transferred to another body is a reference to the body which replaces it or which substantially succeeds to its power or functions;

(s) (**Australian currency**) a reference to dollars or $ is to Australian currency;

(t) (**month**) a reference to a month is a reference to a calendar month; and

(u) (**year**) a reference to a year is a reference to twelve consecutive calendar months.

## 3 Application of this agreement

This agreement applies to the Land and the Development and any other land relevant to the Works.

## 4 Operation of this agreement

This agreement commences on and from the date it is executed by all parties.

## 5 Works in Kind

### *5.1 Works*

(a) The Developer will carry out the Works in accordance with this agreement, including the Construction Terms, and any Development Consent or other Approval granted for the Works.

(b) The Works or any part of the Works required under this agreement will be taken to have been completed for the purposes of this agreement when a Certificate of Practical Completion has been issued for those Works.

(c) The Works or any part of the Works required under this agreement will be taken to have been delivered to Council on Handover in accordance with the Construction Terms.

(d) The Works must be delivered to the Council prior to the issue of any Occupation Certificate for the Development.

(e) For the avoidance of doubt, any credit for the Works to be provided by Council in accordance with clause 6 will not take effect until Handover of the Works is complete in accordance with the Construction Terms.

*5.2 Dedication of Land*

(a) The Landowner acknowledges that Council does not own the land on which the Works are to be located and agrees to transfer or dedicate that land to Council in accordance with this agreement.

(b) The Landowner must dedicate or cause to be transferred to the Council, at no cost to the Council, the Dedication Land freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates and contracts in, over or in connection with the land, including but not limited to, municipal rates and charges, water rates and land tax.

(c) The Landowner must take all steps, prepare all documents and meet all costs required to dedicate the Dedication Land including, but not limited to:

(i) removing any encumbrances on the title to the land;

(ii) creating an interest in land in favour of Council if required;

(iii) subdividing the Land to create a separate lot for the Dedication Land;

(iv) preparing and lodging documents for registration;

(v) obtaining the consent of any other parties to the registration of the relevant documents; and

(vi) attending to any requisition relating to any dealing or document lodged for registration.

(d) The obligation to dedicate the Dedication Land will be taken to have been satisfied when the Dedication Land is dedicated to Council as Public Road by operation of the registration of a plan of subdivision in accordance with section 9 of the *Roads Act 1993*.

*5.3 Not used*

*5.4 Maintenance and Rectification of Defects*

The Developer must Maintain the Works and rectify any defects after Handover of the Works in accordance with the Construction Terms.

*5.5 Access to Council owned land*

(a) The Council agrees to permit the Developer, upon receiving at least 10 Business Days' prior notice, to enter, pass through or occupy any Council owned or controlled land in order to enable the Developer to properly perform its obligations under this agreement. Nothing in this clause creates or gives the Developer any estate or interest in any part of the Council owned or controlled land.

(b) The Developer indemnifies the Council, its employees, officers, agents and contractors from and against all Claims in connection with the entry or access by the Developer to, or any presence of the Developer on, Council owned or controlled land for the purposes of performing their obligations under this

agreement, except to the extent such Claim arises either directly or indirectly as a result of the Council or its employees, officers, agents, contractors or workmen's negligence, default, act or omission.

## 6 Development Contributions

### *6.1 Credit for Contributions*

(a) In consideration of the Developer performing its obligations under this agreement, Council agrees that the completion of the Works to the Council's satisfaction in accordance with this agreement will satisfy the requirement under condition A36 of the Consent to pay Development Contributions to the extent specified in this agreement.

(b) For the purposes of clause 6.1(a) Council agrees to apply a credit against the amount of Development Contributions payable under the Consent to the value of the Works determined in accordance with clause 6.2.

(c) For the avoidance of doubt, nothing in this agreement:

(i) requires Council to refund or repay any Development Contributions;

(ii) requires Council to pay any amount to the Developer if the value of the Works is more than the Development Contributions payable; or

(iii) exempts the Developer from paying the Development Contributions not subject to a credit in accordance with clause 6.1(b).

### *6.2 Value of the Works*

(a) The value of the Works for the purposes of clause 6.1 will be taken to be $5,236,740.00, being the value attributed to those Works in the Contributions Plan, adjusted in accordance with CPI.

## 7 Review of this agreement

(a) This agreement may be reviewed or modified.

(b) Any review or modification of this agreement will be conducted in the circumstances and in the manner determined by the parties.

(c) No modification or review of this agreement will be of any force or effect unless it is in writing and signed by the parties to this agreement.

(d) A party is not in breach of this agreement if it does not agree to an amendment to this agreement requested by a party in, or as a consequence of, a review.

## 8 Dispute Resolution

### *8.1 Reference to Dispute*

If a dispute arises between the parties in relation to this agreement, the parties must not commence any court proceedings relating to the dispute unless the parties have complied with this clause, except where a party seeks urgent interlocutory relief.

*8.2 Notice of Dispute*

The party wishing to commence the dispute resolution process must give written notice (**Notice of Dispute**) to the other parties of:

(a) The nature of the dispute,

(b) The alleged basis of the dispute, and

(c) The position which the party issuing the Notice of Dispute believes is correct.

*8.3 Representatives of Parties to Meet*

(a) The representatives of the parties must promptly (and in any event within 10 Business Days of the Notice of Dispute) meet in good faith to attempt to resolve the notified dispute.

(b) The parties may, without limitation:

(i) resolve the dispute during the course of that meeting,

(ii) agree that further material or expert determination in accordance with clause 8.6 about a particular issue or consideration is needed to effectively resolve the dispute (in which event the parties will, in good faith, agree to a timetable for resolution); or

(iii) agree that the parties are unlikely to resolve the dispute and, in good faith, agree to a form of alternative dispute resolution (including expert determination, arbitration or mediation) which is appropriate for the resolution of the relevant dispute.

*8.4 Further Notice if Not Settled*

If the dispute is not resolved within 20 Business Days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (Determination Notice) by mediation under clause 8.5 or by expert determination under clause 8.6.

*8.5 Mediation*

If a party gives a Determination Notice calling for the dispute to be mediated:

(a) The parties must agree to the terms of reference of the mediation within Business Days of the receipt of the Determination Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply;

(b) The mediator will be agreed between the parties, or failing agreement within 20 Business Days of receipt of the Determination Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;

(c) The mediator appointed pursuant to this clause 8.5 must:

(i) Have reasonable qualifications and practical experience in the area of the dispute; and

(ii) Have no interest or duty which conflicts or may conflict with his or her function as a mediator, he or she being required to fully disclose any such interest or duty before his or her appointment;

(d) The mediator shall be required to undertake to keep confidential all matters coming to his or her knowledge by reason of his or her appointment and performance of his or her duties;

(e) The parties must within 10 Business Days of receipt of the Determination Notice notify each other of their representatives who will be involved in the mediation (except if a resolution of the Council is required to appoint a representative, the Council must advise of the representative within 10 Business Days of the resolution);

(f) The parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement; and

(g) In relation to costs and expenses:

(i) Each party will bear its own professional and expert costs incurred in connection with the mediation; and

(ii) The costs of the mediator will be shared equally by the parties unless the mediator determines that a party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full costs of the mediation to be borne by that party.

*8.6 Expert determination*

If the dispute is not resolved under clause 8.3 or clause 8.5, or the parties otherwise agree that the dispute may be resolved by expert determination, the parties may refer the dispute to an expert, in which event:

(a) The dispute must be determined by an independent expert in the relevant field:

(i) Agreed upon and appointed jointly by the parties; and

(ii) In the event that no agreement is reached or no appointment is made within 10 Business Days of the agreement to refer the dispute to an expert, appointed on application of a party by the then President of the Law Society of New South Wales;

(b) The expert must be appointed in writing and the terms of the appointment must not be inconsistent with this clause;

(c) The determination of the dispute by such an expert will be made as an expert and not as an arbitrator and will be in writing and contain the reasons for the determination;

(d) The expert will determine the rules for the conduct of the process but must conduct the process in accordance with the rules of natural justice;

(e) Each party will bear its own costs in connection with the process and the determination by the expert and will share equally the expert's fees and costs; and

(f) Any determination made by an expert pursuant to this clause is final and binding upon the parties except unless:

(i) Within 10 Business Days of receiving the determination, a party gives written notice to the other party that it does not agree with the determination and commences litigation; or

(ii) The determination is in respect of, or relates to, termination or purported termination of this agreement by any party, in which event the expert is deemed to be giving a non-binding appraisal.

*8.7 Litigation*

If the dispute is not *finally* resolved in accordance with this clause 8, then either party is at liberty to litigate the dispute.

*8.8 No suspension of contractual obligations*

Subject to any interlocutory order obtained under clause 8.1, the referral to or undertaking of a dispute resolution process under this clause 8 does not suspend the parties' obligations under this agreement.

## 9 Enforcement and Security

*9.1 Default*

(a) In the event a party considers another party has failed to perform and fulfil an obligation under this agreement, it may give notice in writing to the other party (**Default Notice**) giving all particulars of the matters in respect of which it considers default has occurred and by such notice require the default to be remedied within a reasonable time not being less than 21 days.

(b) In determining a reasonable time, regard must be had to both the nature of the default and the work or other action required to remedy it and whether or not the continuation of the default constitutes a public nuisance or raises other circumstances of urgency or emergency.

(c) If a party disputes the Default Notice it may refer the dispute to dispute resolution under clause 8 of this agreement.

*9.2 Security*

(a) In this Agreement, **Security** means one or more Bank Guarantees, Bonds or cash deposits to be held by Council.

(b) The Developer must provide to the Council Security in the amount of $7,632,500.00, either:

(i) prior to the issue of a Construction Certificate or Subdivision Works Certificate for the Works; or

(ii) if a Construction Certificate or Subdivision Works Certificate for the Works has been issued prior to the commencement of this Agreement, within 10 Business Days' of commencement.

(c) The Council may call on a Security provided under this clause if:

(i) the Developer is in material or substantial breach of this agreement and has failed to rectify the breach within a reasonable period of time after having been given reasonable notice (which must not be less than 21 Business Days) in writing to do so in accordance with clause 9.1 of this agreement; or

(ii) the Developer becomes insolvent.

(d) Within 20 Business Days of each anniversary of a Security provided under clause 9.2(a), the Developer must provide Council with one or more replacement

Securities (**Replacement Security**) in an amount calculated in accordance with the following:

$$A = \frac{B \times D}{C}$$

Where:

A is the amount of the Replacement Security,

B is the amount of the Security to be replaced,

C is the CPI for the quarter ending immediately before the date of the Security to be replaced,

D is the CPI for the quarter ending immediately before the date of the Replacement Security,

provided A is greater than B.

(e) On receipt of a replacement Security provided under clause 9.2(d), the Council must release and return to the Developer, as directed, the Security that has been replaced as soon as reasonably practicable.

(f) At any time following the provision of a Security under this clause, the Developer may provide the Council with one or more replacement Securities totalling the amount of all Securities required to be provided under this clause for the time being. On receipt of such replacement Security, the Council must release and return to the Developer, as directed, the Securities which it holds that have been replaced as soon as reasonably practicable.

(g) Subject to this clause and the provisions of this agreement, the Council may apply the proceeds of a Security to satisfy:

(i) any obligation of the Developer under this agreement to deliver Contributions, and

(ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this agreement.

(h) The Council must promptly return a Security provided under this clause if requested by the Developer and:

(i) Handover has occurred for an item of Works to which the Security relates; and

(ii) the Developer has provided a Bond or Bank Guarantee required under the Construction Terms for defects liability and maintenance of the item of Works; and

(iii) if the Security relates to other items of Works for which a Certificate of Practical Completion has not been issued, a replacement Security is provided by the Developer in an amount determined in accordance with clause 9.2(b).

(i) For the avoidance of doubt, if it is practicable, Council may retain a component of the Security it holds for an item of Works that is equivalent to 25% of the value of the Works (determined in accordance with clause 6.2), in satisfaction of the

requirement to submit a Bank Guarantee or Bond under the Construction Terms for defects liability and maintenance.

(j) Nothing in this clause 9.2 prevents or restricts the Council from taking any enforcement action in relation to:

(i) any obligation of the Developer under this agreement; or

(ii) any associated liability, loss, cost, charge or expense directly or indirectly incurred by the Council because of the failure by the Developer to comply with this agreement,

that is not or cannot be satisfied by calling on a Security.

*9.3 Caveat*

(a) The Landowner acknowledges and agrees that:

(i) when this agreement is executed, the Council is deemed to have acquired and the Landowner is deemed to have granted, an equitable estate and interest in the Dedication Land for the purposes of section 74F(1) of the *Real Property Act 1900* (NSW) and consequently the Council will have a sufficient interest in the Land in respect of which to lodge a caveat over the Land notifying that interest; and

(ii) it will not object to the Council lodging a caveat in the relevant folios of the Register for the Land nor will it seek to remove any caveat lodged by the Council provided the caveat does not prevent registration of any dealing or plan other than a transfer.

(b) When a separate lot is created for the Dedication Land, the Council may retain any caveat (or lodge a caveat) over the Dedication Land and must, at the Landowner's cost, register a withdrawal of any caveat in respect of the remainder of the Land.

*9.4 Compulsory Acquisition*

(a) If the Landowner does not dedicate the Dedication Land to Council as required by this agreement, the Council may compulsorily acquire the relevant land, in which case the Landowner consents to the Council compulsorily acquiring that land for compensation in the amount of $1.00 without having to follow the pre-acquisition procedures in the *Land Acquisition (Just Terms Compensation) Act 1991* may recover any costs, including legal costs, incurred by the Council on acquisition of the land from the Landowner.

(b) Clause 9.4(a) constitutes an agreement for the purposes of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991*.

(c) Except as otherwise agreed between the Landowner and Council, the Landowner must ensure the Dedication Land is freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, rights, charges, rates, strata levies and contracts, except as may be permitted by this agreement on the date that the Council will acquire the land in accordance with clause 9.4(a).

(d) The Landowner indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the whole or any part of the relevant land under clause 9.4(a).

(e) The Landowner must pay the Council, promptly on demand, an amount equivalent to all costs, including legal costs, incurred by the Council acquiring the whole or any part of the relevant land under clause 9.4(a) that are not or cannot be recovered by calling on a Security.

*9.5 General Enforcement*

(a) Without limiting any other remedies available to the parties, this agreement may be enforced by any party in any Court of competent jurisdiction.

(b) Nothing in this agreement prevents:

(i) a party from bringing proceedings in the Land and Environment Court to enforce any aspect of this agreement or any matter to which this agreement relates; and

(ii) the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this agreement or any matter to which this agreement relates.

## 10 Assignment and Dealings

*10.1 Assignment*

(a) A party must not assign or deal with any right under this agreement without the prior written consent of the other parties.

(b) Any change of ownership or control (as defined in section 50AA of the *Corporations Act 2001* (Cth)) of a party (excluding the Council) shall be deemed to be an assignment of this agreement for the purposes of this clause.

(c) Any purported dealing in breach of this clause is of no effect.

*10.2 Transfer of Land*

(a) The Developer and the Landowner may not transfer, assign or dispose of the whole or any part of their rights, title or interests in the Land (present or future) or in the Development to another person (**Transferee**) unless before it sells, transfers or disposes of that right, title or interest:

(i) the Developer or Landowner (as applicable) satisfies the Council that the proposed Transferee is financially capable of complying with the Developer's or Landowner's (as applicable) obligations under this agreement;

(ii) the Developer or Landowner (as applicable) satisfies the Council that the rights of the Council will not be diminished or fettered in any way;

(iii) the Transferee delivers to the Council a novation deed signed by the Transferee in a form and of such substance as is acceptable to the Council containing provisions under which the Transferee agrees to comply with all the outstanding obligations of the Developer or Landowner (as applicable) under this agreement;

(iv) any default under any provisions of this agreement has been remedied or waived by the Council, on such conditions as the Council may determine, and

(v) the Council's reasonable costs in relation to the assignment are paid by the Developer, Landowner or Transferee.

## 11 Approvals and consents

Except as otherwise set out in this agreement, and subject to any statutory obligations, a party may give or withhold an approval or consent to be given under this agreement in that party's absolute discretion and subject to any conditions determined by the party. A party is not obligated to give its reasons for giving or withholding consent or for giving consent subject to conditions.

## 12 No fetter

### *12.1 Discretion*

This agreement is not intended to operate to fetter, in any manner, the exercise of any statutory power or discretion of the Council, including, but not limited to, any statutory power or discretion of the Council relating to the Consent (all referred to in this agreement as a "**Discretion**").

### *12.2 No fetter*

No provision of this agreement is intended to constitute any fetter on the exercise of any Discretion. If, contrary to the operation of this clause, any provision of this agreement is held by a court of competent jurisdiction to constitute a fetter on any Discretion, the parties agree:

(a) They will take all practical steps, including the execution of any further documents, to ensure the objective of this clause is substantially satisfied,

(b) In the event that (a) cannot be achieved without giving rise to a fetter on the exercise of a Discretion, the relevant provision is to be severed and the remainder of this agreement has full force and effect, and

(c) To endeavour to satisfy the common objectives of the parties in relation to the provision of this agreement which is to be held to be a fetter on the extent that is possible having regard to the relevant court judgment.

## 13 Notices

Any notice given under or in connection with this agreement (**Notice**):

(a) must be in writing and signed by a person duly authorised by the sender;

(b) must be addressed as follows and delivered to the intended recipient by hand, by prepaid post or by email at the address below, or at the address last notified by the intended recipient to the sender after the date of this agreement:

| | | |
|---|---|---|
| (i) | to Penrith City Council: | PO Box 60, Penrith, NSW 2751<br>Fax: (02) 4732 7958<br>Email: council@penrith.city<br>Attention: The General Manager |
| (ii) | to FPI Developments NSW Pty Limited or Australand C & I Land Holdings Pty Ltd as trustee for the Frasers Property C&I Land Holdings (Kemps Creek No. 2) Trust: | Level 15, 180 George Street, Sydney NSW 2000<br>Email: michaela.leerdam@fraserspropery.com.au<br>Attention: Michaela Leerdam |

(c) is taken to be given or made:

(i) in the case of hand delivery, when delivered;

(ii) in the case of delivery by post, seven Business Days after the date of posting (if posted to an address in the same country) or seven Business Days after the date of posting (if posted to an address in another country); and

(iii) in the case of an email, when the sender receives an email acknowledgement from the recipient's information system showing the Notice has been delivered to the email address stated above; and

(d) if under clause (c) a Notice would be taken to be given or made on a day that is not a Business Day in the place to which the Notice is sent, or later than 4.00 pm (local time), it is taken to have been given or made at the start of business on the next Business Day in that place.

## 14 General

### *14.1 Relationship between parties*

(a) Nothing in this agreement:

(i) constitutes a partnership between the parties; or

(ii) except as expressly provided, makes a party an agent of another party for any purpose.

(b) A party cannot in any way or for any purpose:

(i) bind another party; or

(ii) contract in the name of another party.

(c) If a party must fulfil an obligation and that party is dependent on another party, then that other party must do each thing reasonably within its power to assist the other in the performance of that obligation.

*14.2 Time for doing acts*

(a) If the time for doing any act or thing required to be done or a notice period specified in this agreement expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.

(b) If any act or thing required to be done is done after 5.00 pm on the specified day, it is taken to have been done on the following Business Day.

*14.3 Further assurances*

Each party must promptly execute all documents and do all other things reasonably necessary or desirable to give effect to the arrangements recorded in this agreement.

*14.4 Variation*

A provision of this agreement can only be varied by a later written document executed by or on behalf of all parties and in accordance with the provisions of the Act.

*14.5 No assignment*

A party cannot assign or otherwise transfer its rights under this agreement without the prior written consent of the other party.

*14.6 Counterparts*

This agreement may be executed in any number of counterparts. All counterparts taken together constitute one instrument.

*14.7 Legal expenses, stamp duty and administration fees*

The Developer must pay on demand Council's reasonable legal costs and disbursements in connection with the negotiation, preparation, execution, stamping, and release and discharge of this agreement, including the reasonable costs incurred by the Council in obtaining any advice about this agreement or the value of land or works to be delivered under this agreement.

*14.8 Entire agreement*

The contents of this agreement constitute the entire agreement between the parties and supersede any prior negotiations, representations, understandings or arrangements made between the parties regarding the subject matter of this agreement, whether orally or in writing.

*14.9 Representations and warranties*

The parties represent and warrant that they have the power and authority to enter into this agreement and comply with their obligations under the agreement and that entry into this agreement will not result in the breach of any law.

*14.10 Severability*

If a clause or part of a clause of this agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this agreement, but the rest of this agreement is not affected.

*14.11 Invalidity*

(a) A word or provision must be read down if:

(i) this agreement is void, voidable, or unenforceable if it is not read down;

(ii) this agreement will not be void, voidable or unenforceable if it is read down; and

(iii) the provision is capable of being read down.

(b) A word or provision must be severed if:

(i) despite the operation of clause (a), the provision is void, voidable or unenforceable if it is not severed; and

(ii) this agreement will be void, voidable or unenforceable if it is not severed.

(c) The remainder of this agreement has full effect even if clause 14.11(b) applies.

*14.12 Waiver*

A right or remedy created by this agreement cannot be waived except in writing signed by the party entitled to that right. Delay by a party in exercising a right or remedy does not constitute a waiver of that right or remedy, nor does a waiver (either wholly or in part) by a party of a right operate as a subsequent waiver of the same right or of any other right of that party.

*14.13 GST*

(a) Words and expressions which are not defined in this agreement but which have a defined meaning in GST Law have the same meaning as in the GST Law.

(b) Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this agreement are exclusive of GST.

(c) If GST is imposed on any supply made under or in accordance with this agreement, the Developer must pay the GST or pay to the Council an amount equal to the GST payable on or for the taxable supply, whichever is appropriate in the circumstances.

*14.14 Governing law and jurisdiction*

(a) The laws applicable in New South Wales govern this agreement.

(b) The parties submit to the non-exclusive jurisdiction of the courts of New South Wales and any courts competent to hear appeals from those courts.

# Schedule 1 Works

**1 Scope of Works**

| Item | Specification | Timing | Offset value (before adjustment for CPI) |
|---|---|---|---|
| CR2 Collector Road | Road construction of approximately 619 metres in length, as generally shown on the plan at Annexure B. | Prior to the issue of any Occupation Certificate for the Development | $5,236,740 |
| RA5 Roundabout | Construction of one roundabout, as generally shown on the plan at Annexure B. | Prior to the issue of any Occupation Certificate for the Development | $450,000 |

# Schedule 2 Construction terms

**1 Interpretation**

For the purposes of this Schedule 2, the defined terms in clause 1 of this agreement and the Interpretation principles in clause 2 of this agreement will apply and, unless context indicates a contrary intention:

**Builder** means any entity contracted under the Construction Contract to carry out the Works.

**Construction Contract** means the contract to carry out the Works (whether or not that is a contract for the Works only or forms part of a contract for the building of other components of the Development).

**Contamination** means the presence of a substance at a concentration higher than is normally found on land in the same area, where that substance presents a risk of harm to human health or the environment.

**Defects Liability and Maintenance Period** means the period of 12 months from the date on which Handover of the Works occurs.

**Detailed Design** means the final specifications and finishes for the Works prepared in accordance with clause 5.2 of this Schedule 2 and will include the design of the Works, the location for the Works and installation specifications.

**Maintenance Schedule** has the meaning given in clause 11.1(a) of this Schedule 2.

**Services** means all water, gas, electricity, television, drainage, sewerage, cable TV, data communications, telecommunications and other services which are required under a development consent within the meaning of the Act or an Approval and which are necessary or desirable for the construction or operation of the Development.

**Superintendent** means the Superintendent appointed under any Construction Contract.

**2 Requirements of Authorities and Approvals**

2.1 These Construction Terms must be read and construed subject to:

(a) any requirements or conditions of the Consent;

(b) the requirements of and conditions imposed by all relevant Authorities and all Laws relating to the Works and the construction of the Works.

2.2 If the Developer requires any Approvals in order to carry out the obligations under this agreement, then the Developer will acquire all Approvals necessary to carry out the Works at its own cost.

2.3 The Developer must ensure that the Works carried out under this agreement are carried out:

(a) in accordance with the Consent , all Approvals for the Works and the requirements of all Laws, including without limitation, work health and safety legislation; and

(b) in a good and workmanlike manner and so that they are diligently progressed until completion;

AND it is acknowledged that to the extent that there is any inconsistency between this agreement and any Approval the terms of the Approval shall take precedence.

**3 Costs of Works**

All costs of the Works must be borne by the Developer.

**4 Project Management and Contractor Engagement**

4.1 The Developer will be responsible for managing the Works.

4.2 The Developer will ensure that any contractor it engages to carry out the Works agrees to:

(a) carry out the Developer's obligations in these Construction Terms as part of any Construction Contract; and

(b) request a Council representative to be present at each on-site meeting attended by the Superintendent and to ensure the Council representative is present at the meeting, unless otherwise agreed by the Council representative.

**5 Design Development**

5.1 **Concept Design**

Council and the Developer have worked in consultation with each other to prepare and agree the concept plans for the Works at Annexure B.

5.2 **Detailed Design**

(a) Prior to Works commencing the Developer must provide a copy of the draft Detailed Design to the Council for approval.

(b) Within 15 Business Days of receiving the Detailed Design, Council will respond to the Developer with any suggested amendments to the Detailed Design.

(c) Council and the Developer must work in consultation with each other to prepare and agree the Detailed Design and must both act reasonably and with due expedition in their consultations with each other.

(d) If the Detailed Design is not completed and agreed within 30 Business Days of Council providing its suggested amendments in accordance with clause 5.2(b) of this Schedule, to avoid possible delays to the issue of a Certificate of Practical Completion, the Council will, in its sole discretion, be entitled to decide on any outstanding or undecided matter or item relating to areas that are to be accessible to the public, provided that any decision made by Council under this clause:

(i) is consistent with the obligation to carry out the Works under this agreement; and

(ii) is consistent with the Consent any other Approvals for the Works; and

(iii) does not materially and adversely affect the Development; and

(iv) is not unreasonable.

5.3 Any acceptance by the Council of the Detailed Design under this clause 5 is not to be taken as approval of or to any Subdivision Works Certificate for the Works.

5.4 **Good faith**

The parties must act promptly and in good faith to consult in relation to the Detailed Design.

**6 Carrying out of Works**

6.1 **Communication**

The Developer must notify Council on the commencement of the Works and keep Council reasonably informed of progress of the Works and provide to Council such information about the Works as Council reasonably requests.

6.2 **Standard of Works**

(a) Unless otherwise provided, the Developer shall, and must cause the Builder to, use suitable new materials and proper and tradesmanlike workmanship when carrying out the Works.

(b) The qualitative standard of the design and finishes for the Works must be no less than those described in the following documents:

(i) Any relevant Australian Standard;

(ii) Any relevant design standards or guidelines and any other requirements or policies applied by the Council from time to time in assessing the adequacy of any works or improvements proposed for the public domain or to be accessible to the public in accordance with this agreement.

(c) The Developer will obtain any relevant standards (including design standards), specifications, or guidelines and any other requirements or policies referred to in clause 6.2(b)(ii) of this Schedule from Council if the Council fails to deliver them to the Developer.

(d) The Developer may but is not obliged to reinstate any Works where damage or destruction is as a result of:

(i) Any act or omission of the Council or its employees, consultants or agents relating to any part of the Works under this agreement; or

(ii) The use or occupation by the Council or its employees, consultants or agents, Council's representatives or other contractor of the Council of any part of the Works.

6.3 **Damage to people, property & utilities**

(a) The Developer is to ensure to the fullest extent reasonably practicable that, in performing its obligations under this agreement:

(i) all necessary measures are taken to protect people and property;

(ii) unnecessary interference with the passage of people and vehicles is avoided; and

(iii) nuisances and unreasonable noise and disturbances are prevented.

(b) Without limiting clause 6.3(a)of this Schedule, the Developer is not to obstruct, interfere with, impair or damage any public road, public footpath, public cycleway or other public thoroughfare, or any pipe, conduit, drain, watercourse or other public utility or service on any land except as authorised in writing by the Council or any relevant Authority.

**7 Variations**

(a) Notwithstanding any other provision of this agreement, the parties to this agreement may agree, in writing, to a variation to the Detailed Design, for the reasons of environmental conditions, changes as a result of Approval being granted, achieving cost efficiencies or for any other practical purpose.

(b) The acceptance of a variation, for the purposes of this agreement, should not be unreasonably withheld by any party if the proposed amendment does not significantly affect the public benefit to be provided or the cost of carrying out the Works.

(c) For the avoidance of doubt, clause 7(b)of this Schedule is not intended to fetter the Council's discretion when determining any application for or proposed modification to any Approval applying to the Works.

**8 Not used**

**9 Inspection**

(a) On completion of the Detailed Design, the Council will provide a schedule of inspections to be undertaken by Council (**Inspection Schedule**) to occur at specified stages of the construction of the Works (**Inspection Stage**). If the Council does not provide the Inspection Schedule, the Developer must request the Inspection Schedule from the Council prior to the Works commencing.

(b) Five Business Days prior to reaching an Inspection Stage as set out in the Inspection Schedule, the Developer must notify the Council of the proposed inspection date (**Inspection Date**).

(c) On the Inspection Date, or other agreed date, the Developer must ensure that any employees, contractors, agents or representatives of Council have access to and may enter the Land to inspect the Works.

(d) In addition to carrying out inspections in accordance with the Inspection Schedule, the Council and its employees, contractors, agents or representatives may enter the Land or any part of the Land on which the Works are located to inspect the progress of the Works, subject to:

(i) the terms of the Construction Contract (save for any clause of the Construction Contract which prevents the Council from accessing the Land);

(ii) giving reasonable notice to the Developer;

(iii) complying with all reasonable directions of the Developer; and

(iv) being accompanied by the Developer or a nominee, or as otherwise agreed.

(e) The Council may, acting reasonably, within 5 Business Days of carrying out an inspection (either under clause 9(c)or clause 9(d)of this Schedule), notify the Developer of any defect or non-compliance in the Works and direct the Developer to carry out work to rectify that defect or non-compliance within a reasonable period of time. Such work may include, but is not limited to:

(i) removal of defective or non-complying material;

(ii) demolishing defective or non-complying work;

(iii) reconstructing, replacing or correcting any defective or non-complying work; and

(iv) not delivering any defective or non-complying material to the site of the Works.

(f) If the Developer is issued a direction to carry out further work under clause 9(e)of this Schedule, the Developer must, at its cost, rectify the defect or non-compliance specified in the Notice within the time period specified in the Notice, provided that it is reasonable having regard to the nature of the works.

(g) If the Developer fails to comply with a direction to carry out work given under clause 9(e)of this Schedule, the Council will be entitled to refuse to accept that the Works (or the relevant part of the Works) meet the Council's standards and specifications and may refuse to issue a Certificate of Practical Completion, until the required Works have been completed to the Council's satisfaction, acting reasonably.

(h) For the avoidance of doubt, any acceptance by the Council that the Developer has rectified a defect or non-compliance identified in a notice issued under clause 9(e)of this Schedule does not constitute:

(i) acceptance by the Council that the Works comply with all Approvals and Laws; or

(ii) an Approval by the Council in respect of the Works; or

(iii) an agreement or acknowledgment by the Council that the Works or the relevant part of the Works are complete and may be delivered to the Council in accordance with this agreement.

**10 Completion**

10.1 **Practical Completion**

(a) When the Developer considers that the Works, or any part of the Works, are complete, the Developer must send a Notice to the Council accompanied by complete works as executed plans, any relevant certificates or consents of any public utility authority and a request for written certification from the Council that the Works are complete.

(b) Within 10 Business Days of receipt of the notice under clause 10.1(a) of this Schedule 2, the Council will carry out an inspection of the Works and will, acting reasonably, either:

(i) provide written certification to the Developer that the Works have been completed; or

(ii) notify the Developer of any additional information required or matters which must be addressed by the Developer prior to the certification being issued.

(c) If the Developer is required to provide additional information or address any matters under clause 10.1(b)(ii) of this Schedule, the Developer will provide that information to Council or address those matters within 10 Business Days of receiving the notice or within a reasonable period of time and make a further request under clause 10.1(a) of this Schedule 2 for written certification that the Works have been completed.

(d) Practical completion will be achieved in relation to the Works or any part of the Works when a Certificate of Practical Completion has been issued for those Works.

(e) Council will promptly issue a Certificate of Practical Completion for the Works after written certification has been provided to the Developer under cl 10.1(b)(i) and it is reasonably satisfied that no aspect of the Works reasonably requires completion, rectification or repair.

10.2 **Handover**

(a) The Developer is responsible for the delivery and care of the Works at all times prior to Handover of the Works.

(b) Handover will occur and Council will assume responsibility for the Works following:

(i) dedication to Council of the land on which Works are located; or

(ii) if Works are carried out on land already owned by Council, on the issue of a Certificate of Practical Completion for those Works.

10.3 **Delivery of documents**

(a) If it has not already done so, the Developer must as soon as practicable, and no later than 20 Business Days after the date on which the Certificate of Practical Completion is issued in respect of the Works or any part of the Works deliver to the Council, complete and legible copies of:

(i) all "as built" full-sized drawings, specifications and relevant operation and service manuals;

(ii) all necessary certificates including the certificates of any consultants of the Developer that the Council may reasonably require, and Approvals of any public utility authority (where relevant); and

(iii) copies of all Approvals required for use of the land subject to the Works.

(b) The Developer must as soon as practicable, and no later than 20 Business Days after the date on which the Certificate of Practical Completion is issued in respect of the Works or any part of the Works, provide the Council with a tour of the land subject to the Works and provide reasonable instructions on the operation and use of the Services on that land.

10.4 **Assignment of Warranties and Causes of Action**

(a) The Developer must assign (as beneficial owner) or cause to be assigned to Council the benefit of any warranties and guarantees obtained by the Developer and the Builder (and capable of assignment) with respect to any material or goods incorporated in or forming part of the Works.

(b) To the extent that any such warranties or guarantees cannot be assigned, the Developer must at the request of Council do anything reasonably required by Council to enforce such warranties or guarantees for the benefit of Council.

**11 Defects Liability and Maintenance**

11.1 **Maintenance**

(a) Prior to the issue of a Certificate of Practical Completion for any part of the Works, the Developer must provide to the Council a maintenance schedule setting out the proposed maintenance works and estimated costs for the relevant part of the Works over the Defects Liability and Maintenance Period (**Maintenance Schedule**).

(b) Within 10 Business Days of receiving the Maintenance Schedule, Council must issue a written notice to the Development advising of any changes it requires to the Maintenance Schedule, which changes must be reasonable and in accordance with Council's usual practice for maintaining works of the same type.

(c) Within 5 Business Days of receiving the Council's notice under clause 11.1(b)of this Schedule, the Developer must provide to Council a final Maintenance Schedule incorporating the Council's changes.

(d) The Works or any part of those works, must be Maintained by the Developer in accordance with the Maintenance Schedule for the Defects Liability and Maintenance Period.

(e) The Developer must follow relevant Council policies and obtain all Approvals necessary to carry out the Maintenance required under this clause.

(f) The Council must give the Developer and its contractors any access required to carry out Maintenance in accordance with the Maintenance Schedule.

11.2 **Defects Liability and Maintenance Period**

(a) During the Defects Liability and Maintenance Period, the Council (acting reasonably) may give to the Developer a notice (**Rectification Notice**) in writing that identifies a defect in the Works or any Maintenance requirement that has not been complied with.

(b) The Rectification Notice must specify:

(i) action required to be undertaken by the Developer to rectify the defect or Maintain the Works (**Rectification Works**); and

(ii) the date on which the defect must be rectified, or the Maintenance work completed (**Rectification Date**).

(c) The Developer must comply with the Rectification Notice by:

(i) procuring the performance of the Rectification Works by the Rectification Date, or such other date as agreed between the parties;

(ii) keeping the Council reasonably informed of the action to be taken to rectify the defect or Maintain the Works; and

(iii) carrying out the Rectification Works.

(d) The Council must give the Developer and its contractors any access required to carry out the Rectification Works.

(e) When the Developer considers that the Rectification Works are complete, either the Developer must notify the Council and provide documentation, plans or invoices which establish that the Rectification Works were carried out.

(f) The Council may inspect the Rectification Works within 15 Business Days of receiving a Notice from the Developer under clause 11.2(e)of this Schedule and, acting reasonably:

(i) issue a further Rectification Notice if it is not reasonably satisfied that the Rectification Works are complete; or

(ii) notify the Developer in writing that it is satisfied the Rectification Works are complete.

(g) The Developer must meet all costs of and incidental to rectification of defects or Maintenance of Works under this clause 11.

(h) If the Developer fails to comply with a Rectification Notice, then the Council may do such things or take such action as is necessary to carry out the Rectification Works, including accessing and occupying any part of the Land without further notice to the Developer, and may:

(i) call upon any Bond or Bank Guarantee provided to the Council under clause 11.3 of this Schedule to meet its costs of carrying out Rectification Works; and

(ii) recover as a debt due to the Council by the Developer in a court of competent jurisdiction, any difference between the amount of the Bond or Bank Guarantee and the costs incurred by the Council in carrying out Rectification Works.

(i) The Developer must request that Council inspect the Works 28 days prior to the end of the Defects Liability and Maintenance Period. The Council must inspect the Works at any time after receiving the request from the Developer and before to the end of the Defects Liability and Maintenance Period.

(j) If, prior to the end of the Defects Liability and Maintenance Period:

(i) the Developer fails to request the inspection, or

(ii) the Council does not carry out the inspection,

the Council may extend the Defects Liability and Maintenance Period so that the inspection may be carried out.

11.3 **Security for Defects Liability**

(a) The Developer must deliver to the Council Security in accordance with clause 9.2 of this agreement.

(b) The Developer advises and the Council acknowledges its awareness that the Security may be supplied by the Builder and form a part of the security held by the Developer from the Builder under the terms of the Construction Contract, provided that:

(i) any Security provided by the Builder benefits the Council and satisfies the requirements of this agreement; and

(ii) the Developer procures an agreement from the Builder that the Council will be entitled to call on any Security provided by the Builder, in accordance with the terms of this agreement and the terms of any Construction Contract.

(c) Within 10 Business Days after the Defects Liability and Maintenance Period for a particular item of Works has expired Council must (if it has not called on it) return the Security it holds for that item of Works (or any remaining balance of it) to the Developer.

(d) Notwithstanding clause 11.3(c)of this Schedule, if during the Defects Liability and Maintenance Period for a particular item of Works, the Council issues a Rectification Notice, then the Council need not deliver the balance of any Security provided to it until the Rectification Notice has been complied with.

**12 Risk**

The Developer undertakes the Works entirely at its own risk.

**13 Insurance**

(a) Prior to the commencement of the construction of any of the Works, the Developer must ensure the Builder effects and the Developer must produce evidence to the Council of the following insurances issued by an insurer approved by the Council (acting reasonably) in a form approved by the Council (acting reasonably):

(i) construction works insurance for the value of the Works;

(ii) public risk insurance for at least $20 million;

(iii) workers compensation insurance as required by Law.

(b) The Developer must provide evidence of currency of insurance required by clause 13(a) of this Schedule 2 upon request by the Council, acting reasonably, throughout the term of this agreement.

**14 Indemnities**

The Developer indemnifies the Council, its employees, officers, agents and contractors from and against all Claims in connection with the carrying out by the Developer of the Works except to the extent such Claim arises either directly or indirectly as a result of the Council or its employees, officers, agents, contractors or workmen's negligence, default, act or omission.

**15 Intellectual Property Rights**

The Council acknowledges that the Developer or its contractors hold all rights to copyright and any intellectual property which may exist in the Works. To the extent the Developer have or receive intellectual property rights for the Works, the Developer shall assign those intellectual property rights to Council or permit use thereof.

**16 Risk of contamination**

The Developer acknowledges and agrees:

(a) that it is responsible for the management and remediation of any Contamination present upon or under the land on which the Works are to be carried out;

(b) it will attend to any necessary remediation at their own costs; and

(c) to the fullest extent permitted by Law indemnify and release the Council from any Claim which might arise from any Contamination with respect to the land on which the Works are to be carried out.

**17 Plans**

The parties acknowledge and agree that further detail and refinement of plans and documents in connection with this agreement may be necessary having regard to the following matters:

(a) matters affecting Works not capable of identification on or before the date of this agreement; or

(b) by agreement between the parties.

## Executed as an agreement

**Executed** for and on behalf of **Penrith City Council** by its authorised delegate in accordance with a resolution of the Council dated [insert date]: )
)
)

| | |
|---|---|
| ..... | ..... |
| Signature of witness | Signature of Authorised Delegate |
| | Print position: |
| ..... | ..... |
| Print name | Print name |

**EXECUTED** by **FPI Developments NSW Pty Limited** (ACN 648 326 676) in accordance with section 126(1) of the *Corporations Act 2001* (Cth):

| | |
|---|---|
| Signature of joint agent / attorney | Signature of joint agent / attorney |
| Name of joint agent / attorney | Name of joint agent / attorney |
| | By signing this document, each signatory state that they have received no notice of revocation of their authority to sign. |

**EXECUTED** by **Australand C&I Land Holdings Pty Ltd** (ACN 107 356 641) in its capacity as trustee of the Frasers Property C&I Land Holdings (Kemps Creek No. 2) Trust in accordance with section 126(1) of the *Corporations Act 2001* (Cth):

| | |
|---|---|
| Signature of joint agent / attorney | Signature of joint agent / attorney |
| Name of joint agent / attorney | Name of joint agent / attorney |
| | By signing this document, each signatory state that they have received no notice of revocation of their authority to sign. |

Annexure A Plan showing Land

FRASERS PROPERTY

FRASERS PROPERTY INDUSTRIAL
LEVEL 15, 180 GEORGE STREET
SYDNEY, NSW 2000
P +61 2 9767 2000

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**ANNEXURE A - ESTATE LAND**

ALDINGTON ROAD
KEMPS CREEK NSW 2178

**ESTATE PLAN**

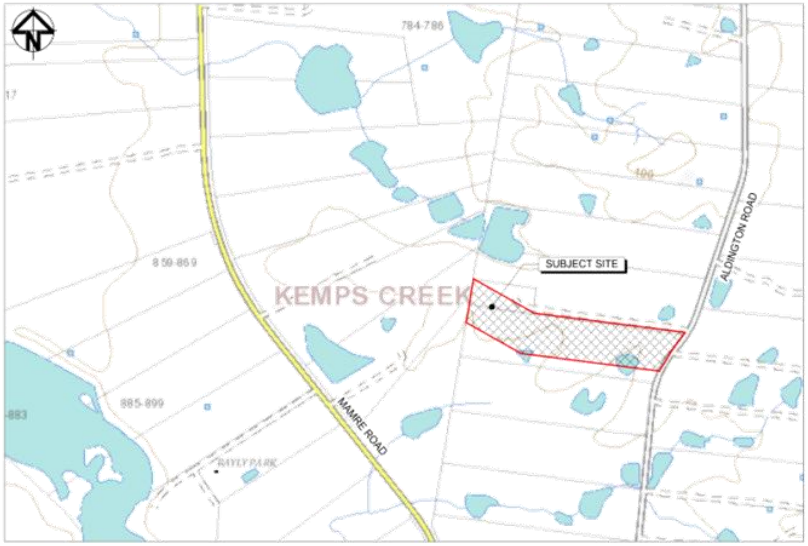
JOB AN-MRE-FS-001 | DATE 10.09.2025
SCALE 1:2000 @ A1 | DRN MR | REV B

Annexure B Plans showing Works

# 155-251 ALDINGTON ROAD, KEMPS CREEK

## CIVIL WORKS PACKAGE

## WORKS IN KIND AGREEMENT




LOCALITY PLAN
NTS

| Issue | Description | Date |
|---|---|---|
| P2 | ISSUED FOR CLIENT REVIEW | 13-05-24 |
| P1 | ISSUED FOR CLIENT REVIEW | 12-03-24 |

Bar Scales

THIS DRAWING CANNOT BE COPIED OR REPRODUCED IN ANY FORM OR USED FOR ANY OTHER PURPOSE OTHER THAN THAT ORIGINALLY INTENDED WITHOUT THE WRITTEN PERMISSION OF AT&L

Client: FRASERS PROPERTY

| | | | |
|---|---|---|---|
| Scales | N.T.S. | Drawn | OJ |
| | | Designed | OJ |
| Grid | GDA 2020 | Checked | AM |
| Height Datum | AHD | Approved | |

GDA2020

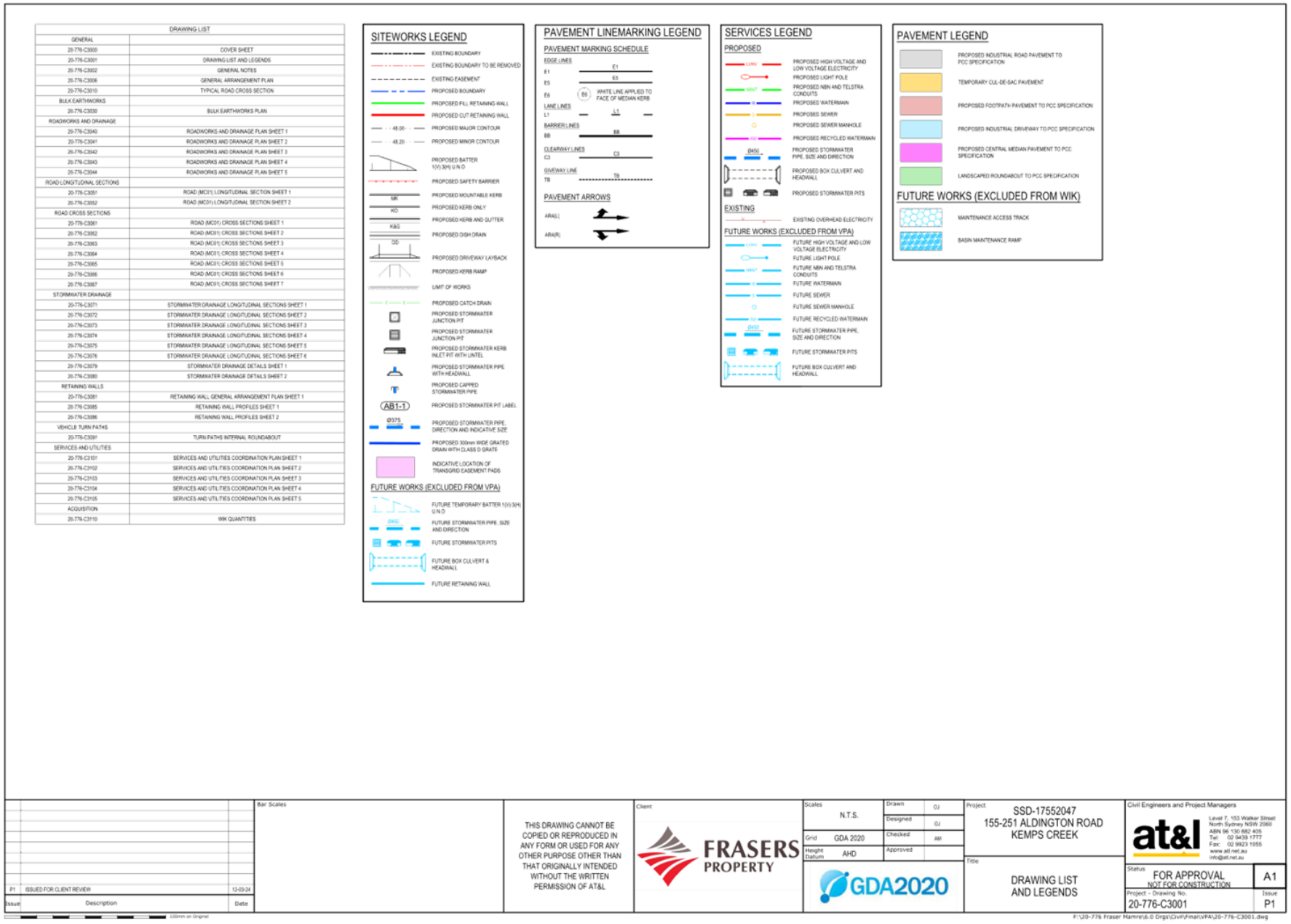
Project: SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK

Title: COVER SHEET

Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street
North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au

| Status | | |
|---|---|---|
| FOR APPROVAL<br>NOT FOR CONSTRUCTION | A1 | |
| Project - Drawing No: 20-776-C3000 | Issue: P2 | |

F:\20-776 Fraser Mamre\6.0 Drgs\Civil\Final\VP4\20-776-C3000.dwg


DRAWING LIST
GENERAL
20-776-C3000 COVER SHEET
20-776-C3001 DRAWING LIST AND LEGENDS
20-776-C3002 GENERAL NOTES
20-776-C3006 GENERAL ARRANGEMENT PLAN
20-776-C3010 TYPICAL ROAD CROSS SECTION
BULK EARTHWORKS
20-776-C3030 BULK EARTHWORKS PLAN
ROADWORKS AND DRAINAGE
20-776-C3040 ROADWORKS AND DRAINAGE PLAN SHEET 1
20-776-C3041 ROADWORKS AND DRAINAGE PLAN SHEET 2
20-776-C3042 ROADWORKS AND DRAINAGE PLAN SHEET 3
20-776-C3043 ROADWORKS AND DRAINAGE PLAN SHEET 4
20-776-C3044 ROADWORKS AND DRAINAGE PLAN SHEET 5
ROAD LONGITUDINAL SECTIONS
20-776-C3051 ROAD (MC01) LONGITUDINAL SECTION SHEET 1
20-776-C3052 ROAD (MC01) LONGITUDINAL SECTION SHEET 2
ROAD CROSS SECTIONS
20-776-C3061 ROAD (MC01) CROSS SECTIONS SHEET 1
20-776-C3062 ROAD (MC01) CROSS SECTIONS SHEET 2
20-776-C3063 ROAD (MC01) CROSS SECTIONS SHEET 3
20-776-C3064 ROAD (MC01) CROSS SECTIONS SHEET 4
20-776-C3065 ROAD (MC01) CROSS SECTIONS SHEET 5
20-776-C3066 ROAD (MC01) CROSS SECTIONS SHEET 6
20-776-C3067 ROAD (MC01) CROSS SECTIONS SHEET 7
STORMWATER DRAINAGE
20-776-C3071 STORMWATER DRAINAGE LONGITUDINAL SECTIONS SHEET 1
20-776-C3072 STORMWATER DRAINAGE LONGITUDINAL SECTIONS SHEET 2
20-776-C3073 STORMWATER DRAINAGE LONGITUDINAL SECTIONS SHEET 3
20-776-C3074 STORMWATER DRAINAGE LONGITUDINAL SECTIONS SHEET 4
20-776-C3075 STORMWATER DRAINAGE LONGITUDINAL SECTIONS SHEET 5
20-776-C3076 STORMWATER DRAINAGE LONGITUDINAL SECTIONS SHEET 6
20-776-C3079 STORMWATER DRAINAGE DETAILS SHEET 1
20-776-C3080 STORMWATER DRAINAGE DETAILS SHEET 2
RETAINING WALLS
20-776-C3081 RETAINING WALL GENERAL ARRANGEMENT PLAN SHEET 1
20-776-C3085 RETAINING WALL PROFILES SHEET 1
20-776-C3086 RETAINING WALL PROFILES SHEET 2
VEHICLE TURN PATHS
20-776-C3091 TURN PATHS INTERNAL ROUNDABOUT
SERVICES AND UTILITIES
20-776-C3101 SERVICES AND UTILITIES COORDINATION PLAN SHEET 1
20-776-C3102 SERVICES AND UTILITIES COORDINATION PLAN SHEET 2
20-776-C3103 SERVICES AND UTILITIES COORDINATION PLAN SHEET 3
20-776-C3104 SERVICES AND UTILITIES COORDINATION PLAN SHEET 4
20-776-C3105 SERVICES AND UTILITIES COORDINATION PLAN SHEET 5
ACQUISITION
20-776-C3110 WIK QUANTITIES
SITEWORKS LEGEND
EXISTING BOUNDARY
EXISTING BOUNDARY TO BE REMOVED
EXISTING EASEMENT
PROPOSED BOUNDARY
PROPOSED FILL RETAINING WALL
PROPOSED CUT RETAINING WALL
PROPOSED MAJOR CONTOUR
PROPOSED MINOR CONTOUR
PROPOSED BATTER 1(V):3(H) U.N.O
PROPOSED SAFETY BARRIER
PROPOSED MOUNTABLE KERB
PROPOSED KERB ONLY
PROPOSED KERB AND GUTTER
PROPOSED DISH DRAIN
PROPOSED DRIVEWAY LAYBACK
PROPOSED KERB RAMP
LIMIT OF WORKS
PROPOSED CATCH DRAIN
PROPOSED STORMWATER JUNCTION PIT
PROPOSED STORMWATER JUNCTION PIT
PROPOSED STORMWATER KERB INLET PIT WITH LINTEL
PROPOSED STORMWATER PIPE WITH HEADWALL
PROPOSED CAPPED STORMWATER PIPE
AB1-1
PROPOSED STORMWATER PIT LABEL
Ø375
PROPOSED STORMWATER PIPE, DIRECTION AND INDICATIVE SIZE
PROPOSED 300mm WIDE GRATED DRAIN WITH CLASS D GRATE
INDICATIVE LOCATION OF TRANSGRID EASEMENT PADS
FUTURE WORKS (EXCLUDED FROM VPA)
FUTURE TEMPORARY BATTER 1(V):3(H) U.N.O
FUTURE STORMWATER PIPE, SIZE AND DIRECTION
FUTURE STORMWATER PITS
FUTURE BOX CULVERT & HEADWALL
FUTURE RETAINING WALL
PAVEMENT LINEMARKING LEGEND
PAVEMENT MARKING SCHEDULE
EDGE LINES
E1
E5
E6
WHITE LINE APPLIED TO FACE OF MEDIAN KERB
LANE LINES
L1
BARRIER LINES
B8
CLEARWAY LINES
C3
GIVEWAY LINE
T8
PAVEMENT ARROWS
ARA(L)
ARA(R)
SERVICES LEGEND
PROPOSED
PROPOSED HIGH VOLTAGE AND LOW VOLTAGE ELECTRICITY
PROPOSED LIGHT POLE
PROPOSED NBN AND TELSTRA CONDUITS
PROPOSED WATERMAIN
PROPOSED SEWER
PROPOSED SEWER MANHOLE
PROPOSED RECYCLED WATERMAIN
Ø450
PROPOSED STORMWATER PIPE, SIZE AND DIRECTION
PROPOSED BOX CULVERT AND HEADWALL
PROPOSED STORMWATER PITS
EXISTING
EXISTING OVERHEAD ELECTRICITY
FUTURE WORKS (EXCLUDED FROM VPA)
FUTURE HIGH VOLTAGE AND LOW VOLTAGE ELECTRICITY
FUTURE LIGHT POLE
FUTURE NBN AND TELSTRA CONDUITS
FUTURE WATERMAIN
FUTURE SEWER
FUTURE SEWER MANHOLE
FUTURE RECYCLED WATERMAIN
Ø450
FUTURE STORMWATER PIPE, SIZE AND DIRECTION
FUTURE STORMWATER PITS
FUTURE BOX CULVERT AND HEADWALL
PAVEMENT LEGEND
PROPOSED INDUSTRIAL ROAD PAVEMENT TO PCC SPECIFICATION
TEMPORARY CUL-DE-SAC PAVEMENT
PROPOSED FOOTPATH PAVEMENT TO PCC SPECIFICATION
PROPOSED INDUSTRIAL DRIVEWAY TO PCC SPECIFICATION
PROPOSED CENTRAL MEDIAN PAVEMENT TO PCC SPECIFICATION
LANDSCAPED ROUNDABOUT TO PCC SPECIFICATION
FUTURE WORKS (EXCLUDED FROM WIK)
MAINTENANCE ACCESS TRACK
BASIN MAINTENANCE RAMP
Bar Scales
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KEMPS CREEK
Title DRAWING LIST AND LEGENDS
Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au
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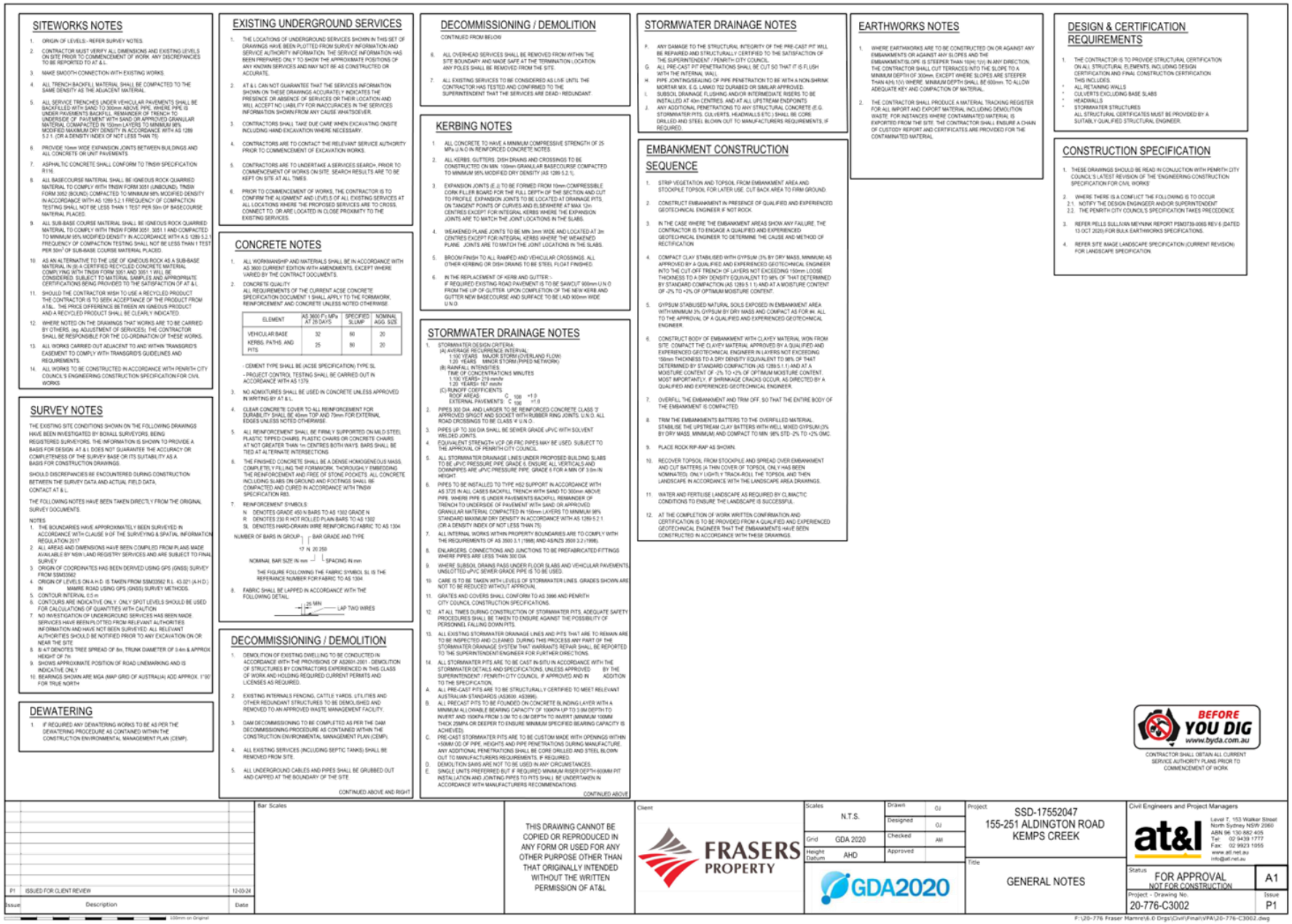

## SITEWORKS NOTES

1. ORIGIN OF LEVELS - REFER SURVEY NOTES.
2. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND EXISTING LEVELS ON SITE PRIOR TO COMMENCEMENT OF WORK. ANY DISCREPANCIES TO BE REPORTED TO AT & L.
3. MAKE SMOOTH CONNECTION WITH EXISTING WORKS.
4. ALL TRENCH BACKFILL MATERIAL SHALL BE COMPACTED TO THE SAME DENSITY AS THE ADJACENT MATERIAL.
5. ALL SERVICE TRENCHES UNDER VEHICULAR PAVEMENTS SHALL BE BACKFILLED WITH SAND TO 300mm ABOVE PIPE, WHERE PIPE IS UNDER PAVEMENTS BACKFILL REMAINDER OF TRENCH TO UNDERSIDE OF PAVEMENT WITH SAND OR APPROVED GRANULAR MATERIAL COMPACTED IN 150mm LAYERS TO MINIMUM 98% MODIFIED MAXIMUM DRY DENSITY IN ACCORDANCE WITH AS 1289 5.2.1. (OR A DENSITY INDEX OF NOT LESS THAN 75)
6. PROVIDE 10mm WIDE EXPANSION JOINTS BETWEEN BUILDINGS AND ALL CONCRETE OR UNIT PAVEMENTS.
7. ASPHALTIC CONCRETE SHALL CONFORM TO TfNSW SPECIFICATION R116.
8. ALL BASECOURSE MATERIAL SHALL BE IGNEOUS ROCK QUARRIED MATERIAL TO COMPLY WITH TfNSW FORM 3051 (UNBOUND). TfNSW FORM 3052 (BOUND) COMPACTED TO MINIMUM 98% MODIFIED DENSITY IN ACCORDANCE WITH AS 1289 5.2.1 FREQUENCY OF COMPACTION TESTING SHALL NOT BE LESS THAN 1 TEST PER 50m OF BASECOURSE MATERIAL PLACED.
9. ALL SUB-BASE COURSE MATERIAL SHALL BE IGNEOUS ROCK QUARRIED MATERIAL TO COMPLY WITH TfNSW FORM 3051. 3051.1 AND COMPACTED TO MINIMUM 95% MODIFIED DENSITY IN ACCORDANCE WITH A.S 1289 5.2.1 FREQUENCY OF COMPACTION TESTING SHALL NOT BE LESS THAN 1 TEST PER 50m² OF SUB-BASE COURSE MATERIAL PLACED.
10. AS AN ALTERNATIVE TO THE USE OF IGNEOUS ROCK AS A SUB-BASE MATERIAL IN (8) A CERTIFIED RECYCLED CONCRETE MATERIAL COMPLYING WITH TfNSW FORM 3051 AND 3051.1 WILL BE CONSIDERED. SUBJECT TO MATERIAL SAMPLES AND APPROPRIATE CERTIFICATIONS BEING PROVIDED TO THE SATISFACTION OF AT & L.
11. SHOULD THE CONTRACTOR WISH TO USE A RECYCLED PRODUCT THE CONTRACTOR IS TO SEEK ACCEPTANCE OF THE PRODUCT FROM AT&L. THE PRICE DIFFERENCE BETWEEN AN IGNEOUS PRODUCT AND A RECYCLED PRODUCT SHALL BE CLEARLY INDICATED.
12. WHERE NOTED ON THE DRAWINGS THAT WORKS ARE TO BE CARRIED BY OTHERS, (eg. ADJUSTMENT OF SERVICES), THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CO-ORDINATION OF THESE WORKS.
13. ALL WORKS CARRIED OUT ADJACENT TO AND WITHIN TRANSGRID'S EASEMENT TO COMPLY WITH TRANSGRID'S GUIDELINES AND REQUIREMENTS.
14. ALL WORKS TO BE CONSTRUCTED IN ACCORDANCE WITH PENRITH CITY COUNCIL'S ENGINEERING CONSTRUCTION SPECIFICATION FOR CIVIL WORKS

## SURVEY NOTES

THE EXISTING SITE CONDITIONS SHOWN ON THE FOLLOWING DRAWINGS HAVE BEEN INVESTIGATED BY BOXALL SURVEYORS, BEING REGISTERED SURVEYORS. THE INFORMATION IS SHOWN TO PROVIDE A BASIS FOR DESIGN. AT & L DOES NOT GUARANTEE THE ACCURACY OR COMPLETENESS OF THE SURVEY BASE OR ITS SUITABILITY AS A BASIS FOR CONSTRUCTION DRAWINGS.

SHOULD DISCREPANCIES BE ENCOUNTERED DURING CONSTRUCTION BETWEEN THE SURVEY DATA AND ACTUAL FIELD DATA, CONTACT AT & L.

THE FOLLOWING NOTES HAVE BEEN TAKEN DIRECTLY FROM THE ORIGINAL SURVEY DOCUMENTS.

NOTES

1. THE BOUNDARIES HAVE APPROXIMATELY BEEN SURVEYED IN ACCORDANCE WITH CLAUSE 9 OF THE SURVEYING & SPATIAL INFORMATION REGULATION 2017
2. ALL AREAS AND DIMENSIONS HAVE BEEN COMPILED FROM PLANS MADE AVAILABLE BY NSW LAND REGISTRY SERVICES AND ARE SUBJECT TO FINAL SURVEY
3. ORIGIN OF COORDINATES HAS BEEN DERIVED USING GPS (GNSS) SURVEY FROM SSM33562
4. ORIGIN OF LEVELS ON A.H.D. IS TAKEN FROM SSM33562 R.L. 43.021 (A.H.D.) IN MAMRE ROAD USING GPS (GNSS) SURVEY METHODS.
5. CONTOUR INTERVAL 0.5 m
6. CONTOURS ARE INDICATIVE ONLY. ONLY SPOT LEVELS SHOULD BE USED FOR CALCULATIONS OF QUANTITIES WITH CAUTION
7. NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. SERVICES HAVE BEEN PLOTTED FROM RELEVANT AUTHORITIES INFORMATION AND HAVE NOT BEEN SURVEYED. ALL RELEVANT AUTHORITIES SHOULD BE NOTIFIED PRIOR TO ANY EXCAVATION ON OR NEAR THE SITE
8. B/ 47 DENOTES TREE SPREAD OF 9m, TRUNK DIAMETER OF 0.4m & APPROX HEIGHT OF 7m
9. SHOWS APPROXIMATE POSITION OF ROAD LINEMARKING AND IS INDICATIVE ONLY
10. BEARINGS SHOWN ARE MGA (MAP GRID OF AUSTRALIA) ADD APPROX. 1°00' FOR TRUE NORTH

## DEWATERING

1. IF REQUIRED ANY DEWATERING WORKS TO BE AS PER THE DEWATERING PROCEDURE AS CONTAINED WITHIN THE CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP).

## EXISTING UNDERGROUND SERVICES

1. THE LOCATIONS OF UNDERGROUND SERVICES SHOWN IN THIS SET OF DRAWINGS HAVE BEEN PLOTTED FROM SURVEY INFORMATION AND SERVICE AUTHORITY INFORMATION. THE SERVICE INFORMATION HAS BEEN PREPARED ONLY TO SHOW THE APPROXIMATE POSITIONS OF ANY KNOWN SERVICES AND MAY NOT BE AS CONSTRUCTED OR ACCURATE.
2. AT & L CAN NOT GUARANTEE THAT THE SERVICES INFORMATION SHOWN ON THESE DRAWINGS ACCURATELY INDICATES THE PRESENCE OR ABSENCE OF SERVICES OR THEIR LOCATION AND WILL ACCEPT NO LIABILITY FOR INACCURACIES IN THE SERVICES INFORMATION SHOWN FROM ANY CAUSE WHATSOEVER.
3. CONTRACTORS SHALL TAKE DUE CARE WHEN EXCAVATING ONSITE INCLUDING HAND EXCAVATION WHERE NECESSARY.
4. CONTRACTORS ARE TO CONTACT THE RELEVANT SERVICE AUTHORITY PRIOR TO COMMENCEMENT OF EXCAVATION WORKS.
5. CONTRACTORS ARE TO UNDERTAKE A SERVICES SEARCH, PRIOR TO COMMENCEMENT OF WORKS ON SITE. SEARCH RESULTS ARE TO BE KEPT ON SITE AT ALL TIMES.
6. PRIOR TO COMMENCEMENT OF WORKS, THE CONTRACTOR IS TO CONFIRM THE ALIGNMENT AND LEVELS OF ALL EXISTING SERVICES AT ALL LOCATIONS WHERE THE PROPOSED SERVICES ARE TO CROSS, CONNECT TO, OR ARE LOCATED IN CLOSE PROXIMITY TO THE EXISTING SERVICES.

## CONCRETE NOTES

1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS 3600 CURRENT EDITION WITH AMENDMENTS, EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.
2. CONCRETE QUALITY
   ALL REQUIREMENTS OF THE CURRENT ACSE CONCRETE SPECIFICATION DOCUMENT 1 SHALL APPLY TO THE FORMWORK, REINFORCEMENT AND CONCRETE UNLESS NOTED OTHERWISE.

| ELEMENT | AS 3600 F'c MPa AT 28 DAYS | SPECIFIED SLUMP | NOMINAL AGG. SIZE |
|---|---|---|---|
| VEHICULAR BASE | 32 | 80 | 20 |
| KERBS, PATHS AND PITS | 25 | 80 | 20 |

   - CEMENT TYPE SHALL BE (ACSE SPECIFICATION) TYPE SL
   - PROJECT CONTROL TESTING SHALL BE CARRIED OUT IN ACCORDANCE WITH AS 1379
3. NO ADMIXTURES SHALL BE USED IN CONCRETE UNLESS APPROVED IN WRITING BY AT & L.
4. CLEAR CONCRETE COVER TO ALL REINFORCEMENT FOR DURABILITY SHALL BE 40mm TOP AND 75mm FOR EXTERNAL EDGES UNLESS NOTED OTHERWISE.
5. ALL REINFORCEMENT SHALL BE FIRMLY SUPPORTED ON MILD STEEL PLASTIC TIPPED CHAIRS. PLASTIC CHAIRS OR CONCRETE CHAIRS AT NOT GREATER THAN 1m CENTRES BOTH WAYS. BARS SHALL BE TIED AT ALTERNATE INTERSECTIONS.
6. THE FINISHED CONCRETE SHALL BE A DENSE HOMOGENEOUS MASS, COMPLETELY FILLING THE FORMWORK, THOROUGHLY EMBEDDING THE REINFORCEMENT AND FREE OF STONE POCKETS. ALL CONCRETE INCLUDING SLABS ON GROUND AND FOOTINGS SHALL BE COMPACTED AND CURED IN ACCORDANCE WITH TfNSW SPECIFICATION R83.
7. REINFORCEMENT SYMBOLS:
   N DENOTES GRADE 450 N BARS TO AS 1302 GRADE N
   R DENOTES 230 R HOT ROLLED PLAIN BARS TO AS 1302
   SL DENOTES HARD-DRAWN WIRE REINFORCING FABRIC TO AS 1304

   NUMBER OF BARS IN GROUP
   BAR GRADE AND TYPE
   17 N 20 250
   NOMINAL BAR SIZE IN mm
   SPACING in mm
   THE FIGURE FOLLOWING THE FABRIC SYMBOL SL IS THE REFERANCE NUMBER FOR FABRIC TO AS 1304
8. FABRIC SHALL BE LAPPED IN ACCORDANCE WITH THE FOLLOWING DETAIL:
   25 MIN
   LAP TWO WIRES

## DECOMMISSIONING / DEMOLITION

1. DEMOLITION OF EXISTING DWELLING TO BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF AS2601-2001 - DEMOLITION OF STRUCTURES BY CONTRACTORS EXPERIENCED IN THIS CLASS OF WORK AND HOLDING REQUIRED CURRENT PERMITS AND LICENSES AS REQUIRED.
2. EXISTING INTERNALS FENCING, CATTLE YARDS, UTILITIES AND OTHER REDUNDANT STRUCTURES TO BE DEMOLISHED AND REMOVED TO AN APPROVED WASTE MANAGEMENT FACILITY.
3. DAM DECOMMISSIONING TO BE COMPLETED AS PER THE DAM DECOMMISSIONING PROCEDURE AS CONTAINED WITHIN THE CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP).
4. ALL EXISTING SERVICES (INCLUDING SEPTIC TANKS) SHALL BE REMOVED FROM SITE.
5. ALL UNDERGROUND CABLES AND PIPES SHALL BE GRUBBED OUT AND CAPPED AT THE BOUNDARY OF THE SITE.

CONTINUED ABOVE AND RIGHT

## DECOMMISSIONING / DEMOLITION

CONTINUED FROM BELOW

6. ALL OVERHEAD SERVICES SHALL BE REMOVED FROM WITHIN THE SITE BOUNDARY AND MADE SAFE AT THE TERMINATION LOCATION. ANY POLES SHALL BE REMOVED FROM THE SITE.
7. ALL EXISTING SERVICES TO BE CONSIDERED AS LIVE UNTIL THE CONTRACTOR HAS TESTED AND CONFIRMED TO THE SUPERINTENDENT THAT THE SERVICES ARE DEAD / REDUNDANT.

## KERBING NOTES

1. ALL CONCRETE TO HAVE A MINIMUM COMPRESSIVE STRENGTH OF 25 MPa U.N.O IN REINFORCED CONCRETE NOTES.
2. ALL KERBS, GUTTERS, DISH DRAINS AND CROSSINGS TO BE CONSTRUCTED ON MIN. 100mm GRANULAR BASECOURSE COMPACTED TO MINIMUM 95% MODIFIED DRY DENSITY (AS 1289 5.2.1).
3. EXPANSION JOINTS (E.J) TO BE FORMED FROM 10mm COMPRESSIBLE CORK FILLER BOARD FOR THE FULL DEPTH OF THE SECTION AND CUT TO PROFILE. EXPANSION JOINTS TO BE LOCATED AT DRAINAGE PITS, ON TANGENT POINTS OF CURVES AND ELSEWHERE AT MAX 12m CENTRES EXCEPT FOR INTEGRAL KERBS WHERE THE EXPANSION JOINTS ARE TO MATCH THE JOINT LOCATIONS IN THE SLABS.
4. WEAKENED PLANE JOINTS TO BE MIN 3mm WIDE AND LOCATED AT 3m CENTRES EXCEPT FOR INTEGRAL KERBS WHERE THE WEAKENED PLANE JOINTS ARE TO MATCH THE JOINT LOCATIONS IN THE SLABS.
5. BROOM FINISH TO ALL RAMPED AND VEHICULAR CROSSINGS. ALL OTHER KERBING OR DISH DRAINS TO BE STEEL FLOAT FINISHED.
6. IN THE REPLACEMENT OF KERB AND GUTTER :-
   IF REQUIRED EXISTING ROAD PAVEMENT IS TO BE SAWCUT 600mm U.N.O FROM THE LIP OF GUTTER. UPON COMPLETION OF THE NEW KERB AND GUTTER NEW BASECOURSE AND SURFACE TO BE LAID 900mm WIDE U.N.O.

## STORMWATER DRAINAGE NOTES

1. STORMWATER DESIGN CRITERIA:
   (A) AVERAGE RECURRENCE INTERVAL
   1:100 YEARS MAJOR STORM (OVERLAND FLOW)
   1:20 YEARS MINOR STORM (PIPED NETWORK)
   (B) RAINFALL INTENSITIES
   TIME OF CONCENTRATIONS MINUTES
   1:100 YEARS= 219 mm/hr
   1:20 YEARS= 167 mm/hr
   (C) RUNOFF COEFFICIENTS
   ROOF AREAS: $C_{100}$ =1.0
   EXTERNAL PAVEMENTS: $C_{100}$ =1.0
2. PIPES 300 DIA. AND LARGER TO BE REINFORCED CONCRETE CLASS '2' APPROVED SPIGOT AND SOCKET WITH RUBBER RING JOINTS, U.N.O. ALL ROAD CROSSINGS TO BE CLASS '4' U.N.O.
3. PIPES UP TO 300 DIA SHALL BE SEWER GRADE uPVC WITH SOLVENT WELDED JOINTS.
4. EQUIVALENT STRENGTH VCP OR FRC PIPES MAY BE USED, SUBJECT TO THE APPROVAL OF PENRITH CITY COUNCIL.
5. ALL STORMWATER DRAINAGE LINES UNDER PROPOSED BUILDING SLABS TO BE uPVC PRESSURE PIPE GRADE 6, ENSURE ALL VERTICALS AND DOWNPIPES ARE uPVC PRESSURE PIPE GRADE 6 FOR A MIN OF 3.0m IN HEIGHT.
6. PIPES TO BE INSTALLED TO TYPE HS2 SUPPORT IN ACCORDANCE WITH AS 3725 IN ALL CASES BACKFILL TRENCH WITH SAND TO 300mm ABOVE PIPE. WHERE PIPE IS UNDER PAVEMENTS BACKFILL REMAINDER OF TRENCH TO UNDERSIDE OF PAVEMENT WITH SAND OR APPROVED GRANULAR MATERIAL COMPACTED IN 150mm LAYERS TO MINIMUM 98% STANDARD MAXIMUM DRY DENSITY IN ACCORDANCE WITH AS 1289 5.2.1 (OR A DENSITY INDEX OF NOT LESS THAN 75)
7. ALL INTERNAL WORKS WITHIN PROPERTY BOUNDARIES ARE TO COMPLY WITH THE REQUIREMENTS OF AS 3500.3.1 (1998) AND AS/NZS 3500.3.2 (1998).
8. ENLARGERS, CONNECTIONS AND JUNCTIONS TO BE PREFABRICATED FITTINGS WHERE PIPES ARE LESS THAN 300 DIA.
9. WHERE SUBSOIL DRAINS PASS UNDER FLOOR SLABS AND VEHICULAR PAVEMENTS, UNSLOTTED uPVC SEWER GRADE PIPE IS TO BE USED.
10. CARE IS TO BE TAKEN WITH LEVELS OF STORMWATER LINES. GRADES SHOWN ARE NOT TO BE REDUCED WITHOUT APPROVAL.
11. GRATES AND COVERS SHALL CONFORM TO AS 3996 AND PENRITH CITY COUNCIL CONSTRUCTION SPECIFICATIONS.
12. AT ALL TIMES DURING CONSTRUCTION OF STORMWATER PITS, ADEQUATE SAFETY PROCEDURES SHALL BE TAKEN TO ENSURE AGAINST THE POSSIBILITY OF PERSONNEL FALLING DOWN PITS.
13. ALL EXISTING STORMWATER DRAINAGE LINES AND PITS THAT ARE TO REMAIN ARE TO BE INSPECTED AND CLEANED. DURING THIS PROCESS ANY PART OF THE STORMWATER DRAINAGE SYSTEM THAT WARRANTS REPAIR SHALL BE REPORTED TO THE SUPERINTENDENT/ENGINEER FOR FURTHER DIRECTIONS.
14. ALL STORMWATER PITS ARE TO BE CAST IN-SITU IN ACCORDANCE WITH THE STORMWATER DETAILS AND SPECIFICATIONS, UNLESS APPROVED BY THE SUPERINTENDENT / PENRITH CITY COUNCIL. IF APPROVED AND IN ADDITION TO THE SPECIFICATION.

A. ALL PRE-CAST PITS ARE TO BE STRUCTURALLY CERTIFIED TO MEET RELEVANT AUSTRALIAN STANDARDS (AS3600, AS3996).
B. ALL PRECAST PITS TO BE FOUNDED ON CONCRETE BLINDING LAYER WITH A MINIMUM ALLOWABLE BEARING CAPACITY OF 100KPA UP TO 3.0M DEPTH TO INVERT AND 150KPA FROM 3.0M TO 6.0M DEPTH TO INVERT (MINIMUM 100MM THICK 25MPA OR DEEPER TO ENSURE MINIMUM SPECIFIED BEARING CAPACITY IS ACHIEVED).
C. PRE-CAST STORMWATER PITS ARE TO BE CUSTOM MADE WITH OPENINGS WITHIN +50MM OD OF PIPE, HEIGHTS AND PIPE PENETRATIONS DURING MANUFACTURE. ANY ADDITIONAL PENETRATIONS SHALL BE CORE DRILLED AND STEEL BLOWN OUT TO MANUFACTURERS REQUIREMENTS, IF REQUIRED.
D. DEMOLITION SAWS ARE NOT TO BE USED IN ANY CIRCUMSTANCES.
E. SINGLE UNITS PREFERRED BUT IF REQUIRED MINIMUM RISER DEPTH 600MM PIT INSTALLATION AND JOINTING PIPES TO PITS SHALL BE UNDERTAKEN IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS

CONTINUED ABOVE

## STORMWATER DRAINAGE NOTES

F. ANY DAMAGE TO THE STRUCTURAL INTEGRITY OF THE PRE-CAST PIT WILL BE REPAIRED AND STRUCTURALLY CERTIFIED TO THE SATISFACTION OF THE SUPERINTENDENT / PENRITH CITY COUNCIL.
G. ALL PRE-CAST PIT PENETRATIONS SHALL BE CUT SO THAT IT IS FLUSH WITH THE INTERNAL WALL.
H. PIPE JOINTING/SEALING OF PIPE PENETRATION TO BE WITH A NON-SHRINK MORTAR MIX. E.G. LANKO 702 DURABED OR SIMILAR APPROVED.
I. SUBSOIL DRAINAGE FLUSHING AND/OR INTERMEDIATE RISERS TO BE INSTALLED AT 40m CENTRES, AND AT ALL UPSTREAM ENDPOINTS.
J. ANY ADDITIONAL PENETRATIONS TO ANY STRUCTURAL CONCRETE (E.G. STORMWATER PITS, CULVERTS, HEADWALLS ETC.) SHALL BE CORE DRILLED AND STEEL BLOWN OUT TO MANUFACTURERS REQUIREMENTS, IF REQUIRED.

## EMBANKMENT CONSTRUCTION SEQUENCE

1. STRIP VEGETATION AND TOPSOIL FROM EMBANKMENT AREA AND STOCKPILE TOPSOIL FOR LATER USE. CUT BACK AREA TO FIRM GROUND.
2. CONSTRUCT EMBANKMENT IN PRESENCE OF QUALIFIED AND EXPERIENCED GEOTECHNICAL ENGINEER IF NOT ROCK.
3. IN THE CASE WHERE THE EMBANKMENT AREAS SHOW ANY FAILURE, THE CONTRACTOR IS TO ENGAGE A QUALIFIED AND EXPERIENCED GEOTECHNICAL ENGINEER TO DETERMINE THE CAUSE AND METHOD OF RECTIFICATION
4. COMPACT CLAY STABILISED WITH GYPSUM (3% BY DRY MASS, MINIMUM) AS APPROVED BY A QUALIFIED AND EXPERIENCED GEOTECHNICAL ENGINEER INTO THE CUT-OFF TRENCH OF LAYERS NOT EXCEEDING 150mm LOOSE THICKNESS TO A DRY DENSITY EQUIVALENT TO 98% OF THAT DETERMINED BY STANDARD COMPACTION (AS 1289 5.1.1) AND AT A MOISTURE CONTENT OF -2% TO +2% OF OPTIMUM MOISTURE CONTENT.
5. GYPSUM STABILISED NATURAL SOILS EXPOSED IN EMBANKMENT AREA WITH MINIMUM 3% GYPSUM BY DRY MASS AND COMPACT AS FOR #4. ALL TO THE APPROVAL OF A QUALIFIED AND EXPERIENCED GEOTECHNICAL ENGINEER.
6. CONSTRUCT BODY OF EMBANKMENT WITH CLAYEY MATERIAL WON FROM SITE. COMPACT THE CLAYEY MATERIAL APPROVED BY A QUALIFIED AND EXPERIENCED GEOTECHNICAL ENGINEER IN LAYERS NOT EXCEEDING 150mm THICKNESS TO A DRY DENSITY EQUIVALENT TO 98% OF THAT DETERMINED BY STANDARD COMPACTION (AS 1289.5.1.1) AND AT A MOISTURE CONTENT OF -2% TO +2% OF OPTIMUM MOISTURE CONTENT. MOST IMPORTANTLY, IF SHRINKAGE CRACKS OCCUR, AS DIRECTED BY A QUALIFIED AND EXPERIENCED GEOTECHNICAL ENGINEER.
7. OVERFILL THE EMBANKMENT AND TRIM OFF, SO THAT THE ENTIRE BODY OF THE EMBANKMENT IS COMPACTED.
8. TRIM THE EMBANKMENTS BATTERS TO THE OVERFILLED MATERIAL. STABILISE THE UPSTREAM CLAY BATTERS WITH WELL MIXED GYPSUM (3% BY DRY MASS, MINIMUM) AND COMPACT TO MIN. 98% STD -2% TO +2% OMC.
9. PLACE ROCK RIP-RAP AS SHOWN.
10. RECOVER TOPSOIL FROM STOCKPILE AND SPREAD OVER EMBANKMENT AND CUT BATTERS (A THIN COVER OF TOPSOIL ONLY HAS BEEN NOMINATED). ONLY LIGHTLY TRACK-ROLL THE TOPSOIL AND THEN LANDSCAPE IN ACCORDANCE WITH THE LANDSCAPE AREA DRAWINGS.
11. WATER AND FERTILISE LANDSCAPE AS REQUIRED BY CLIMACTIC CONDITIONS TO ENSURE THE LANDSCAPE IS SUCCESSFUL.
12. AT THE COMPLETION OF WORK WRITTEN CONFIRMATION AND CERTIFICATION IS TO BE PROVIDED FROM A QUALIFIED AND EXPERIENCED GEOTECHNICAL ENGINEER THAT THE EMBANKMENTS HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THESE DRAWINGS.

## EARTHWORKS NOTES

1. WHERE EARTHWORKS ARE TO BE CONSTRUCTED ON OR AGAINST ANY EMBANKMENTS OR AGAINST ANY SLOPES AND THE EMBANKMENTS/SLOPES IS STEEPER THAN 10(H):1(V) IN ANY DIRECTION, THE CONTRACTOR SHALL CUT TERRACES INTO THE SLOPE TO A MINIMUM DEPTH OF 300mm, EXCEPT WHERE SLOPES ARE STEEPER THAN 4(H):1(V) WHERE MINIMUM DEPTH SHALL BE 600mm. TO ALLOW ADEQUATE KEY AND COMPACTION OF MATERIAL.
2. THE CONTRACTOR SHALL PRODUCE A MATERIAL TRACKING REGISTER FOR ALL IMPORT AND EXPORT MATERIAL INCLUDING DEMOLITION WASTE. FOR INSTANCES WHERE CONTAMINATED MATERIAL IS EXPORTED FROM THE SITE, THE CONTRACTOR SHALL ENSURE A CHAIN OF CUSTODY REPORT AND CERTIFICATES ARE PROVIDED FOR THE CONTAMINATED MATERIAL.

## DESIGN & CERTIFICATION REQUIREMENTS

1. THE CONTRACTOR IS TO PROVIDE STRUCTURAL CERTIFICATION ON ALL STRUCTURAL ELEMENTS, INCLUDING DESIGN CERTIFICATION AND FINAL CONSTRUCTION CERTIFICATION THIS INCLUDES;
   - ALL RETAINING WALLS
   - CULVERTS EXCLUDING BASE SLABS
   - HEADWALLS
   - STORMWATER STRUCTURES

   ALL STRUCTURAL CERTIFICATES MUST BE PROVIDED BY A SUITABLY QUALIFIED STRUCTURAL ENGINEER.

## CONSTRUCTION SPECIFICATION

1. THESE DRAWINGS SHOULD BE READ IN CONJUCTION WITH PENRITH CITY COUNCIL'S LATEST REVISION OF THE 'ENGINEERING CONSTRUCTION SPECIFICATION FOR CIVIL WORKS'
2. WHERE THERE IS A CONFLICT THE FOLLOWING IS TO OCCUR.
   2.1. NOTIFY THE DESIGN ENGINEER AND/OR SUPERINTENDENT
   2.2. THE PENRITH CITY COUNCIL'S SPECIFICATION TAKES PRECEDENCE
3. REFER PELLS SULLIVAN MEYNINK REPORT PSM3739-005 REV 6 (DATED 13 OCT 2020) FOR BULK EARTHWORKS SPECIFICATIONS.
4. REFER SITE IMAGE LANDSCAPE SPECIFICATION (CURRENT REVISION) FOR LANDSCAPE SPECIFICATION

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CONTRACTOR SHALL OBTAIN ALL CURRENT SERVICE AUTHORITY PLANS PRIOR TO COMMENCEMENT OF WORK

| Issue | Description | Date |
|---|---|---|
| P1 | ISSUED FOR CLIENT REVIEW | 12-09-24 |

Bar Scales

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| | |
|---|---|
| Scales | N.T.S. |
| Grid | GDA 2020 |
| Height Datum | AHD |
| Drawn | OJ |
| Designed | OJ |
| Checked | AM |
| Approved | |

GDA2020

Project: SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK

Title: GENERAL NOTES

Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street
North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au

| Status | | |
|---|---|---|
| FOR APPROVAL NOT FOR CONSTRUCTION | | A1 |
| Project - Drawing No: 20-776-C3002 | | Issue P1 |

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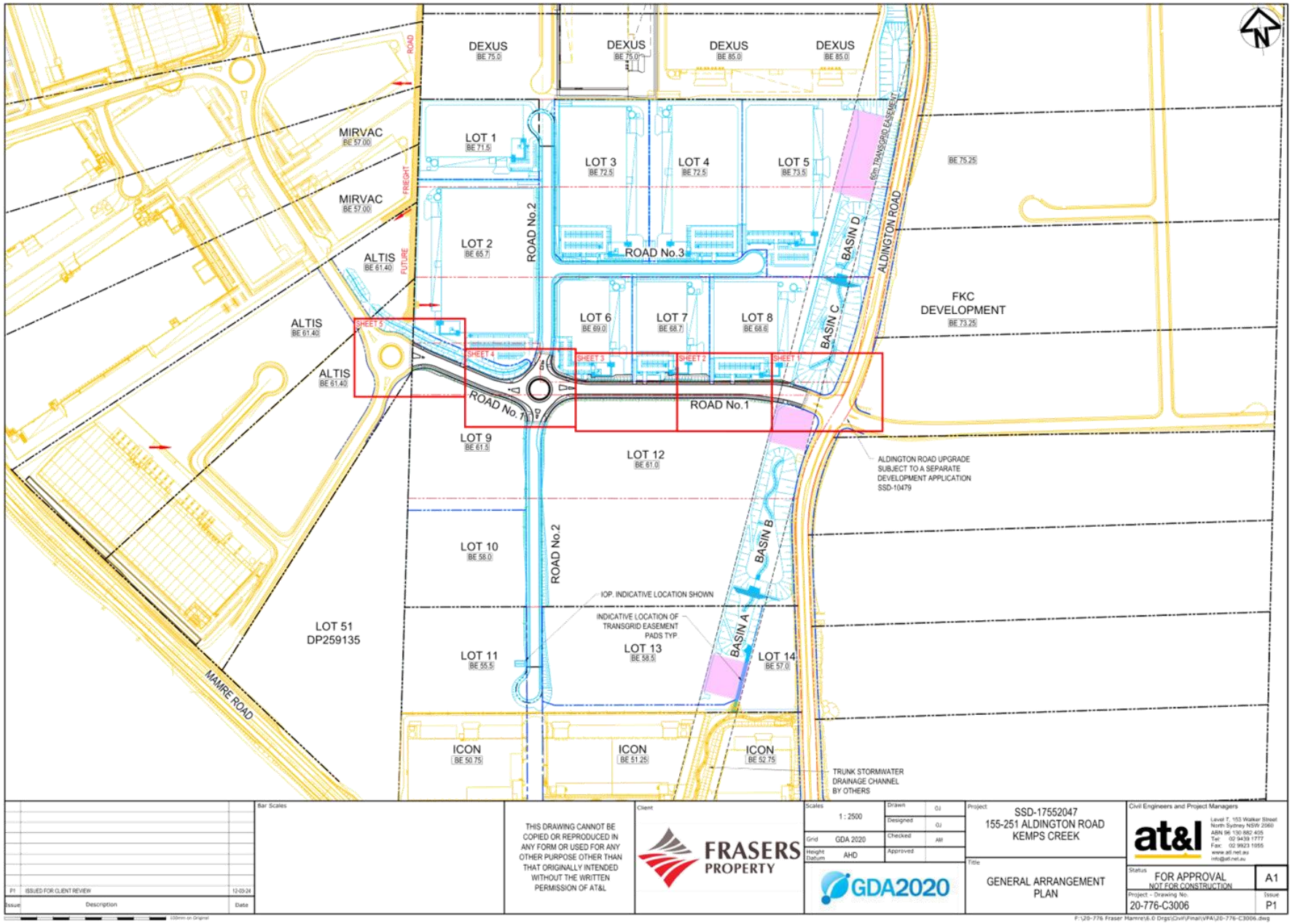
DEXUS
BE 75.0
DEXUS
BE 75.0
DEXUS
BE 85.0
DEXUS
BE 85.0
MIRVAC
BE 57.00
MIRVAC
BE 57.00
ALTIS
BE 61.40
ALTIS
BE 61.40
ALTIS
BE 61.40
FUTURE FREIGHT ROAD
LOT 1
BE 71.5
LOT 2
BE 65.7
LOT 3
BE 72.5
LOT 4
BE 72.5
LOT 5
BE 73.5
LOT 6
BE 69.0
LOT 7
BE 68.7
LOT 8
BE 68.6
LOT 9
BE 61.5
LOT 10
BE 58.0
LOT 11
BE 55.5
LOT 12
BE 61.0
LOT 13
BE 58.5
LOT 14
BE 57.0
LOT 51
DP259135
ROAD No.1
ROAD No.2
ROAD No.3
BASIN A
BASIN B
BASIN C
BASIN D
60m TRANSGRID EASEMENT
ALDINGTON ROAD
BE 75.25
FKC
DEVELOPMENT
BE 73.25
ALDINGTON ROAD UPGRADE
SUBJECT TO A SEPARATE
DEVELOPMENT APPLICATION
SSD-10479
IOP. INDICATIVE LOCATION SHOWN
INDICATIVE LOCATION OF
TRANSGRID EASEMENT
PADS TYP.
TRUNK STORMWATER
DRAINAGE CHANNEL
BY OTHERS
MAMRE ROAD
ICON
BE 50.75
ICON
BE 51.25
ICON
BE 52.75
SHEET 1
SHEET 2
SHEET 3
SHEET 4
SHEET 5
N
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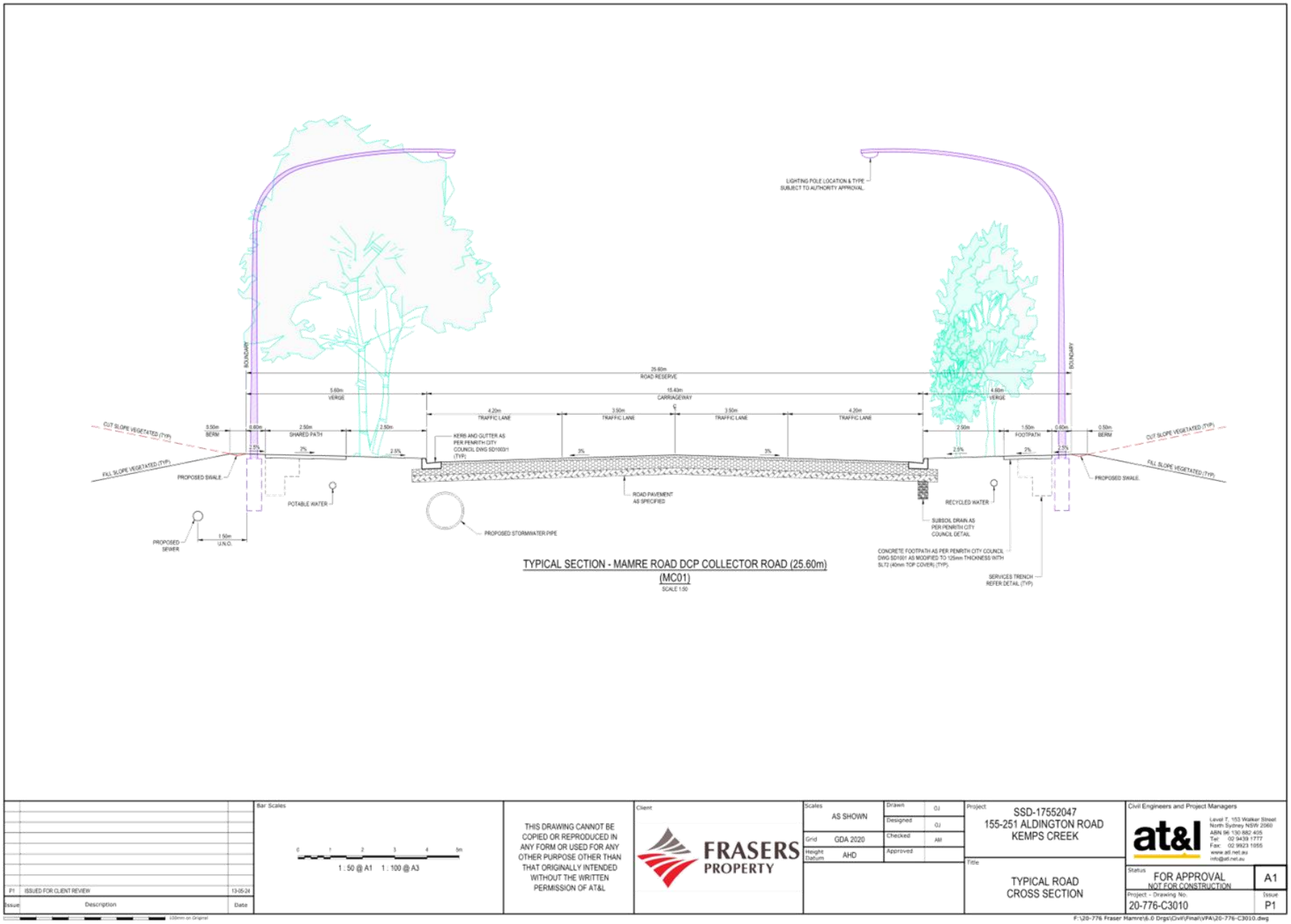
FRASERS PROPERTY
1 : 2500
GDA 2020
AHD
GDA2020
SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
GENERAL ARRANGEMENT PLAN
at&l
FOR APPROVAL
NOT FOR CONSTRUCTION
A1
20-776-C3006
P1
P1 ISSUED FOR CLIENT REVIEW 12-03-24




TYPICAL SECTION - MAMRE ROAD DCP COLLECTOR ROAD (25.60m)
(MC01)
SCALE 1:50

| | | |
|---|---|---|
| P1 | ISSUED FOR CLIENT REVIEW | 13-05-24 |
| Issue | Description | Date |

Bar Scales: 0 1 2 3 4 5m
1 : 50 @ A1 1 : 100 @ A3

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Client: FRASERS PROPERTY

| | | | |
|---|---|---|---|
| Scales | AS SHOWN | Drawn | OJ |
| | | Designed | OJ |
| Grid | GDA 2020 | Checked | AM |
| Height Datum | AHD | Approved | |

Project: SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK

Title: TYPICAL ROAD CROSS SECTION

Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street
North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au

Status: FOR APPROVAL
NOT FOR CONSTRUCTION
A1

Project - Drawing No: 20-776-C3010
Issue: P1

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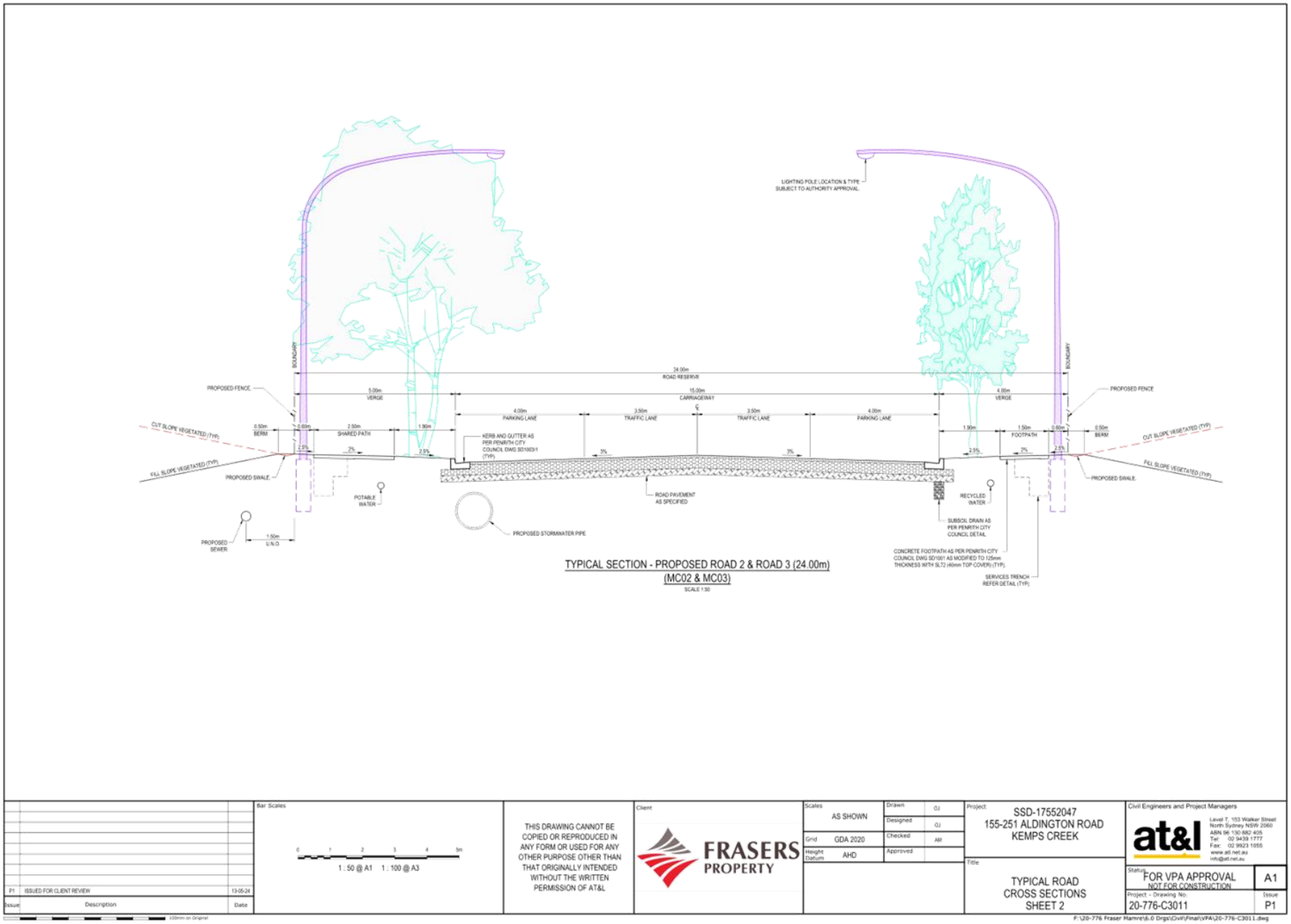


TYPICAL SECTION - PROPOSED ROAD 2 & ROAD 3 (24.00m)
(MC02 & MC03)
SCALE 1:50

| | | |
|---|---|---|
| P1 | ISSUED FOR CLIENT REVIEW | 13-05-24 |
| Issue | Description | Date |

Bar Scales: 0 1 2 3 4 5m — 1 : 50 @ A1 1 : 100 @ A3

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Client: FRASERS PROPERTY

| | | | |
|---|---|---|---|
| Scales | AS SHOWN | Drawn | OJ |
| | | Designed | OJ |
| Grid | GDA 2020 | Checked | AM |
| Height Datum | AHD | Approved | |

Project: SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK

Title: TYPICAL ROAD CROSS SECTIONS SHEET 2

Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au

Status: FOR VPA APPROVAL NOT FOR CONSTRUCTION — A1
Project - Drawing No: 20-776-C3011 — Issue: P1

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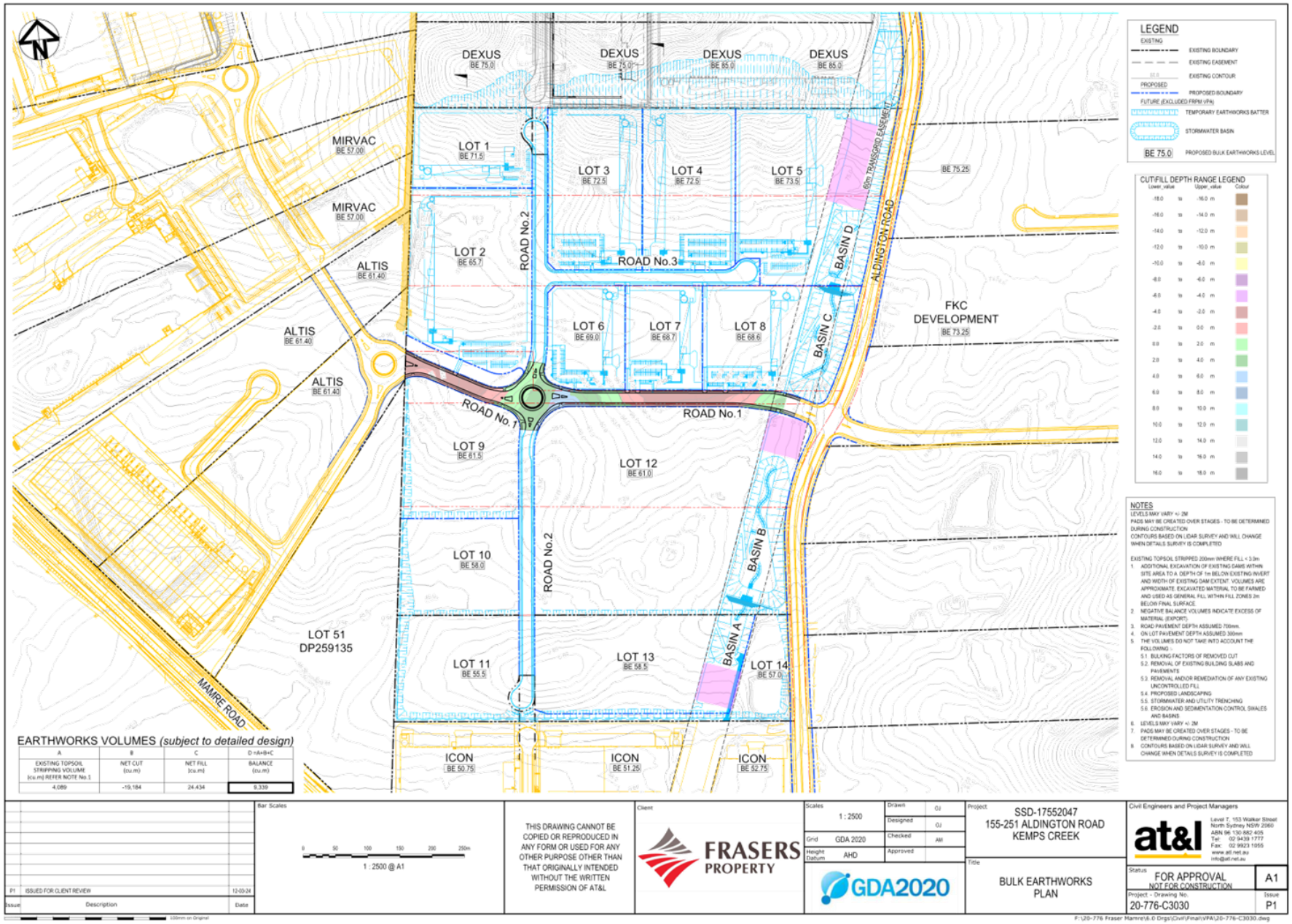
DEXUS
DEXUS
DEXUS
DEXUS
MIRVAC
MIRVAC
ALTIS
ALTIS
ALTIS
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 51
DP259135
ROAD No.1
ROAD No.2
ROAD No.3
ALDINGTON ROAD
60m TRANSGRID EASEMENT
BASIN A
BASIN B
BASIN C
BASIN D
FKC
DEVELOPMENT
ICON
ICON
ICON
MAMRE ROAD
LEGEND
EXISTING BOUNDARY
EXISTING EASEMENT
EXISTING CONTOUR
PROPOSED BOUNDARY
TEMPORARY EARTHWORKS BATTER
STORMWATER BASIN
PROPOSED BULK EARTHWORKS LEVEL
CUT/FILL DEPTH RANGE LEGEND
NOTES
EARTHWORKS VOLUMES (subject to detailed design)
FRASERS PROPERTY
GDA2020
SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
BULK EARTHWORKS PLAN
FOR APPROVAL
NOT FOR CONSTRUCTION
20-776-C3030
P1
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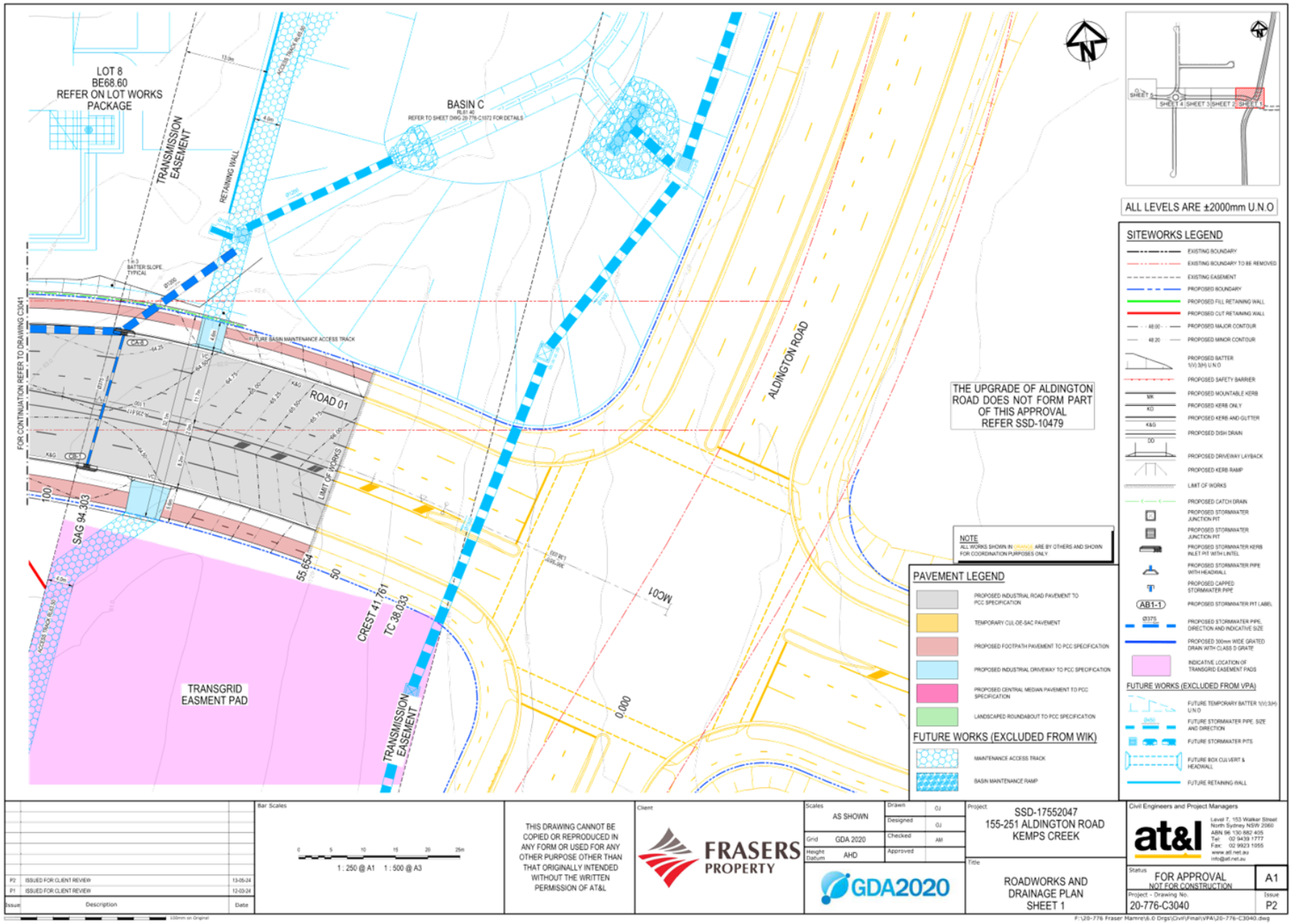
LOT 8
BE68.60
REFER ON LOT WORKS PACKAGE
TRANSMISSION EASEMENT
RETAINING WALL
BASIN C
REFER TO SHEET DWG 20-776-C1072 FOR DETAILS
ACCESS TRACK 4.5m
1 in 3 BATTER SLOPE TYPICAL
FUTURE BASIN MAINTENANCE ACCESS TRACK
FOR CONTINUATION REFER TO DRAWING C3041
ROAD 01
ALDINGTON ROAD
THE UPGRADE OF ALDINGTON ROAD DOES NOT FORM PART OF THIS APPROVAL REFER SSD-10479
LIMIT OF WORKS
SAG 94.303
55.654
50
CREST 41.761
TC 38.033
TRANSGRID EASEMENT PAD
TRANSMISSION EASEMENT
MC01
0.000
ALL LEVELS ARE ±2000mm U.N.O
SITEWORKS LEGEND
EXISTING BOUNDARY
EXISTING BOUNDARY TO BE REMOVED
EXISTING EASEMENT
PROPOSED BOUNDARY
PROPOSED FILL RETAINING WALL
PROPOSED CUT RETAINING WALL
PROPOSED MAJOR CONTOUR
PROPOSED MINOR CONTOUR
PROPOSED BATTER 1(V):3(H) U.N.O
PROPOSED SAFETY BARRIER
PROPOSED MOUNTABLE KERB
PROPOSED KERB ONLY
PROPOSED KERB AND GUTTER
PROPOSED DISH DRAIN
PROPOSED DRIVEWAY LAYBACK
PROPOSED KERB RAMP
LIMIT OF WORKS
PROPOSED CATCH DRAIN
PROPOSED STORMWATER JUNCTION PIT
PROPOSED STORMWATER JUNCTION PIT
PROPOSED STORMWATER KERB INLET PIT WITH LINTEL
PROPOSED STORMWATER PIPE WITH HEADWALL
PROPOSED CAPPED STORMWATER PIPE
PROPOSED STORMWATER PIT LABEL
PROPOSED STORMWATER PIPE, DIRECTION AND INDICATIVE SIZE
PROPOSED 300mm WIDE GRATED DRAIN WITH CLASS D GRATE
INDICATIVE LOCATION OF TRANSGRID EASEMENT PADS
FUTURE WORKS (EXCLUDED FROM VPA)
FUTURE TEMPORARY BATTER 1(V):3(H) U.N.O
FUTURE STORMWATER PIPE, SIZE AND DIRECTION
FUTURE STORMWATER PITS
FUTURE BOX CULVERT & HEADWALL
FUTURE RETAINING WALL
NOTE
ALL WORKS SHOWN IN ORANGE ARE BY OTHERS AND SHOWN FOR COORDINATION PURPOSES ONLY.
PAVEMENT LEGEND
PROPOSED INDUSTRIAL ROAD PAVEMENT TO PCC SPECIFICATION
TEMPORARY CUL-DE-SAC PAVEMENT
PROPOSED FOOTPATH PAVEMENT TO PCC SPECIFICATION
PROPOSED INDUSTRIAL DRIVEWAY TO PCC SPECIFICATION
PROPOSED CENTRAL MEDIAN PAVEMENT TO PCC SPECIFICATION
LANDSCAPED ROUNDABOUT TO PCC SPECIFICATION
FUTURE WORKS (EXCLUDED FROM WIK)
MAINTENANCE ACCESS TRACK
BASIN MAINTENANCE RAMP
P2 ISSUED FOR CLIENT REVIEW 13-05-24
P1 ISSUED FOR CLIENT REVIEW 12-03-24
Issue Description Date
Bar Scales
1 : 250 @ A1 1 : 500 @ A3
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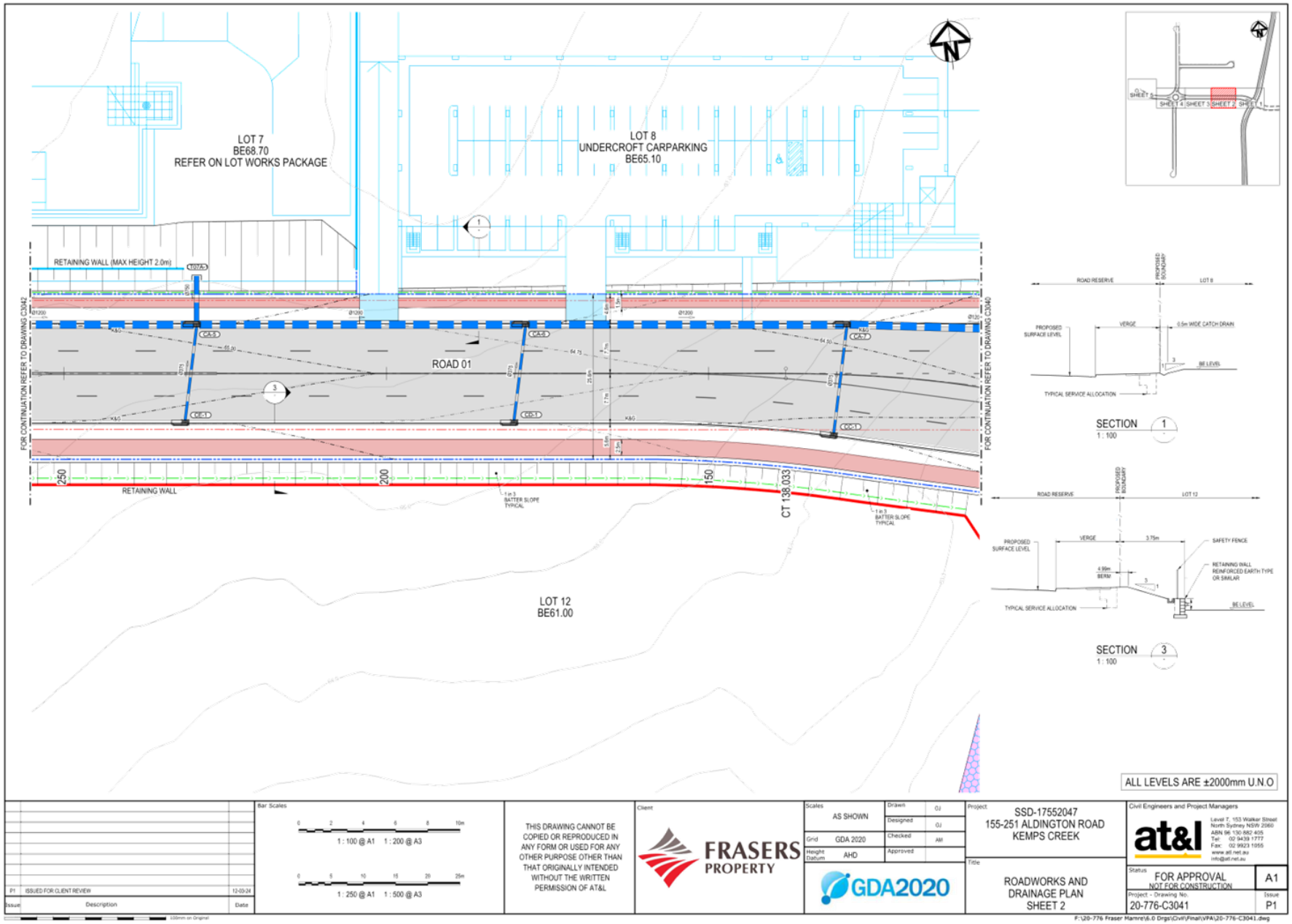
Client
FRASERS PROPERTY
Scales AS SHOWN
Grid GDA 2020
Height Datum AHD
Drawn OJ
Designed OJ
Checked AM
Approved
GDA2020
Project SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
Title ROADWORKS AND DRAINAGE PLAN SHEET 1
Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au
Status FOR APPROVAL NOT FOR CONSTRUCTION
A1
Project - Drawing No: 20-776-C3040
Issue P2
F:\20-776 Fraser Marrire\6.0 Drgs\Civil\Final\VPA\20-776-C3040.dwg


LOT 7
BE68.70
REFER ON LOT WORKS PACKAGE
LOT 8
UNDERCROFT CARPARKING
BE65.10
RETAINING WALL (MAX HEIGHT 2.0m)
ROAD 01
RETAINING WALL
LOT 12
BE61.00
FOR CONTINUATION REFER TO DRAWING C3042
FOR CONTINUATION REFER TO DRAWING C3040
SECTION 1
1 : 100
SECTION 3
1 : 100
ALL LEVELS ARE ±2000mm U.N.O
SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
ROADWORKS AND
DRAINAGE PLAN
SHEET 2
FOR APPROVAL
NOT FOR CONSTRUCTION
20-776-C3041
P1
A1
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GDA2020
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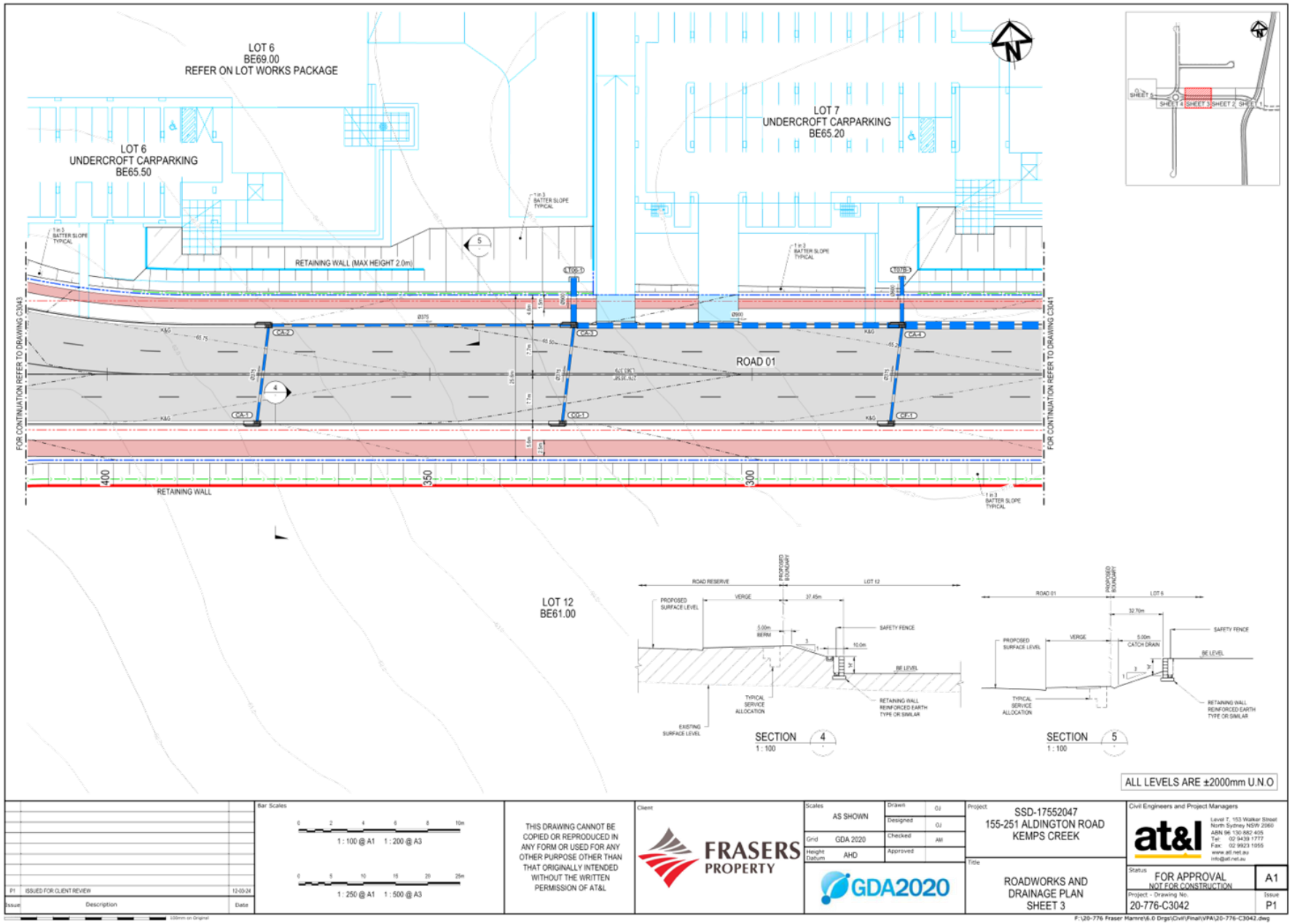
LOT 6
BE69.00
REFER ON LOT WORKS PACKAGE
LOT 6
UNDERCROFT CARPARKING
BE65.50
LOT 7
UNDERCROFT CARPARKING
BE65.20
RETAINING WALL (MAX HEIGHT 2.0m)
1 in 3 BATTER SLOPE TYPICAL
ROAD 01
FOR CONTINUATION REFER TO DRAWING C3043
FOR CONTINUATION REFER TO DRAWING C3041
RETAINING WALL
LOT 12
BE61.00
ROAD RESERVE
PROPOSED BOUNDARY
LOT 12
VERGE
37.45m
PROPOSED SURFACE LEVEL
5.00m BERM
SAFETY FENCE
10.0m
BE LEVEL
TYPICAL SERVICE ALLOCATION
RETAINING WALL REINFORCED EARTH TYPE OR SIMILAR
EXISTING SURFACE LEVEL
SECTION 4
1 : 100
ROAD 01
LOT 6
32.70m
5.00m CATCH DRAIN
SECTION 5
1 : 100
ALL LEVELS ARE ±2000mm U.N.O
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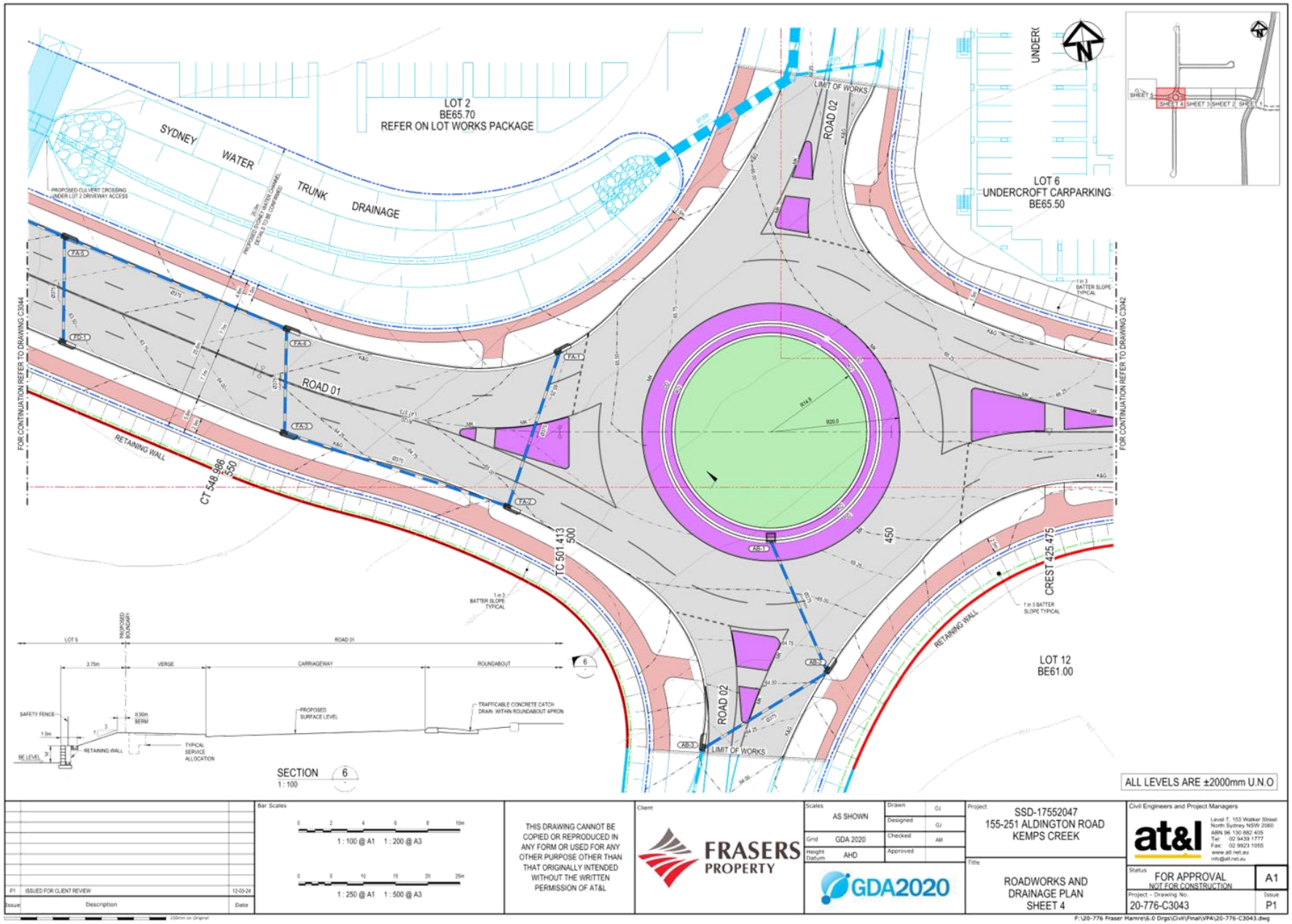
FRASERS PROPERTY
AS SHOWN
GDA 2020
AHD
SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
ROADWORKS AND DRAINAGE PLAN SHEET 3
at&l
FOR APPROVAL
NOT FOR CONSTRUCTION
A1
20-776-C3042
P1
P1 ISSUED FOR CLIENT REVIEW 12-03-24


LOT 2
BE65.70
REFER ON LOT WORKS PACKAGE
SYDNEY WATER TRUNK DRAINAGE
LIMIT OF WORKS
ROAD 02
LOT 6
UNDERCROFT CARPARKING
BE65.50
ROAD 01
RETAINING WALL
CT 548 986 550
TC 501 413 500
CREST 425 475
450
LOT 12
BE61.00
FOR CONTINUATION REFER TO DRAWING C3044
FOR CONTINUATION REFER TO DRAWING C3042
SECTION 6
1 : 100
ALL LEVELS ARE ±2000mm U.N.O
FRASERS PROPERTY
GDA2020
SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
ROADWORKS AND DRAINAGE PLAN SHEET 4
FOR APPROVAL
NOT FOR CONSTRUCTION
20-776-C3043
P1
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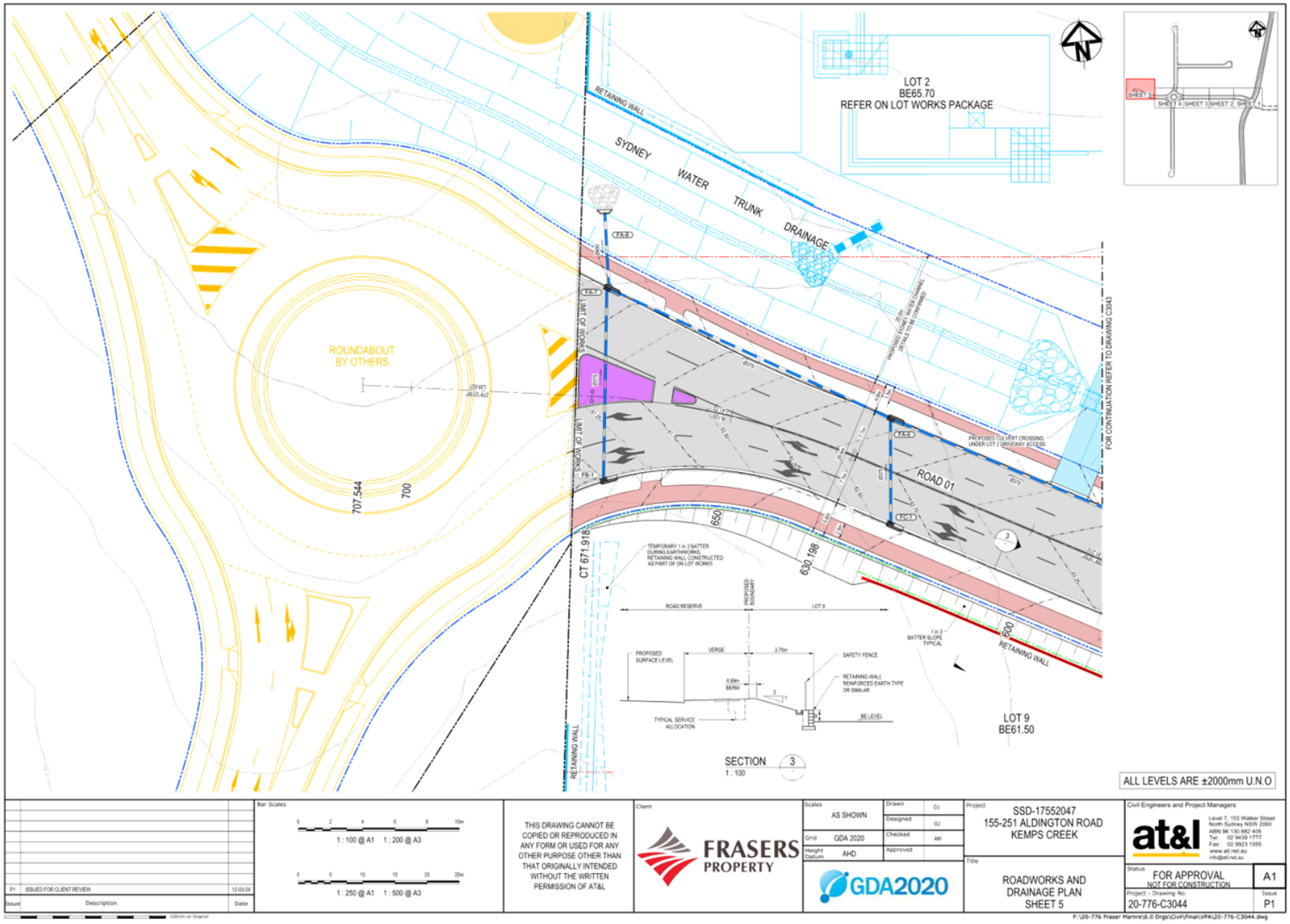
LOT 2
BE65.70
REFER ON LOT WORKS PACKAGE
RETAINING WALL
SYDNEY WATER TRUNK DRAINAGE
ROUNDABOUT BY OTHERS
LIMIT OF WORKS
ROAD 01
PROPOSED CULVERT CROSSING UNDER LOT 2 DRIVEWAY ACCESS
FOR CONTINUATION REFER TO DRAWING C3043
707.544
700
650
630.198
600
CT 671.918
TEMPORARY 1 in 3 BATTER DURING EARTHWORKS. RETAINING WALL CONSTRUCTED AS PART OF ON LOT WORKS
ROAD RESERVE
PROPOSED BOUNDARY
LOT 9
1 in 3 BATTER SLOPE TYPICAL
RETAINING WALL
PROPOSED SURFACE LEVEL
VERGE
3.75m
SAFETY FENCE
4.99m BERM
RETAINING WALL REINFORCED EARTH TYPE OR SIMILAR
TYPICAL SERVICE ALLOCATION
BE LEVEL
LOT 9
BE61.50
SECTION 3
1 : 100
ALL LEVELS ARE ±2000mm U.N.O
SHEET 5
SHEET 4
SHEET 3
SHEET 2
SHEET 1
P1 ISSUED FOR CLIENT REVIEW 12-09-24
Issue Description Date
Bar Scales
1 : 100 @ A1 1 : 200 @ A3
1 : 250 @ A1 1 : 500 @ A3
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Client
FRASERS PROPERTY
Scales AS SHOWN
Grid GDA 2020
Height Datum AHD
Drawn OJ
Designed OJ
Checked AM
Approved
GDA2020
Project SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
Title ROADWORKS AND DRAINAGE PLAN SHEET 5
Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au
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A1
Project - Drawing No. 20-776-C3044
Issue P1
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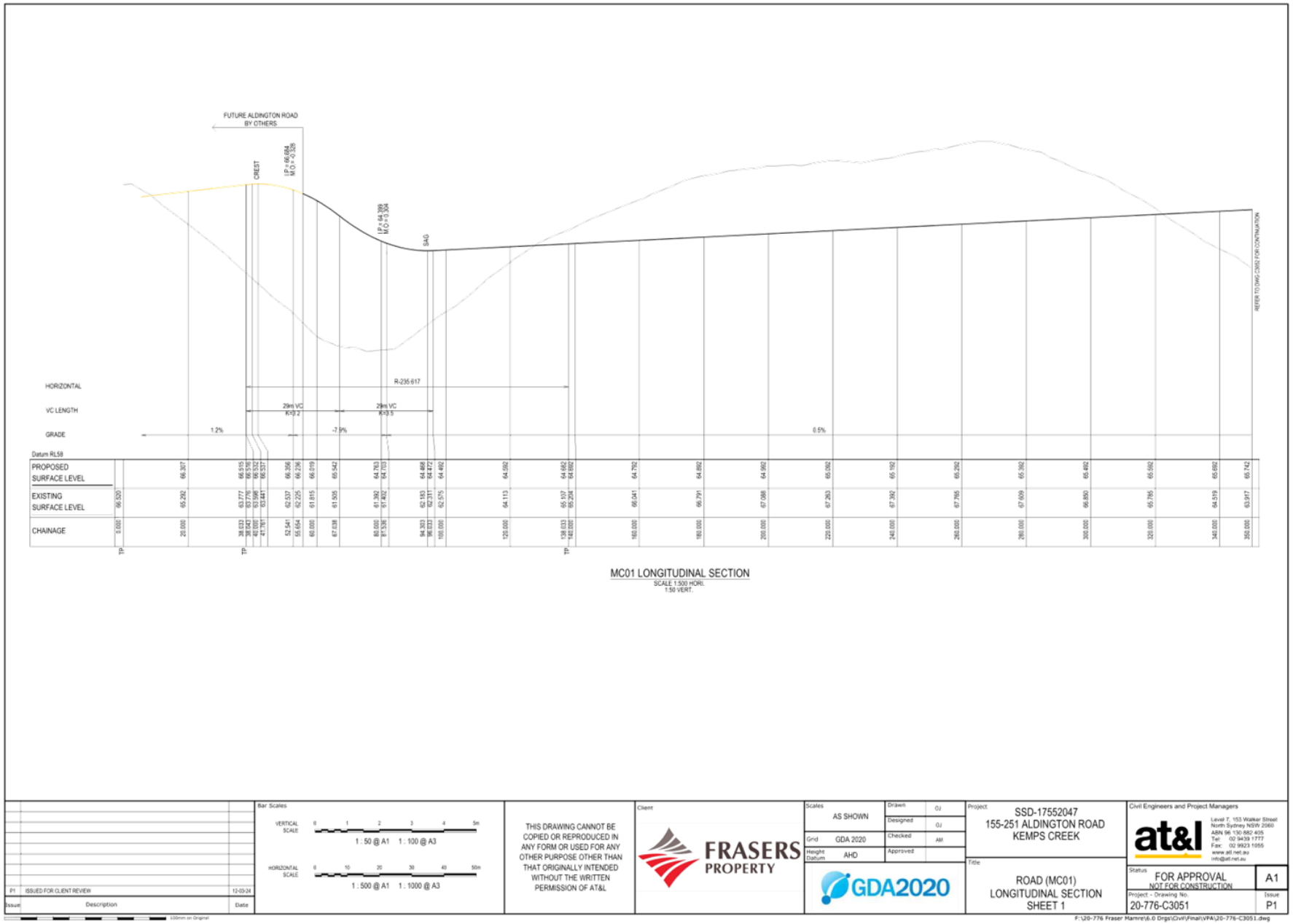


MC01 LONGITUDINAL SECTION
SCALE 1:500 HORI.
1:50 VERT.

| | | |
|---|---|---|
| P1 | ISSUED FOR CLIENT REVIEW | 12-09-24 |
| Issue | Description | Date |

Bar Scales
VERTICAL SCALE 1 : 50 @ A1 1 : 100 @ A3
HORIZONTAL SCALE 1 : 500 @ A1 1 : 1000 @ A3

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Client: FRASERS PROPERTY

| | | | |
|---|---|---|---|
| Scales | AS SHOWN | Drawn | OJ |
| | | Designed | OJ |
| Grid | GDA 2020 | Checked | AM |
| Height Datum | AHD | Approved | |

GDA2020

Project: SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK

Title: ROAD (MC01)
LONGITUDINAL SECTION
SHEET 1

Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street
North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au

Status: FOR APPROVAL
NOT FOR CONSTRUCTION
A1

Project - Drawing No: 20-776-C3051
Issue: P1

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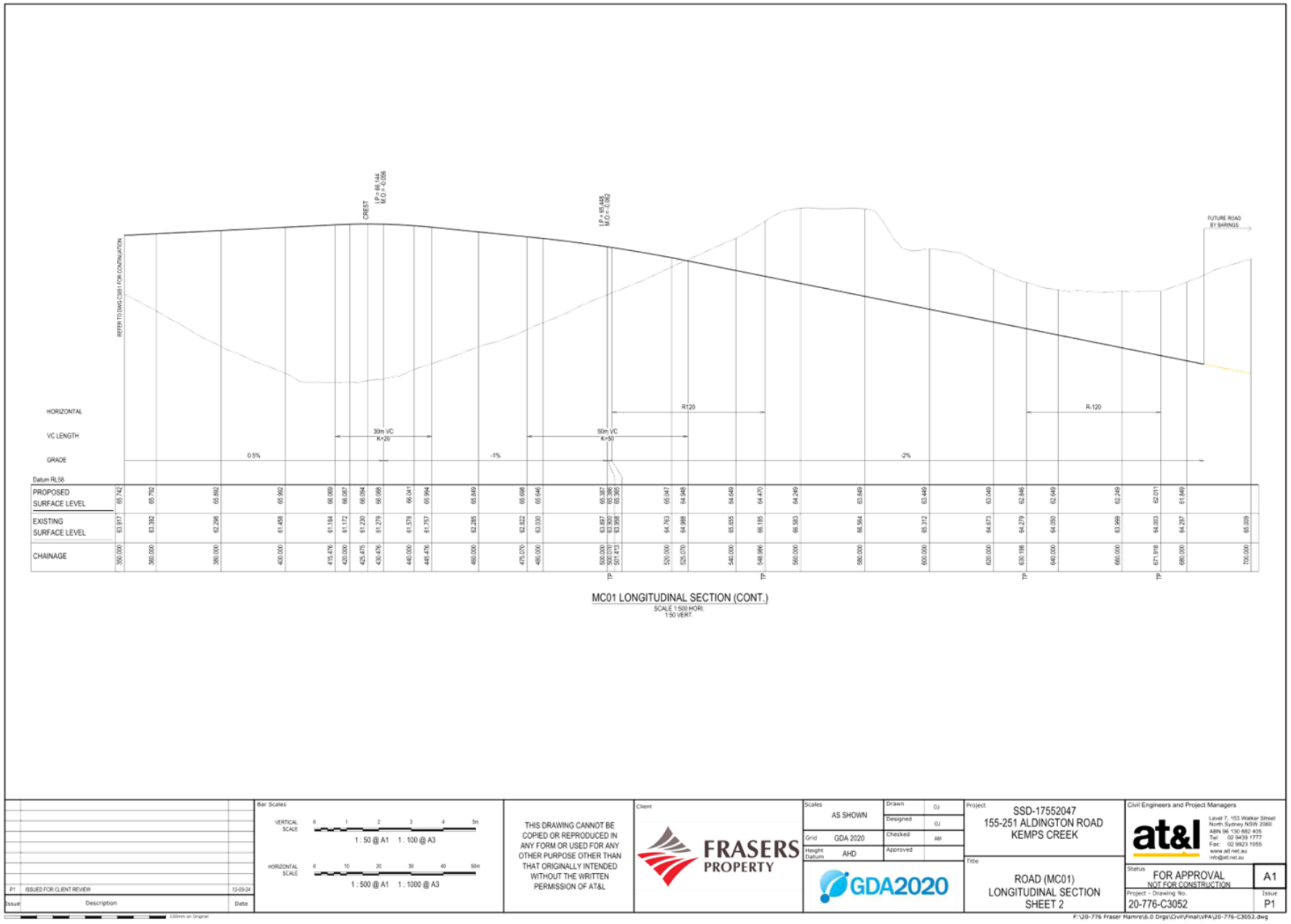


MC01 LONGITUDINAL SECTION (CONT.)
SCALE 1:500 HORI.
1:50 VERT.

Bar Scales
VERTICAL SCALE 1 : 50 @ A1 1 : 100 @ A3
HORIZONTAL SCALE 1 : 500 @ A1 1 : 1000 @ A3

| Issue | Description | Date |
|---|---|---|
| P1 | ISSUED FOR CLIENT REVIEW | 12-09-24 |

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Client: FRASERS PROPERTY

Scales: AS SHOWN
Grid: GDA 2020
Height Datum: AHD
Drawn: OJ
Designed: OJ
Checked: AM
Approved:

GDA2020

Project: SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK

Title: ROAD (MC01)
LONGITUDINAL SECTION
SHEET 2

Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street
North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au

Status: FOR APPROVAL
NOT FOR CONSTRUCTION
A1
Project - Drawing No: 20-776-C3052
Issue: P1

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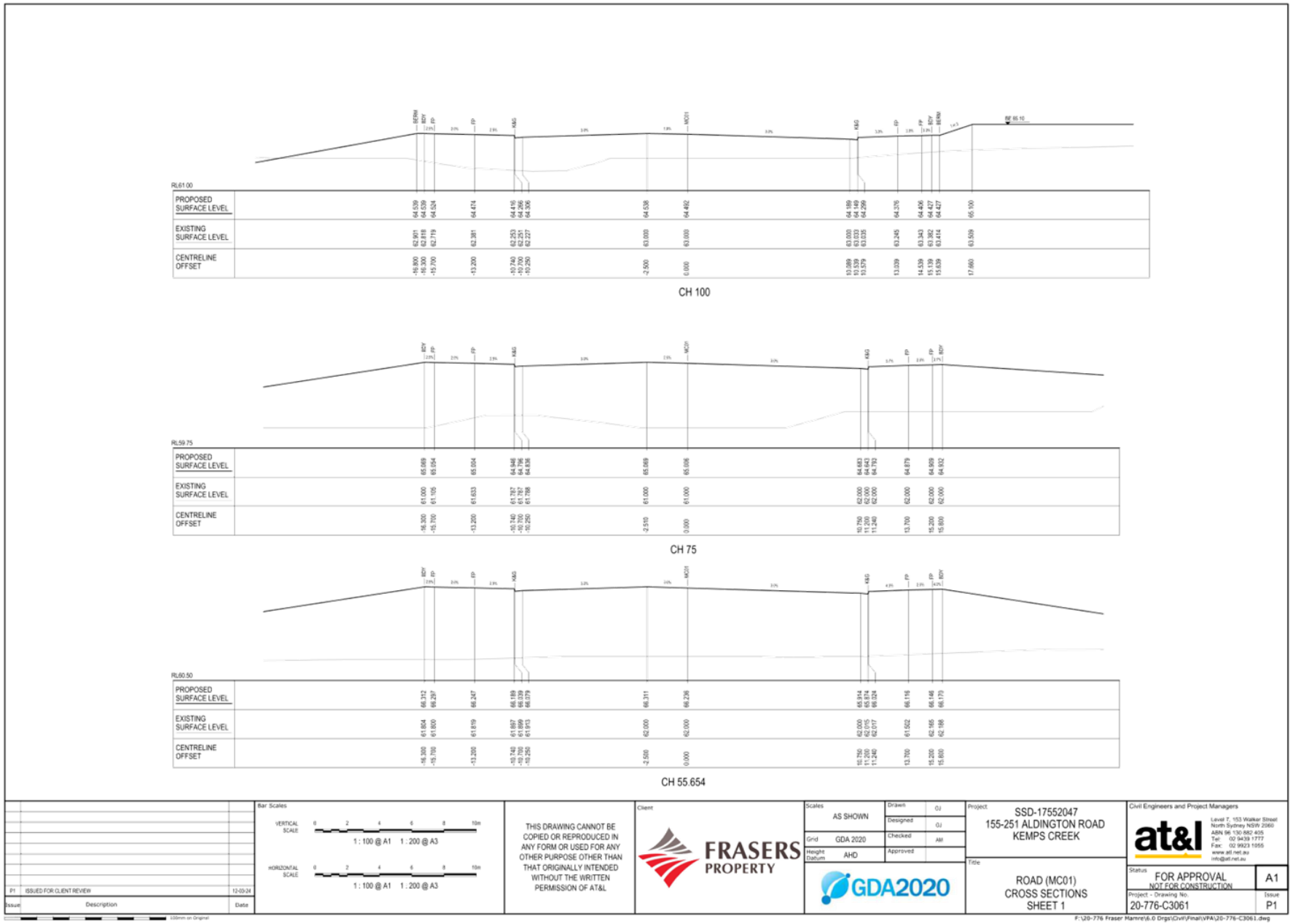
RL61.00
PROPOSED SURFACE LEVEL
EXISTING SURFACE LEVEL
CENTRELINE OFFSET
CH 100
RL59.75
PROPOSED SURFACE LEVEL
EXISTING SURFACE LEVEL
CENTRELINE OFFSET
CH 75
RL60.50
PROPOSED SURFACE LEVEL
EXISTING SURFACE LEVEL
CENTRELINE OFFSET
CH 55.654
Bar Scales
VERTICAL SCALE
1 : 100 @ A1 1 : 200 @ A3
HORIZONTAL SCALE
1 : 100 @ A1 1 : 200 @ A3
P1 ISSUED FOR CLIENT REVIEW 12-09-24
Issue Description Date
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Client
FRASERS PROPERTY
Scales AS SHOWN
Grid GDA 2020
Height Datum AHD
Drawn OJ
Designed OJ
Checked AM
Approved
GDA2020
Project SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
Title
ROAD (MC01)
CROSS SECTIONS
SHEET 1
Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street
North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au
Status FOR APPROVAL
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A1
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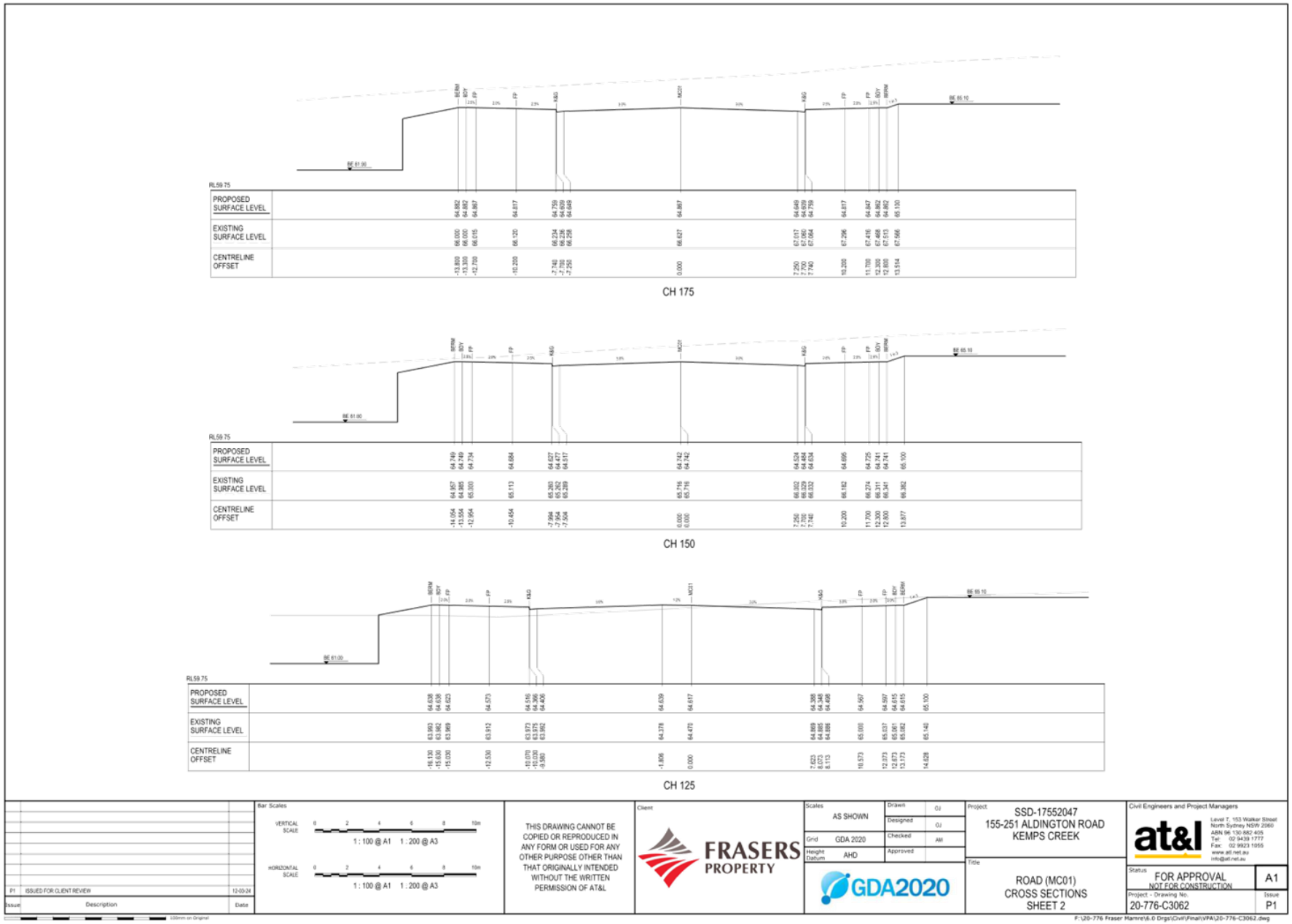
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CH 150
CH 125
PROPOSED SURFACE LEVEL
EXISTING SURFACE LEVEL
CENTRELINE OFFSET
RL59.75
BE 81.90
BE 85.10
BE 81.80
BE 81.00
P1 ISSUED FOR CLIENT REVIEW 12-03-24
Issue Description Date
Bar Scales
VERTICAL SCALE 1 : 100 @ A1 1 : 200 @ A3
HORIZONTAL SCALE 1 : 100 @ A1 1 : 200 @ A3
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Scales AS SHOWN
Grid GDA 2020
Height Datum AHD
Drawn OJ
Designed OJ
Checked AM
Approved
GDA2020
Project SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
Title ROAD (MC01)
CROSS SECTIONS
SHEET 2
Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street
North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au
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Issue P1
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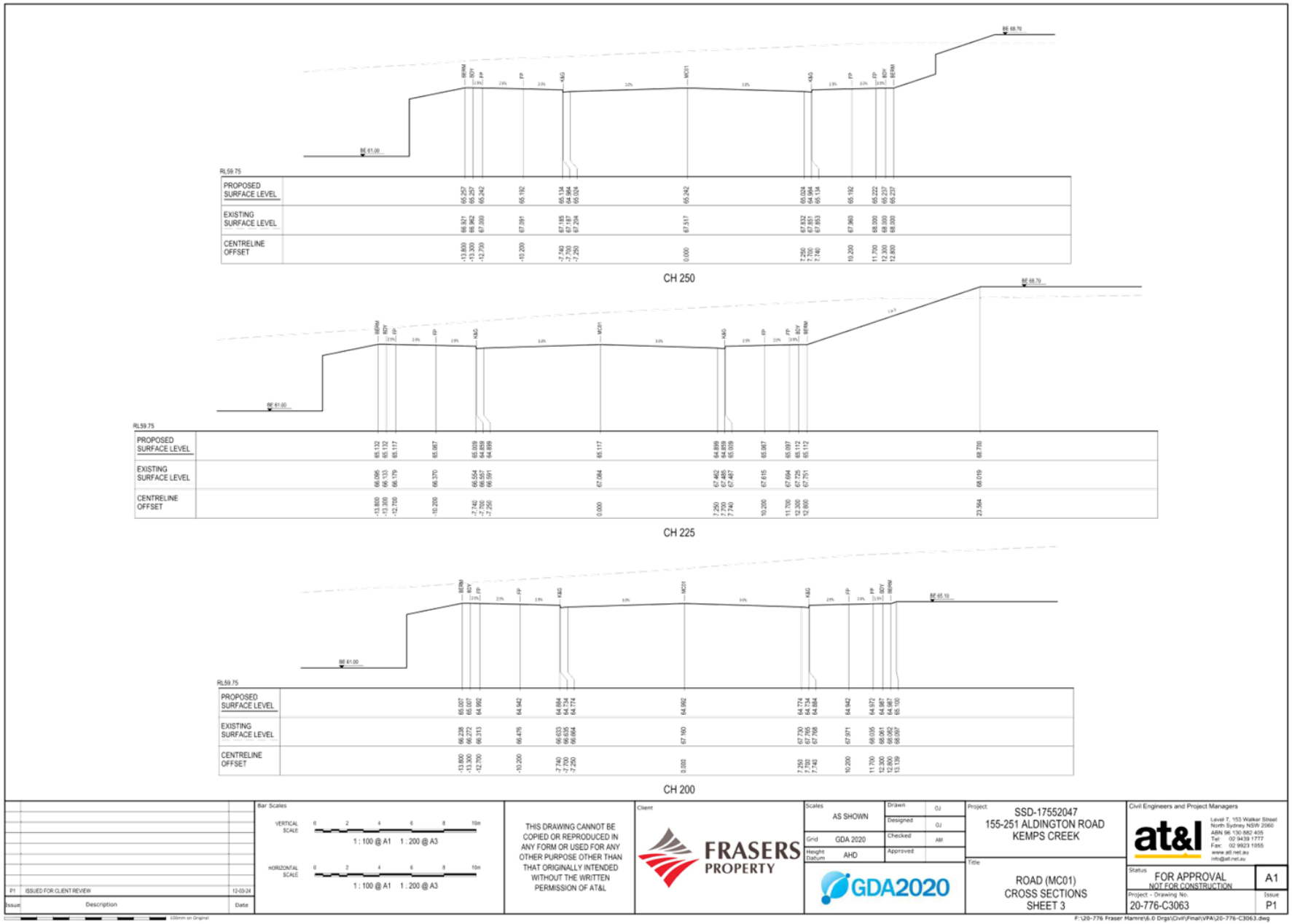
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EXISTING SURFACE LEVEL
CENTRELINE OFFSET
SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
ROAD (MC01)
CROSS SECTIONS
SHEET 3
FOR APPROVAL
NOT FOR CONSTRUCTION
20-776-C3063
P1
A1
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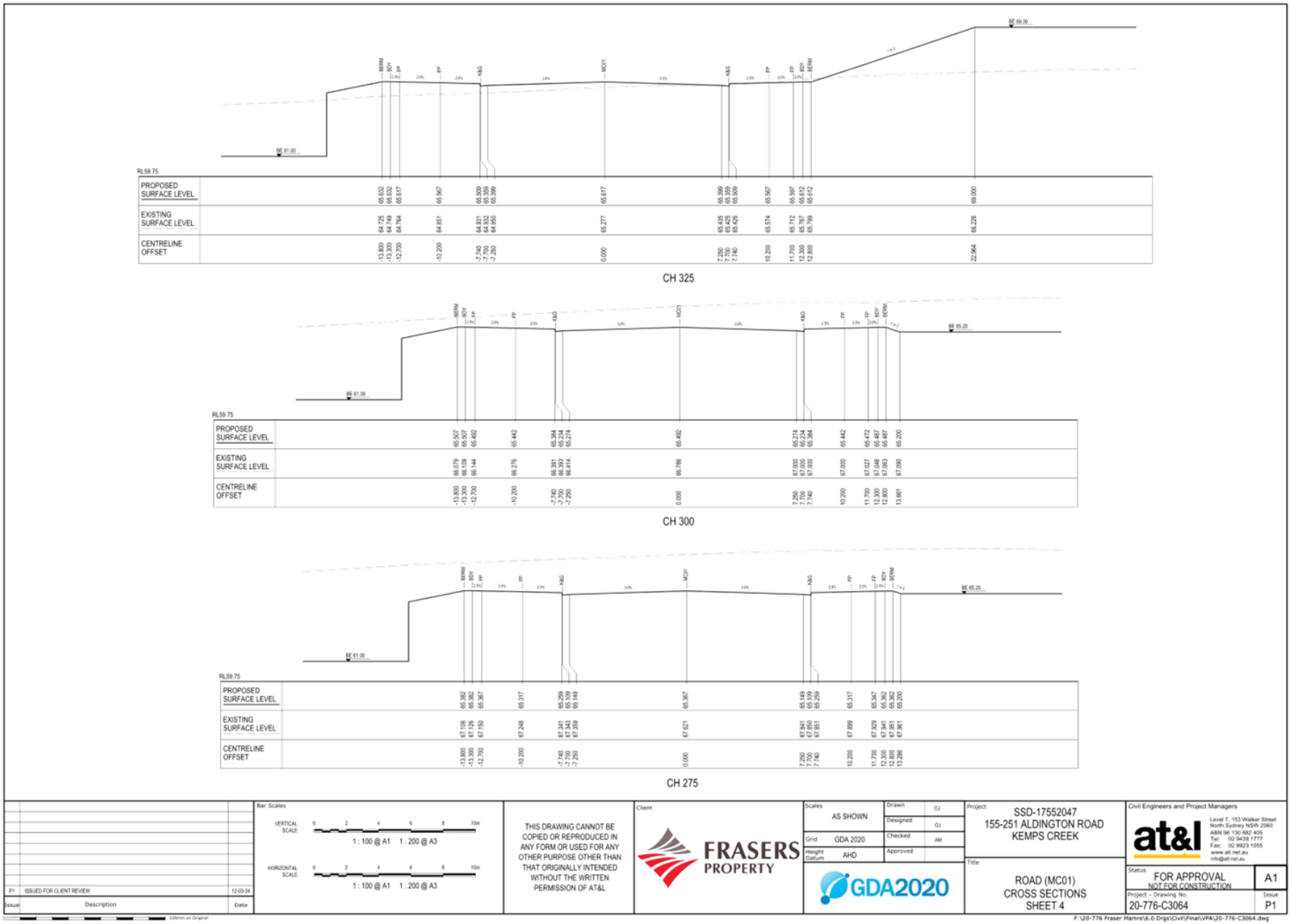
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CH 300
CH 275
PROPOSED SURFACE LEVEL
EXISTING SURFACE LEVEL
CENTRELINE OFFSET
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ROAD (MC01)
CROSS SECTIONS
SHEET 4
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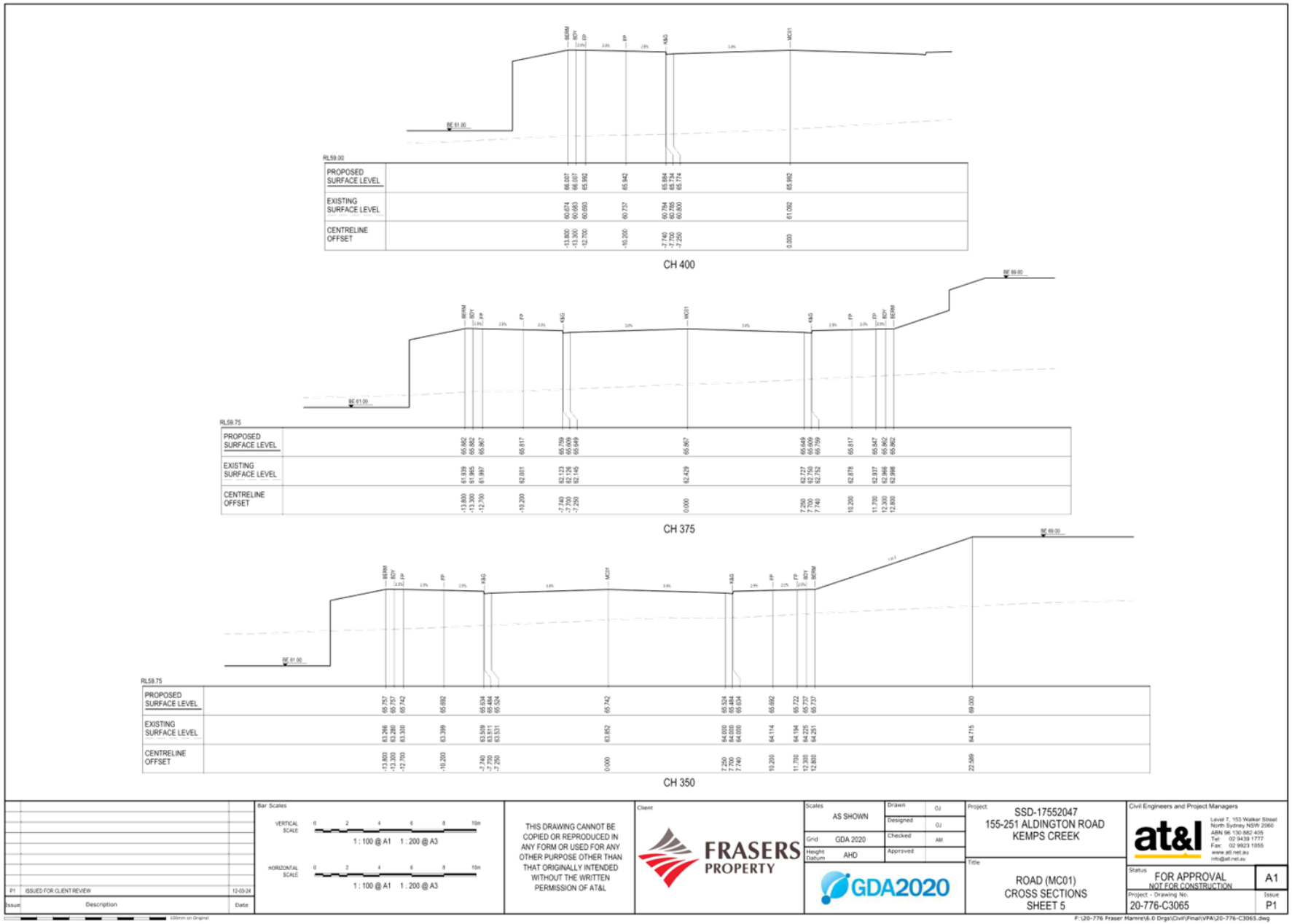
20-776-C3064
P1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CH 375
CH 350
PROPOSED SURFACE LEVEL
EXISTING SURFACE LEVEL
CENTRELINE OFFSET
SSD-17552047
155-251 ALDINGTON ROAD
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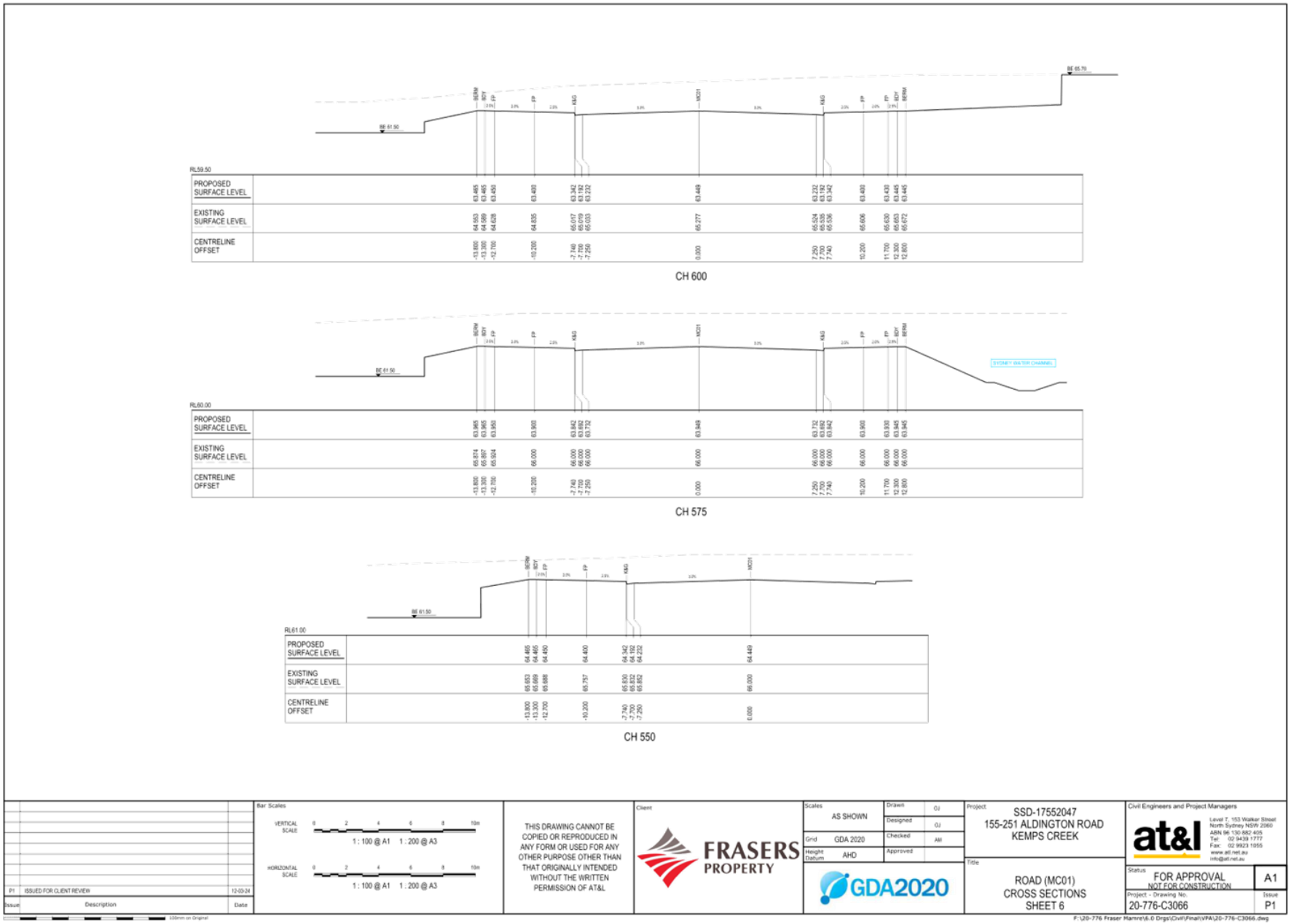
RL59.50
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EXISTING SURFACE LEVEL
CENTRELINE OFFSET
CH 600
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PROPOSED SURFACE LEVEL
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CH 575
RL61.00
PROPOSED SURFACE LEVEL
EXISTING SURFACE LEVEL
CENTRELINE OFFSET
CH 550
Bar Scales
VERTICAL SCALE
1 : 100 @ A1 1 : 200 @ A3
HORIZONTAL SCALE
1 : 100 @ A1 1 : 200 @ A3
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Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street
North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au
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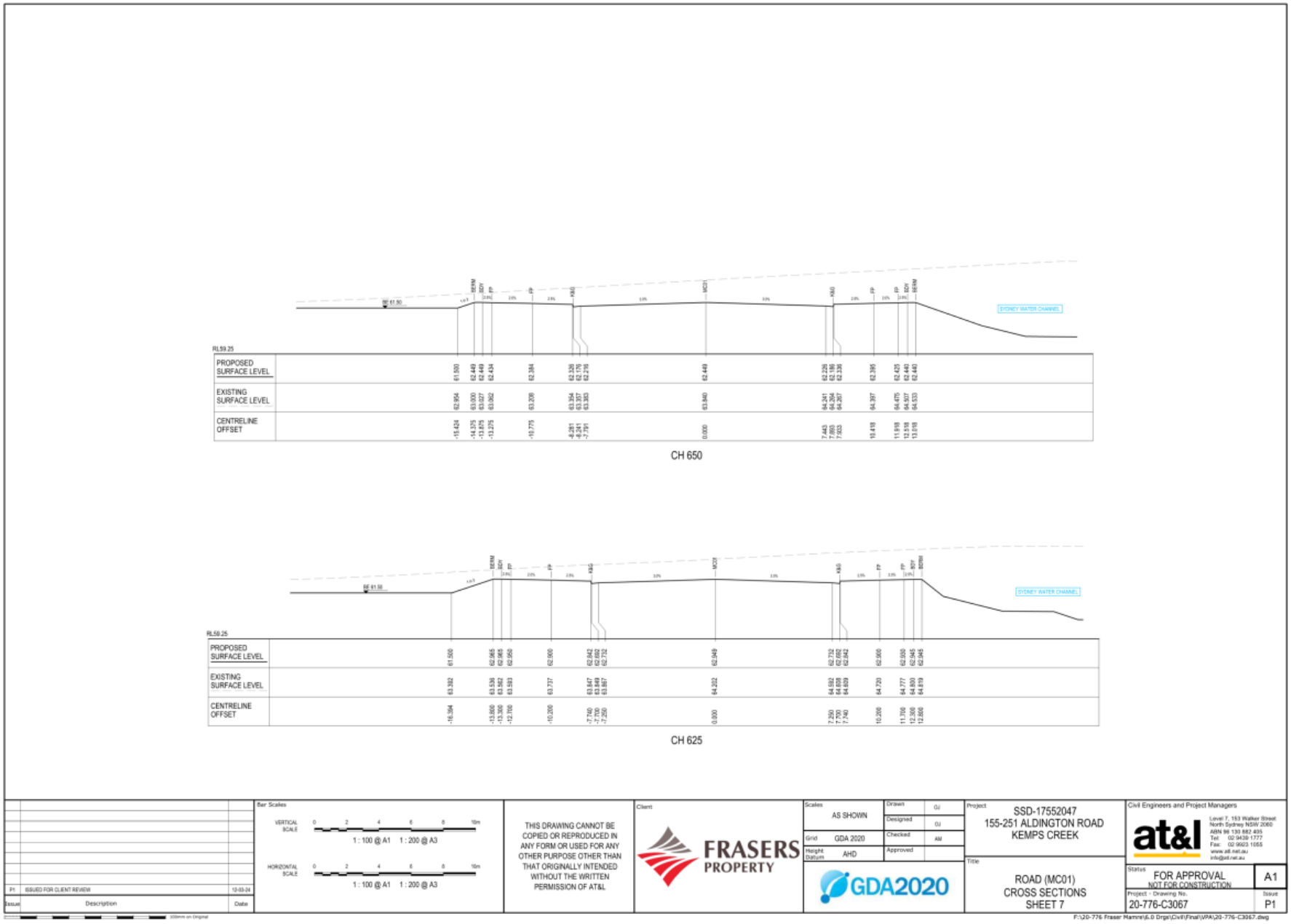
SYDNEY WATER CHANNEL
RL59.25
PROPOSED SURFACE LEVEL
EXISTING SURFACE LEVEL
CENTRELINE OFFSET
CH 650
SYDNEY WATER CHANNEL
RL59.25
PROPOSED SURFACE LEVEL
EXISTING SURFACE LEVEL
CENTRELINE OFFSET
CH 625
Bar Scales
VERTICAL SCALE
1 : 100 @ A1 1 : 200 @ A3
HORIZONTAL SCALE
1 : 100 @ A1 1 : 200 @ A3
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at&l
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North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9438 1777
Fax: 02 9923 1055
www.atl.net.au
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Issue P1
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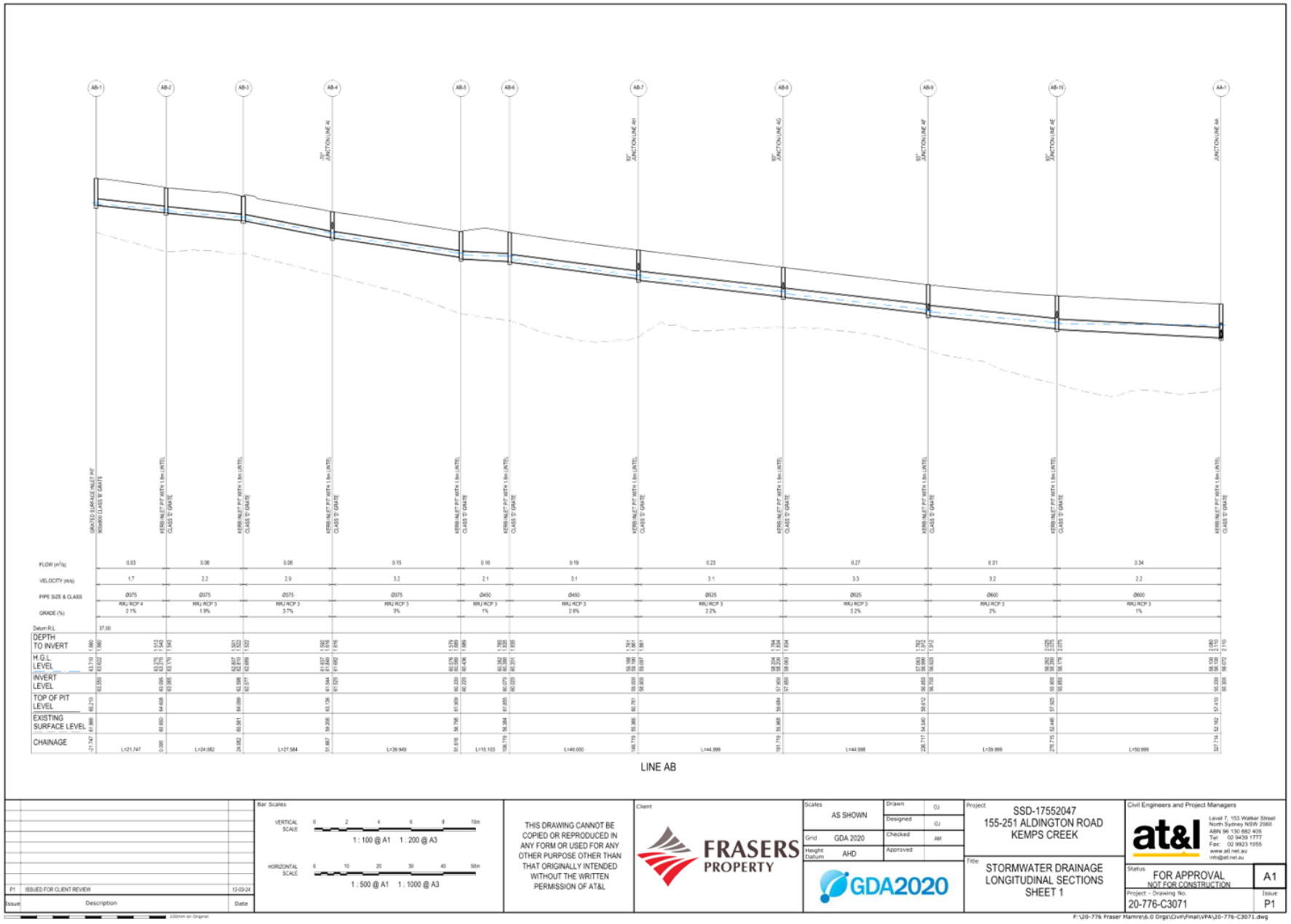
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AB-2
AB-3
AB-4
AB-5
AB-6
AB-7
AB-8
AB-9
AB-10
AA-1
JUNCTION LINE AI
JUNCTION LINE AH
JUNCTION LINE AG
JUNCTION LINE AF
JUNCTION LINE AE
JUNCTION LINE AA
FLOW (m³/s)
VELOCITY (m/s)
PIPE SIZE & CLASS
GRADE (%)
Datum R.L
DEPTH TO INVERT
H.G.L. LEVEL
INVERT LEVEL
TOP OF PIT LEVEL
EXISTING SURFACE LEVEL
CHAINAGE
LINE AB
Bar Scales
VERTICAL SCALE
1 : 100 @ A1 1 : 200 @ A3
HORIZONTAL SCALE
1 : 500 @ A1 1 : 1000 @ A3
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Height Datum AHD
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155-251 ALDINGTON ROAD
KEMPS CREEK
Title STORMWATER DRAINAGE LONGITUDINAL SECTIONS SHEET 1
Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au
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A1
Project - Drawing No. 20-776-C3071
Issue P1
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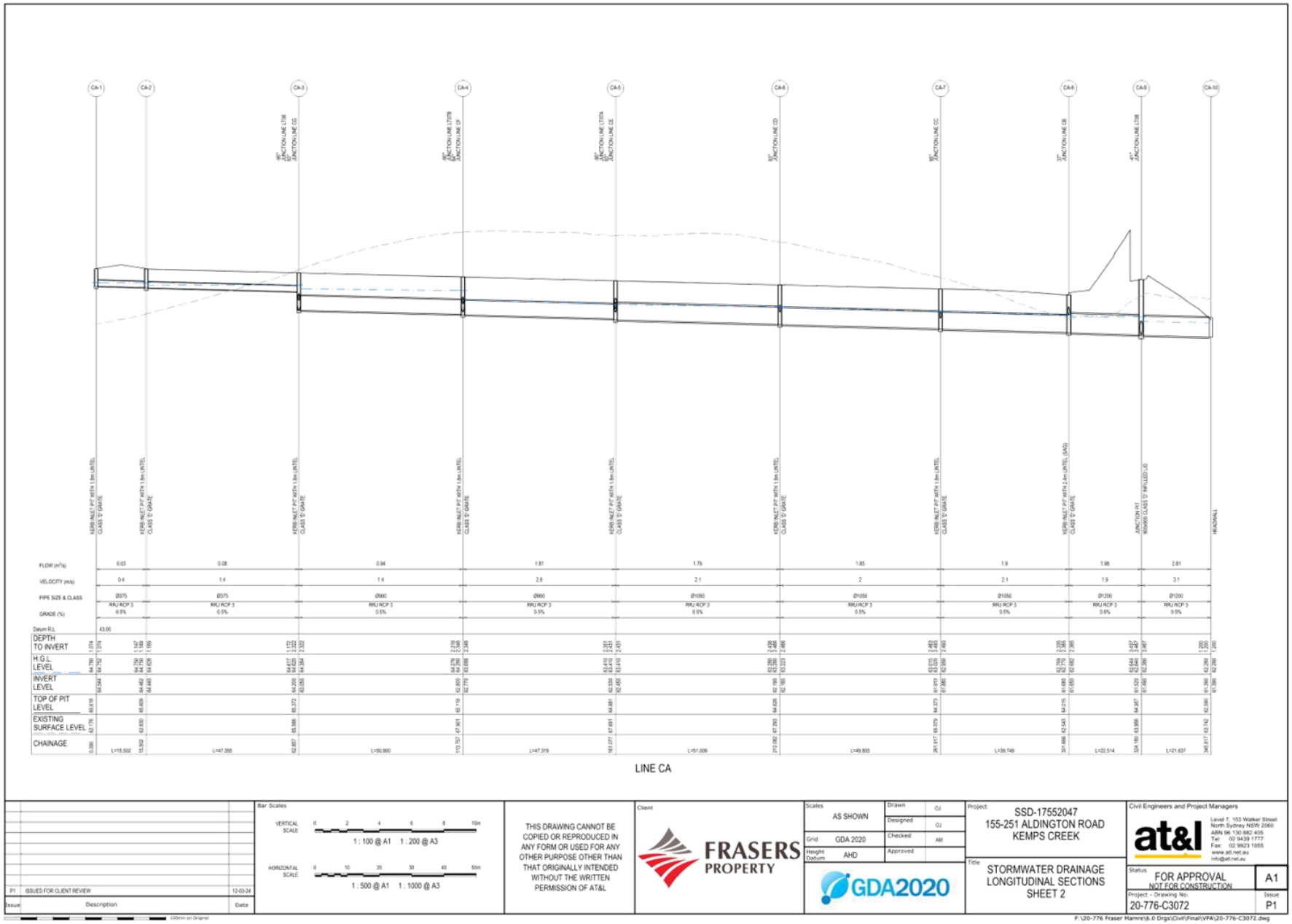
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CA-10
LINE CA
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1 : 100 @ A1 1 : 200 @ A3
HORIZONTAL SCALE
1 : 500 @ A1 1 : 1000 @ A3
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Height Datum AHD
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Project
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155-251 ALDINGTON ROAD
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Title
STORMWATER DRAINAGE
LONGITUDINAL SECTIONS
SHEET 2
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Project - Drawing No:
20-776-C3072
Issue
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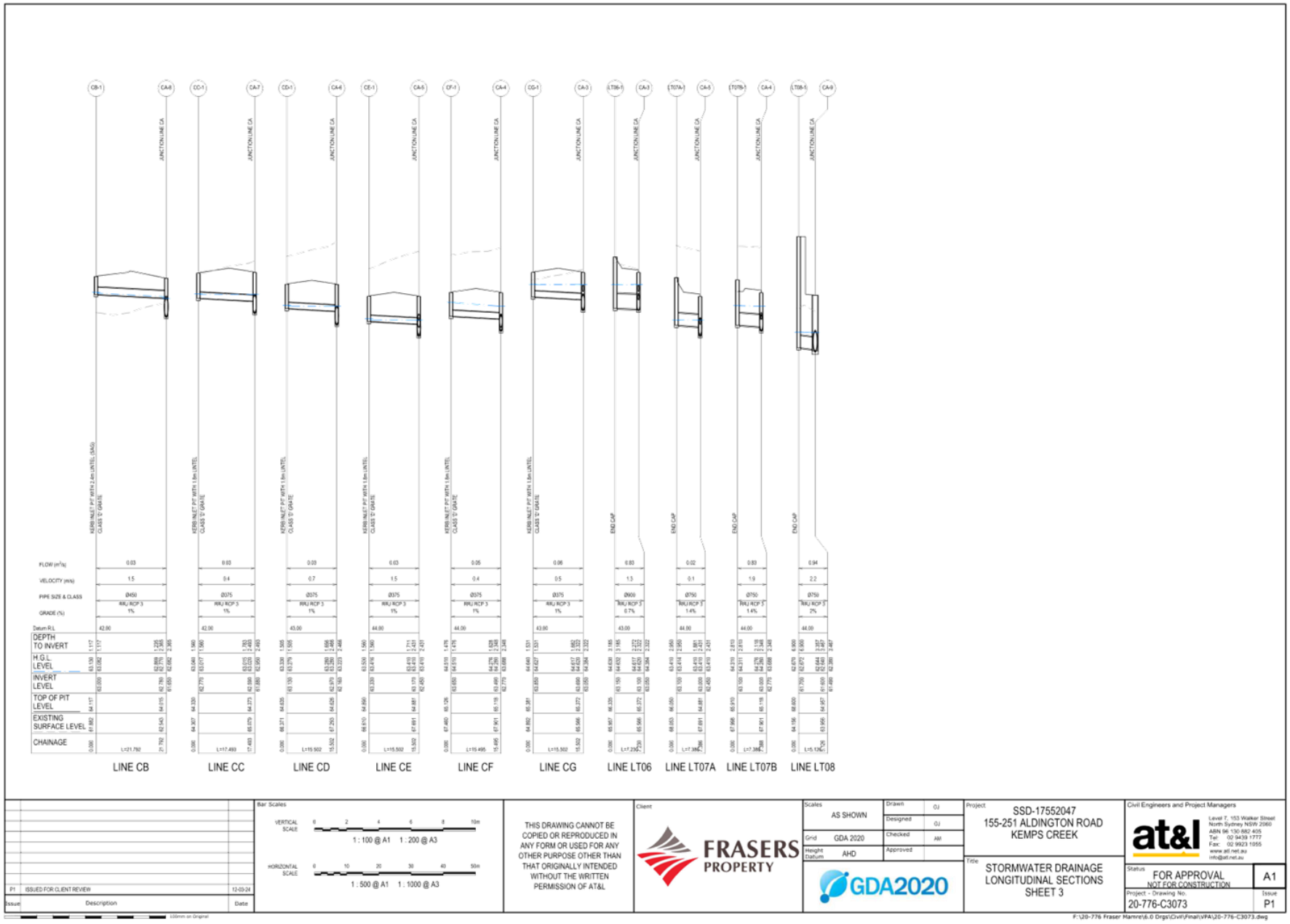
Issue Description Date


LINE CB
LINE CC
LINE CD
LINE CE
LINE CF
LINE CG
LINE LT06
LINE LT07A
LINE LT07B
LINE LT08
FLOW (m³/s)
VELOCITY (m/s)
PIPE SIZE & CLASS
GRADE (%)
Datum R.L
DEPTH TO INVERT
H.G.L. LEVEL
INVERT LEVEL
TOP OF PIT LEVEL
EXISTING SURFACE LEVEL
CHAINAGE
JUNCTION LINE CA
END CAP
KERB INLET PIT WITH 2.4m LINTEL (SAG) CLASS 'D' GRATE
KERB INLET PIT WITH 1.8m LINTEL CLASS 'D' GRATE
Bar Scales
VERTICAL SCALE
1 : 100 @ A1 1 : 200 @ A3
HORIZONTAL SCALE
1 : 500 @ A1 1 : 1000 @ A3
P1 ISSUED FOR CLIENT REVIEW 12-03-24
Issue Description Date
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Designed OJ
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Approved
Grid GDA 2020
Height Datum AHD
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Project SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
Title STORMWATER DRAINAGE LONGITUDINAL SECTIONS SHEET 3
Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au
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A1
Project - Drawing No. 20-776-C3073
Issue P1
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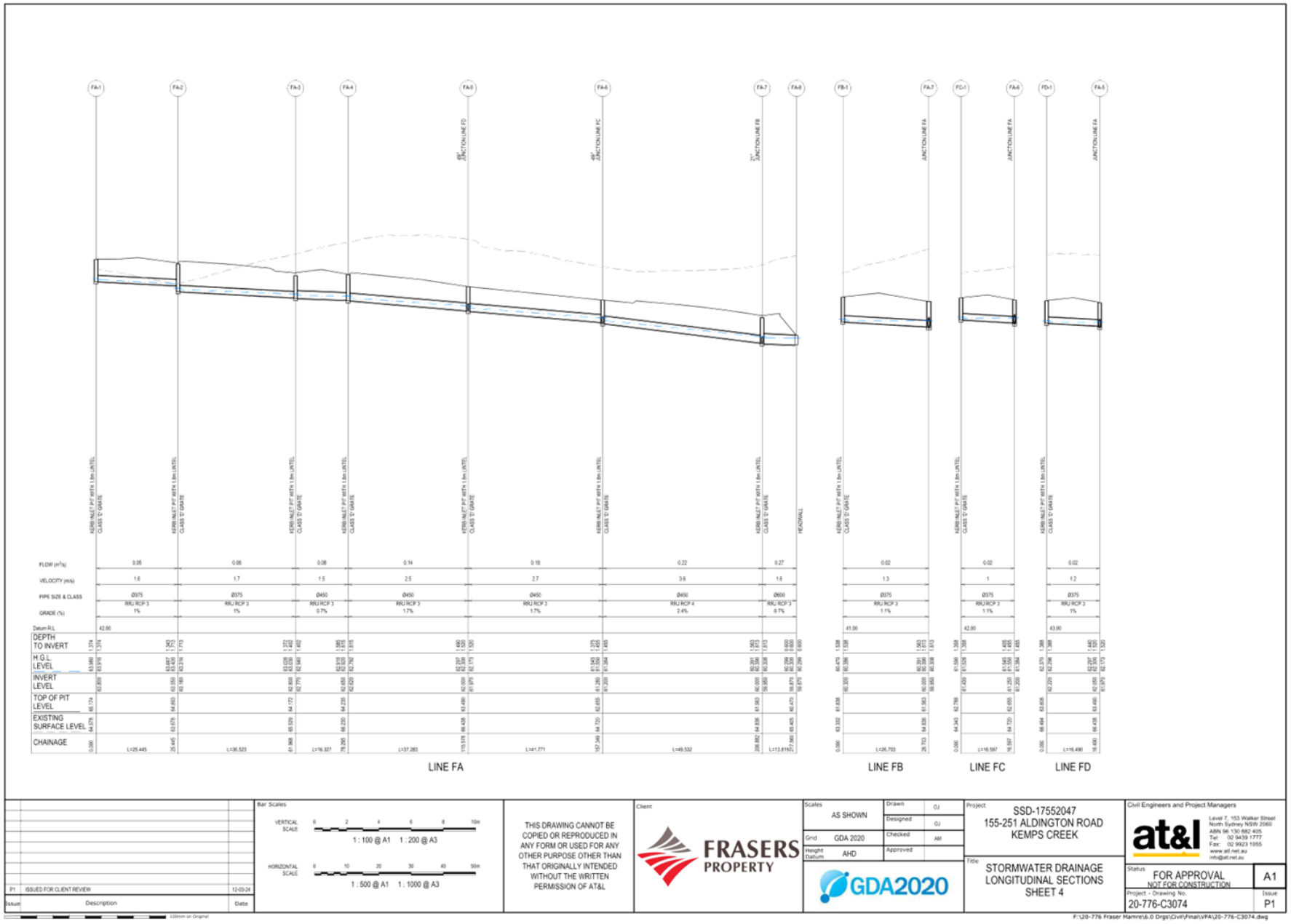
LINE FA
LINE FB
LINE FC
LINE FD
Bar Scales
VERTICAL SCALE
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HORIZONTAL SCALE
1 : 500 @ A1 1 : 1000 @ A3
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LONGITUDINAL SECTIONS
SHEET 4
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20-776-C3074
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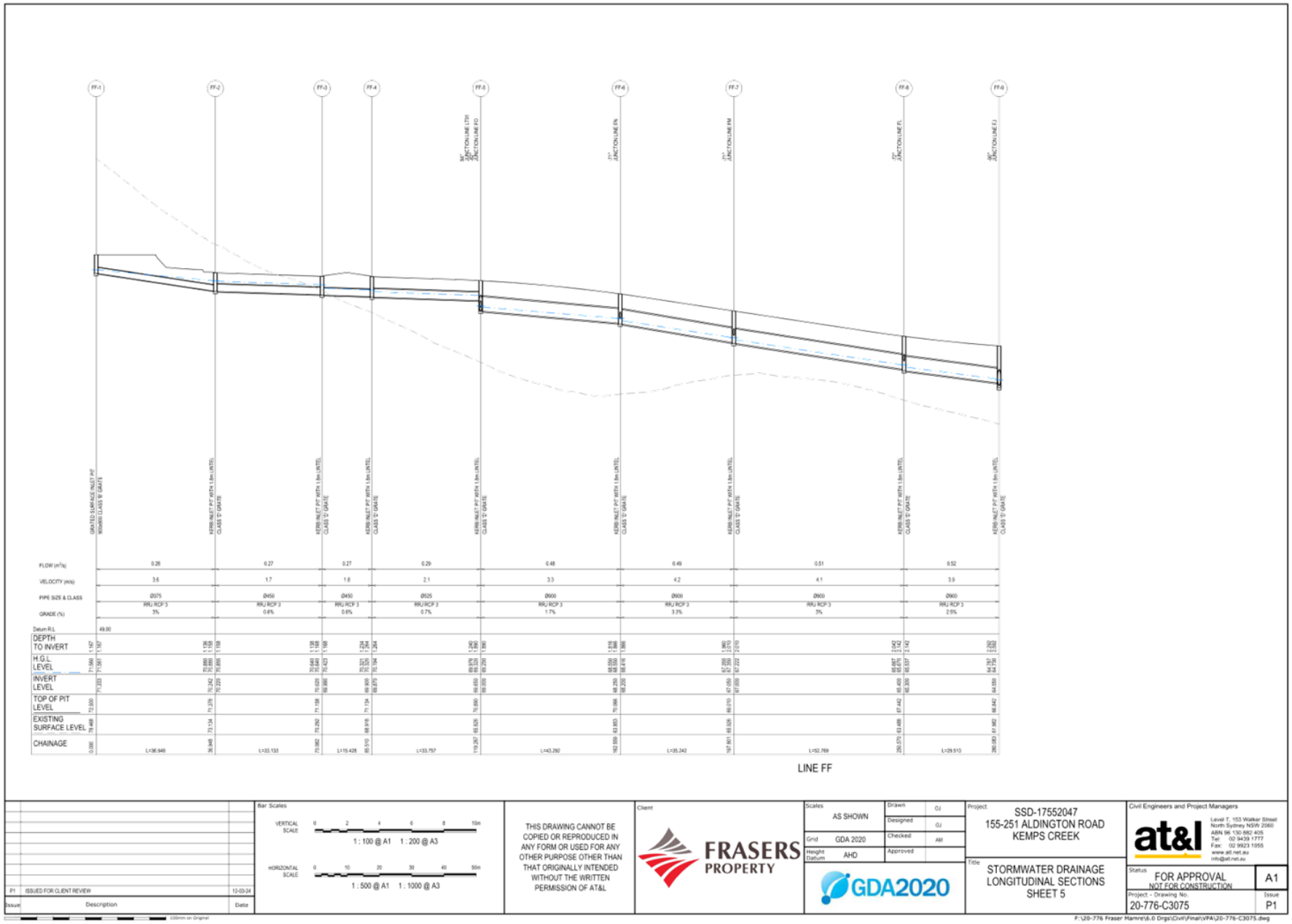
FF-1
FF-2
FF-3
FF-4
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FF-6
FF-7
FF-8
FF-9
FLOW (m³/s)
VELOCITY (m/s)
PIPE SIZE & CLASS
GRADE (%)
Datum R.L
DEPTH TO INVERT
H.G.L. LEVEL
INVERT LEVEL
TOP OF PIT LEVEL
EXISTING SURFACE LEVEL
CHAINAGE
LINE FF
P1 ISSUED FOR CLIENT REVIEW 12-03-24
Bar Scales
VERTICAL SCALE
1 : 100 @ A1 1 : 200 @ A3
HORIZONTAL SCALE
1 : 500 @ A1 1 : 1000 @ A3
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Height Datum AHD
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Designed OJ
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Project
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155-251 ALDINGTON ROAD
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Title
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SHEET 5
Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street
North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au
Status
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A1
Project - Drawing No.
20-776-C3075
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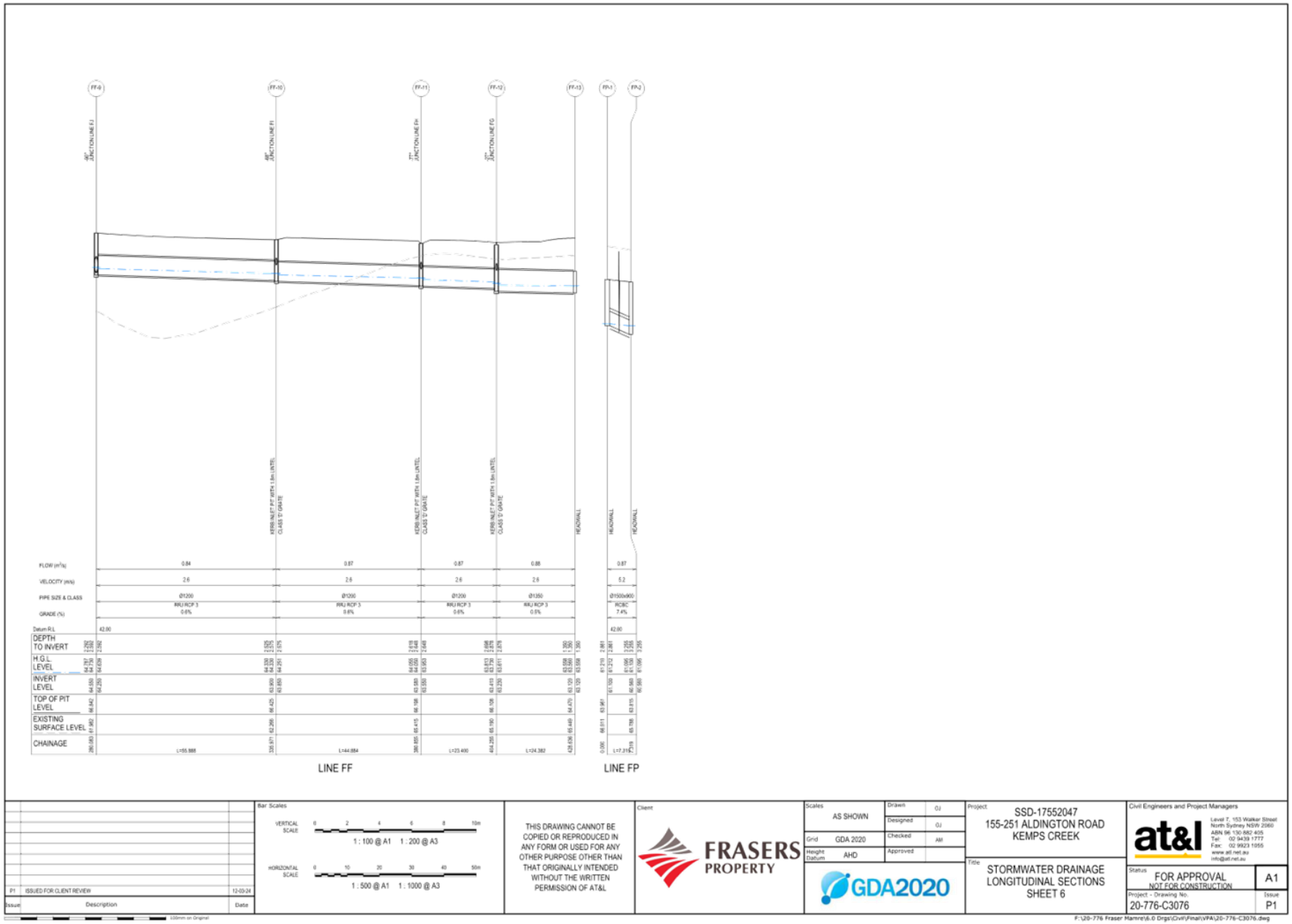
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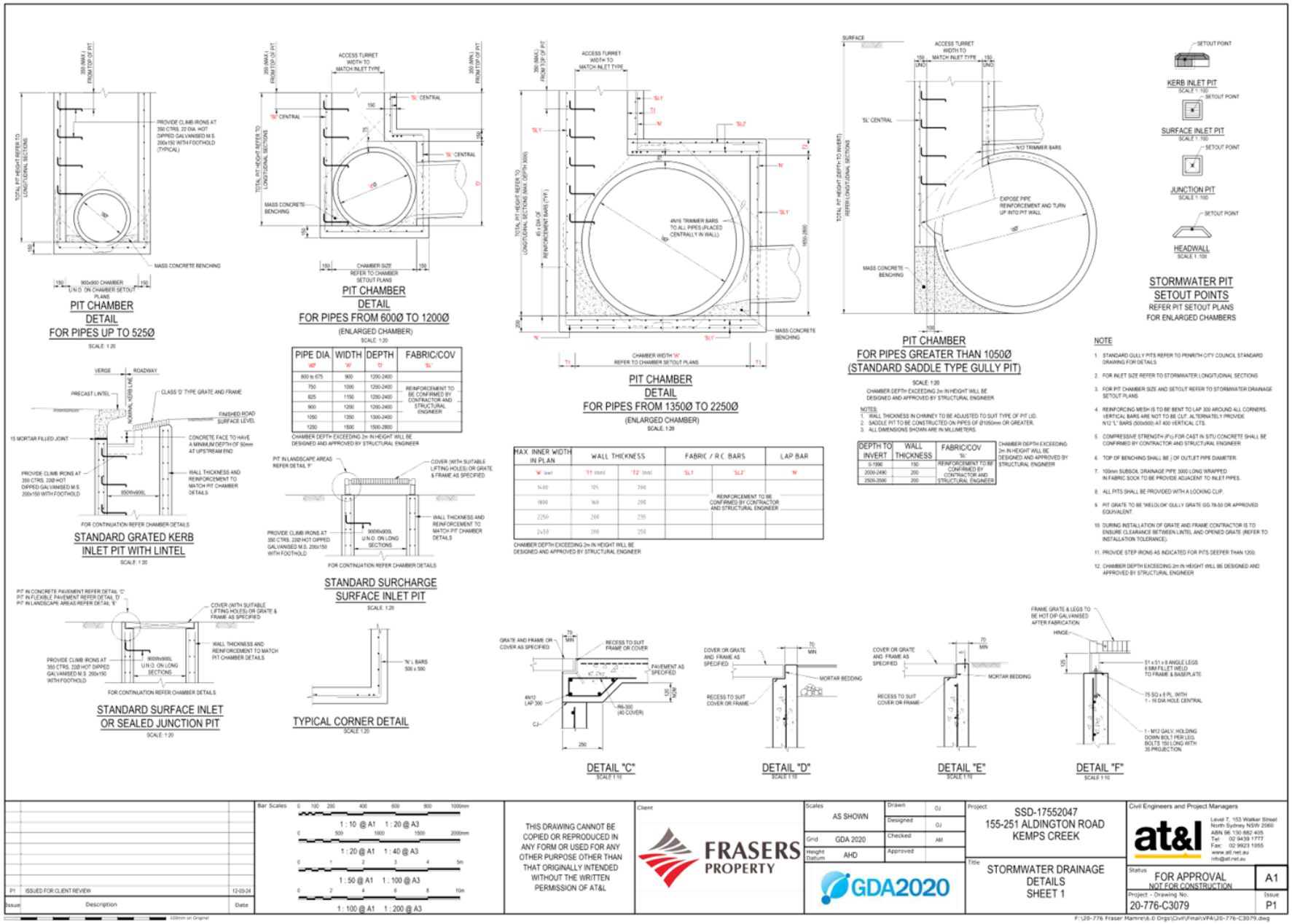
PIT CHAMBER DETAIL FOR PIPES UP TO 525Ø
SCALE 1:20
PIT CHAMBER DETAIL FOR PIPES FROM 600Ø TO 1200Ø
(ENLARGED CHAMBER)
SCALE 1:20
PIT CHAMBER DETAIL FOR PIPES FROM 1350Ø TO 2250Ø
(ENLARGED CHAMBER)
SCALE 1:20
PIT CHAMBER FOR PIPES GREATER THAN 1050Ø (STANDARD SADDLE TYPE GULLY PIT)
SCALE 1:20
STORMWATER PIT SETOUT POINTS
REFER PIT SETOUT PLANS FOR ENLARGED CHAMBERS
KERB INLET PIT
SURFACE INLET PIT
JUNCTION PIT
HEADWALL
STANDARD GRATED KERB INLET PIT WITH LINTEL
SCALE 1:20
STANDARD SURCHARGE SURFACE INLET PIT
SCALE 1:20
STANDARD SURFACE INLET OR SEALED JUNCTION PIT
SCALE 1:20
TYPICAL CORNER DETAIL
SCALE 1:20
DETAIL "C"
DETAIL "D"
DETAIL "E"
DETAIL "F"
NOTE
1. STANDARD GULLY PITS REFER TO PENRITH CITY COUNCIL STANDARD DRAWING FOR DETAILS
2. FOR INLET SIZE REFER TO STORMWATER LONGITUDINAL SECTIONS
3. FOR PIT CHAMBER SIZE AND SETOUT REFER TO STORMWATER DRAINAGE SETOUT PLANS
4. REINFORCING MESH IS TO BE BENT TO LAP 300 AROUND ALL CORNERS. VERTICAL BARS ARE NOT TO BE CUT, ALTERNATELY PROVIDE N12 'L' BARS (500x500) AT 400 VERTICAL CTS.
5. COMPRESSIVE STRENGTH (F'c) FOR CAST IN SITU CONCRETE SHALL BE CONFIRMED BY CONTRACTOR AND STRUCTURAL ENGINEER
6. TOP OF BENCHING SHALL BE ½ OF OUTLET PIPE DIAMETER.
7. 100mm SUBSOIL DRAINAGE PIPE 3000 LONG WRAPPED IN FABRIC SOCK TO BE PROVIDE ADJACENT TO INLET PIPES.
8. ALL PITS SHALL BE PROVIDED WITH A LOCKING CLIP.
9. PIT GRATE TO BE 'HEELDOK' GULLY GRATE GG 78-50 OR APPROVED EQUIVALENT.
10. DURING INSTALLATION OF GRATE AND FRAME CONTRACTOR IS TO ENSURE CLEARANCE BETWEEN LINTEL AND OPENED GRATE (REFER TO INSTALLATION TOLERANCE).
11. PROVIDE STEP IRONS AS INDICATED FOR PITS DEEPER THAN 1200.
12. CHAMBER DEPTH EXCEEDING 2m IN HEIGHT WILL BE DESIGNED AND APPROVED BY STRUCTURAL ENGINEER
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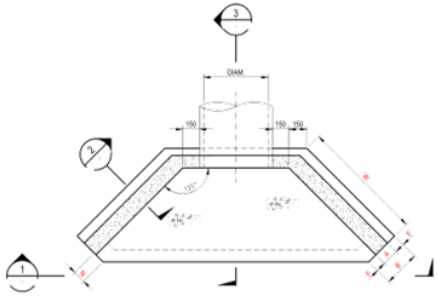
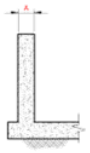
20-776-C3079
P1



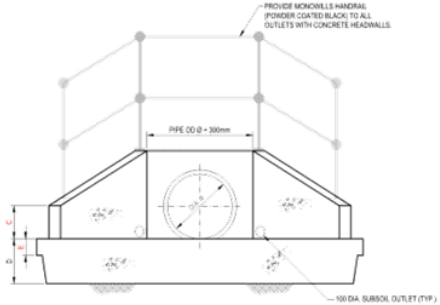

HEADWALL PLAN



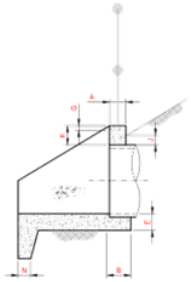

SECTION 2
SCALE 1 : 20

| HEADWALL TYPE - SINGLE PIPE | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| PIPE DIAMETER | 300 | 375 | 450 | 525 | 600 | 675 | 750 | 825 | 900 | 1050 | 1200 | 1350 | 1500 | 1650 | 1800 |
| A | 150 | 150 | 150 | 175 | 175 | 175 | 200 | 200 | 225 | 225 | 225 | 250 | 250 | 250 | 250 |
| B | 300 | 300 | 300 | 375 | 375 | 375 | 450 | 450 | 525 | 525 | 525 | 550 | 550 | 550 | 550 |
| C | 300 | 300 | 300 | 300 | 350 | 350 | 350 | 350 | 350 | 350 | 350 | 350 | 350 | 350 | 350 |
| D | 375 | 375 | 375 | 375 | 530 | 530 | 530 | 530 | 530 | 530 | 530 | 530 | 530 | 530 | 530 |
| E | 150 | 150 | 150 | 150 | 175 | 175 | 200 | 200 | 225 | 225 | 225 | 225 | 225 | 225 | 225 |
| F | 75 | 75 | 75 | 100 | 100 | 100 | 125 | 125 | 150 | 150 | 150 | 150 | 150 | 150 | 150 |
| G | 40 | 40 | 40 | 40 | 50 | 50 | 50 | 50 | 50 | 90 | 50 | 50 | 90 | 50 | 50 |
| J | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| K | 200 | 200 | 200 | 200 | 300 | 300 | 300 | 300 | 300 | 300 | 300 | 300 | 300 | 300 | 300 |
| N | 150 | 150 | 150 | 150 | 150 | 150 | 150 | 150 | 150 | 150 | 150 | 150 | 150 | 150 | 150 |
| W | 700 | 700 | 850 | 1000 | 1100 | 1300 | 1450 | 1600 | 1750 | 1950 | 2200 | 2500 | 2700 | 2800 | 2900 |
| M | 1100 | 1200 | 1300 | 1400 | 1450 | 1500 | 1600 | 1650 | 1750 | 1900 | 2100 | 2250 | 2400 | 2500 | 2600 |

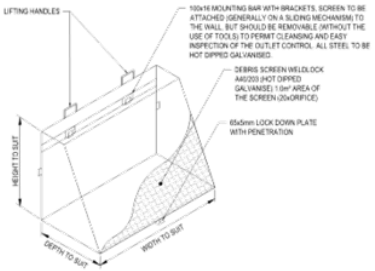
NOTES
- COMPRESSIVE STRENGTH ($f'_c$) FOR CAST-IN-SITU CONCRETE TO BE A MINIMUM OF 32MPa AT 28 DAYS.
- 25mm CHAMFER ON ALL EXPOSED SURFACES.
- CONTRACTOR TO DESIGN AND PROVIDE STRUCTURAL CERTIFICATE FOR ALL PITS / END STRUCTURES




SECTION 1
SCALE 1 : 20



SECTION 3
SCALE 1 : 20




DEBRIS SCREEN DETAIL
NTS

| | | | |
|---|---|---|---|
| P1 | ISSUED FOR CLIENT REVIEW | 12-03-24 |
| Issue | Description | Date |

Bar Scales
0 500 1000 1500 2000mm
1 : 20 @ A1 1 : 40 @ A3
100mm on Original

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| | | | |
|---|---|---|---|
| Scales | AS SHOWN | Drawn | OJ |
| | | Designed | OJ |
| Grid | GDA 2020 | Checked | AM |
| Height Datum | AHD | Approved | |

GDA2020

Project: SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK

Title: STORMWATER DRAINAGE DETAILS SHEET 2

Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street
North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au

Status: FOR APPROVAL
NOT FOR CONSTRUCTION
A1

Project - Drawing No: 20-776-C3080
Issue: P1

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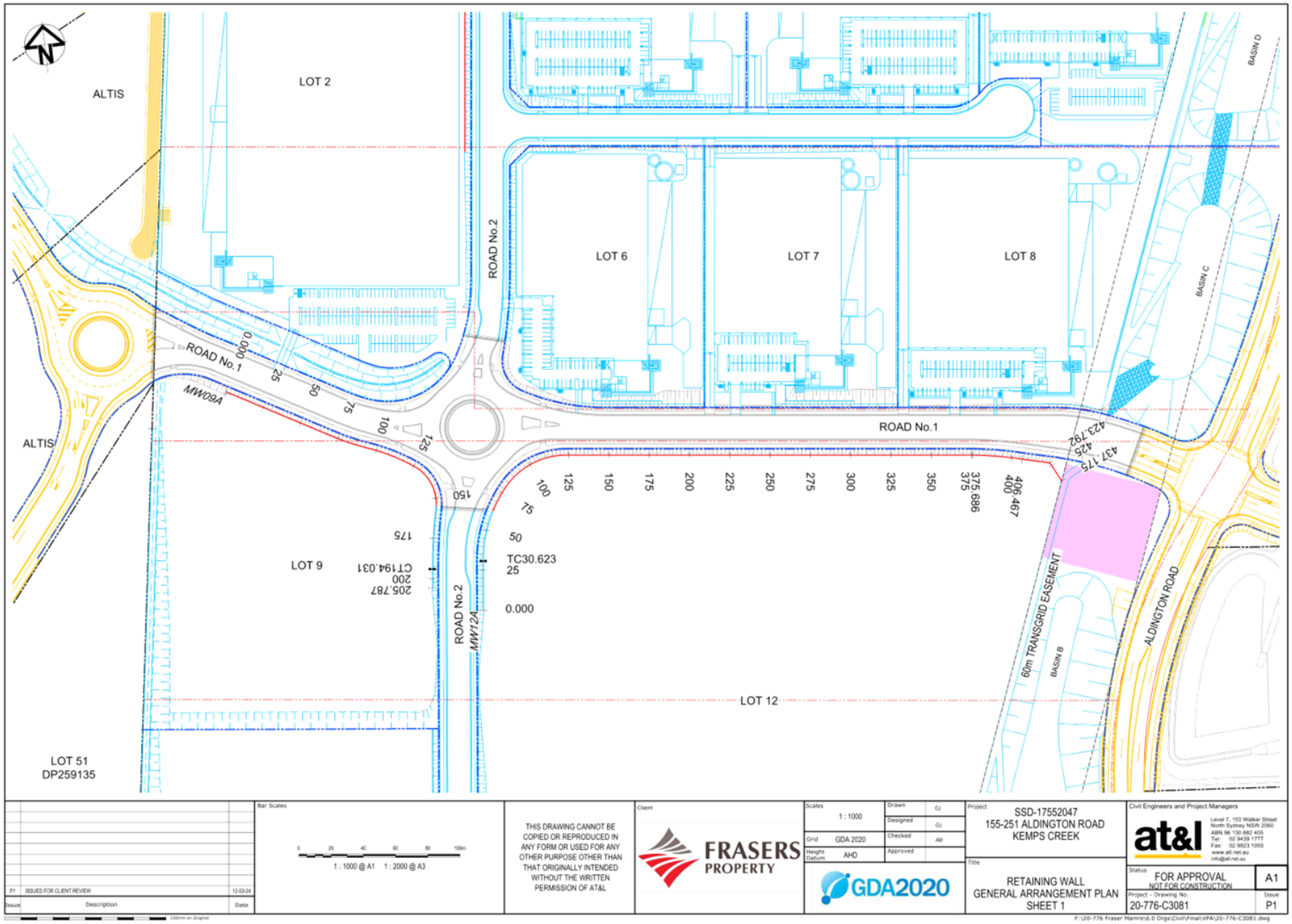
ALTIS
LOT 2
ROAD No.2
LOT 6
LOT 7
LOT 8
BASIN D
BASIN C
ROAD No.1
MW09A
ALTIS
LOT 9
CT194/31
205.787
200
175
ROAD No.2
MW12A
TC30.623
25
0.000
LOT 12
60m TRANSGRID EASEMENT
BASIN B
ALDINGTON ROAD
LOT 51
DP259135
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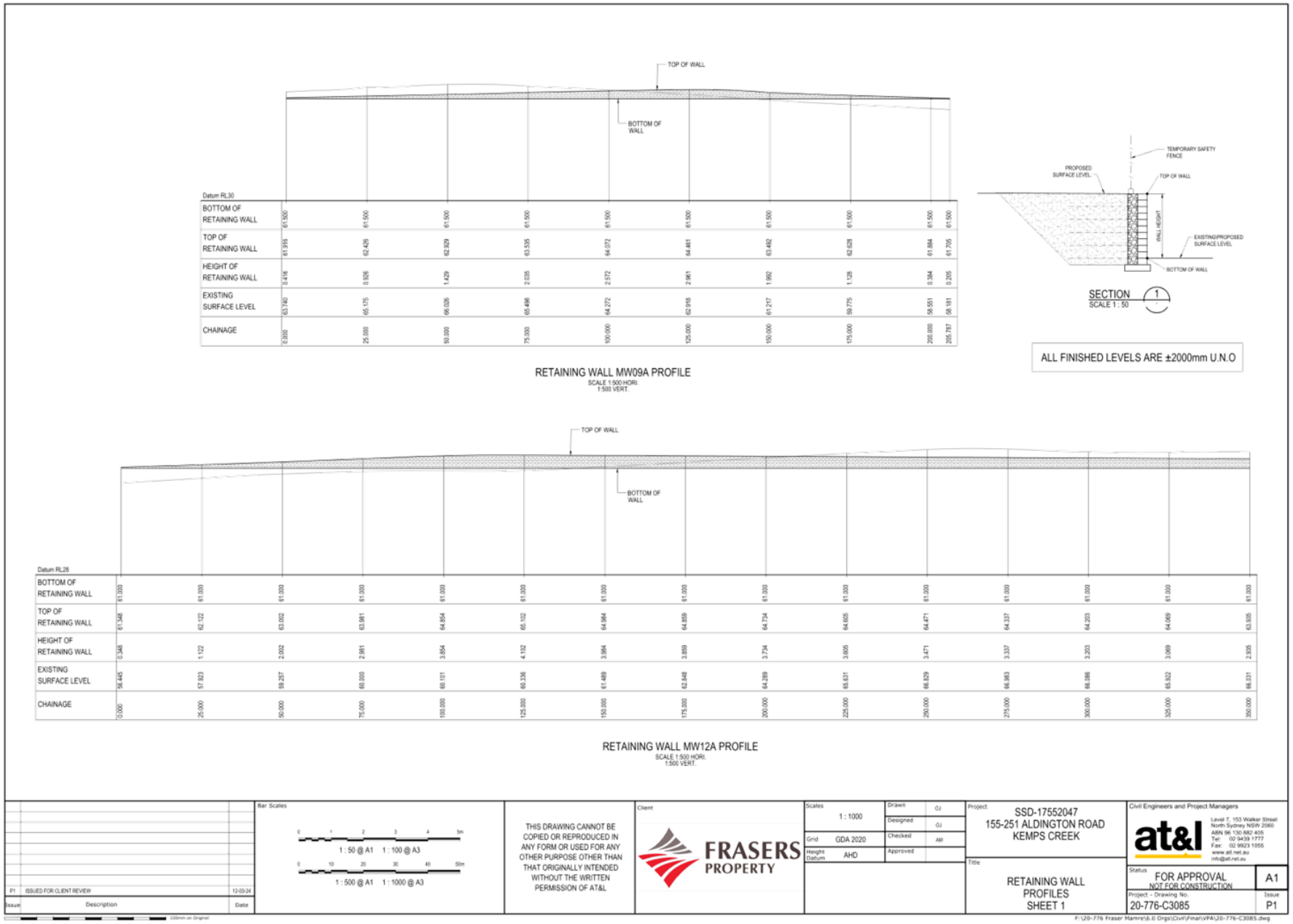
FRASERS PROPERTY
GDA2020
SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
RETAINING WALL
GENERAL ARRANGEMENT PLAN
SHEET 1
at&l
FOR APPROVAL
NOT FOR CONSTRUCTION
A1
20-776-C3081
P1


TOP OF WALL
BOTTOM OF WALL
Datum RL30
BOTTOM OF RETAINING WALL
TOP OF RETAINING WALL
HEIGHT OF RETAINING WALL
EXISTING SURFACE LEVEL
CHAINAGE
RETAINING WALL MW09A PROFILE
SCALE 1:500 HORI.
1:500 VERT.
TEMPORARY SAFETY FENCE
PROPOSED SURFACE LEVEL
TOP OF WALL
WALL HEIGHT
EXISTING/PROPOSED SURFACE LEVEL
BOTTOM OF WALL
SECTION 1
SCALE 1 : 50
ALL FINISHED LEVELS ARE ±2000mm U.N.O
TOP OF WALL
BOTTOM OF WALL
Datum RL28
BOTTOM OF RETAINING WALL
TOP OF RETAINING WALL
HEIGHT OF RETAINING WALL
EXISTING SURFACE LEVEL
CHAINAGE
RETAINING WALL MW12A PROFILE
SCALE 1:500 HORI.
1:500 VERT.
Bar Scales
1 : 50 @ A1 1 : 100 @ A3
1 : 500 @ A1 1 : 1000 @ A3
P1 ISSUED FOR CLIENT REVIEW 12-09-24
Issue Description Date
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FRASERS PROPERTY
Scales 1 : 1000
Grid GDA 2020
Height Datum AHD
Drawn OJ
Designed OJ
Checked AM
Approved
Project SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
Title
RETAINING WALL PROFILES SHEET 1
Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au
Status FOR APPROVAL NOT FOR CONSTRUCTION
A1
Project - Drawing No. 20-776-C3085
Issue P1
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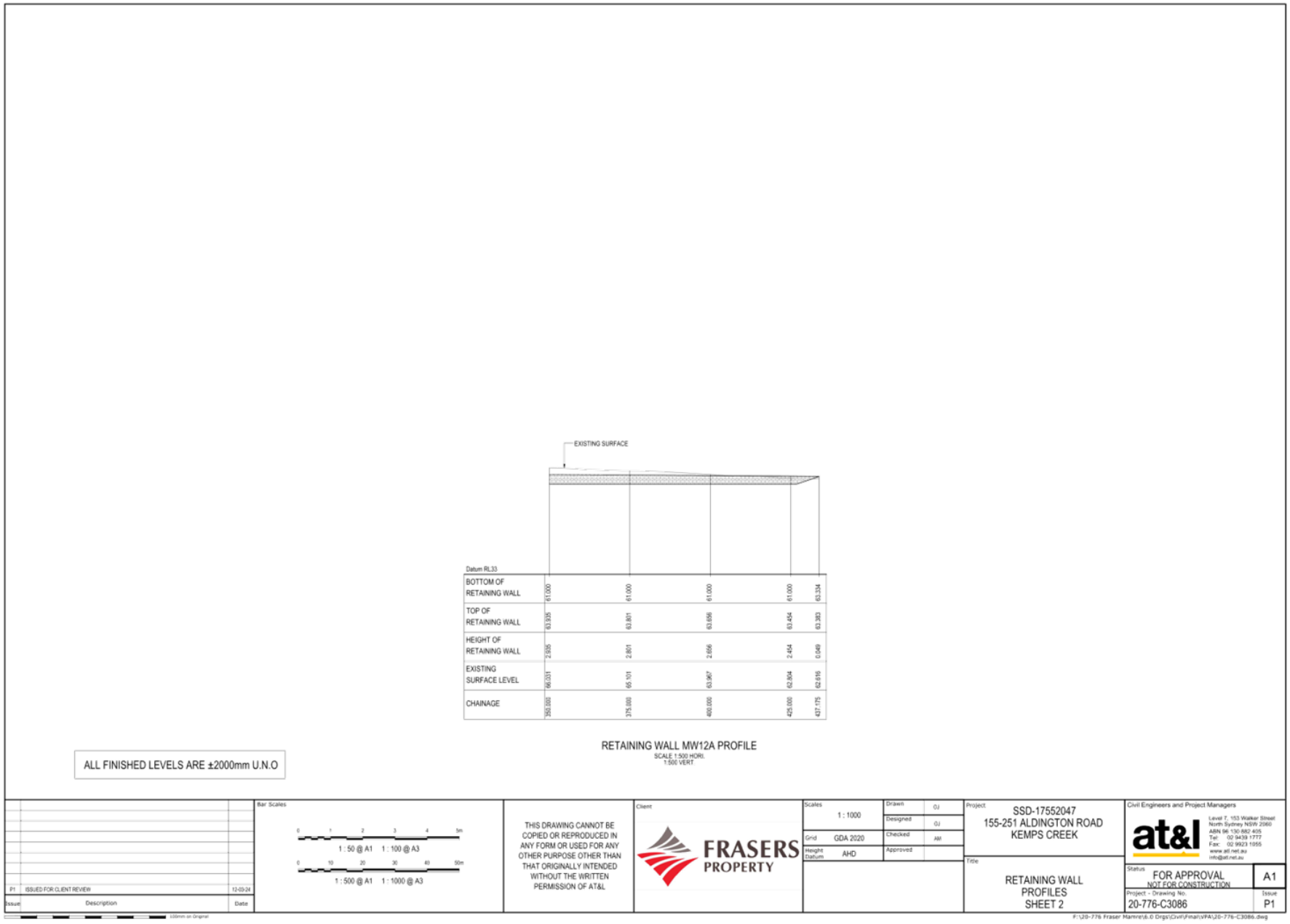
EXISTING SURFACE
Datum RL33
BOTTOM OF RETAINING WALL
61.000
61.000
61.000
61.000
63.334
TOP OF RETAINING WALL
63.935
63.861
63.656
63.454
63.383
HEIGHT OF RETAINING WALL
2.935
2.861
2.656
2.454
0.049
EXISTING SURFACE LEVEL
66.031
65.101
63.967
62.804
62.616
CHAINAGE
350.000
375.000
400.000
425.000
437.175
RETAINING WALL MW12A PROFILE
SCALE 1:500 HORI.
1:500 VERT.
ALL FINISHED LEVELS ARE ±2000mm U.N.O
Bar Scales
1 : 50 @ A1 1 : 100 @ A3
1 : 500 @ A1 1 : 1000 @ A3
P1 ISSUED FOR CLIENT REVIEW 12-09-24
Issue Description Date
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Scales 1 : 1000
Grid GDA 2020
Height Datum AHD
Drawn OJ
Designed OJ
Checked AM
Approved
Project SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
Title
RETAINING WALL PROFILES SHEET 2
Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au
Status FOR APPROVAL NOT FOR CONSTRUCTION
A1
Project - Drawing No. 20-776-C3086
Issue P1
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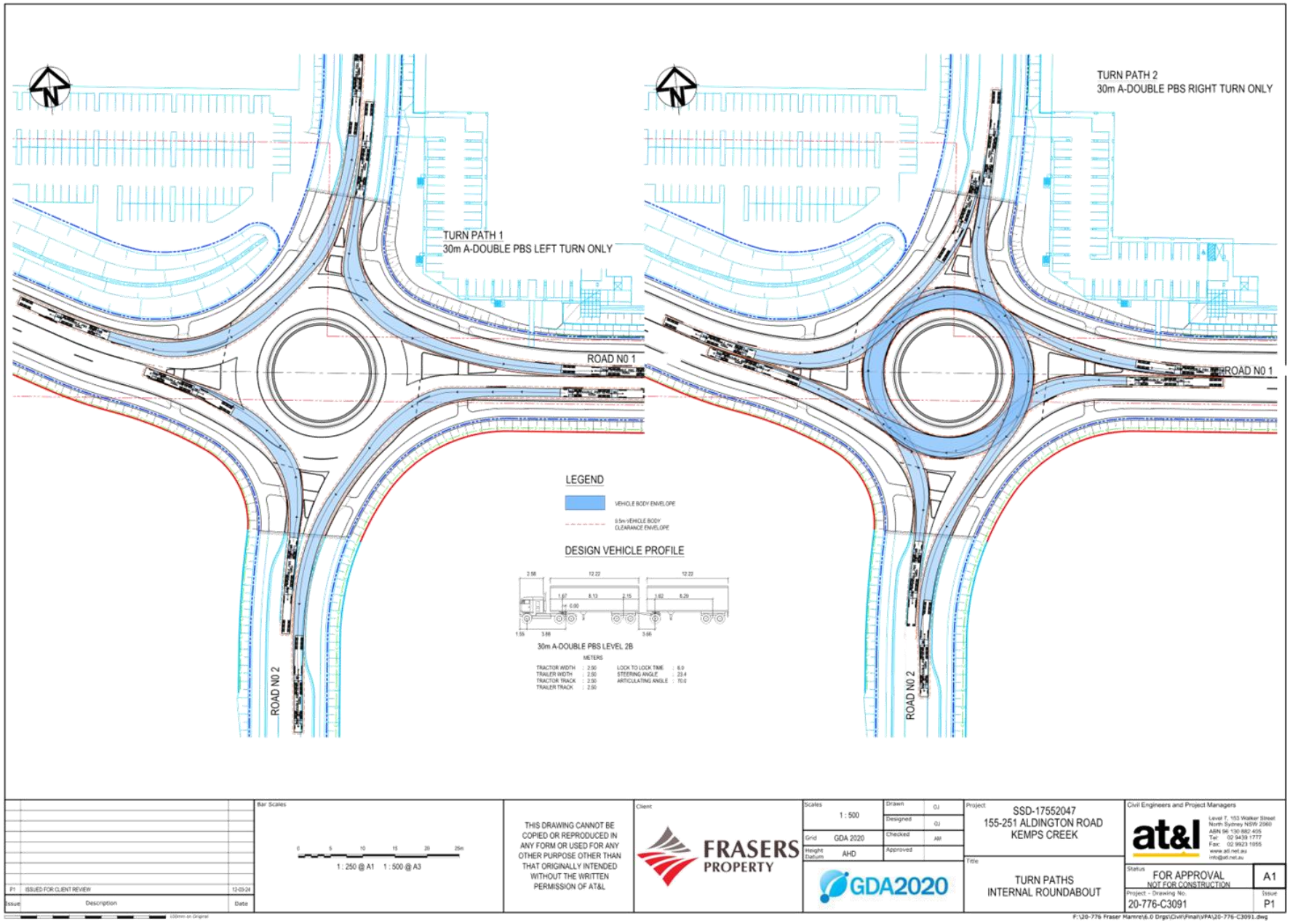
TURN PATH 1
30m A-DOUBLE PBS LEFT TURN ONLY
TURN PATH 2
30m A-DOUBLE PBS RIGHT TURN ONLY
ROAD N0 1
ROAD N0 2
LEGEND
VEHICLE BODY ENVELOPE
0.5m VEHICLE BODY CLEARANCE ENVELOPE
DESIGN VEHICLE PROFILE
30m A-DOUBLE PBS LEVEL 2B
METERS
TRACTOR WIDTH : 2.50
TRAILER WIDTH : 2.50
TRACTOR TRACK : 2.50
TRAILER TRACK : 2.50
LOCK TO LOCK TIME : 6.0
STEERING ANGLE : 23.4
ARTICULATING ANGLE : 70.0
Bar Scales
1 : 250 @ A1 1 : 500 @ A3
P1 ISSUED FOR CLIENT REVIEW 12-03-24
Issue Description Date
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Client
FRASERS PROPERTY
Scales 1 : 500
Drawn OJ
Designed OJ
Checked AM
Approved
Grid GDA 2020
Height Datum AHD
GDA2020
Project SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
Title TURN PATHS
INTERNAL ROUNDABOUT
Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street
North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au
Status FOR APPROVAL
NOT FOR CONSTRUCTION
A1
Project - Drawing No: 20-776-C3091
Issue P1
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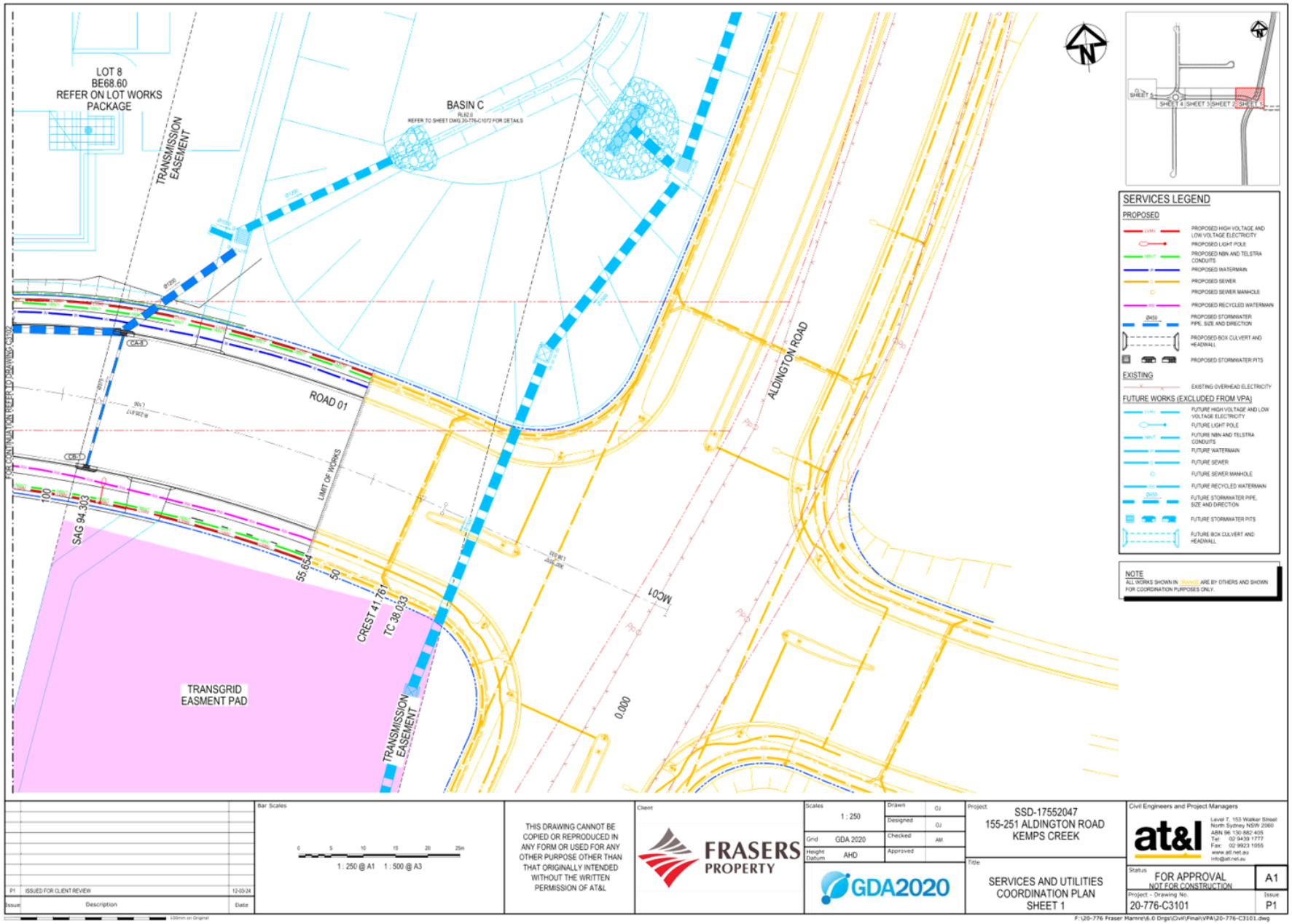
LOT 8
BE68.60
REFER ON LOT WORKS PACKAGE
TRANSMISSION EASEMENT
BASIN C
ROAD 01
ALDINGTON ROAD
LIMIT OF WORKS
SAG 94.303
CREST 41.761
TC 38.033
55.654
50
100
TRANSGRID EASEMENT PAD
TRANSMISSION EASEMENT
0.000
SERVICES LEGEND
PROPOSED
PROPOSED HIGH VOLTAGE AND LOW VOLTAGE ELECTRICITY
PROPOSED LIGHT POLE
PROPOSED NBN AND TELSTRA CONDUITS
PROPOSED WATERMAIN
PROPOSED SEWER
PROPOSED SEWER MANHOLE
PROPOSED RECYCLED WATERMAIN
PROPOSED STORMWATER PIPE, SIZE AND DIRECTION
PROPOSED BOX CULVERT AND HEADWALL
PROPOSED STORMWATER PITS
EXISTING
EXISTING OVERHEAD ELECTRICITY
FUTURE WORKS (EXCLUDED FROM VPA)
FUTURE HIGH VOLTAGE AND LOW VOLTAGE ELECTRICITY
FUTURE LIGHT POLE
FUTURE NBN AND TELSTRA CONDUITS
FUTURE WATERMAIN
FUTURE SEWER
FUTURE SEWER MANHOLE
FUTURE RECYCLED WATERMAIN
FUTURE STORMWATER PIPE, SIZE AND DIRECTION
FUTURE STORMWATER PITS
FUTURE BOX CULVERT AND HEADWALL
NOTE
ALL WORKS SHOWN IN GREY ARE BY OTHERS AND SHOWN FOR COORDINATION PURPOSES ONLY.
SHEET 5
SHEET 4
SHEET 3
SHEET 2
SHEET 1
Bar Scales
1 : 250 @ A1 1 : 500 @ A3
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Client
FRASERS PROPERTY
Scales 1 : 250
Drawn OJ
Designed OJ
Checked AM
Approved
Grid GDA 2020
Height Datum AHD
GDA2020
Project SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
Title SERVICES AND UTILITIES COORDINATION PLAN SHEET 1
Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au
Status FOR APPROVAL NOT FOR CONSTRUCTION
A1
Project - Drawing No. 20-776-C3101
Issue P1
P1 ISSUED FOR CLIENT REVIEW 12-03-24
Issue Description Date
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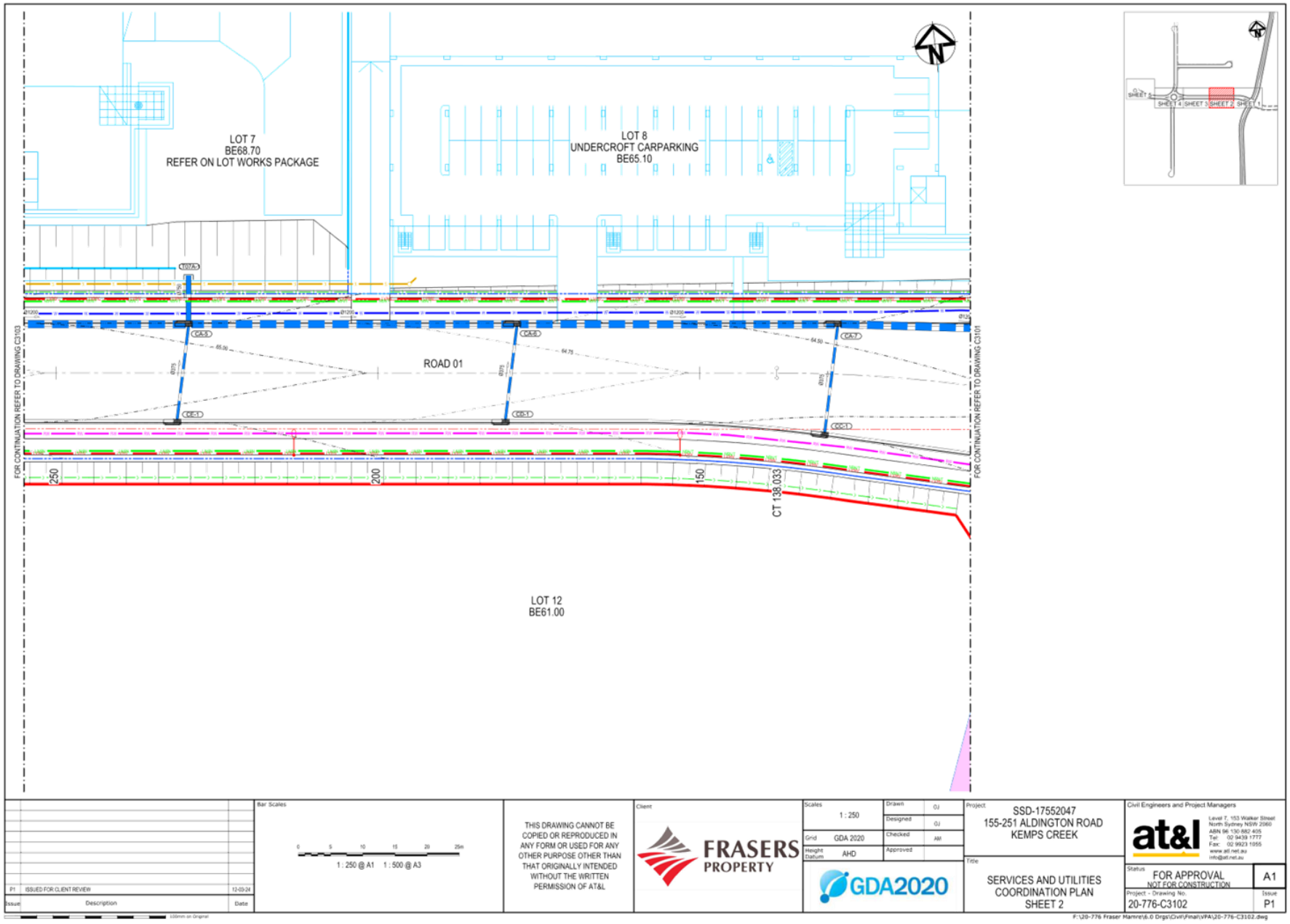
LOT 7
BE68.70
REFER ON LOT WORKS PACKAGE
LOT 8
UNDERCROFT CARPARKING
BE65.10
ROAD 01
LOT 12
BE61.00
FOR CONTINUATION REFER TO DRAWING C3103
FOR CONTINUATION REFER TO DRAWING C3101
250
200
150
CT 138.033
SHEET 5
SHEET 4
SHEET 3
SHEET 2
SHEET 1
Bar Scales
1 : 250 @ A1 1 : 500 @ A3
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Client
FRASERS PROPERTY
Scales
1 : 250
Grid GDA 2020
Height Datum AHD
Drawn OJ
Designed OJ
Checked AM
Approved
GDA2020
Project
SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
Title
SERVICES AND UTILITIES COORDINATION PLAN
SHEET 2
Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street
North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
www.atl.net.au
info@atl.net.au
Status
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A1
Project - Drawing No.
20-776-C3102
Issue
P1
P1 ISSUED FOR CLIENT REVIEW 12-03-24
Issue Description Date
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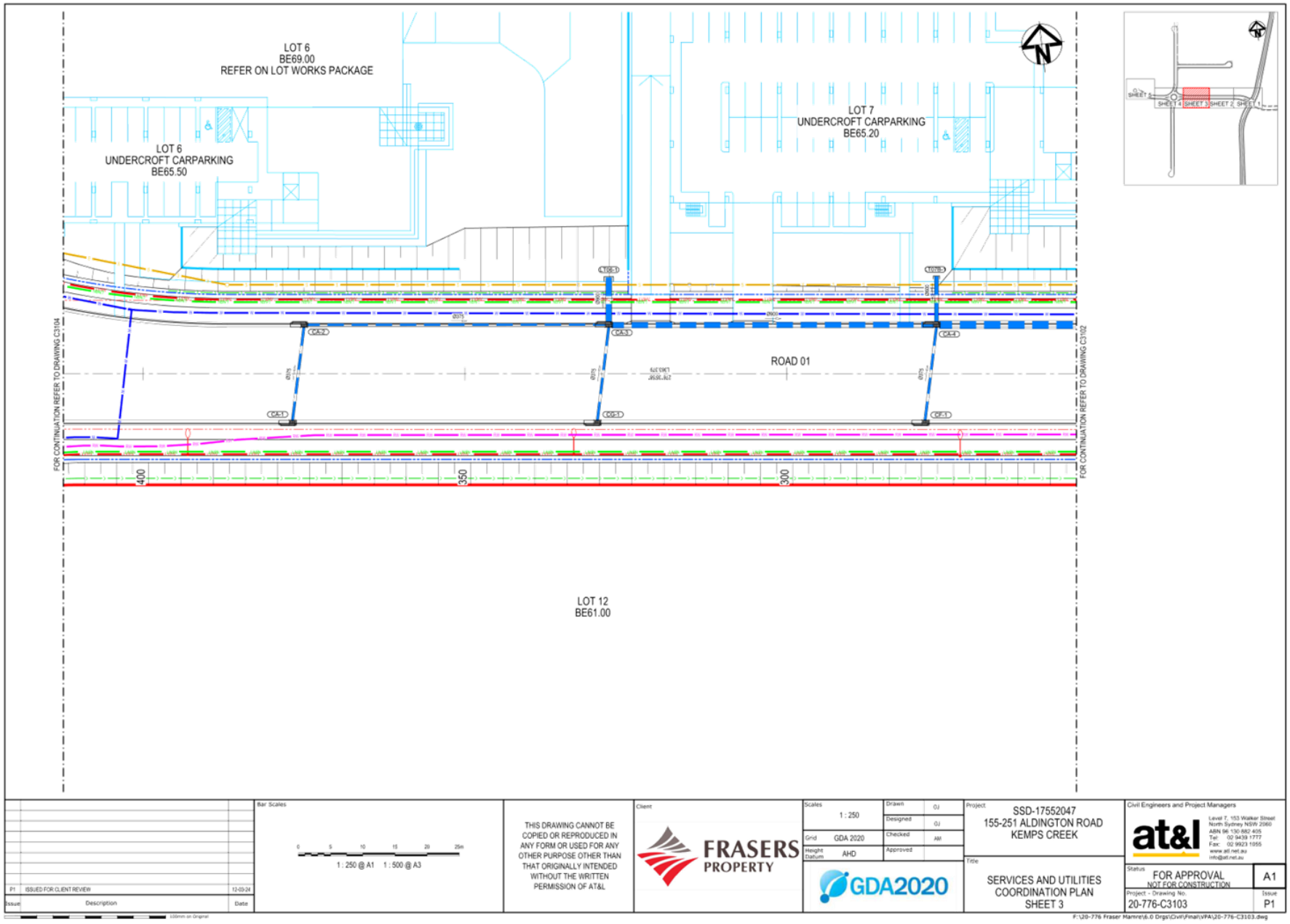
LOT 6
BE69.00
REFER ON LOT WORKS PACKAGE
LOT 6
UNDERCROFT CARPARKING
BE65.50
LOT 7
UNDERCROFT CARPARKING
BE65.20
ROAD 01
LOT 12
BE61.00
FOR CONTINUATION REFER TO DRAWING C3104
FOR CONTINUATION REFER TO DRAWING C3102
400
350
300
SHEET 5
SHEET 4
SHEET 3
SHEET 2
SHEET 1
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SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
SERVICES AND UTILITIES COORDINATION PLAN SHEET 3
at&l
FOR APPROVAL
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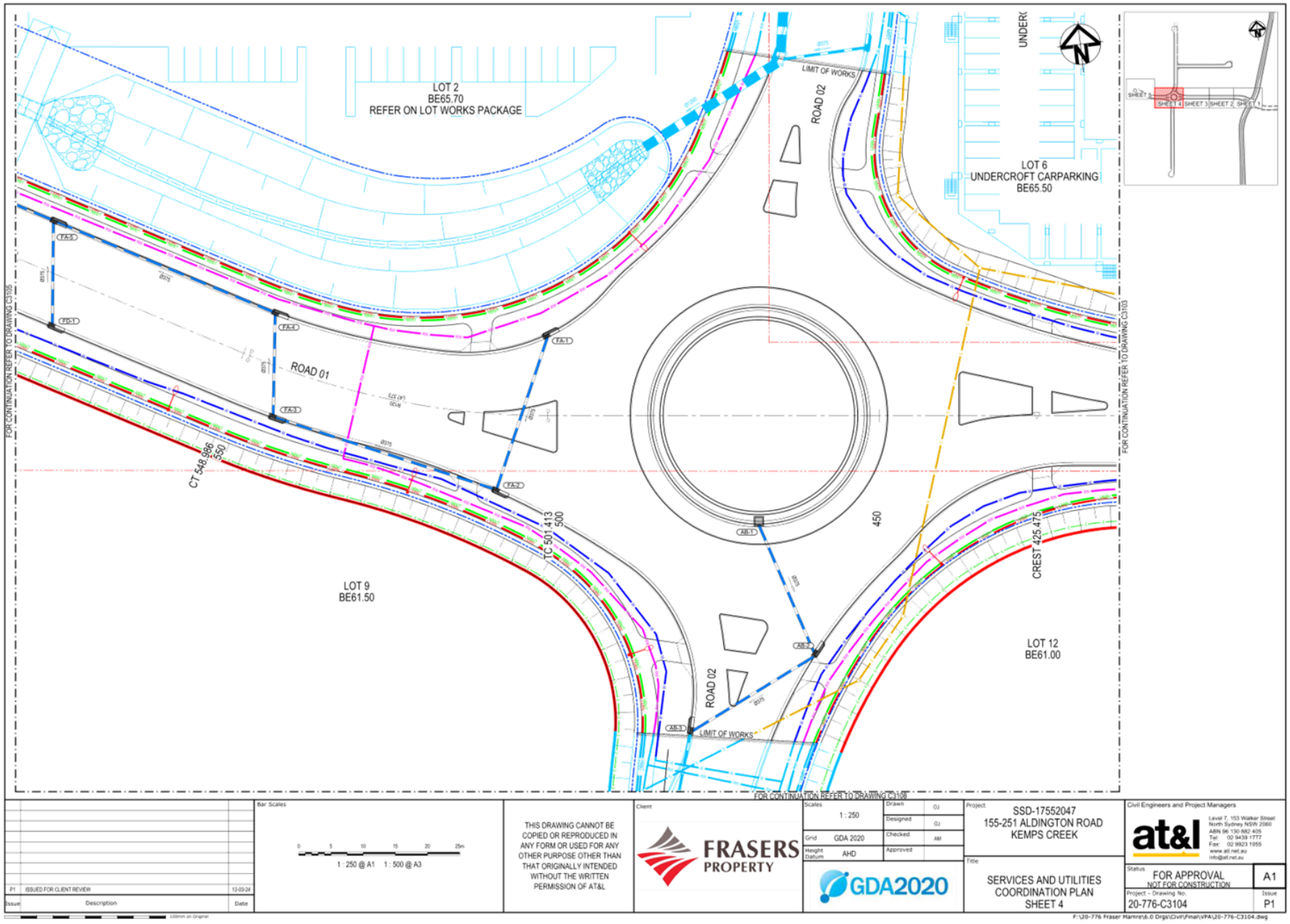
A1
20-776-C3103
P1


LOT 2
BE65.70
REFER ON LOT WORKS PACKAGE
LIMIT OF WORKS
ROAD 02
LOT 6
UNDERCROFT CARPARKING
BE65.50
ROAD 01
CT 548.986
550
TC 501.413
500
450
CREST 425.475
LOT 9
BE61.50
LOT 12
BE61.00
ROAD 02
LIMIT OF WORKS
FOR CONTINUATION REFER TO DRAWING C3105
FOR CONTINUATION REFER TO DRAWING C3103
FOR CONTINUATION REFER TO DRAWING C3108
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155-251 ALDINGTON ROAD
KEMPS CREEK
SERVICES AND UTILITIES COORDINATION PLAN SHEET 4
at&l
FOR APPROVAL
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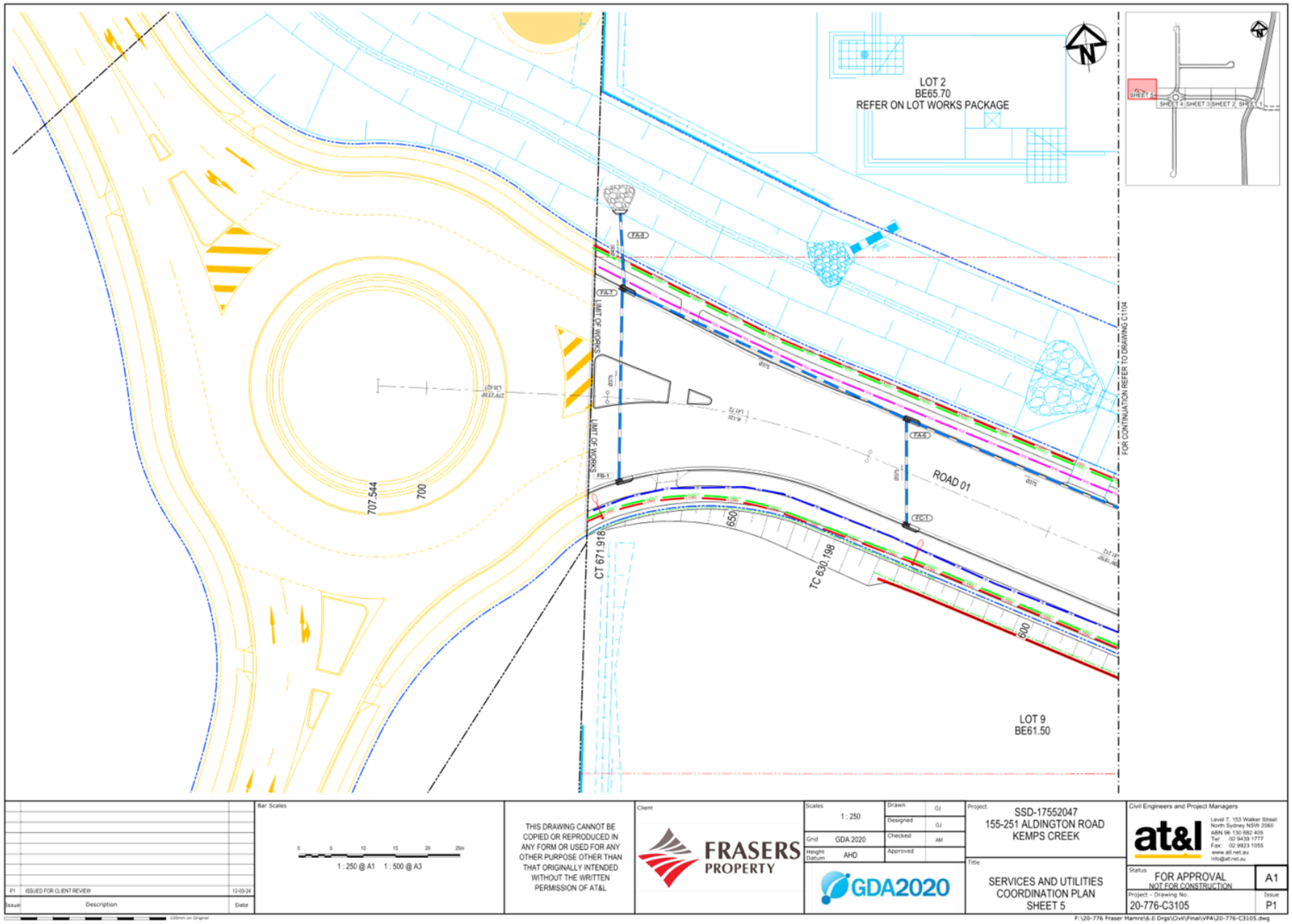
A1
20-776-C3104
P1
P1 ISSUED FOR CLIENT REVIEW 12-03-24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BE65.70
REFER ON LOT WORKS PACKAGE
ROAD 01
LOT 9
BE61.50
FOR CONTINUATION REFER TO DRAWING C1104
LIMIT OF WORKS
707.544
700
CT 671.918
650
TC 630.198
600
Bar Scales
1 : 250 @ A1 1 : 500 @ A3
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Scales 1 : 250
Grid GDA 2020
Height Datum AHD
Drawn OJ
Designed OJ
Checked AM
Approved
GDA2020
Project SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
Title SERVICES AND UTILITIES COORDINATION PLAN SHEET 5
Civil Engineers and Project Managers
at&l
Level 7, 153 Walker Street North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
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Status FOR APPROVAL
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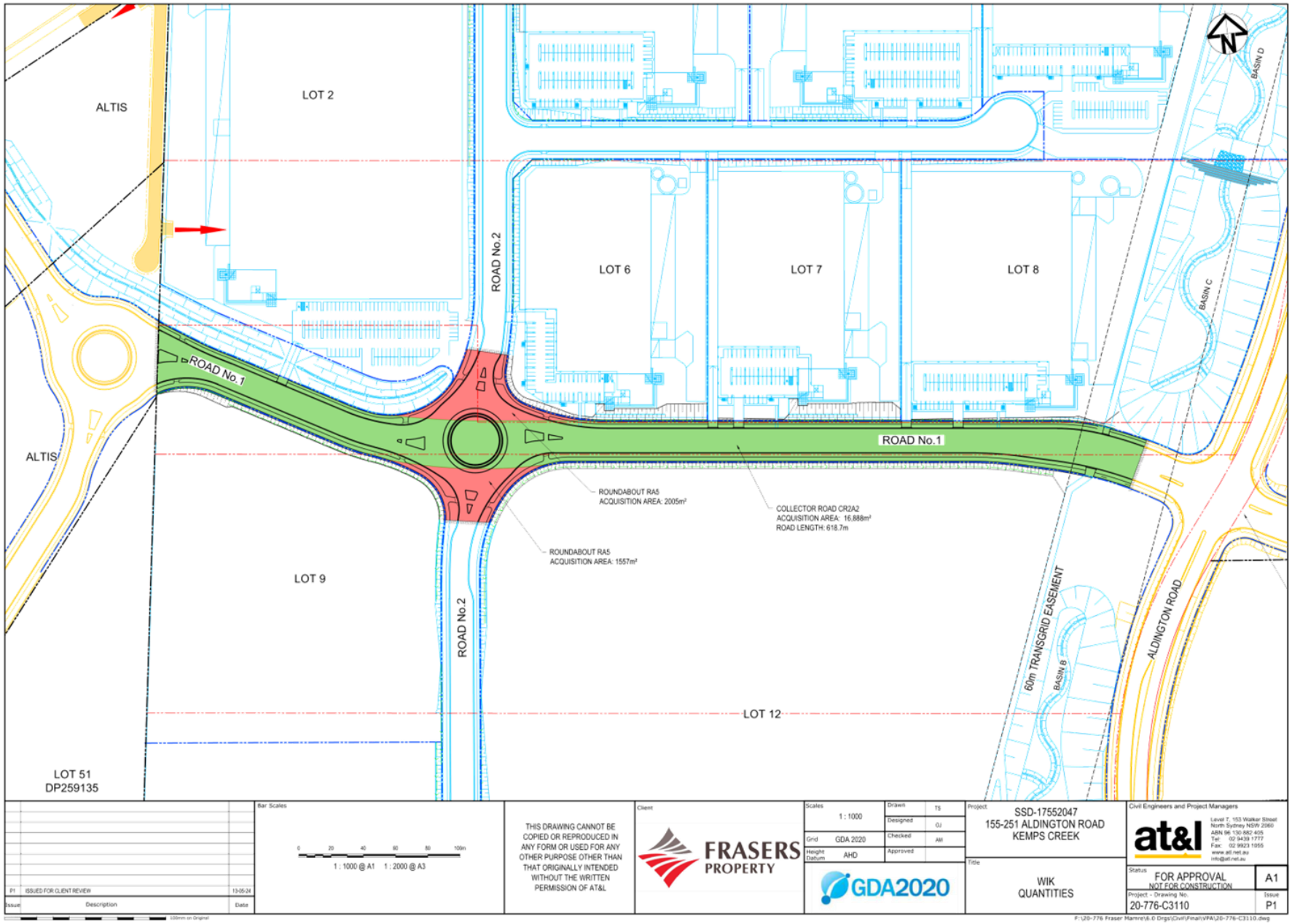
A1
Project - Drawing No. 20-776-C3105
Issue P1
P1 ISSUED FOR CLIENT REVIEW 12-09-24
Issue Description Date


ALTIS
LOT 2
ROAD No.2
LOT 6
LOT 7
LOT 8
BASIN D
BASIN C
ROAD No.1
ALTIS
ROAD No.1
ROUNDABOUT RA5
ACQUISITION AREA: 2005m²
COLLECTOR ROAD CR2A2
ACQUISITION AREA: 16,888m²
ROAD LENGTH: 618.7m
ROUNDABOUT RA5
ACQUISITION AREA: 1557m²
LOT 9
ROAD No.2
60m TRANSGRID EASEMENT
BASIN B
ALDINGTON ROAD
LOT 12
LOT 51
DP259135
Bar Scales
1 : 1000 @ A1 1 : 2000 @ A3
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FRASERS PROPERTY
Scales 1 : 1000
Drawn TS
Designed OJ
Checked AM
Approved
Grid GDA 2020
Height Datum AHD
GDA2020
Project
SSD-17552047
155-251 ALDINGTON ROAD
KEMPS CREEK
Title
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QUANTITIES
Civil Engineers and Project Managers
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Level 7, 153 Walker Street
North Sydney NSW 2060
ABN 96 130 882 405
Tel: 02 9439 1777
Fax: 02 9923 1955
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info@atl.net.au
Status
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A1
Project - Drawing No.
20-776-C3110
Issue
P1
P1 ISSUED FOR CLIENT REVIEW 13-05-24
Issue Description Date
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Annexure C Plan showing Dedication Land

2 DP 1285305
1 DP 1285305
53 DP 259135
52 DP 259135
51 DP 259135
34 DP 258949
30 DP 258949
23 DP 255560
22 DP 255560
21 DP 255560
20 DP 258949
DEDICATION LAND
NOTE:
• DEDICATION LAND AREA SHOWN IS INDICATIVE ONLY AND SUBJECT TO FINAL SURVEY.
FRASERS PROPERTY
FRASERS PROPERTY INDUSTRIAL
LEVEL 15, 180 GEORGE STREET
SYDNEY, NSW 2000
P +61 2 9767 2000
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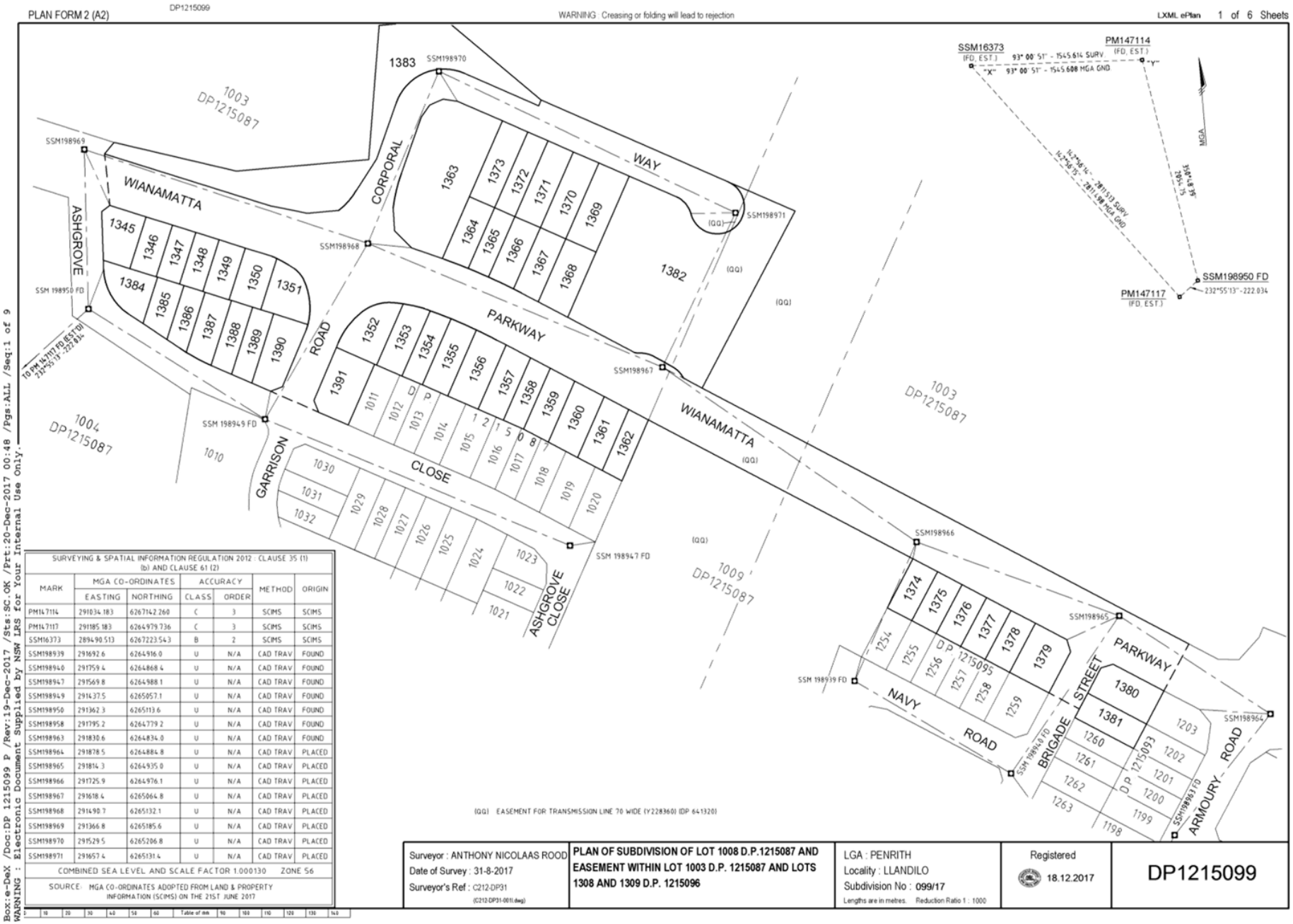
ANNEXURE C - DEDICATION LAND
ALDINGTON ROAD
KEMPS CREEK NSW 2178
ESTATE PLAN
JOB AN-MRE-FS-002
DATE 10.09.2025
SCALE 1:2000 @ A1
DRN. MR
REV. B

# ATTACHMENTS

| | |
|---|---|
| Date of Meeting: | Monday 27 October 2025 |
| Report Title: | Land Transfer for Local Open Space within Jordan Springs East (Central Precinct) |
| Attachments: | Location of Lot 1383 DP1215099<br>Location of Lot 1010 DP1215087<br>Central Precinct Plan Extract - Open Space<br>Landscape Maintenance and Handover Plan Extract<br>Notice of Determination - DA16-1045<br>Stamped Approved Landscape Plans |


PLAN FORM 2 (A2)
DP1215099
WARNING : Creasing or folding will lead to rejection
LXML ePlan 1 of 6 Sheets
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SSM198970
SSM198969
SSM198968
SSM198971
SSM198967
SSM198966
SSM198965
SSM198964
SSM198950 FD
SSM 198950 FD
SSM 198949 FD
SSM 198947 FD
SSM 198939 FD
SSM198963 FD
SSM16373
(FD, EST.)
93° 00' 51" - 1545.614 SURV.
"X" 93° 00' 51" - 1545.608 MGA GND
PM147114
(FD, EST.)
"Y"
MGA
PM147117
(FD, EST.)
232°55'13" - 222.034
WIANAMATTA
ASHGROVE
CORPORAL WAY
PARKWAY
ROAD
GARRISON CLOSE
ASHGROVE CLOSE
NAVY ROAD
BRIGADE STREET
ARMOURY ROAD
1003 DP1215087
1004 DP1215087
1009 DP1215087
1010
1382
1345 1346 1347 1348 1349 1350 1351
1384 1385 1386 1387 1388 1389 1390
1363 1364 1365 1366 1367 1368 1369 1370 1371 1372 1373
1352 1353 1354 1355 1356 1357 1358 1359 1360 1361 1362 1391
1011 1012 1013 1014 1015 1016 1017 1018 1019 1020
1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032
1374 1375 1376 1377 1378 1379
1254 1255 1256 1257 1258 1259
1380 1381
1260 1261 1262 1263
1203 1202 1201 1200 1199 1198
D P 1215095
D P 1215093
(QQ) EASEMENT FOR TRANSMISSION LINE 70 WIDE (Y228360) (DP 643120)
SURVEYING & SPATIAL INFORMATION REGULATION 2012 : CLAUSE 35 (1) (b) AND CLAUSE 61 (2)
MARK | MGA CO-ORDINATES EASTING | NORTHING | ACCURACY CLASS | ORDER | METHOD | ORIGIN
PM147114 291034.183 6267142.260 C 3 SCIMS SCIMS
PM147117 291185.183 6264979.736 C 3 SCIMS SCIMS
SSM16373 289490.513 6267223.543 B 2 SCIMS SCIMS
SSM198939 291692.6 6264916.0 U N/A CAD TRAV FOUND
SSM198940 291759.4 6264868.4 U N/A CAD TRAV FOUND
SSM198947 291569.8 6264988.1 U N/A CAD TRAV FOUND
SSM198949 291437.5 6265057.1 U N/A CAD TRAV FOUND
SSM198950 291362.3 6265113.6 U N/A CAD TRAV FOUND
SSM198958 291795.2 6264779.2 U N/A CAD TRAV FOUND
SSM198963 291830.6 6264834.0 U N/A CAD TRAV FOUND
SSM198964 291878.5 6264884.8 U N/A CAD TRAV PLACED
SSM198965 291814.3 6264935.0 U N/A CAD TRAV PLACED
SSM198966 291725.9 6264976.1 U N/A CAD TRAV PLACED
SSM198967 291618.4 6265064.8 U N/A CAD TRAV PLACED
SSM198968 291490.7 6265132.1 U N/A CAD TRAV PLACED
SSM198969 291366.8 6265185.6 U N/A CAD TRAV PLACED
SSM198970 291529.5 6265206.8 U N/A CAD TRAV PLACED
SSM198971 291657.4 6265131.4 U N/A CAD TRAV PLACED
COMBINED SEA LEVEL AND SCALE FACTOR 1.000130 ZONE 56
SOURCE: MGA CO-ORDINATES ADOPTED FROM LAND & PROPERTY INFORMATION (SCIMS) ON THE 21ST JUNE 2017
Surveyor : ANTHONY NICOLAAS ROOD
Date of Survey : 31-8-2017
Surveyor's Ref : C212-DP31
(C212-DP31-001I.dwg)
PLAN OF SUBDIVISION OF LOT 1008 D.P.1215087 AND EASEMENT WITHIN LOT 1003 D.P. 1215087 AND LOTS 1308 AND 1309 D.P. 1215096
LGA : PENRITH
Locality : LLANDILO
Subdivision No : 099/17
Lengths are in metres. Reduction Ratio 1 : 1000
Registered
18.12.2017
DP1215099
Box:e-DeX /Doc:DP 1215099 P /Rev:19-Dec-2017 /Sts:SC.OK /Prt:20-Dec-2017 00:48 /Pgs:ALL /Seq:1 of 9
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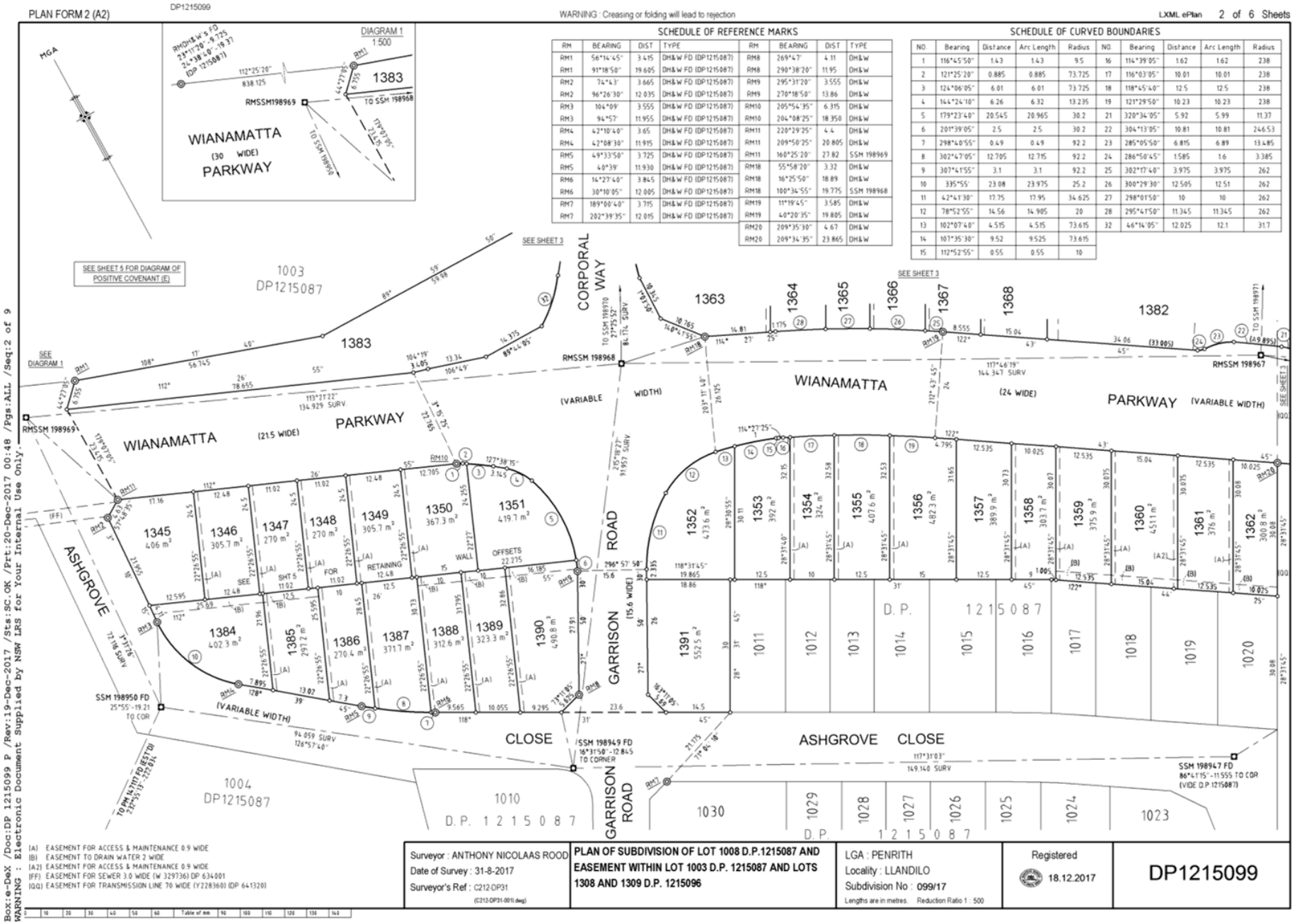
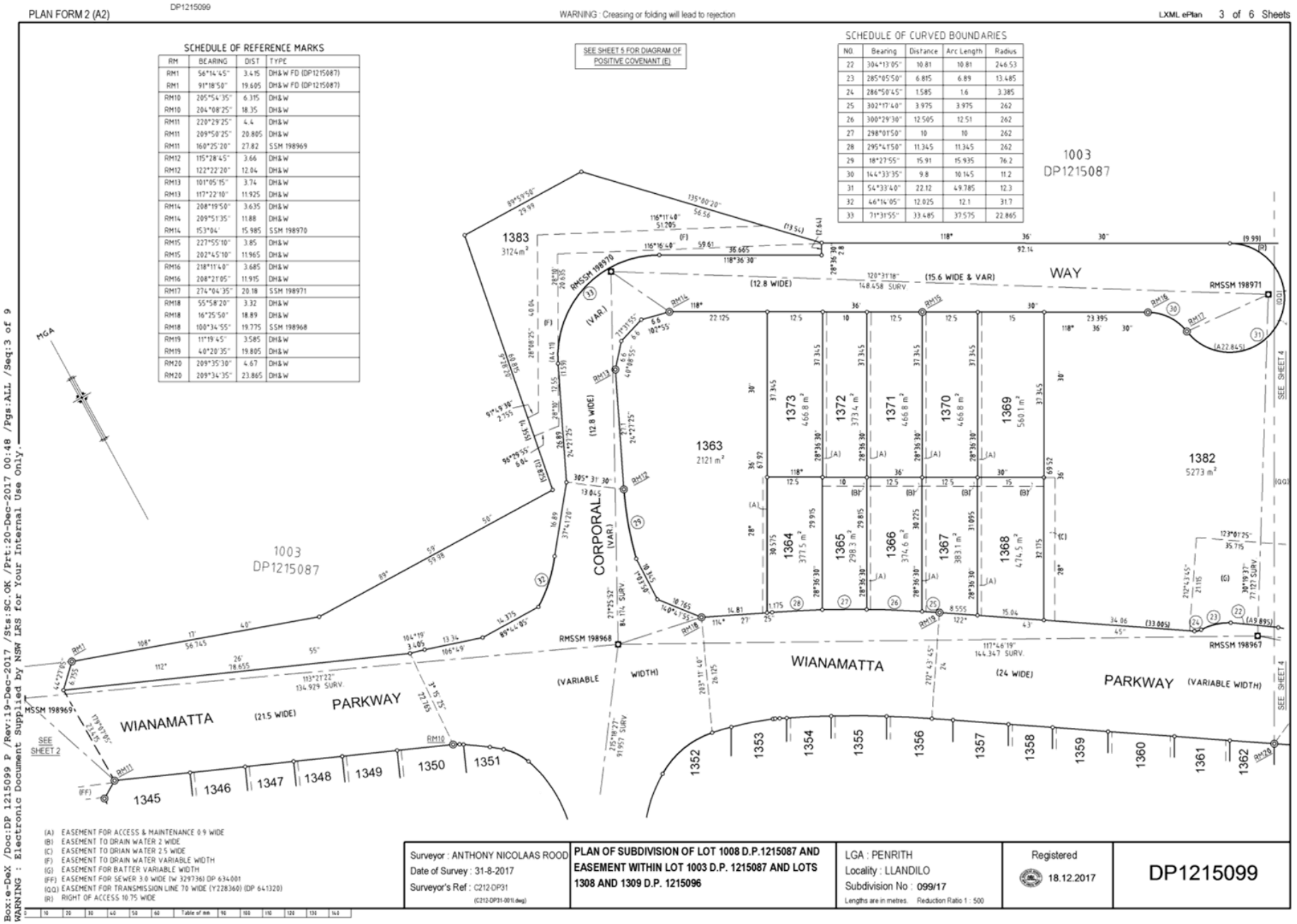



| RM | BEARING | DIST | TYPE | RM | BEARING | DIST | TYPE |
|---|---|---|---|---|---|---|---|
| RM1 | 56°14'45" | 3.415 | DH&W FD (DP1215087) | RM8 | 269°47' | 4.11 | DH&W |
| RM1 | 91°18'50" | 19.605 | DH&W FD (DP1215087) | RM8 | 290°38'20" | 11.95 | DH&W |
| RM2 | 74°43' | 3.665 | DH&W FD (DP1215087) | RM9 | 295°31'20" | 3.555 | DH&W |
| RM2 | 96°26'30" | 12.035 | DH&W FD (DP1215087) | RM9 | 270°18'50" | 13.86 | DH&W |
| RM3 | 104°09' | 3.555 | DH&W FD (DP1215087) | RM10 | 205°54'35" | 6.315 | DH&W |
| RM3 | 94°57' | 11.955 | DH&W FD (DP1215087) | RM10 | 204°08'25" | 18.350 | DH&W |
| RM4 | 42°10'40" | 3.65 | DH&W FD (DP1215087) | RM11 | 220°29'25" | 4.4 | DH&W |
| RM4 | 42°08'30" | 11.915 | DH&W FD (DP1215087) | RM11 | 209°50'25" | 20.805 | DH&W |
| RM5 | 49°33'50" | 3.725 | DH&W FD (DP1215087) | RM11 | 160°25'20" | 27.82 | SSM 198969 |
| RM5 | 40°39' | 11.930 | DH&W FD (DP1215087) | RM18 | 55°58'20" | 3.32 | DH&W |
| RM6 | 14°27'40" | 3.845 | DH&W FD (DP1215087) | RM18 | 16°25'50" | 18.89 | DH&W |
| RM6 | 30°10'05" | 12.005 | DH&W FD (DP1215087) | RM18 | 100°34'55" | 19.775 | SSM 198968 |
| RM7 | 189°00'40" | 3.715 | DH&W FD (DP1215087) | RM19 | 11°19'45" | 3.585 | DH&W |
| RM7 | 202°39'35" | 12.015 | DH&W FD (DP1215087) | RM19 | 40°20'35" | 19.805 | DH&W |
| | | | | RM20 | 209°35'30" | 4.67 | DH&W |
| | | | | RM20 | 209°34'35" | 23.865 | DH&W |

| NO. | Bearing | Distance | Arc Length | Radius | NO. | Bearing | Distance | Arc Length | Radius |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 116°45'50" | 1.43 | 1.43 | 9.5 | 16 | 114°39'05" | 1.62 | 1.62 | 238 |
| 2 | 121°25'20" | 0.885 | 0.885 | 73.725 | 17 | 116°03'05" | 10.01 | 10.01 | 238 |
| 3 | 124°06'05" | 6.01 | 6.01 | 73.725 | 18 | 118°45'40" | 12.5 | 12.5 | 238 |
| 4 | 144°24'10" | 6.26 | 6.32 | 13.235 | 19 | 121°29'50" | 10.23 | 10.23 | 238 |
| 5 | 179°23'40" | 20.545 | 20.965 | 30.2 | 21 | 320°34'05" | 5.92 | 5.99 | 11.37 |
| 6 | 201°39'05" | 2.5 | 2.5 | 30.2 | 22 | 304°13'05" | 10.81 | 10.81 | 246.53 |
| 7 | 298°40'55" | 0.49 | 0.49 | 92.2 | 23 | 285°05'50" | 6.815 | 6.89 | 13.485 |
| 8 | 302°47'05" | 12.705 | 12.715 | 92.2 | 24 | 286°50'45" | 1.585 | 1.6 | 3.385 |
| 9 | 307°41'55" | 3.1 | 3.1 | 92.2 | 25 | 302°17'40" | 3.975 | 3.975 | 262 |
| 10 | 335°55' | 23.08 | 23.975 | 25.2 | 26 | 300°29'30" | 12.505 | 12.51 | 262 |
| 11 | 42°41'30" | 17.75 | 17.95 | 34.625 | 27 | 298°01'50" | 10 | 10 | 262 |
| 12 | 78°52'55" | 14.56 | 14.905 | 20 | 28 | 295°41'50" | 11.345 | 11.345 | 262 |
| 13 | 102°07'40" | 4.515 | 4.515 | 73.615 | 32 | 46°14'05" | 12.025 | 12.1 | 31.7 |
| 14 | 101°35'30" | 9.52 | 9.525 | 73.615 | | | | | |
| 15 | 112°52'55" | 0.55 | 0.55 | 10 | | | | | |


PLAN FORM 2 (A2)
DP1215099
WARNING : Creasing or folding will lead to rejection
LXML ePlan 3 of 6 Sheets
SCHEDULE OF REFERENCE MARKS
SCHEDULE OF CURVED BOUNDARIES
SEE SHEET 5 FOR DIAGRAM OF POSITIVE COVENANT (E)
1383
3124 m²
1003
DP1215087
WAY
(12.8 WIDE)
(15.6 WIDE & VAR)
RMSSM 198970
RMSSM 198971
RMSSM 198968
RMSSM 198967
RMSSM 198969
CORPORAL
(VAR.)
1363
2121 m²
1373
466.8 m²
1372
373.4 m²
1371
466.8 m²
1370
466.8 m²
1369
560.1 m²
1382
5273 m²
1364
377.5 m²
1365
298.3 m²
1366
374.6 m²
1367
383.1 m²
1368
474.5 m²
WIANAMATTA
PARKWAY
(21.5 WIDE)
(VARIABLE WIDTH)
(24 WIDE)
SEE SHEET 2
SEE SHEET 4
1345
1346
1347
1348
1349
1350
1351
1352
1353
1354
1355
1356
1357
1358
1359
1360
1361
1362
(A) EASEMENT FOR ACCESS & MAINTENANCE 0.9 WIDE
(B) EASEMENT TO DRAIN WATER 2 WIDE
(C) EASEMENT TO DRIAN WATER 2.5 WIDE
(F) EASEMENT TO DRAIN WATER VARIABLE WIDTH
(G) EASEMENT FOR BATTER VARIABLE WIDTH
(FF) EASEMENT FOR SEWER 3.0 WIDE (W 329736) DP 634001
(QQ) EASEMENT FOR TRANSMISSION LINE 70 WIDE (Y228360) (DP 641320)
(R) RIGHT OF ACCESS 10.75 WIDE
Surveyor : ANTHONY NICOLAAS ROOD
Date of Survey : 31-8-2017
Surveyor's Ref : C212-DP31
(C212-DP31-001li.dwg)
PLAN OF SUBDIVISION OF LOT 1008 D.P.1215087 AND EASEMENT WITHIN LOT 1003 D.P. 1215087 AND LOTS 1308 AND 1309 D.P. 1215096
LGA : PENRITH
Locality : LLANDILO
Subdivision No : 099/17
Lengths are in metres. Reduction Ratio 1 : 500
Registered
18.12.2017
DP1215099
Box:e-DeX /Doc:DP 1215099 P /Rev:19-Dec-2017 /Sts:SC.OK /Prt:20-Dec-2017 00:48 /Pgs:ALL /Seq:3 of 9
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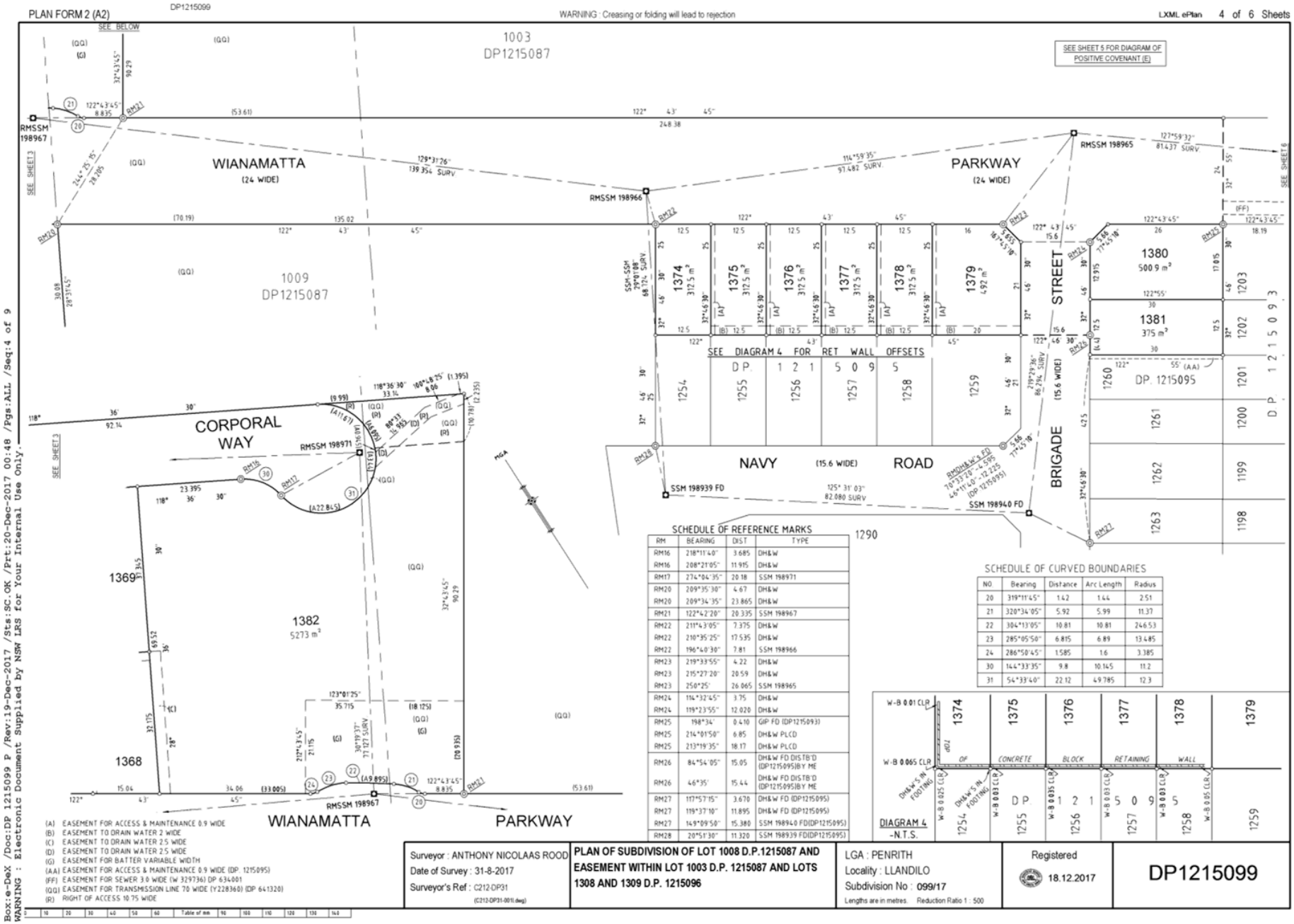
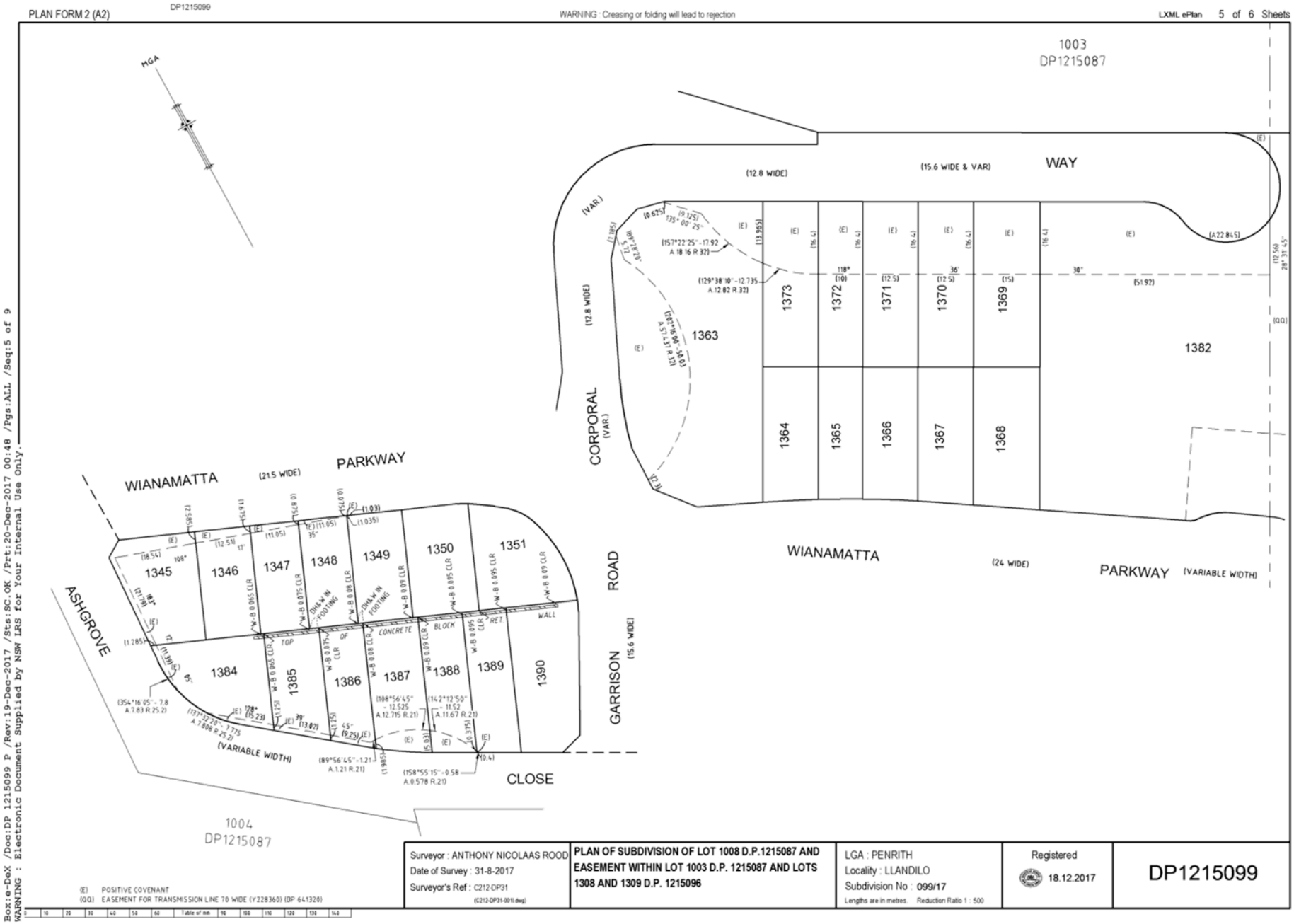



| RM | BEARING | DIST | TYPE |
|---|---|---|---|
| RM16 | 218°11'40" | 3.685 | DH&W |
| RM16 | 208°21'05" | 11.915 | DH&W |
| RM17 | 274°04'35" | 20.18 | SSM 198971 |
| RM20 | 209°35'30" | 4.67 | DH&W |
| RM20 | 209°34'35" | 23.865 | DH&W |
| RM21 | 122°43'20" | 20.335 | SSM 198967 |
| RM22 | 211°43'05" | 7.375 | DH&W |
| RM22 | 210°35'25" | 17.535 | DH&W |
| RM22 | 196°40'30" | 7.81 | SSM 198966 |
| RM23 | 219°33'55" | 4.22 | DH&W |
| RM23 | 215°27'20" | 20.59 | DH&W |
| RM23 | 250°25' | 26.065 | SSM 198965 |
| RM24 | 114°32'45" | 3.75 | DH&W |
| RM24 | 119°23'55" | 12.020 | DH&W |
| RM25 | 198°34' | 0.410 | GIP FD (DP1215093) |
| RM25 | 214°01'50" | 6.85 | DH&W PLCD |
| RM25 | 213°19'35" | 18.17 | DH&W PLCD |
| RM26 | 84°54'05" | 15.05 | DH&W FD DIST'D (DP1215095)BY ME |
| RM26 | 46°35' | 15.44 | DH&W FD DIST'D (DP1215095)BY ME |
| RM27 | 117°57'15" | 3.670 | DH&W FD (DP1215095) |
| RM27 | 119°37'10" | 11.895 | DH&W FD (DP1215095) |
| RM27 | 149°09'50" | 15.380 | SSM 198940 FD(DP1215095) |
| RM28 | 20°51'30" | 11.320 | SSM 198939 FD(DP1215095) |

| NO. | Bearing | Distance | Arc Length | Radius |
|---|---|---|---|---|
| 20 | 319°11'45" | 1.42 | 1.44 | 2.51 |
| 21 | 320°34'05" | 5.92 | 5.99 | 11.37 |
| 22 | 304°13'05" | 10.81 | 10.81 | 246.53 |
| 23 | 285°05'50" | 6.815 | 6.89 | 13.485 |
| 24 | 286°50'45" | 1.585 | 1.6 | 3.385 |
| 30 | 144°33'35" | 9.8 | 10.145 | 11.2 |
| 31 | 54°33'40" | 22.12 | 49.785 | 12.3 |


PLAN FORM 2 (A2)
DP1215099
WARNING : Creasing or folding will lead to rejection
LXML ePlan 5 of 6 Sheets
1003
DP1215087
WAY
(12.8 WIDE)
(15.6 WIDE & VAR)
CORPORAL
(VAR.)
1363
1373
1372
1371
1370
1369
1382
1364
1365
1366
1367
1368
WIANAMATTA
PARKWAY
(21.5 WIDE)
ASHGROVE
1345
1346
1347
1348
1349
1350
1351
1384
1385
1386
1387
1388
1389
1390
GARRISON
ROAD
(15.6 WIDE)
(VARIABLE WIDTH)
CLOSE
(24 WIDE)
1004
DP1215087
Surveyor : ANTHONY NICOLAAS ROOD
Date of Survey : 31-8-2017
Surveyor's Ref : C212-DP31
PLAN OF SUBDIVISION OF LOT 1008 D.P.1215087 AND EASEMENT WITHIN LOT 1003 D.P. 1215087 AND LOTS 1308 AND 1309 D.P. 1215096
LGA : PENRITH
Locality : LLANDILO
Subdivision No : 099/17
Lengths are in metres. Reduction Ratio 1 : 500
Registered
18.12.2017
DP1215099
(E) POSITIVE COVENANT
(QQ) EASEMENT FOR TRANSMISSION LINE 70 WIDE (Y228360) (DP 641320)
Box:e-DeX /Doc:DP 1215099 P /Rev:19-Dec-2017 /Sts:SC.OK /Prt:20-Dec-2017 00:48 /Pgs:ALL /Seq:5 of 9
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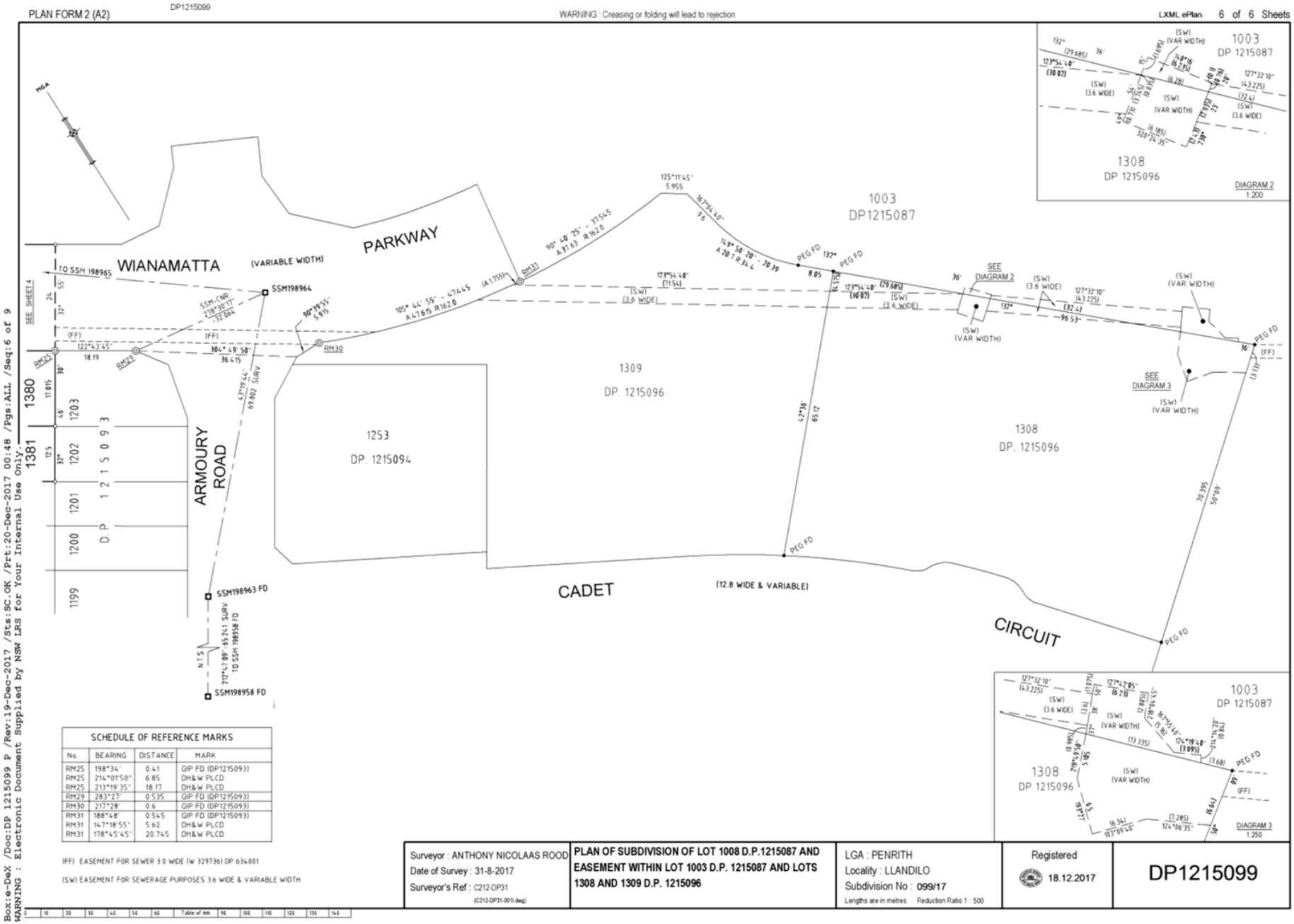
PLAN FORM 2 (A2)
DP1215099
WARNING : Creasing or folding will lead to rejection
LXML ePlan 6 of 6 Sheets
WIANAMATTA (VARIABLE WIDTH)
PARKWAY
ARMOURY ROAD
CADET (12.8 WIDE & VARIABLE)
CIRCUIT
1380
1381
1203
1202
1201
1200
1199
D.P. 1215093
1253 DP. 1215094
1309 DP. 1215096
1308 DP. 1215096
1003 DP1215087
SSM198964
SSM198963 FD
SSM198958 FD
RM25
RM26
RM29
RM30
RM31
PEG FD
SEE DIAGRAM 2
SEE DIAGRAM 3
DIAGRAM 2 1:200
DIAGRAM 3 1:250
SCHEDULE OF REFERENCE MARKS
No. | BEARING | DISTANCE | MARK
RM25 | 198°34' | 0.41 | GIP FD (DP1215093)
RM25 | 214°01'50" | 6.85 | DH&W PLCD
RM25 | 213°19'35" | 18.17 | DH&W PLCD
RM29 | 283°27' | 0.535 | GIP FD (DP1215093)
RM30 | 217°28' | 0.6 | GIP FD (DP1215093)
RM31 | 188°48' | 0.545 | GIP FD (DP1215093)
RM31 | 147°18'55" | 5.62 | DH&W PLCD
RM31 | 178°45'45" | 20.745 | DH&W PLCD
(IFF) EASEMENT FOR SEWER 3.0 WIDE (W 3297361) DP 634001
(SW) EASEMENT FOR SEWERAGE PURPOSES 3.6 WIDE & VARIABLE WIDTH
Surveyor : ANTHONY NICOLAAS ROOD
Date of Survey : 31-8-2017
Surveyor's Ref : C212-DP31
(C212-DP31-001li.dwg)
PLAN OF SUBDIVISION OF LOT 1008 D.P.1215087 AND EASEMENT WITHIN LOT 1003 D.P. 1215087 AND LOTS 1308 AND 1309 D.P. 1215096
LGA : PENRITH
Locality : LLANDILO
Subdivision No : 099/17
Lengths are in metres. Reduction Ratio 1 : 500
Registered
18.12.2017
DP1215099
Box:e-DeX /Doc:DP 1215099 P /Rev:19-Dec-2017 /Sts:SC.OK /Prt:20-Dec-2017 00:48 /Pgs:ALL /Seq:6 of 9
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## DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 3 Sheet(s)

Office Use Only

Registered : 18.12.2017

Title System : TORRENS

Purpose : SUBDIVISION

Office Use Only

# DP1215099

**PLAN OF SUBDIVISION OF LOT 1008 D.P.1215087 AND EASEMENT WITHIN LOT 1003 D.P. 1215087 AND LOTS 1308 AND 1309 D.P. 1215096**

LGA : PENRITH

Locality : LLANDILO

Parish : LONDONDERRY

County : CUMBERLAND

### Crown Lands NSW / Western Lands Office Approval

I, ..... (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.

Signature: .....

Date: .....

File Number: .....

Office: .....

### Subdivision Certificate

SC17/0072

I, Gavin Cherry

*Authorised Person/*~~General Manager~~/*~~Accredited Certifier~~, certify that the provisions of the s.109J of the *Environmental Planning and Assessment Act 1979* have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.

Signature: .....

Accreditation number: .....

Consent Authority : PENRITH CITY COUNCIL

Date of endorsement: 30/11/17

Subdivision Certificate number: 099/17

File number: DA15/0299

*Strike through if inapplicable.

### Survey Certificate

I, ANTHONY NICOLAAS ROOD of RPS Australia East Pty Ltd PO BOX 6843 BAULKHAM HILLS 2153

a surveyor registered under the *Surveying and Spatial Information Act 2002*, certify that:

*(a) The land shown in the plan was surveyed in accordance with the *Surveying and Spatial Information Regulation 2012*, is accurate and the survey was completed on 31-8-2017

~~*(b) The part of the land shown in the plan (*being/*excluding ^ ..... ) was surveyed in accordance with the *Surveying and Spatial Information Regulation 2012*, is accurate and the survey was completed on, ..... the part not surveyed was compiled in accordance with that Regulation.~~

~~*(c) The land shown in this plan was compiled in accordance with the *Surveying and Spatial Information Regulation 2012*.~~

Signature: ..... Dated: 1-9-2017

Surveyor ID: 1933

Datum Line: 'X' - 'Y'

Type: *Urban /~~*Rural~~

The terrain is *Level-Undulating / ~~Steep-Mountainous~~.

*Strike through if inapplicable.

^ Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.

Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.

It is intended to dedicate :-

1. WIANAMATTA PARKWAY 21.5 WIDE, 24 WIDE AND VARIABLE WIDTH
2. GARRISON ROAD 15.6 WIDE AND VARIABLE WIDTH
3. BRIGADE STREET 15.6 WIDE
4. CORPORAL WAY 12.8 WIDE, 15.6 WIDE AND VARIABLE WIDTH

TO THE PUBLIC AS PUBLIC ROAD. SUBJECT TO AN EASEMENT FOR TRANSMISSION LINE 70 WIDE (Y228360) DP. 641320

Plans used in the preparation of survey/~~compilation~~

DP 1216944
DP 1215087
DP 1215093
DP 1215094
DP 1215095
DP 1215096
DP 641320
DP 634001

If space is insufficient continue on PLAN FORM 6A

Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A

Surveyor's Reference : C212-DP31
(C212-DP31-001h.dwg)

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## DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 3 Sheet(s)

Office Use Only

Registered: 18.12.2017

Office Use Only

DP1215099

**PLAN OF SUBDIVISION OF LOT 1008 D.P.1215087 AND EASEMENT WITHIN LOT 1003 D.P. 1215087 AND LOTS 1308 AND 1309 D.P. 1215096**

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) *SSI Regulation 2012*
- Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*
- Signatures and seals - see 195D *Conveyancing Act 1919*
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number: 099/17

Date of Endorsement: 30/4/17

PURSUANT TO SECTION 88B OF THE *CONVEYANCING ACT 1919*, IT IS INTENDED TO CREATE:

1. RESTRICTION ON THE USE OF LAND
2. EASEMENT FOR ACCESS & MAINTENANCE 0.9 WIDE (A)
3. EASEMENT FOR ACCESS & MAINTENANCE 0.9 WIDE (A2)
4. EASEMENT TO DRAIN WATER 2 WIDE (B)
5. EASEMENT TO DRAIN WATER 2.5 WIDE (C)
6. POSITIVE COVENANT (E)
7. POSITIVE COVENANT
8. RESTRICTION ON THE USE OF LAND
9. RESTRICTION ON THE USE OF LAND
10. EASEMENT FOR SEWERAGE PURPOSES 3.6 WIDE AND VARIABLE WIDTH (SW)
11. RIGHT OF ACCESS 10.75 WIDE (R)
12. POSITIVE COVENANT
13. EASEMENT TO DRAIN WATER 2.5 WIDE (D)
14. EASEMENT TO DRAIN WATER VARIABLE WIDTH (F)
15. EASEMENT FOR BATTER VARIABLE WIDTH (G)

IT IS INTENDED TO RELEASE :-

1. EASEMENT FOR SEWER 3 WIDE (W329736) VIDE DP. 634001

PURSUANT TO SECTION 60(C) OF THE *SSI REGULATION 2012* A SCHEDULE OF ADDRESSES IS UNAVAILABLE

Signed by
**St Marys Land Limited**
ABN 32 088 278 602

| sign | sign |
|---|---|
| COMPANY SECRETARY | DIRECTOR |
| office (director or secretary) | office (director or secretary) |
| SUSAN WESTLAKE | ARTHUR ILIAS |
| full name | full name |

If space is insufficient use additional annexure sheet

Surveyor's Reference: C212-DP31
(C212-DP31-001j.dwg)

Box:e-DeX /Doc:DP 1215099 P /Rev:19-Dec-2017 /Sts:SC.OK /Prt:20-Dec-2017 00:48 /Pgs:ALL /Seq:9 of 9
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PLAN FORM 6A (2012) WARNING : Creasing or folding will lead to rejection ePlan

**DEPOSITED PLAN ADMINISTRATION SHEET** Sheet 3 of 3 Sheet(s)

Office Use Only

Registered: 18.12.2017

Office Use Only

DP1215099

**PLAN OF SUBDIVISION OF LOT 1008 D.P.1215087 AND EASEMENT WITHIN LOT 1003 DP. 1215087 AND LOTS 1308 AND 1309 DP. 1215096**

This sheet is for the provision of the following information as required:
- A schedule of lots and addresses - See 60(c) *SSI Regulation 2012*
- Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*
- Signatures and seals - see 195D *Conveyancing Act 1919*
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number: 099/17

Date of Endorsement: 30/11/17

**Executed** by **Sydney Water Corporation** ***ABN 49 776 225 038*** pursuant to section 50(3)(A) of the *Interpretation Act 1987* by an authorised delegate:

Signature of witness

Signature of authorised delegate

LAUREN SCOTT
Name of witness

Grant May
Name of authorised delegate

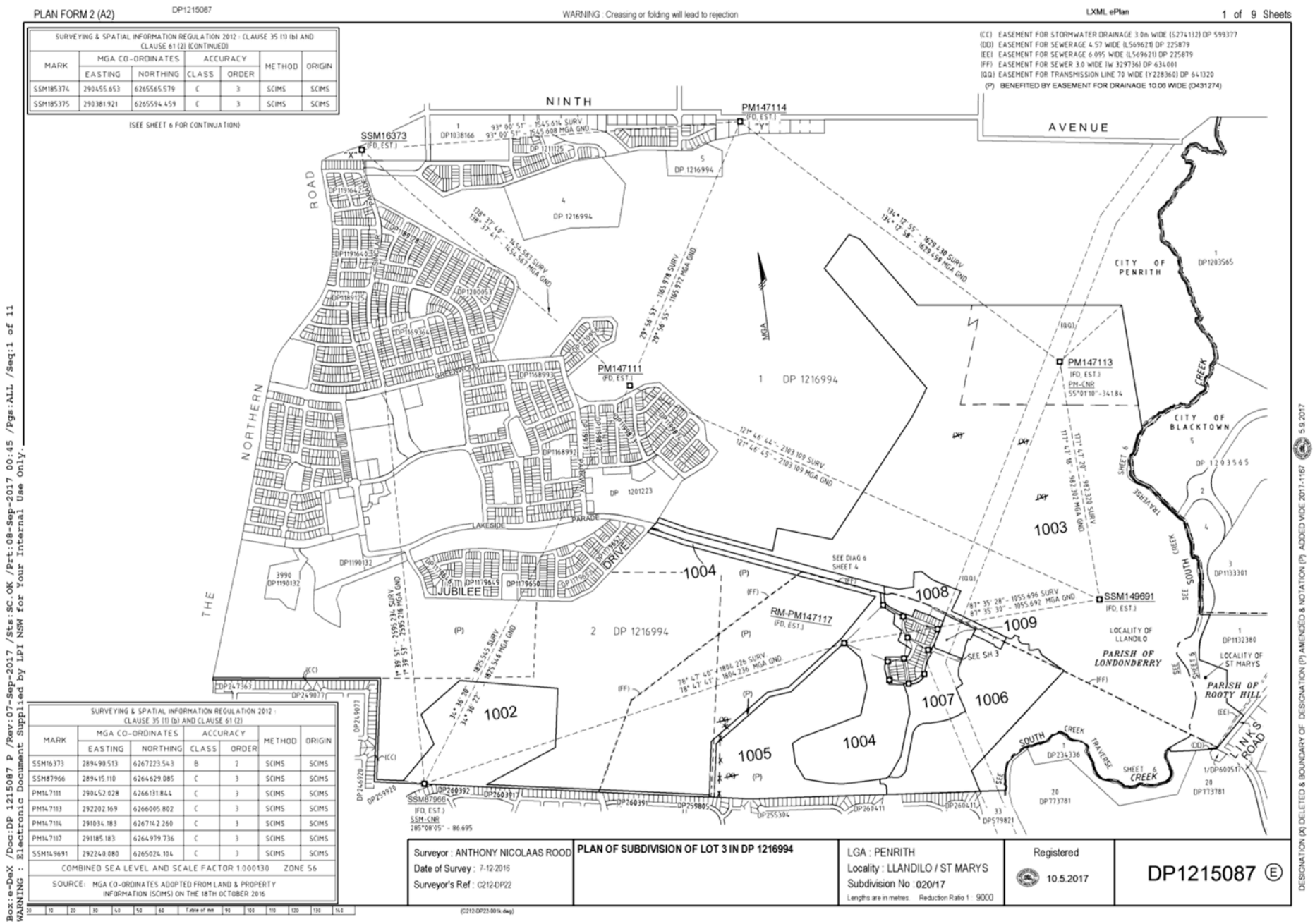
1 SMITH STREET PARRAMATTA NSW 2150
Address of witness

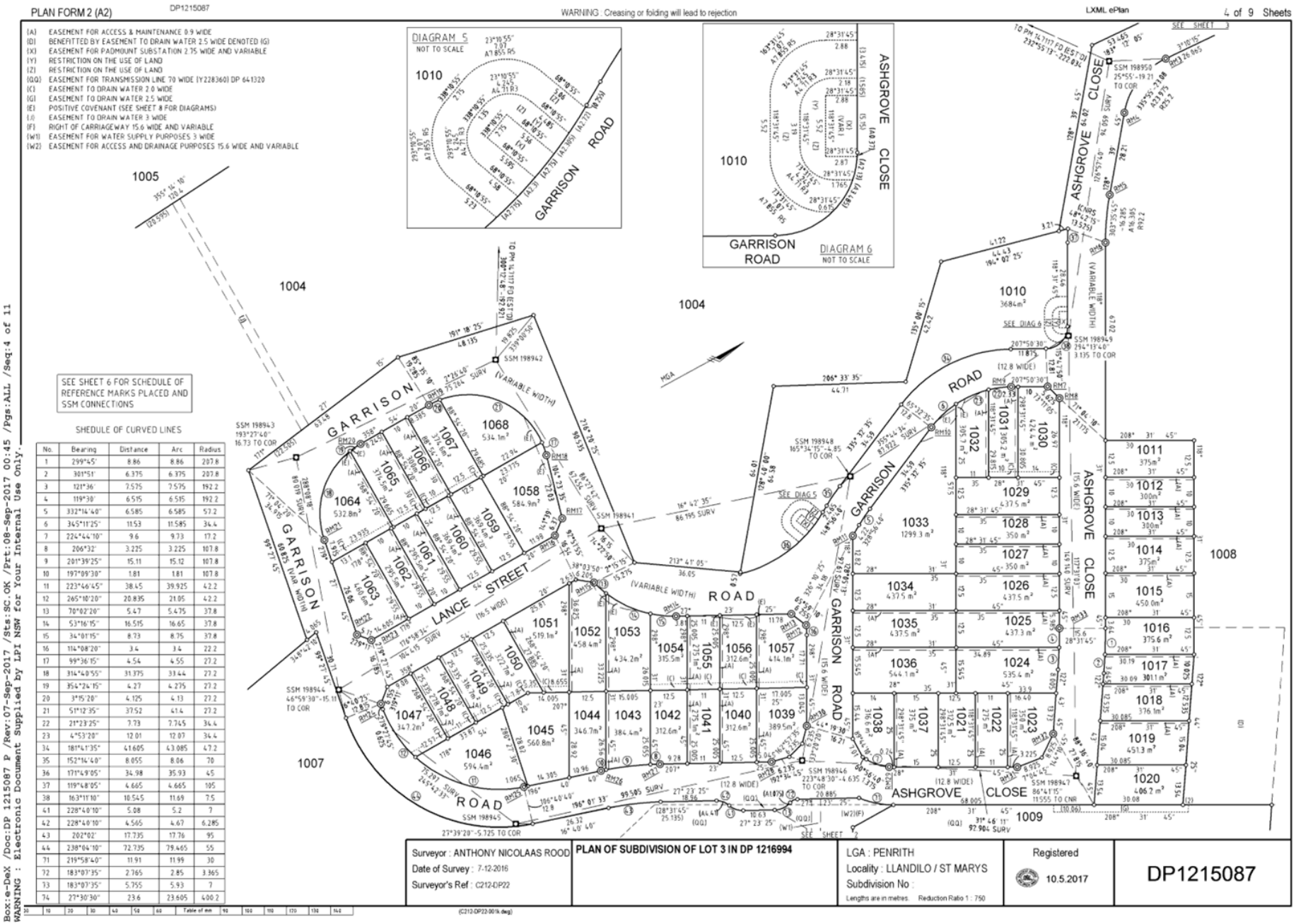
Property Portfolio Manager
Title of authorised delegate

09.08.17
Date

If space is insufficient use additional annexure sheet

Surveyor's Reference: C212-DP31
(C212-DP31-001f.dwg)


PLAN FORM 2 (A2)
DP1215087
WARNING : Creasing or folding will lead to rejection
LXML ePlan
1 of 9 Sheets
SURVEYING & SPATIAL INFORMATION REGULATION 2012 : CLAUSE 35 (1) (b) AND CLAUSE 61 (2) (CONTINUED)
MARK | MGA CO-ORDINATES EASTING | NORTHING | ACCURACY CLASS | ORDER | METHOD | ORIGIN
SSM185374 | 290455.653 | 6265565.579 | C | 3 | SCIMS | SCIMS
SSM185375 | 290381.921 | 6265594.459 | C | 3 | SCIMS | SCIMS
(SEE SHEET 6 FOR CONTINUATION)
(CC) EASEMENT FOR STORMWATER DRAINAGE 3.0m WIDE (S274132) DP 599377
(DD) EASEMENT FOR SEWERAGE 4.57 WIDE (L569621) DP 225879
(EE) EASEMENT FOR SEWERAGE 6.095 WIDE (L569621) DP 225879
(FF) EASEMENT FOR SEWER 3.0 WIDE (W 329736) DP 634001
(QQ) EASEMENT FOR TRANSMISSION LINE 70 WIDE (Y228360) DP 641320
(P) BENEFITED BY EASEMENT FOR DRAINAGE 10.06 WIDE (D431274)
NINTH AVENUE
NORTHERN ROAD
THE PARADE
LAKESIDE DRIVE
JUBILEE
SSM16373
PM147114
PM147111
PM147113
RM-PM147117
SSM149691
SSM87966
CITY OF PENRITH
CITY OF BLACKTOWN
PARISH OF LONDONDERRY
PARISH OF ROOTY HILL
LOCALITY OF LLANDILO
LOCALITY OF ST MARYS
SOUTH CREEK TRAVERSE
LINKS ROAD
1 DP 1216994
2 DP 1216994
1001
1002
1003
1004
1005
1006
1007
1008
1009
SURVEYING & SPATIAL INFORMATION REGULATION 2012 : CLAUSE 35 (1) (b) AND CLAUSE 61 (2)
MARK | MGA CO-ORDINATES EASTING | NORTHING | ACCURACY CLASS | ORDER | METHOD | ORIGIN
SSM16373 | 289490.513 | 6267223.543 | B | 2 | SCIMS | SCIMS
SSM87966 | 289415.110 | 6264629.085 | C | 3 | SCIMS | SCIMS
PM147111 | 290452.028 | 6266131.844 | C | 3 | SCIMS | SCIMS
PM147113 | 292202.169 | 6266005.802 | C | 3 | SCIMS | SCIMS
PM147114 | 291034.183 | 6267142.260 | C | 3 | SCIMS | SCIMS
PM147117 | 291185.183 | 6264979.736 | C | 3 | SCIMS | SCIMS
SSM149691 | 292240.080 | 6265024.104 | C | 3 | SCIMS | SCIMS
COMBINED SEA LEVEL AND SCALE FACTOR 1.000130 ZONE 56
SOURCE: MGA CO-ORDINATES ADOPTED FROM LAND & PROPERTY INFORMATION (SCIMS) ON THE 18TH OCTOBER 2016
Surveyor : ANTHONY NICOLAAS ROOD
Date of Survey : 7-12-2016
Surveyor's Ref : C212-DP22
PLAN OF SUBDIVISION OF LOT 3 IN DP 1216994
LGA : PENRITH
Locality : LLANDILO / ST MARYS
Subdivision No : 020/17
Lengths are in metres Reduction Ratio 1 : 9000
Registered 10.5.2017
DP1215087 E
(C212-DP22-001k.dwg)
Box:e-DeX /Doc:DP 1215087 P /Rev:07-Sep-2017 /Sts:SC.OK /Prt:08-Sep-2017 00:45 /Pgs:ALL /Seq:1 of 11
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.
DESIGNATION (X) DELETED & BOUNDARY OF DESIGNATION (P) AMENDED & NOTATION (P) ADDED VIDE 2017-1167 5.9.2017


PLAN FORM 2 (A2)
DP1215087
WARNING : Creasing or folding will lead to rejection
LXML ePlan
4 of 9 Sheets
(A) EASEMENT FOR ACCESS & MAINTENANCE 0.9 WIDE
(D) BENEFITTED BY EASEMENT TO DRAIN WATER 2.5 WIDE DENOTED (G)
(X) EASEMENT FOR PADMOUNT SUBSTATION 2.75 WIDE AND VARIABLE
(Y) RESTRICTION ON THE USE OF LAND
(Z) RESTRICTION ON THE USE OF LAND
(QQ) EASEMENT FOR TRANSMISSION LINE 70 WIDE (Y228360) DP 641320
(C) EASEMENT TO DRAIN WATER 2.0 WIDE
(G) EASEMENT TO DRAIN WATER 2.5 WIDE
(E) POSITIVE COVENANT (SEE SHEET 8 FOR DIAGRAMS)
(J) EASEMENT TO DRAIN WATER 3 WIDE
(F) RIGHT OF CARRIAGEWAY 15.6 WIDE AND VARIABLE
(W1) EASEMENT FOR WATER SUPPLY PURPOSES 3 WIDE
(W2) EASEMENT FOR ACCESS AND DRAINAGE PURPOSES 15.6 WIDE AND VARIABLE
DIAGRAM 5
NOT TO SCALE
DIAGRAM 6
NOT TO SCALE
GARRISON ROAD
ASHGROVE CLOSE
LANCE STREET
SEE SHEET 6 FOR SCHEDULE OF REFERENCE MARKS PLACED AND SSM CONNECTIONS
SHEDULE OF CURVED LINES
No. Bearing Distance Arc Radius
1 299°45' 8.86 8.86 287.8
2 301°51' 6.375 6.375 287.8
3 121°36' 7.575 7.575 192.2
4 119°30' 6.515 6.515 192.2
5 332°14'40" 6.585 6.585 57.2
6 345°11'25" 11.53 11.585 34.4
7 224°44'10" 9.6 9.73 17.2
8 206°32' 3.225 3.225 107.8
9 201°39'25" 15.11 15.12 107.8
10 197°09'30" 1.81 1.81 107.8
11 223°46'45" 38.45 39.925 42.2
12 265°10'20" 20.835 21.05 42.2
13 70°02'20" 5.47 5.475 37.8
14 53°16'15" 16.515 16.65 37.8
15 34°01'15" 8.73 8.75 37.8
16 114°08'20" 3.4 3.4 22.2
17 99°36'15" 4.54 4.55 27.2
18 314°40'55" 31.375 33.44 27.2
19 354°24'15" 4.27 4.275 27.2
20 3°15'20" 4.125 4.13 27.2
21 51°12'35" 37.52 41.4 27.2
22 21°23'25" 7.73 7.745 34.4
23 4°53'20" 12.01 12.07 34.4
34 181°41'35" 41.605 43.085 47.2
35 152°14'40" 8.055 8.06 70
36 171°49'05" 34.98 35.93 45
37 119°48'05" 4.665 4.665 195
38 163°11'10" 10.545 11.69 7.5
41 228°40'10" 5.08 5.2 7
42 228°40'10" 4.565 4.67 6.285
43 202°02' 17.735 17.76 95
44 238°04'10" 72.735 79.465 55
71 219°58'40" 11.91 11.99 30
72 183°07'35" 2.765 2.85 3.365
73 183°07'35" 5.755 5.93 7
74 27°30'30" 23.6 23.605 490.2
Surveyor : ANTHONY NICOLAAS ROOD
Date of Survey : 7-12-2016
Surveyor's Ref : C212-DP22
PLAN OF SUBDIVISION OF LOT 3 IN DP 1216994
LGA : PENRITH
Locality : LLANDILO / ST MARYS
Subdivision No :
Lengths are in metres. Reduction Ratio 1 : 750
Registered
10.5.2017
DP1215087
Box:e-DeX /Doc:DP 1215087 P /Rev:07-Sep-2017 /Sts:SC.OK /Prt:08-Sep-2017 00:45 /Pgs:ALL /Seq:4 of 11
WARNING : Electronic Document Supplied by LPI NSW for Your Internal Use Only.

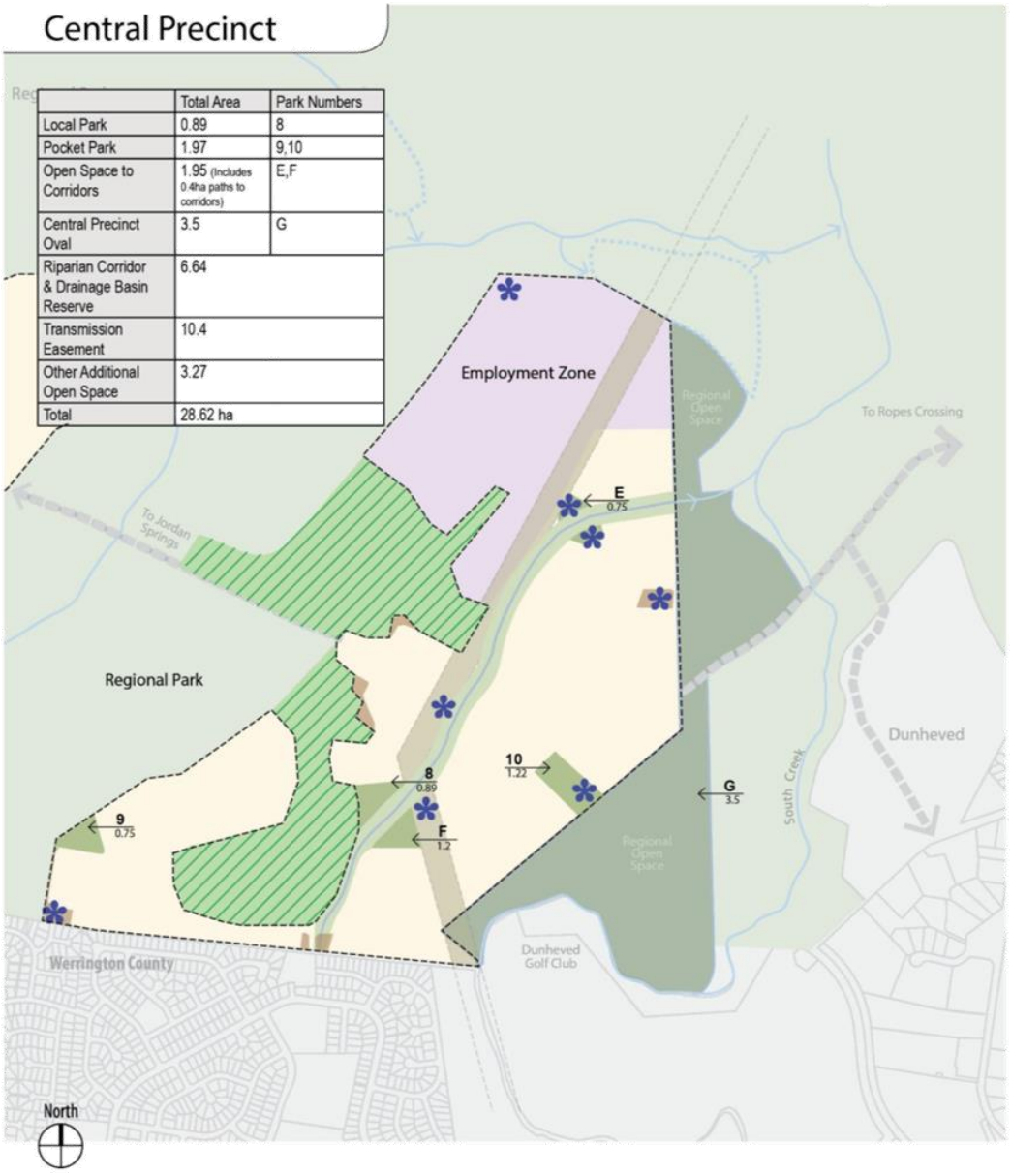



**Figure 18** – Central Precinct Open Space Network

# ST MARYS
## CENTRAL PRECINCT
## LANDSCAPE MAINTENANCE & HANDOVER PLAN (LMAH)

Updated

March 2009

| Key | Item | Possible Level of Recreation provision / Embellishment | Presentation / maintenance Level | Ongoing recurrent Maintenance task for Council | How Serviced | Frequency October - April | Frequency May - September |
|---|---|---|---|---|---|---|---|
| 1.0 | **Regional Park** | Interpretive centre<br>Walking trails<br>Bush setting picnic areas | | NA | | | |
| 2.0 | **District Facilities** | | | Subject to development agreement | | | |
| 3.0 | **Corridors** | | | | | | |
| | Corridors generally | Re-establishment of creekline<br>Facilitate bush regeneration<br>Selective regeneration<br>Pedestrian / cycle path link<br>Interpretive art / information | Natural | Rubbish removal<br>Clear GPT / other devises<br>Weed monitoring / spraying to OS edges<br>Aquatic weed management<br>Re-mulching as required<br>Ongoing revegetation as required | Day labour<br>Contract<br>Day labour & contract<br>Contract<br>Day labour & contract<br>Day labour & contract | Once per month<br>Once per month<br>Once per month<br>Once per month<br>Once per month<br>Monitor every six months | Once per 2 months<br>Once per 2 months<br>Once per 2 months<br>Once per 2 months<br>Once per 2 months<br>Monitor every six months |
| | Bushfire Protection Zone | Managed native grass and recreational grass understorey<br>Selective native tree interplanting<br>Pedestrian / cycle path links<br>Interpretive art / information<br>Limited local entries to regional park access network | Suburban | Rubbish removal<br>Weed monitoring / spraying to OS edges<br>Understorey control | Day labour & contract<br>Day labour & contract<br>Day labour & contract | Once per week<br>Once per week<br>Once per week<br>Once per week<br>Once per week<br>Monitor every six months | Once per month<br>Once per month<br>Once per month<br>Once per month<br>Once per month<br>Monitor every six months |
| | Drainage swales / WSUD measures to road corridors / open space | • Drainage structures / infrastructure<br>• Littoral planting / revegetation | Natural | Maintenance of infrastructure / cleaning<br><br>Rubbish removal | Day labour & contract<br><br>Day labour & contract | Once per 4 weeks and after major events<br>Once per 2 weeks | Once per 4 weeks and after major events<br>Once per 2 weeks |
| 4.0 | **District & Neighbourhood Parks** | | | | | | |
| | Oval | playing fields<br>tennis courts<br>basketball / netball courtsAmenities block<br>parking area<br>Playing field irrigation | Suburban | **Active Reserve**<br>Playing field grass cutting<br>Cutting of surrounds<br>Paved area weeding<br>Edging of paths and kerbs<br>Weeding of gardens<br>Litter collection<br>Dumped rubbish removal<br>Amenities block cleaning<br>Irrigation repair and maintenance | Day labour<br>Day labour & contract<br>Day labour & contract<br>Day labour & contract<br>Day labour<br>Day labour & contract<br>Day labour & contract<br>Day labour<br>Day labour | Once per week<br>Once per week<br>Once per 4 weeks<br>Once per 4 weeks<br>Once per 4 weeks<br>Once per 4 weeks<br>Before mowing<br>Twice weekly<br>Every six months | Once per 2 weeks<br>Once per 4 weeks<br>Once per 8 weeks<br>Once per 8 weeks<br>Once per 8 weeks<br>Once per 8 weeks<br>Before mowing<br>Twice weekly<br>Every six months |
| | Passive Parkland | Passive recreational grassland and supporting facilities | | **Landscaped Reserve**<br>Grass cutting<br>Cutting of surrounds<br>Paved area weeding<br>Edging of paths and kerbs<br>Gardens maintenance<br>Litter collection<br>Dumped rubbish removal<br>Playground inspections and vandalism follow up<br>BBQ inspections and cleaning | Day labour<br>Day labour<br>Day labour<br>Day labour<br>Day labour<br>Day labour<br>Day labour<br>Day labour<br>Day labour | Once per week<br>Once per 2 weeks<br>Once per 2 weeks<br>Once per 2 weeks<br>Once per 2 weeks<br>twice per week<br>Before mowing<br>Monthly<br>Weekly | Once per 2 weeks<br>Once per 2 weeks<br>Once per 2 weeks<br>Once per 2 weeks<br>Once per 2 weeks<br>twice per week<br>Before mowing |
| 5.0 | **Local Parks** | | | | | | |
| | Local Parks generally | Kick about area<br>Shaded seating area<br>Toddlers and childrens playgrounds<br>Path linkages<br>Picnic / BBQ facilities<br>Native canopy tree planting<br>Limited garden bed planting<br>Public art integrated with design<br>20 parking spaces on adjoining street frontage<br>Garden bed and grassed area irrigation | Suburban & Natural | **Landscaped Reserve**<br>Grass cutting<br>Cutting of surrounds<br>Paved area weeding<br>Edging of paths and kerbs<br>Gardens maintenance<br>Litter collection<br>Dumped rubbish removal<br>Playground inspections and vandalism follow up<br>BBQ inspections and cleaning | Day labour<br>Day labour<br>Day labour<br>Day labour<br>Day labour<br>Day labour<br>Day labour<br>Day labour<br>Day labour | Once per week<br>Once per 2 weeks<br>Once per 2 weeks<br>Once per 2 weeks<br>Once per 2 weeks<br>twice per week<br>Before mowing<br>Monthly<br>Weekly | Once per 2 weeks<br>Once per 2 weeks<br>Once per 2 weeks<br>Once per 2 weeks<br>Once per 2 weeks<br>twice per week<br>Before mowing |
| 6.0 | **Pocket Parks** | | | | | | |
| | Pocket Parks generally | Open grassed area<br>Shaded seating areas<br>Internal / street Path linkages<br>Native canopy tree planting<br>Limited garden bed planting<br>Public art integrated with design<br>Garden bed and grassed area irrigation | Suburban | **Passive Reserve**<br>Grass cutting<br>Paved area weeding<br>Edging of paths and kerbs<br>Weeding of gardens<br>Litter collection<br>Dumped rubbish removal<br>Playground inspections and vandalism follow up | Day labour<br>Day labour & contract<br>Day labour & contract<br>Day labour<br>Day labour & contract<br>Day labour & contract<br>Day labour | Once per week<br>Once per 4 weeks<br>Once per 4 weeks<br>Once per 4 weeks<br>Once per 4 weeks<br>Before mowing<br>Monthly | Once per 4 weeks<br>Once per 8 weeks<br>Once per 8 weeks<br>*Once per 8 weeks*<br>*Once per 8 weeks*<br>Before mowing |
| 7.0 | **Streetscapes / access** | | | | | | |
| | Streetscape generally | • Open grassed area<br>• Internal / street path linkages<br>• Native canopy tree planting<br>• Garden bed planting<br>• Public art integrated with design<br>• Garden bed and grassed area irrigation | Suburban | Grass cutting<br>Paved area weeding<br>Edging of paths and kerbs<br>Weeding of gardens<br>Litter collection<br>Dumped rubbish removal | Day labour<br>Day labour & contract<br>Day labour & contract<br>Day labour<br>Day labour & contract<br>Day labour & contract | Once per week<br>Once per 4 weeks<br>Once per 4 weeks<br>Once per 4 weeks<br>Once per 4 weeks<br>Before mowing | Once per 4 weeks<br>Once per 8 weeks<br>Once per 8 weeks<br>Once per 8 weeks<br>Once per 8 weeks<br>Before mowing |

*Figure 3.3 Open space maintenance requirements*

PENRITH
CITY COUNCIL

# NOTICE OF DETERMINATION

## DESCRIPTION OF DEVELOPMENT

| | |
|---|---|
| Application number: | DA16/1045 |
| Description of development: | Landscaping Works between Wianamatta Regional Park & St Marys Central Precinct (Stage 1 & 2) |
| Classification of development: | N/A |

## DETAILS OF THE LAND TO BE DEVELOPED

| | |
|---|---|
| Legal description: | Lot 1037 DP 1149525 |
| Property address: | 1208 - 1274 The Northern Road, LLANDILO NSW 2747 |

## DETAILS OF THE APPLICANT

| | |
|---|---|
| Name & Address: | Maryland Development Company Pty Ltd<br>PO Box 4<br>PARRAMATTA NSW 2124 |

## DECISION OF CONSENT AUTHORITY

In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

| | |
|---|---|
| Date from which consent operates | 6 January 2017 |
| Date the consent expires | 6 January 2019 |
| Date of this decision | 5 January 2017 |



Document Set ID: 7481172
Version: 1, Version Date: 09/01/2017

## POINT OF CONTACT

If you have any questions regarding this determination you should contact:

| | |
|---|---|
| Assessing Officer: | Donna Clarke |
| Contact telephone number: | (02) 4732 7991 |



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Version: 1, Version Date: 09/01/2017

## NOTES

**Reasons**
The conditions in the attached schedule have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 as amended.

**Conditions**
Your attention is drawn to the attached conditions of consent in attachment 1.

**Certification and advisory notes**
You should also check if this type of development requires a construction certificate in addition to this development consent.

It is recommended that you read any Advisory Note enclosed with this notice of determination.

**Review of determination**
The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by Sydney West Planning Panel.

**Appeals in the Land and Environment Court**
The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

**Designated development**
If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

**Sydney West Planning Panels**
If the application was decided by the Sydney West Planning Panel, please refer to Section 18 of the Greater Sydney Commission Act 2015 and Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.



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## ATTACHMENT 1: CONDITIONS OF CONSENT

### General

1 The development must be implemented substantially in accordance with the plans stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

| Document / Plan Reference | Prepared by | Dated |
|---|---|---|
| L01 B Location Plan / Site Plan | JMD Design | 20/9/16 |
| L02 B Context Plan | JMD Design | 20/9/16 |
| L03 B Circulation | JMD Design | 20/9/16 |
| L04 B Bush Fire APZ | JMD Design | 20/9/16 |
| L05 B Spatial Layout & View System | JMD Design | 20/9/16 |
| L06 B Stage 1 Masterplan | JMD Design | 20/9/16 |
| L07 B Stage 1 Detail Plan 01 | JMD Design | 20/9/16 |
| L08 B Stage 1 Detail Plan 02 | JMD Design | 20/9/16 |
| L09 B Stage 1 Detail Plan 03 | JMD Design | 20/9/16 |
| L10 B Stage 2 Masterplan | JMD Design | 20/9/16 |
| L11 B Stage 2 Detail Plan 01 & 02 | JMD Design | 20/9/16 |
| L12 B Stage 2 Detail Plan 03 & 04 | JMD Design | 20/9/16 |
| L13 B Furniture Materials | JMD Design | 20/9/16 |
| L14 B Planting Palette 1 | JMD Design | 20/9/16 |
| L15 B Planting Palette 2 | JMD Design | 20/9/16 |

2 This development consent relates to the Central Precinct only. No works are approved within the Wianamatta Regional Park. Any works including pedestrian/cycling tracks through the Regional Park are to form part of a separate development application submitted to Penrith City Council.

3 The species proposed for planting along the regional park interface is to be amended to include native species that are local to Western Sydney. The amended planting is to reflect the species list / amendments dated 30 December 2016 (Version 1) from National Parks and Wildlife Services or as agreed to in writing by the Office of Environment and Heritage (National Parks and Wildlife Service).

4 Despite indications for pathways or walking trails in the regional park on the stamped plans, no works are approved within the regional park as part of this consent.



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## Environmental Matters

5 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the landscaping areas have been completed for the development.**

## Engineering

6 All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.



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7 Prior to the issue of Construction Certificate, a Section 138 Roads Act application, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council where landscape embellishment works are to occur within the road reserve.

Where the landscape works are located outside the road reserve a S138 Roads Act Approval is not required and a Construction Certificate shall be approved by the Certifying Authority.

The landscape plans shall be consistent with the stamped approved concept plans prepared by JMD Design, reference L-, sheets 01 to 15 (inclusive.), revision B, dated 20/09/2016, and the landscape works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice.

The landscape works may include but are not limited to the following:

- Footpath works
- Sediment and erosion control measures
- Landscaping and embellishment works

The S138 Roads Act application and/or the Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 or visit Penrith City Council's website for more information.
Note:

a) Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

b) All works associated with the Roads Act approval must be completed prior to the handover of assets to Penrith City Council.

c) Council's Development Engineering Department can provide this service. Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

8 A Construction Certificate is to be approved by the Certifying Authority for the provision of landscape works.

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plans prepared by JMD Design, reference L-, sheets 01 to 15 (inclusive.), revision B, dated 20/09/2016, and that all landscape works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

The works may include but are not limited to the following:

- Footpath works
- Sediment and erosion control measures
- Landscaping and embellishment works



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The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

Note:

a) Council's Development Engineering Department can provide this service. Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

9 Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

10 Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

a) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to CC.

11 Works shall not commence until:

- a Construction Certificate (if required) has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement of works is to be submitted to Penrith City Council five (5) days prior to commencement of landscape works or clearing associated with the works.

12 At completion of the works and prior to handover of assets to Penrith City Council, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval have been inspected and signed off by Penrith City Council.



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13 At completion of the works and prior to handover of assets to Penrith City Council, the Principal Certifying Authority shall ensure that all landscape works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.

14 At completion of the works and prior to handover of assets to Penrith City Council, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifying Authority:

a) Works As Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The WAE drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.

b) Structural Engineer's construction certification of all structures

15 Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that grades steeper than 1:5 (vertical:horizontal) are to be vegetated and mulched.

16 Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that pedestrian barrier fencing in accordance Austroads Guidelines is provided along the top of all retaining walls. In particular pedestrian fencing shall be provided for the top of the retaining wall that adjoins the northern landscape area of stage 1 and the regional park.

17 Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that batters adjoining a roadway shall have a 0.6 metre berm from the back of kerb. The berm area shall also be mulched and planted.

18 Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the landscape embellishment works do not conflict with the stage 1 and stage 2 subdivision plans approved in DA15/0299 (stage 1) and DA15/1216 (stage 2).



Document Set ID: 7481172
Version: 1, Version Date: 09/01/2017

## Landscaping

19 All landscape works are to be constructed in accordance with the stamped approved plans, Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan, except where the species are amended to include greater native species in consultation with NPWS.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

20 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

21 The approved landscaping works are subject to a 12 month maintenance period from the date of completion of work. Council must be advised in writing within 7 days of the date of completion of all works.

## SIGNATURE

| | |
|---|---|
| Name: | Donna Clarke |
| Signature: | |

For the Development Services Manager



Document Set ID: 7481172
Version: 1, Version Date: 09/01/2017

**Jordan Springs East** Interface with Wianamatta Regional Park **Stage 1&2** Development Application

## Drawing Register

| Drawing No. | Drawing Title | Scale | Issue No. |
|---|---|---|---|
| L-01 | Location plan / site plan | NTS | B |
| L-02 | Context Plan | 1:4000 | B |
| L-03 | Circulation | 1:4000 | B |
| L-04 | Bush fire Asset Protection Zones | 1:4000 | B |
| L-05 | Spatial Layout and view system | 1:4000 | B |
| L-06 | Stage 1 Masterplan | 1:2000 | B |
| L-07 | Stage 1 Detail Plan 01 | 1:1000 / 1:200 | B |
| L-08 | Stage 1 Detail Plan 02 | 1:1000 / 1:200 | B |
| L-09 | Stage 1 Detail Plan 03 | 1:1000 / 1:200 | B |
| L-10 | Stage 2 Masterplan | 1:2000 | B |
| L-11 | Stage 2 Detail Plan 01 and 02 | 1:1000 / 1:200 | B |
| L-12 | Stage 2 Detail Plan 03 and 04 | 1:1000 / 1:200 | B |
| L-13 | Furniture and materials | N/A | B |
| L-14 | Planting palette 1 | N/A | B |
| L-15 | Planting palette 2 | N/A | B |

PENRITH CITY COUNCIL
COUNCIL GOES NOT ATTEST TO THE ACCURACY OF DETAILS IN PLANS
This plan / document relates to Development Consent: DA16/1045
Subject to the conditions outlined in the consent

## Design Statement

The scope of works concerns the interface between Jordan Springs East (JSE) and the Wianamatta Regional Park (WRP) allowing for an opportunity to create a smooth transition between the more natural Regional Park and an urban precinct at JSE.

Site analysis identified enclosed and open areas and how the two spaces interact through more or less permeable views and different levels, which define a more organic edge to the Regional Park. This abnegates the fence line merging the two spaces.

This "new" edge line responds to the site conditions emphasizing the surrounding landscape's natural forms thus creating a sense of movement throughout the edge that allows for different moments to be experienced by pedestrian and drivers. Open areas are treated to allow views to extend through the fence line into WRP, whereas enclosed areas create opportunities for feature tree planting and the use of shrubs to reinforce the character of the space.

Tree planting takes in account a variable bush fire asset protection zone exploring canopy spacing and the use of discontinuous clusters of trees and mid-storey shrubs. The proposed vegetation resorts to native plants to achieve a smooth transition to WRP, allow for higher success in the plants' establishment thus limiting the possibility of invasive species to settle.

A continuous strip of grasses and shrubs creates a generous gap between the turfed areas to prevent it from spreading into the WRP and also responds to narrow and/or steeper areas as well as the screening of elements such as electrical substations.

Considering the trails system to be included in WRP, wider pocket areas include connections to access points to the trail and vegetation is used in a sparser way to allows for users to also experience open views to JSE from a higher point. In all other access points to WRP the design keeps this approach consistent always keeping good visibility in these areas.

The proposed works also ensure a consistent transition towards contiguous areas such as Brick Kiln Park, Edge Pocket Park and Connector Road, namely through the use of a similar design approach on the interface areas with the Regional Park and planting palette.

Client lendlease | Engineer Cardno Shaping the Future

| Revisions | | | | | |
|---|---|---|---|---|---|
| Issue | Date | Description | Drawn | Check |
| A | 22.08.16 | For DA | MW | BC |
| B | 20.09.16 | For DA | MW | BC |

JMD design

190 James Street
Redfern NSW 2016
T (02) 9310 5644
info@jmddesign.com.au

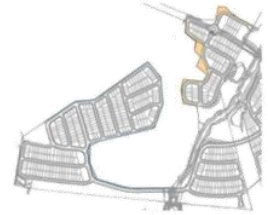
Project: Jordan Springs East
Drawing Title: Location plan / site plan
Date: September 2016
Scale: NTS
Drawing No.: L01
Issue No.: A

Document Set ID: 7360307
Version: 1, Version Date: 05/10/2016

Jordan Springs East

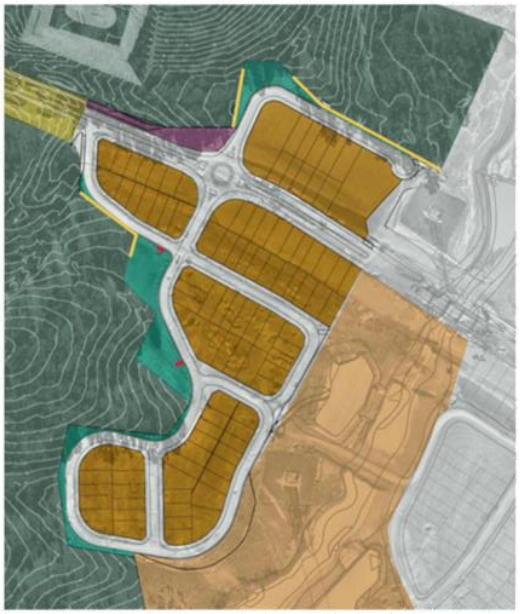
Interface with Wianamatta Regional Park
**Stage 1&2**

Context Plan



Key Plan 1:20000

Stage 1
Stage 2



- Wianamatta Regional Park (WRP)*
- Interface with WRP
- Residential lots
- Entry statement
- Brick Kiln Park & Riparian Corridor & Transgrid Easement
- Connector Road
- Edge Pocket Park
- Electrical substation
- Retaining walls - Stacked rock

* Shale Plains Woodland vegetation community:
*Vegetation communities and disturbance* - Cumberland Ecology

PENRITH CITY COUNCIL

COUNCIL DOES NOT ATTEST TO THE ACCURACY OF DETAILS IN PLANS

This plan / document relates to Development Consent: DA16/1045

Subject to the conditions outlined in the consent

Client: lendlease

Engineer: Cardno Shaping the Future

| Revisions | Date | Description | Drawn | Check |
|---|---|---|---|---|
| A | 22.08.16 | For DA | MW | BC |
| B | 20.09.16 | For DA | MW | BC |

JMD design

190 James Street
Redfern NSW 2016
T (02) 9310 5644
info@jmddesign.com.au

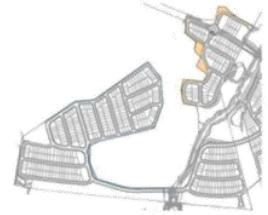
Project: Jordan Springs East
Drawing Title: Context Plan
Date: September 2016
Scale: 1:4000
Drawing No.: L02
Issue No.: A

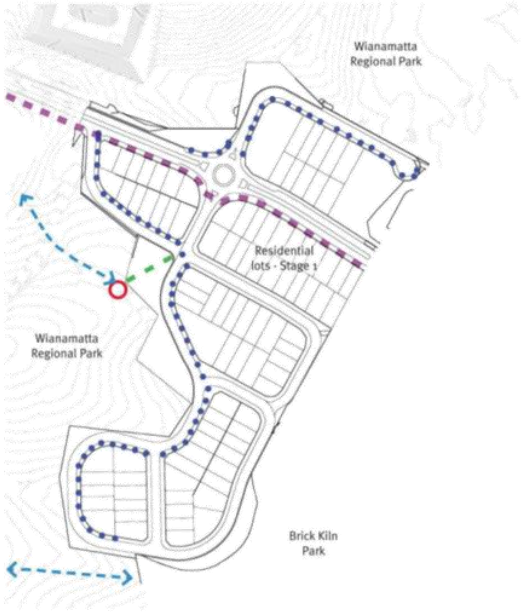
Document Set ID: 7360308
Version: 1, Version Date: 05/10/2016

Jordan Springs East

Interface with Wianamatta Regional Park
**Stage 1&2**

Circulations






Vehicular access path for NSW National Parks and Wildlife Service
Pedestrian access ways to WRP
Secondary pedestrian link 1.5m
Shared path network 2.5m
Proposed connection to WRP 1.5m
WRP Trails

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Client: lendlease
Engineer: Cardno Shaping the Future

| Revisions | Date | Description | Drawn | Check |
|---|---|---|---|---|
| Issue A | 22.08.16 | For DA | MW | BC |
| B | 20.09.16 | For DA | MW | BC |

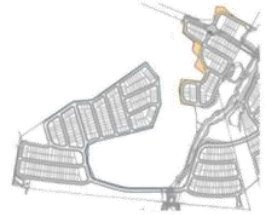
JMD design

190 James Street
Redfern NSW 2016
T (02) 9310 5644
info@jmddesign.com.au

Project: Jordan Springs East
Drawing Title: Circulations
Date: September 2016
Scale: 1:4000@A3
Drawing No.: L03
Issue No.: A

Document Set ID: 7360307
Version: 1, Version Date: 05/10/2016

**Jordan Springs East** Interface with Wianamatta Regional Park **Stage 1&2** Bush fire Asset Protection Zone (APZ)* **




Asset Protection Zone - 32m
Asset Protection Zone - 25m
Asset Protection Zone - 21m
Asset Protection Zone - 16m
Proposed connection to WRP
WRP trails

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* Taken from lend Lease Precinct Plan
** APZ's requirements for density of canopy and mid-storey shrub planting apply, namely discontinuous tree canopy, reduced mid-storey and shrub planting and planting into clumps.
Please refer NSW *Rural Fire Service Planning for bush fire protection* (2006) and *Standards for asset protection zones* (2014).

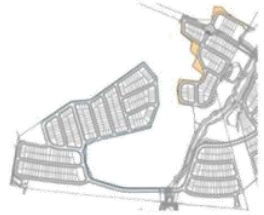
| Client | Engineer | Revisions | | | | | JMD design | | Project | Date | Drawing No. | Issue No. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| lendlease | Cardno Shaping the Future | Issue | Date | Description | Drawn | Check | | 190 James Street Redfern NSW 2016 T (02) 9310 5644 info@jmddesign.com.au | Jordan Springs East | September 2016 | L04 | A |
| | | A | 22.08.16 | For DA | MW | BC | | | Drawing Title | Scale | | |
| | | B | 20.09.16 | For DA | MW | BC | | | Bush fire Asset Protection Zone | 1:4000@A3 | | |

Document Set ID: 7360307
Version: 1, Version Date: 05/10/2016

**Jordan Springs East**

Interface with Wianamatta Regional Park
**Stage 1&2**

Spatial layout and view system




WRP - Enclosed Areas
WRP - Open areas
Proposed clusters of trees
Views to WRP - closed boundary
Views through WRP - permeable boundary
Key views through WRP
Key views to JSE
Connection to WRP
WRP trails

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This plan / document relates to Development Consent: DA16/1045
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Client: lendlease
Engineer: Cardno Shaping the Future

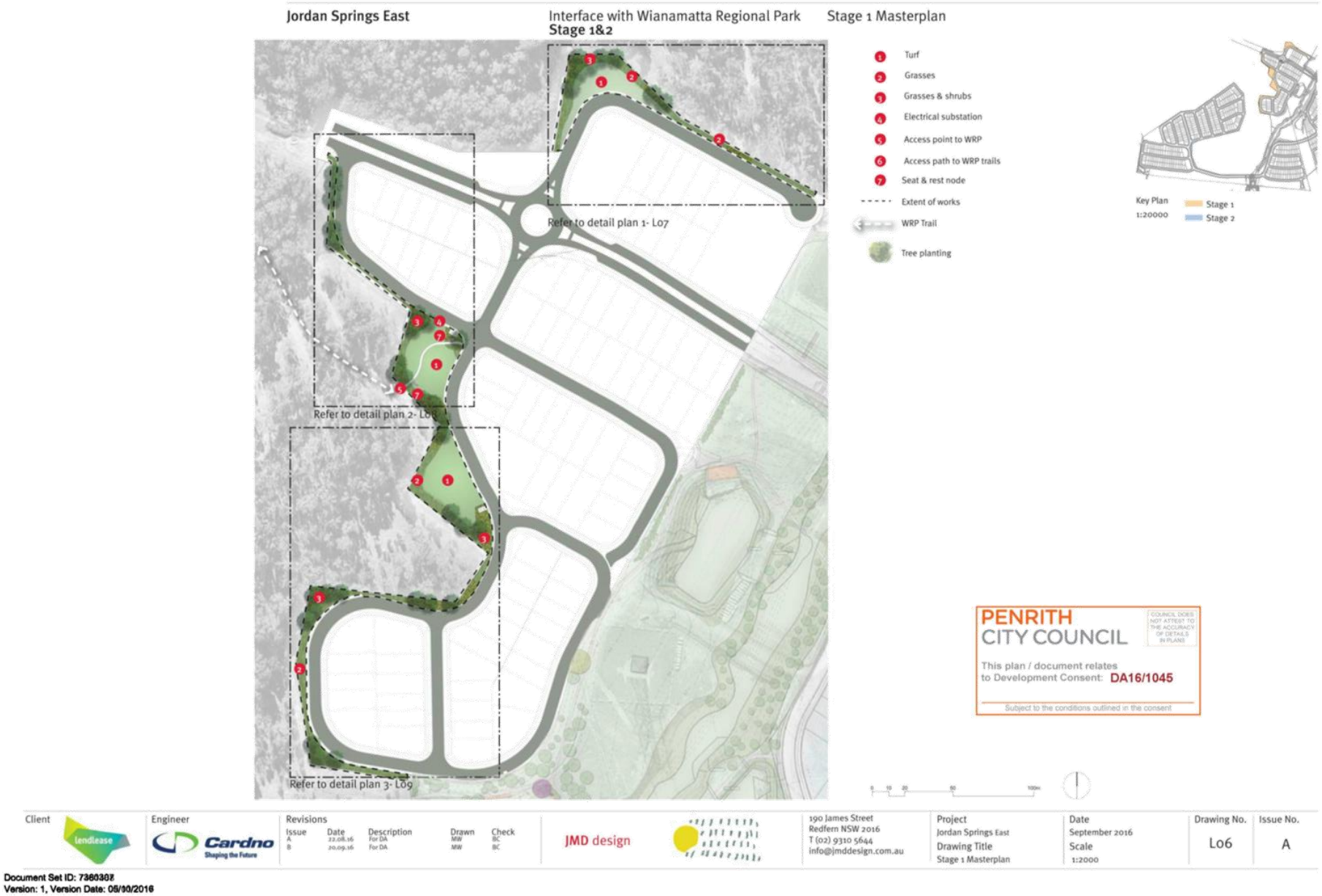
| Revisions | Date | Description | Drawn | Check |
|---|---|---|---|---|
| A | 22.08.16 | For DA | MW | BC |
| B | 20.09.16 | For DA | MW | BC |

JMD design

190 James Street
Redfern NSW 2016
T (02) 9310 5644
info@jmddesign.com.au

Project: Jordan Springs East
Drawing Title: Spatial Layout and view system
Date: September 2016
Scale: 1:4000
Drawing No.: L05
Issue No.: A

Document Set ID: 7360308
Version: 1, Version Date: 05/10/2016

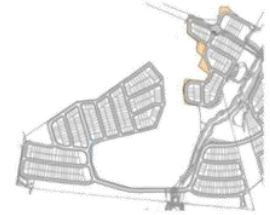



Document Set ID: 7360307
Version: 1, Version Date: 05/10/2016

Jordan Springs East

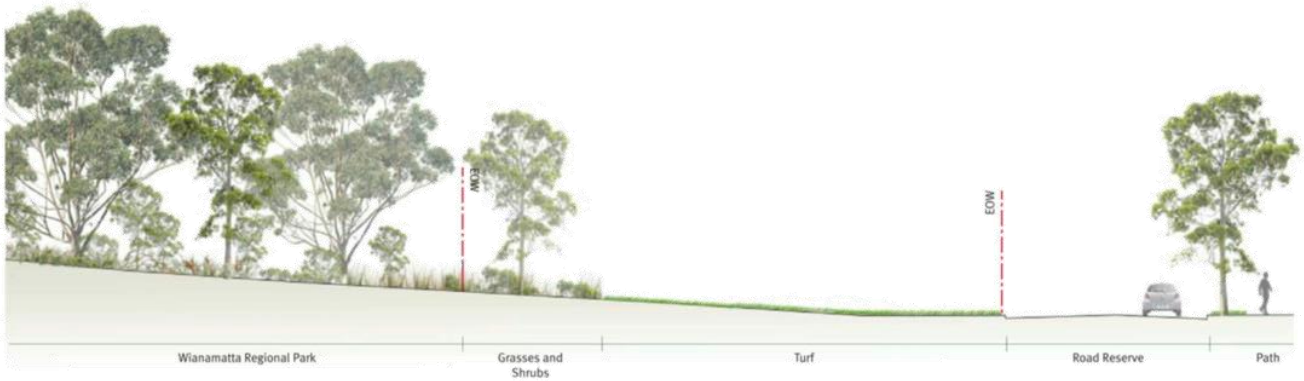
Interface with Wianamatta Regional Park Stage 1 Detail Plan 01
**Stage 1&2**

Detail plan 1
1:1000



Key Plan
1:20000
Stage 1
Stage 2

1 Turf
2 Grasses
3 Grasses & shrubs
Extent of works
Tree planting




Section A
1:200

PENRITH CITY COUNCIL
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Client lendlease
Engineer Cardno Shaping the Future

| Revisions | | | | | |
|---|---|---|---|---|---|
| Issue | Date | Description | Drawn | Check |
| A | 22.08.16 | For DA | MW | BC |
| B | 20.09.16 | For DA | MW | BC |

JMD design

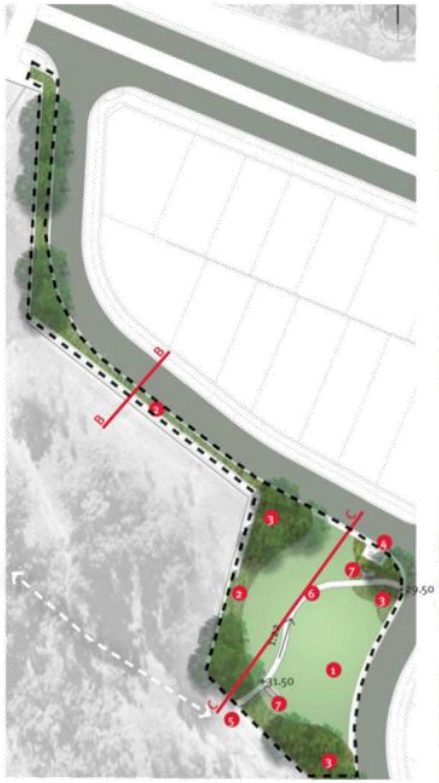
190 James Street
Redfern NSW 2016
T (02) 9310 5644
info@jmddesign.com.au

Project: Jordan Springs East
Drawing Title: Stage 1 Detail Plan 01
Date: September 2016
Scale: 1:1000 1:200
Drawing No.: L07
Issue No.: A

Document Set ID: 7360307
Version: 1, Version Date: 05/10/2016

**Jordan Springs East**

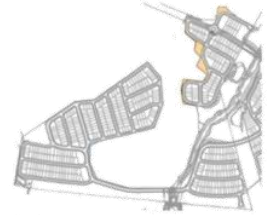
Interface with Wianamatta Regional Park Stage 1 Detail Plan 02
**Stage 1&2**




Detail plan 2
1:1000

Section B
1:200

Section C
1:200




1. Turf
2. Grasses
3. Grasses & shrubs
4. Substation
5. Access point to WRP
6. Access path to WRP trails
7. Seat & rest node

WRP Trail
Extent of works
Tree planting

PENRITH CITY COUNCIL
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This plan / document relates to Development Consent: DA16/1045
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| Client | Engineer | Revisions | | | | | JMD design | | Project | Date | Drawing No. | Issue No. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| lendlease | Cardno Shaping the Future | Issue | Date | Description | Drawn | Check | | 190 James Street Redfern NSW 2016 T (02) 9310 5644 info@jmddesign.com.au | Jordan Springs East | September 2016 | Lo8 | A |
| | | A | 22.08.16 | For DA | MW | BC | | | Drawing Title | Scale | | |
| | | B | 20.09.16 | For DA | MW | BC | | | Stage 1 Detail Plan 02 | 1:1000 1:200 | | |

Document Set ID: 7360307
Version: 1, Version Date: 05/10/2016

Jordan Springs East

Interface with Wianamatta Regional Park Stage 1 Detail Plan 03
**Stage 1&2**

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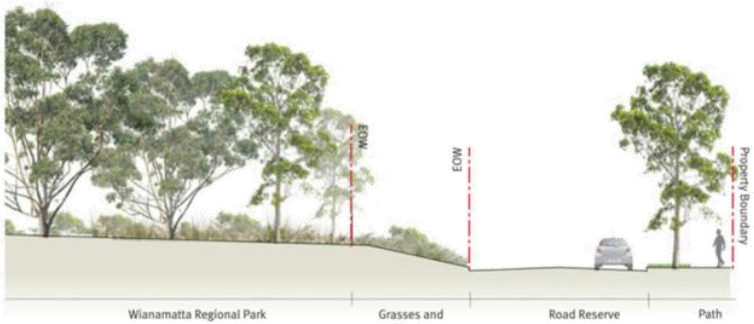
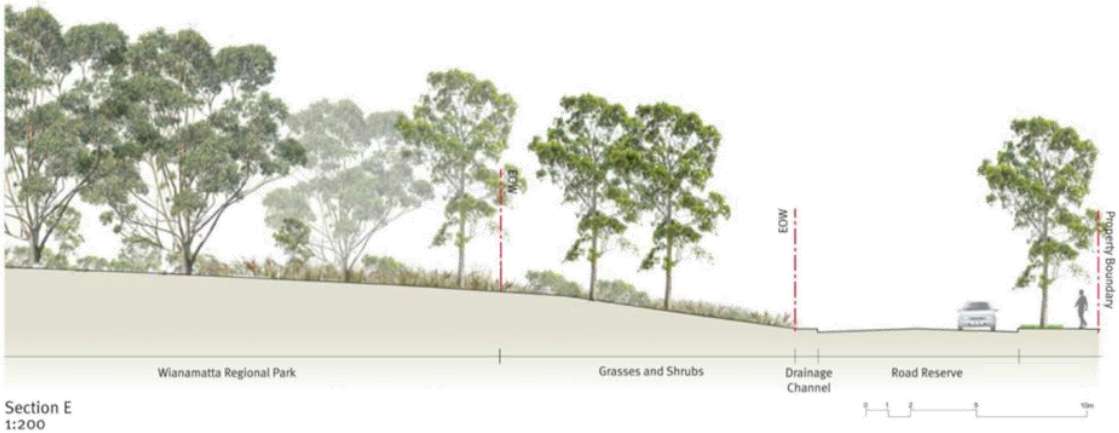
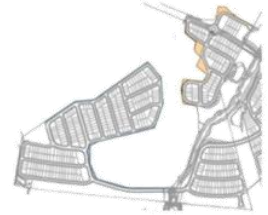
Detail plan 3
1:1000




Section D
1:200




Section E
1:200

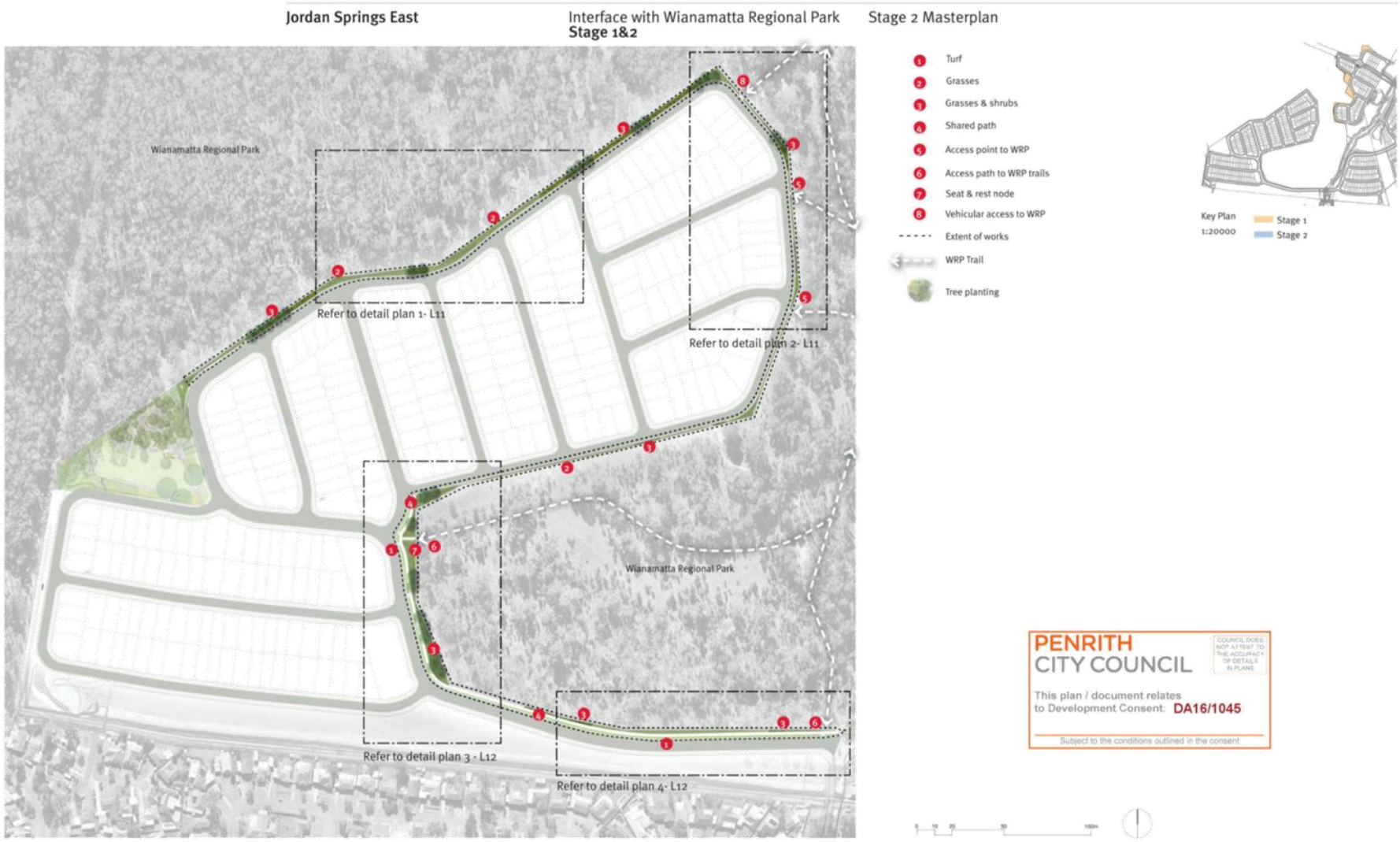


Key Plan 1:20000
Stage 1
Stage 2

1. Turf
2. Grasses
3. Grasses & shrubs
4. Substation
- - - Extent of works
Tree planting

| Client | Engineer | Revisions | | | | | JMD design | 190 James Street Redfern NSW 2016 T (02) 9310 5644 info@jmddesign.com.au | Project Jordan Springs East | Date September 2016 | Drawing No. | Issue No. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| lendlease | Cardno Shaping the Future | Issue | Date | Description | Drawn | Check | | | Drawing Title Stage 1 Detail Plan 03 | Scale 1:1000 1:200 | L09 | A |
| | | A | 22.08.16 | For DA | MW | BC | | | | | | |
| | | B | 20.09.16 | For DA | MW | BC | | | | | | |

Document Set ID: 7360307
Version: 1, Version Date: 05/10/2016

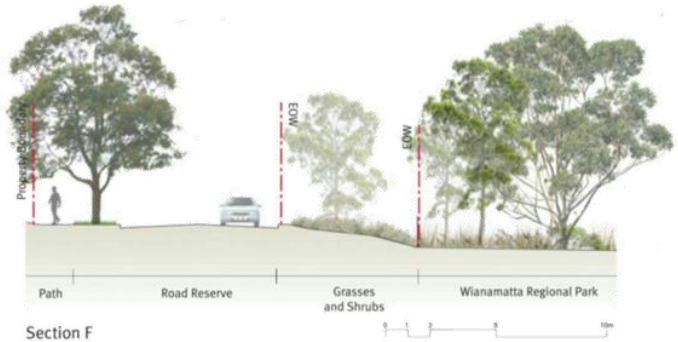



Document Set ID: 7360307
Version: 1, Version Date: 05/10/2016

**Jordan Springs East**

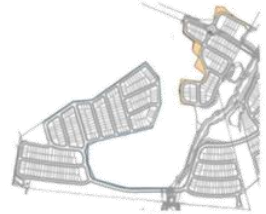
Interface with Wianamatta Regional Park Stage 2 Detail Plan 01 and 02
**Stage 1&2**

Detail plan 2
1:1000




Section F
1:200

Detail plan 1
1:100




- Grasses
- Grasses & shrubs
- Access point to WRP
- Vehicular access to WRP
- WRP Trail
- Extent of works
- Tree planting

PENRITH CITY COUNCIL
COUNCIL DOES NOT ATTEST TO THE ACCURACY OF DETAILS IN PLANS
This plan / document relates to Development Consent: DA16/1045
Subject to the conditions outlined in the consent

Client: lendlease
Engineer: Cardno Shaping the Future

| Revisions | Date | Description | Drawn | Check |
|---|---|---|---|---|
| Issue A | 22.08.16 | For DA | MW | BC |
| B | 20.09.16 | For DA | MW | BC |

JMD design

190 James Street
Redfern NSW 2016
T (02) 9310 5644
info@jmddesign.com.au

Project: Jordan Springs East
Drawing Title: Stage 2 Detail Plan 01 and 02
Date: September 2016
Scale: 1:1000 1:200
Drawing No.: L011
Issue No.: A

Document Set ID: 7360307
Version: 1, Version Date: 05/10/2016

Jordan Springs East

Interface with Wianamatta Regional Park Stage 2 Detail Plan 03 and 04
**Stage 1&2**

PENRITH CITY COUNCIL
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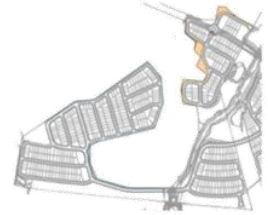
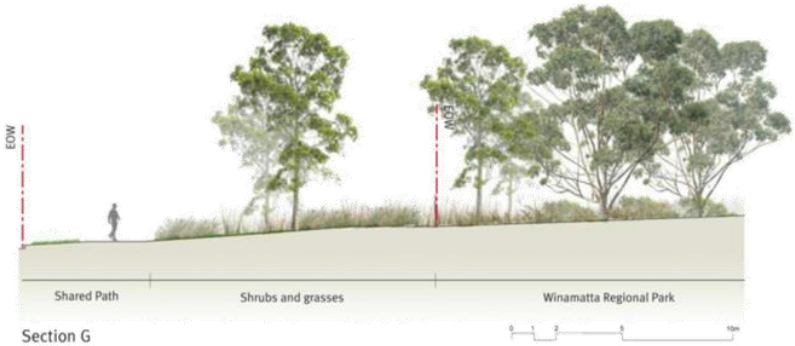
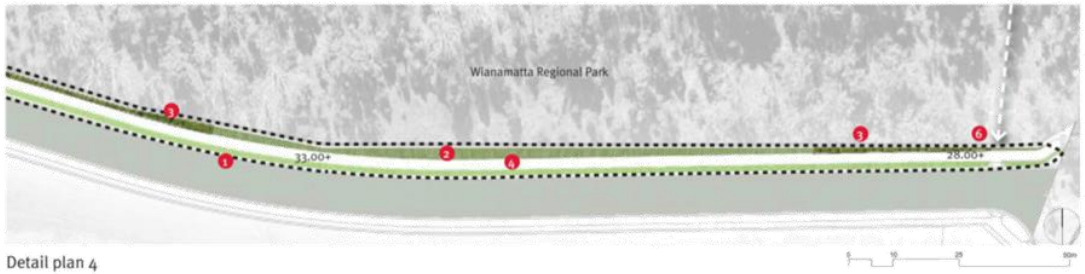


Detail plan 3
1:1000




Section G
1:200




Detail plan 4
1:1000

1 Turf
2 Grasses
3 Grasses & shrubs
4 Substation
5 Access point to WRP
6 Access path to WRP trails
7 Seat & rest node
WRP Trail
Extent of works
Tree planting

Client: lendlease
Engineer: Cardno Shaping the Future

| Revisions | Date | Description | Drawn | Check |
|---|---|---|---|---|
| Issue | | | | |
| A | 22.08.16 | For DA | MW | BC |
| B | 20.09.16 | For DA | MW | BC |

JMD design

190 James Street
Redfern NSW 2016
T (02) 9310 5644
info@jmddesign.com.au

Project: Jordan Springs East
Drawing Title: Detail Plans 03 and 04
Date: September 2016
Scale: 1:1000 1:200
Drawing No.: L012
Issue No.: A

Document Set ID: 7360307
Version: 1, Version Date: 05/10/2016

Jordan Springs East | Interface with Wianamatta Regional Park Stage 1&2 | Furniture and materials

Park Seat with back & armrests

Bench

Park Seat with Back

Broom Finished Concrete

PENRITH CITY COUNCIL
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| Client | Engineer | Revisions | | | | | JMD design | | | Project | Date | Drawing No. | Issue No. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| lendlease | Cardno Shaping the Future | Issue | Date | Description | Drawn | Check | | | 190 James Street Redfern NSW 2016 T (02) 9310 5644 info@jmddesign.com.au | Jordan Springs East Drawing Title Furniture and materials | September 2016 Scale N/A | L013 | A |
| | | A | 22.08.16 | For DA | MW | BC | | | | | | | |
| | | B | 20.09.16 | For DA | MW | BC | | | | | | | |

Document Set ID: 7360308
Version: 1, Version Date: 05/10/2016

**Jordan Springs East** Interface with Wianamatta Regional Park Planting palette 1
**Stage 1&2**

Shrubs

Crinum pendunculatum

Melaleuca 'Claret Tops'

Melaleuca 'Snowstorm'

Goodenia

Myoporum parvifolium

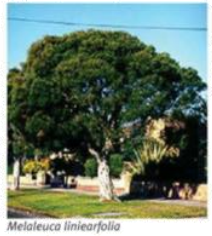
Grevillea 'Molongo'

Westringia fruticosa

Banksia marginata

Banksia robur

Melaleuca styphelioides


Melaleuca linieafolia

PENRITH CITY COUNCIL

COUNCIL DOES NOT ATTEST TO THE ACCURACY OF DETAILS IN PLANS

This plan / document relates to Development Consent: DA16/1045

Subject to the conditions outlined in the consent

Trees

Eucalyptus moluccana

Eucalyptus crebra

Angophora floribunda

Eucalyptus tereticornis

| Botanical name | Common name | Height | Pot size |
|---|---|---|---|
| **Trees:** | | | |
| *Angophora floribunda* | Rough-Barked Apple | 20m | 45-100 Litre |
| *Eucalyptus cebra* | Iron Bark | 30m | 45-100 Litre |
| *Eucalyptus fibrosa* | Red Ironbark | 30m | 45-75 Litre |
| *Eucalyptus moluccana* | Grey Box | 20m | 45-100 Litre |
| *Eucalyptus tereticornis* | Forest Red Gum | 30m | 45-100 Litre |
| *Melaleuca linariifolia* | Narrow Leaved Paperbark | 10m | 45-75 Litre |
| *Melaleuca styphelioides* | Prickly Leaved Paperbark | 8m | 45-75 Litre |
| **Shrubs:** | | | |
| *Banksia robur* | Swamp Banksia | | |
| *Banksia spinosa* | Blackthorn | | |
| *Crinum pendunculatum* | Swamp Lily | | |
| *Dodonaea triquetra* | Common Hopbush | | |
| *Goodenia ovata* | Hop Goodenia | | |
| *Goodenia 'gold cover'* | Goodenia | | |
| *Grevillea* | Grevillea | | |
| *Grevillea juniperina 'juniperina'* | Grevilla | | |
| *Grevillea molongo 'Molongo'* | Grevillea Molongo | | |
| *Hardenbergia 'Meema'* | Meema | | |
| *Hardenbergia violacea* | Bushy Blue | | |
| *Melaleuca decora* | Narrow-leaved Paperbark | | |
| *Melaleuca 'snow storm'* | Snowstorm | | |
| *Melaleuca 'claret tops'* | Honey Myrtle | | |
| *Melaleuca thymifolia* | Thyme honey-myrtle | | |
| *Melaleuca ulladulla beacon* | Honey Myrtle | | |
| *Pultenaea parviflora* | | | |
| *Wistringea fruticosa 'Zena'* | Westringia Zena | | |
| *Wistringea fruticosa 'Greybox'* | Westringia Greybox | | |

Client lendlease | Engineer Cardno Shaping the Future

| Revisions | | | | | |
|---|---|---|---|---|---|
| Issue | Date | Description | Drawn | Check |
| A | 22.08.16 | For DA | MW | BC |
| B | 20.09.16 | For DA | MW | BC |

JMD design

190 James Street
Redfern NSW 2016
T (02) 9310 5644
info@jmddesign.com.au

Project: Jordan Springs East
Drawing Title: Planting palette 1 - TCP
Date: September 2016
Scale: N/A
Drawing No.: L014
Issue No.: A

Document Set ID: 7360307
Version: 1, Version Date: 05/10/2016

**Jordan Springs East** Interface with Wianamatta Regional Park Planting palette 2
**Stage 1&2**

PENRITH CITY COUNCIL
COUNCIL DOES NOT ATTEST TO THE ACCURACY OF DETAILS IN PLANS
This plan / document relates to Development Consent: DA16/1045
Subject to the conditions outlined in the consent

*Themeda australis*

Grasses & Groundcovers

*Ficinia nodosa*

*Imperata cylindrica*

*Juncus usiatus*

*Carex appressa*

*Dianella caerula*

*Dichelanche crinita*

*Dichelanche micrantha*

| Botanical name | Common name |
|---|---|
| **Grasses, Groundcovers & Climbers:** | |
| *Anigozanthus flavidus* | Kangaroo Paw |
| *Carex appressa* | Tall Sedge |
| *Chloris ventricosa* | Tall Chloris |
| *Chrysocephalum apiculatum* | Yellow Buttons |
| *Daviesia ulicifolia* | Gorse Bitter Pea |
| *Dianella caerula* | Blue Flax |
| *Dichelanche crinita* | Longhair Plume Grass |
| *Dichelanche micrantha* | Short Hair Plume Grass |
| *Eragrotis elongata* | Long Lovegrass |
| *Hibbertia scandens* | Gold Guinea Vine |
| *Ficinia nodosa* | Knobby Club-Rush |
| *Imperata cylindrica* | Blady Grass |
| *Juncus usiatus* | Juncus |
| *Lomandra longifolia 'Katrinus'* | Spiny headed mat rush |
| *Lomandra longifolia 'Verdey'* | Spiny headed mat rush |
| *Myoproum parvifolium* | Creeping Boobialla |
| *Orthosanthus multiflorus* | Morning Iris |
| *Themeda australis* | Kangaroo Grass |

Client lendlease | Engineer Cardno Shaping the Future

| Revisions | Date | Description | Drawn | Check |
|---|---|---|---|---|
| A | 22.08.16 | For DA | MW | BC |
| B | 20.09.16 | For DA | MW | BC |

JMD design

190 James Street
Redfern NSW 2016
T (02) 9310 5644
info@jmddesign.com.au

Project: Jordan Springs East
Drawing Title: Planting palette 2 - basin
Date: September 2016
Scale: N/A
Drawing No.: L015
Issue No.: A

Document Set ID: 7360308
Version: 1, Version Date: 05/10/2016

# ATTACHMENTS

| | |
|---|---|
| Date of Meeting: | Monday 27 October 2025 |
| Report Title: | Exhibition and Public Hearing of Plans of Management |
| Attachments: | Plan of Management - General Community Use<br>Plan of Management - Sportsgrounds<br>Plan of Management - Natural Areas<br>Plan of Management - Gipps Street |

PENRITH

# PLAN of MANAGEMENT

# Community Land

## Generic Plan for Community Use

June 2024

PENRITH
CITY COUNCIL

penrithcity.nsw.gov.au

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# Key Information

Plan of Management for Community Land – General Use

Penrith City Council

xxxx date of adoption

| **Document Control:** | |
|---|---|
| Status: | Draft |
| Date of Issue: | June 2024 |
| Review Date: | June 2034 |
| Document Owner: | Director of City Services |

| **History of Approved Versions** | | |
|---|---|---|
| **Version** | **Date** | **Summary of Changes** |
| 1.0 | 1996 | Adopted Plan of Management – Community Use General |
| 2.0 | 2005 | Draft of Plan of Management for Community Land Community Uses |
| 3.0 | 2022 | Revised Draft of Plan of Management for Community Land – Generic Plan for Community Uses |

This plan of management (PoM) has been prepared by Penrith City Council and provides direction as to the use and management of council-owned community land and council-managed Crown reserves classified as 'community land' in the Penrith City Council area.

The PoM is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.

The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This PoM is a generic document covering most of the community land and open space within the Penrith local government area (LGA) categorised as General Community Use.

# Introduction

On the western side of the Cumberland plains and at the edge of the Blue Mountains lies the Penrith Local Government Area (LGA).

Penrith City is made up of areas that range from rural to urban, from nature reserves and farmland to concentrations of high density living and commercial areas. The most recent ABS Census in 2016 showed there were 196,066 people living throughout the city in 71,111 dwellings in 36 suburbs across the City's 404km$^2$.

Penrith City's population has grown by an average of 2750 people per year for the last 10 years and has gained over 45,600 people since the 1991 Census. By 2036 the forecasted population of the Penrith LGA is 258,195. In planning for the growth of the City, we must recognise the changing composition of our communities and provide the services and social infrastructure that meets their needs through different stages of life.

Penrith is experiencing a period of significant growth. The growth in our communities is both a strength we can build on and a challenge to be managed through ensuring social sustainability for all.

### Purpose of the plan of management

The *Local Government Act 1993* (LG Act) requires a Plan of Management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The *Crown Land Management Act 2016* (the CLM Act) authorises council crown land managers (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the LG Act. Therefore, all Crown land reserves, where council is appointed as crown land manager, are also required to have a PoM under the LG Act.

The purpose of this generic PoM is to:

- contribute to the council's broader strategic goals and vision as set out in the Community Plan and the Delivery Program.
- ensure compliance with the LG Act and the CLM Act.
- provide clarity in the future development, use and management of the community land
- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Community land open space, generally known as parks, reserves and sportsgrounds, is land under the care, control and management of Penrith City Council (Council). Council will manage this land to meet its vision of a sustainable and prosperous region with harmony of urban and rural qualities with a strong commitment to environmental protection and enhancement.

Community Land is a valuable resource in the Penrith LGA, playing an important role in the social, intellectual, and physical enrichment of both children and adults, and having implications for community welfare and wellbeing.

Community land is required to be used and managed in accordance with the following:

- The PoM applying to the land; and
- Any law which permits the use of land for a specific purpose, or otherwise regulates the use of the land. (This includes the *Environmental Planning and Assessment Act 1979* and planning instruments made under the Act).

A PoM should not be inconsistent with any environmental planning instrument applying to that land.

**Process for preparing a plan of management.**

Figure 1 illustrates the process undertaken by Council in preparing this PoM.

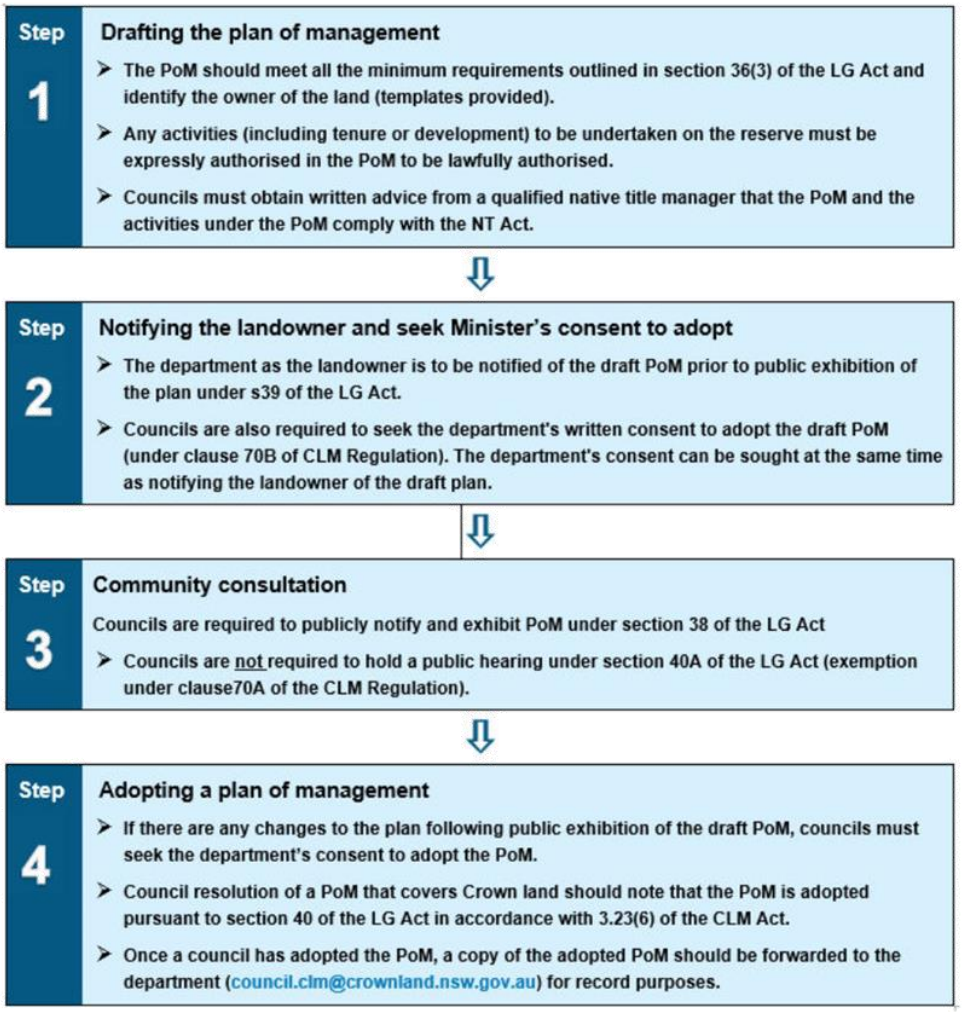


**Figure 1: process for preparing a Plan of Management for council managed Crown Reserves.**

**Change and Review of plan of management**

This PoM will require regular review to align with community values and changing community needs, and to reflect changes in council priorities. Council has determined that it will review the PoM within 10 years of its adoption. However, the performance of this PoM will be reviewed on a yearly, basis to ensure that the Reserve is being managed in accordance with the PoM, is well maintained and provides a safe environment for public enjoyment.

Council may continue to acquire or divest land for the benefit of the community. Land may also come into council's ownership by dedication of land for open space.

The community will have an opportunity to participate in reviews of this PoM.

**Community Consultation**

This PoM was placed on public exhibition from [XX/XX/XXXX to XX/XX/XXXX], in accordance with the requirements of section 38 of the *LG Act*. A total of [XX] submissions were received. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the *LG Act*, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Housing and Infrastructure – Crown Lands (DPHI – CL), as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by the Department of (DPHI – CL).

In addition, a public hearing must be held, in accordance with the requirements of Sections 40(A) and 47(G) of the LG Act if community land is intended to be either categorised or recategorised.

## Land Description

The community land that is covered by this document is listed in Appendix A. The land covered by this document is defined by real property identifiers (lots and deposited plans) and reserve numbers (for Crown land only). For more information, please go to the Council Land Register found on the Penrith City Council website:
https://www.penrithcity.nsw.gov.au/building-development/planning-zoning/public-land-register

All community lands referred to within this PoM have been categorised as General Community Use (see S.36(4) of the LG Act) and for the purpose of the plan, this category applies to all land included in Appendix A.

Some open spaces are not covered by this PoM, generally because they need site-specific plans of management to be prepared. Contact the council or refer to the council's website for information about other public land not listed in Appendix A.

**Owner of the Land**

The land includes Council-owned land and Crown land owned by the State of New South Wales which is managed by the council as Crown land manager under the CLM Act, [and other land managed by council that is community land]. The owner of the land is identified in Appendix A.

# BASIS OF MANAGEMENT

The aims and objective of this PoM are to ensure ongoing development of open space strategies and administrative policies, and to guide the management, operation, maintenance and renewal of facilities to effectively protect and conserve the reserves included within this PoM.

The LG Act prescribes clear guidelines for categorising community land as general community uses.

Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- restrictions on management of Crown land community land
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.

**Categorisation of the land**

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

All community lands referred to within this PoM have been categorised as General Community Use Park and for the purpose of the PoM, this category applies to all land included in Appendix A

**Guidelines for Community Land to be categorised as General Community Use**

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land General Use. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

Section 106 of the *Local Government (General) Regulation 2021* provides that community land should be categorised as General Community Use under Section 36(4) of the LG Act where it is shown that the land:

- may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and
- is not required to be categorised as a natural area under section 36A, 36B or 36C of the LG Act and does not satisfy the guidelines under sections 102–105 of this

*Local Government (General) Regulation 2021* for categorisation as a natural area, a sportsground, a park or an area of cultural significance.

All community land within this PoM meets the criteria listed above.

**Restrictions on management of Crown land**

Council manages the Crown reserves described in this PoM as the Crown land manager in accordance with the CLM Act. . The use of the Crown land described in this PoM must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the Commonwealth *Native Title Act 1993* (NT Act)
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim under the *Aboriginal Land Rights Act 1983* exists
- consider and not be in conflict with any interests and rights granted under the *CLM Act*
- consider any interests held on title.

Crown land is subject to native title rights and interests under the NT Act which must be considered unless:

- native title has been extinguished; or
- native title has been surrendered; or
- determined by a court to no longer exist.

Dealings in land or water that affect (impair or extinguish) native title are referred to as 'future acts' and these acts must be done in compliance with the NT Act. The NT Act specifies procedures that must be followed before future acts can be done legally.

Some examples of acts which may affect native title on Crown land or Crown reserves managed by Council include:

- the construction of new buildings and other facilities such as toilet blocks, walking tracks, tennis courts, grandstands and barbecues.
- the construction of extensions to existing buildings.
- the construction of new roads or tracks.
- installation of infrastructure such as powerlines, sewerage pipes, etc.
- the creation of an easement.
- the issue of a lease or licence.
- the undertaking of major earthworks.

On Crown land, a future act undertaken by Council, which is not covered by one of the Future Act subdivisions of the NTA will be invalid.

**Council's strategic objectives and priorities**

Penrith City Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs and can be found on Council's website.

The PoMs are integral documents that support Council's Community Plan, Delivery Program and Operational Plan with implementation aligned to Council's Resource Strategy.

# DEVELOPMENT AND USE

**Development of Community Land in the Penrith LGA**

Development activities allowed on Community Land is subject to both State and local policies. State policies prevail over local policies. The following information is correct at the time of adoption of this PoM but is subject to change.

This PoM does not remove the requirement for a development application under Part 4, or an ecological assessment under Part 5, of the Environmental Planning and Assessment Act 1979 if applicable.

**The T&I SEPP**

Relevant State Government legislation is the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, known as the T&I SEPP. Under Section 2.73 of the T&I SEPP certain development may be carried out by Council without consent in public reserves under its control. Refer to the T&I SEPP for these development types.

Under Section 2.74 of the T&I SEPP certain development is exempt development if it is carried out by Council in public reserves under its control. Refer to the T&I SEPP for these development types.

**The Penrith Local Environmental Plan (LEP) 2010**

The Penrith LEP 2010 lists development that may be carried out with or without development consent on land that falls under certain land use zones. Refer to the latest Penrith LEP for these development types or contact Penrith City Council Development Services for more information.

**Crown Land**

Some Crown land is managed by Council as the appointed crown land manager. Where this Crown land is classified as community land and categorised as general community use it is subject to this PoM and is included in Appendix A.

Council manages some other Crown land under Section 48 of the LG Act. While Council controls this land for the Crown, it is not classified as Community Land in accordance with the LG Act, it is not subject to this PoM

**Road Reserves**

Several of Council's smaller open space areas have evolved on land designated as road reserve. These areas do not have identifying lot and Deposited Plan (DP) numbers but do require the dedication of resources to maintain them.

The categorisation and inclusion of road reserves in a PoM is therefore not required under the Community Land legislation. However, as they are managed and maintained in a similar manner as similar parcels of classified Community Land, it is appropriate to include them in this PoM. Where appropriate, Council will close these roads and classify them as Community Land under the LG Act.

**Permissible uses / future uses**

Community land is valued for its important role in the social, intellectual, cultural, spiritual and physical enrichment of residents, workers, and visitors to the Penrith City Council area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities, Council intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary permanent and temporary infrastructure such as playground equipment, amenity blocks or food kiosks.

The general types of uses which may occur on community land categorised as Park, Sportsground, General Community Use and Natural Area, and the forms of development generally associated with those uses, are set out in tables in the relevant category section in this PoM.

**Guidelines and Core Objectives for General Community Use**

Land to be categorised as General Community Use is defined in Section 106 of the *Local Government (General) Regulation 2021* as land that may be made available for use for any purpose for which community land may be used, and **does not** satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as general community use, as outlined in Section 36I of the LG Act, are to:

- promote, encourage and provide for the use of the land
- provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
  - in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
  - in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

**Management Strategies**

The effective implementation of sound and effective management practices for land classified for General Community Uses within the City of Penrith is a high priority of Council.

General Community Use land provide benefits the city in term of allowing for a broad range of facilities that meet the needs for all members of the community.

This PoM establishes a framework for the management of General Community Use land in accordance with the LG Act. Council's objectives of this PoM are to:

- assist in the development of pro-active land management strategies and policies for General Community Use areas within Council's operational structure
- plan the efficient distribution of General Community Use land to meet the needs of existing and proposed communities
- establish strategies that provide for sustainable and environmentally safe management practices for General Community Use land and associated facilities
- maximise the efficient use of all existing facilities
- provide a means for the monitoring the environmental management of Council operations on the lands
- to establish a review for the PoM.

## Key issues

The key issues to be addressed by this plan relate to the efficient operation and management of land categorised as General Community Uses and their role in the community. These are:

1. Recreation/ Land Use
2. Asset Maintenance and Management
3. Environmental Management
4. Community Access and Use
5. Community Engagement
6. Safety and Risk Management
7. Landscape Character and Design
8. Animal Control

**Recreation / Land Use Planning**

The Penrith Local Government land continues to experience growth and is a City which is transforming. To accommodate this growth, it is vital that present and future communities have access to General Community Use land and that services and infrastructure meet their needs through all stages of life.

In striving for this, the actions in this PoM sets a framework for the creation of an active, safe, healthy, and vibrant City with actions. Key planning issues, current and emerging for community land suitable for general community use include:

- Capacity of spaces is often limited by poor topography, drainage issues, easements, land size, ancillary facility configuration and management practices.
- Population growth, changing demographics, and changing community needs, uses and emerging trends.
- Ensuring the quantity, quality, and distribution of community land suitable for general community use areas matches current and future population needs.
- Development of infrastructure in the City, particularly transport corridors and housing, will impact availability of land and existing sites into the future.
- Limited financial resource availability for acquisition, facility upgrades and improvements.
- Lack of available user group strategic plans and prioritised facility plans/ facility strategies

**Asset Maintenance and Management**

Much of the existing facilities located in General Community Use land is a legacy of historical provision 30+ years ago. Many facilities are not fit for purpose due to the location, design, condition or functionality of the space provided. In addition, community demand and needs have changed as has how the community use the facilities provided in General Community Use areas.

Strategic Asset Management and Asset Maintenance (both scheduled/programmed and reactive) are key operational functions of Council. The effectiveness of their implementation are critical to ensuring sustainable, safe and well maintained facilities for user groups to function effectively throughout the year and to provide the widest possible

opportunities for participation. They are also critical to Council realising its Resource Strategy in terms of financial efficiency.

Key asset management and asset maintenance issues include;

- Community/ancillary facilities are ageing in condition and there are limitations in terms of design and function, particularly in accommodating changing requirements and community needs and attracting use by all sectors of the community.

- Condition, design and fitout of assets impact and limit the usage capacity.

- Location of facilities impact asset condition, specifications for construction and Council budgets e.g., near floodways, detention basins, on steep hills etc.

- Increasing costs of renewal, maintenance and improvements to community facilities / ancillary facilities and the needs and expectations to have quality facilities, given existing and future resource availability.

- Ensuring provision of facilities in new housing release areas have architectural / artistic merit, reflecting the needs of the community, as well as considering factors such as usage, functionality and maintenance costs.

- Maintaining and implementing Strategic Asset Management Plans, and programmed/scheduled maintenance programs, including sustaining asset inspection regimes.

- Developing effective management and service delivery standards which can be regularly reviewed through customer engagement and benchmark tools.

- Responding to increased need for reactive maintenance requests such as removal of rubbish, repair vandalised facilities, equipment malfunction reported by the community and user groups.

Community facilities (eg community centres, halls, seniors centres etc) located on General Community Uses land will be managed in accordance to adopted Council policy and procedures. Users will be required to adhered to terms and conditions of use as stipulated in lease or licence agreements unless otherwise approved by Council.

**Environmental Management**

Council recognises how important it is that a balance is maintained when providing open space and preserving and maintaining the environment and other green infrastructure.

The City encompasses a network of rivers, creeks and waterways which are an important ecological, hydrological, recreational, and cultural resource.

In terms of biodiversity, Penrith has a diverse range of native species and vegetation communities, Bushland and remnant vegetation is important to provide habitat for native species, help cool the environment and support clearer waterways and air. It contributes to the City's identity and is irreplaceable.

Many General Community Use land lack substantial planting of trees and other vegetation. Therefore existing remnants of native vegetation adjacent to/ within General Community Use areas are often threatened by current management practices such as fire protection, weed invasion and isolation from other natural areas.

Climatically, the City is getting hotter and weather events are becoming more extreme. Council has developed the 'Cooling the City Strategy' which has a range of actions to increase green infrastructure, Water Sensitive Urban Design (WSUD), policy development and ongoing engagement across the City.

Key issues in relation to environmental management include:

- Developing innovative ways to maintain and develop new management practices to balance access and risk and more extreme climatic conditions, whether that is; new irrigation, water harvesting, rain water tanks, solar technology, reviewing mowing regimes, increasing shade cover, increasing tree canopies and the like.

- Improving, planning for, and creating and designing facilities that support environmental sustainability and recognise the environmental value of the site, as well as strategies such as Cooling the City.

- Improving the liveability of the City and protection of the natural environment through the presentation, maintenance, and operation of General Community Use Land in an environmentally sustainable manner.

- User groups operations need to consider the environmental sensitivity of the adjoining area.

**Community Access and Use**

The provision of General Community Uses land across Penrith is both extensive and diverse. As the demographic structure of the City changes, so will the demands of our community and we must manage General Community Use land and adapt to ensure long-term relevance and sustainability.

Access to General Community Use land, where provided, will be safe for general purpose use.

The PoM recognises Council's intentions to manage General Community Use land and associated facilities by:

- Being responsive to the changing uses of the community.

- Taking a consistent approach to the overall management (including lease agreements), functionality and maintenance of facilities within the limitations of allocated budgets and environmental conditions.

- Providing the physical infrastructure and services that provide appropriate and inclusive, sustain usage demand, are fit for purpose and, which ensure the safest possible environment for public use.

- Establishing funding mechanisms to improve opportunities for access and infrastructure improvements, including recognising the need for a contribution system from user groups.

- Working with facility management groups to ensure that they are provided with support to enable good governance, sustainable operations and facility planning and development.

Council will ensure that General Community Use land has definable boundaries to discourage the land being used by unauthorised vehicles that could potentially causing damage to the land.

In instances where the land is temporarily being used for residential purposes, then public access to the property will be prohibited.

Access to the land for purposes of agistment of animals and/or livestock, will be considered where appropriate and authorised by way of a temporary licence agreement with Council.

Generally, car-parking areas should not occupy valuable community land but be positioned to minimise the impact on the area or facilities they serve and the safety of visitors.

Parking on any Council land, apart from in designated parking areas, is not permitted without prior authorisation from Council. Council may, where appropriate, approve parking on grassed areas or other non-designated car parking areas for approved activities (eg maintenance vehicles and vehicles involved in the delivery of goods for an event where permitted.) Emergency vehicles are exempt from this clause.

**Community engagement**

Good neighbour relations are important in the management of General Community Use land and associated facilities. In addition, neighbours and community make valuable contributions to the planning and management process of General Community Use land facilities as well as informing Council of any ongoing issues.

Noise, anti-social behaviour, and vandalism effect those who use the facilities provided in general community use land and neighbouring properties.

Council is committed to establishing and maintaining good relationships with adjoining landowners and occupiers, and general community land users, as well as promoting a culture of respect and accountability between all stakeholders.

Successful relationships will be established through implementing actions to address key issues, including;

- Maintaining sufficient Council resources to manage and administer user group and community relationships and ensure active and regular engagement .
- Managing the expectations of community groups and users of general community uses land where appropriate.
- Creating the opportunity for community consultation to be undertaken in the preparation of design of general community use land and associated facilities.
- Monitoring car parking associated with general community use land to ensure adequate facilities and reduce possible conflict with surrounding residents.
- Managing the use of facilities located on general community use land through contemporary licence agreements, terms and conditions of hire, and providing support to user groups and volunteer management groups where applicable.

**Safety and Risk Management**

Public safety is of the utmost importance in the management and maintenance of general community use land and associated facilities. Council will actively identify, monitor and manage public risk through progressive and responsive mechanisms. Community involvement in the recognition and remediation of public risk will be encouraged.

Council has a statutory responsibility to provide facilities that meet relevant Australian Standards and is obliged under common law to take appropriate steps to protect people from reasonably foreseeable risk or harm in the use of public spaces and public assets.

The key issues in terms of safety and risk management which are addressed by the actions in this PoM are:

- Planning and design of general community uses land, and associated infrastructure provision, to assist in reducing opportunities for vandalism and anti-social behaviour to occur.

- Ensuring that general community uses land have definable boundaries, including the provision of fences (or similar) and gates where applicable to discourage non-authorised access to the land, or a conflict of use.

- Ensuring that general community uses land and associated facilities/infrastructure are planned and provided in a safe configuration and meet the required legislation and regulations.

- The management of alcohol consumption.

- Maintenance and repair schedules being implemented which ensure that facilities are safe to use and fit for purpose.

- Responding to vandalism (e.g. grafitti, vehicular damage, broken glass, burning bins/cricket wickets and other infrastructure)

- Managing user groups to ensure that their administration and operations promote the safe use of community open space.

- Addressing inconsistencies in signage and information in terms of visibility and information provided.

**Landscape Character and Design**

Landscape designs of General Community Use areas need to be sympathetic to the existing setting, its landscape values or the unique character and features of each site. The inherent landscape features need to be retained, and where possible enhanced, when developing General Community Use areas. Areas of focus are;

- Finance is not often available to undertake landscaping designs and maintenance for all General Community Use areas.
- The entrances and landscaping of General Community Use areas is often poor.
- Flooding is a constraint to the design and use of some General Community Use areas.
- Consideration of Safer by Design principles should be incorporated into new designs for facilities to improve safety of users and staff and reduce the incidence of crime.

**Animal Control**

In the interest of public safety and health, implement management strategies to effectively manage native fauna, domestic stock and feral animals.

Dog usage of public land shall be undertaken in accordance with the Council's Dog Management Strategies.

Under the requirements of section 14 of the Companion Animals Act dogs are always prohibited (whether on or off leash) in the following places:

- Within 10 metres of children's playground equipment
- Food preparation areas such as public barbeques and kiosks
- Active recreation areas such as sports fields, ovals and courts (if declared by Council under resolution)
- Public bathing areas such as public swimming pools

Special approval is required from Council to bring domestic animals onto general community uses land and/or into associated facilities (eg petting farm). These requests must be submitted through the booking application process and documented in the licence agreement. Strict conditions of hire will apply.

**Permissible uses / future uses**

Community land is valued for its important role in the social, intellectual, cultural, spiritual and physical enrichment of residents, workers, and visitors to the Penrith City Council area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Penrith City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Penrith City Council intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks, food kiosks or permanent storage facilities.

The general types of uses which may occur on community land categorised as General Community Use and the forms of development generally associated with those uses, are set out in Table 1. below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide. The terminology used is not intended to impose an exact meaning.

**Table 1. Permissible use and development of community land categorised as General Community Use by Council**

| Purpose/Use, such as… | Development to facilitate uses, such as… |
|---|---|
| Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes. | Development for the purposes of social, community, cultural and recreational activities, such as libraries, childcare centres, community centres, youth services, aged services, men's sheds, health services, active / passive leisure and recreation facilities. |
| Providing multi-purpose buildings or facilities (for example, community halls and centres) with a variety of community uses such as:<br>• casual or informal recreation<br>• meetings (including for social/support, recreational, educational or cultural purposes)<br>• functions (private or business)<br>• concerts, including all musical genres<br>• performances (including film and stage)<br>• exhibitions<br>• fairs and parades<br>• workshops<br>• Kiosk, café and restaurant purposes.<br>• leisure or training classes<br>• child care (for example, before and after school care, vacation care) | Development includes:<br>• provision of buildings or other amenity areas to facilitate use and enjoyment by the community<br>• development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage, meeting rooms and halls)<br>• Development for the purpose of a kiosk, café or restaurant.<br>• landscaping and finishes, improving access, amenity and the visual character of the general community area<br>• Outdoor play equipment, shade structures, awnings etc |

| Purpose/Use, such as… | Development to facilitate uses, such as… |
|---|---|
| • designated group use (e.g. scout and girl guide use)<br>• educational centres, including libraries, information and resource centres<br>• entertainment facilities<br>• active cemeteries<br>• caravan parks and camping grounds. | • Ancillary areas (staff rooms, equipment storage, garden sheds etc)<br>• water-saving initiatives such as rain gardens, rain water tanks<br>• energy-saving initiatives such as solar lights and solar panels<br>• car parking and loading areas<br>• advertising structures and signage (such as A-frames and banners) that:<br>  ○ relate to approved uses/activities<br>  ○ are discreet and temporary<br>  ○ are approved by the council<br>• locational, directional and regulatory signage.<br>• Heritage and cultural interpretation, e.g. signs, art installations<br>• Compatible, small scale commercial uses, e.g. computer classes, education tuition |

**Express authorisation of leases, licences and other estates - General Community Use**

Council may resolve to enter into contracts and lease/licence agreements with relevant authorities, organisations, individuals, or companies in relation to the provision of services or utilities in accordance with the objectives of this Plan and legislative requirements.

This PoM **expressly authorises** the issue of leases, licences and other estates over the land categorised as General Community Use, provided that:

- the purpose is consistent with the purpose for which is was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the LG Act or the *Local Government (General) Regulation 2021*
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated or allowed by the provisions of the *Native Title Act 1993* (Cth)
- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the *Local Government (General) Regulation 2021*
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.
- the issue of short term licences pursuant to Section 2.20 of the *Cown Land Management Act 2016*.

A tenure or hire agreement on Crown land may impact native title rights and interests. Any use agreement issued on Crown land must be issued in accordance with the future act provisions of the *Native Title Act 1993* and in accordance with Part 8 of the CLM Act unless native title is extinguished. For Crown land which is not *excluded land* this will require written advice from one of Council's native title managers that it complies with any applicable provisions of the native title legislation.

Table 2. further identifies the purposes for which leases and licences may be issued over the reserves identified in this PoM.

**Table 2. Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use**

| Type of tenure t | Maximum term | Purpose for which tenure may be granted |
|---|---|---|
| Lease | 30 years | • child care or vacation care<br>• health or medical practitioners associated with the relevant facility (for example, nutrition, physiotherapy)<br>• educational purposes, including libraries, education classes, workshops<br>• cultural purposes, including concerts, dramatic productions and galleries<br>• recreational purposes, including fitness classes, dance classes, sports development, games<br>• kiosk, café and refreshment purposes<br>• commercial retail uses auxiliary to community uses eg private gym operator<br>• caravan parks and camping grounds<br>• provision of community services<br>• management of facilities<br>• existing encroachments |
| Licence | 30 years | • use, management and operation of facilities<br>• Social/support purposes (including child care, vacation care)<br>• educational purposes, including libraries, education classes, workshops<br>• recreational purposes, including fitness classes, dance classes<br>• health or medical practitioners associated with the relevant facility (for example, nutrition, physiotherapy)<br>• cultural purposes, including concerts, dramatic productions and galleries<br>• café/kiosk areas<br>• small business operators<br>• sale of goods or services that are ancillary to community land use and reserve purpose, for example flower sales at cemetery<br>• provision of community services including charities<br>• existing encroachments |
| Licence (e.g. seasonal licence) | Short-term<br>Up to 5 years | • public speeches, meetings, seminars and presentations, including educational programs<br>• functions (including commemorative functions, book launches, film releases, balls, and similar activities)<br>• displays, exhibitions, fairs, fashion parades and shows<br>• events (including weddings, corporate functions, and community gatherings, private celebrations)<br>• concerts and other performances, including both live performances and film (cinema and TV)<br>• broadcasts associated with any event, concert, or public speech<br>• engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities<br>• community and cultural activities, social services and private hire |

| Type of tenure t | Maximum term | Purpose for which tenure may be granted |
|---|---|---|
| Short-term under S2.20 under CLM Act | 1-year | • access through a reserve,<br>• advertising,<br>• camping using a tent, caravan or otherwise,<br>• catering,<br>• community, training or education,<br>• emergency occupation,<br>• entertainment,<br>• environmental protection, conservation or restoration or environmental studies,<br>• equestrian events,<br>• exhibitions,<br>• filming (as defined in the LG Act),<br>• functions,<br>• hiring of equipment,<br>• holiday accommodation,<br>• markets,<br>• meetings,<br>• sales,<br>• shows,<br>• site investigations,<br>• sporting and organised recreational activities,<br>• stabling of horses,<br>• storage. |
| Other estates | | This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and public authorities and works associated with or ancillary to public utilities and public authorities and provision of services, or connections for premises adjoining the community land to a facility of the council, public utility or public authority provider on the community land in accordance with the LG Act. |

This PoM expressly authorises the lease, licence or grant of any other estate over the land specified in Appendix A, and any buildings located on the land specified, for community purposes as determined by Council, for a term not exceeding thirty (30) years. For leases and licences exceeding twenty one (21) years the provisions of section 47 of the LG Act must be applied.

Leases may be granted for exclusive use to any organisation or individuals for any community purpose as determined by Council, on such terms as Council may provide. The purposes must be consistent with the core objectives of land categorised as "General Community Use" as outlined in the *Local Government (General) Regulation 2021*, and other applicable legislative requirements.

Penrith City Council seeks public tenders for entering into a contract for the provision of services to the council under Section 55(f) of the LG Act. Section 46A of the LG Act requires Council to follow a tender process for leases, licences and other estates of community land over 5 years, unless the use agreement is to be granted to a non-profit organisation.

Where a Council has entered into a lease of community land, this PoM authorises Council to consent to a sub-lease of the community land provided such sub-lease is in accordance with the requirements of Section 47C (1)(a) of the LG Act. Where Council has entered into a lease of community land, this PoM authorises Council to consent to a sub-lease of the community land by a sporting club if the sub-lease is for a purpose set out in section 119 of the *Local Government (General) Regulation 2021*.

Licences for a short-term allow multiple and non-exclusive use of an area over a shorter period. A licence may be required where intermittent or short-term use or control of all or part of the community land is proposed. A number of licences for different users can apply to the same area at the same time, provided there is no conflict of interest or would result in the capacity of the facility being exceeded.

Licenses for short-term use or occupation of community facilities in Penrith for a range of purposes may be granted where they are consistent with the reserve purpose and the LG Act.

All short-term use and occupation licence agreements are subject to Council's standard conditions for hire, approval processes, and booking fees. Fees will be in accordance with the fees and charges as published in Penrith City Council's annual Operating Plan and Budget.

Commercial recreation use of general community use for community benefit is permitted by this PoM, providing that this is compatible with carrying capacity of the park and meets the requirements of the legislation, community and Council. Leases, licences and other estates, that achieve public benefit, for commercial recreation are expressly authorised by this PoM

This PoM authorises the current lease and licence agreements until the end of their current terms. Prior to the expiry date, each lease or licence agreement will be reviewed, and renewed if appropriate.

**Appendix C** provides a table of current lease, licence and other occupation agreements on Crown land for which Council is Crown land manager.

Below are further details on authorised activities on land categorised as General Community Use;

**Access for Building Purposes**

Access across community land shall be authorised by this PoM provided that;

- The applicant must comply with Council's application process for a permit
- the access is of a temporary nature
- the works requiring the access is associated with an adjoining property
- a bond in respect of potential damage is held by Council
- Council is in receipt of proof of suitable insurances where requested
- Associated fees (eg hire fees) are paid to Council

**Agistment of Livestock General**

Community Use land by its nature may be suitable for the agistment of livestock or the rental of housing existing on the land at time of purchase. In these instances, it may be appropriate to license the rental activity for the period the land is not required for public recreational purposes. These arrangements shall be authorised by this PoM.

The license shall be for a period not exceeding 5 years and is not subject to public exhibition.

**Animal Training Clubs**

This PoM authorises the granting of a lease or licence to clubs that conduct animal training and other activities. The applicant must comply with Council's application process and hire agreement.

**Casual Hire**

This PoM authorises the granting of a lease or licence for the purpose of casual hiring in general community use areas, provided that the applicant complies with Council's application process and hire agreement.

**Circus**

This PoM authorises the granting of a lease or licence for circus activities and shows to be held in general community use areas, where appropriate, provided that the applicant complies with legislative requirements, Council's application process and hire agreement.

**Community Buildings**

This PoM authorises the granting of a lease or licence of halls and other buildings for community use purposes. The applicant must comply with legislative requirements, Council's application process and hire agreement.

**Community Gardens**

This PoM authorises the development and management of gardens for community use. These gardens may be leased or licensed to community groups to manage if membership of these groups is open to the general community. Applicants must follow Councils Community Gardens Policy, Procedure and Guidelines.

**Easements**

The purpose of the easement must fall within a category identified in s46(1) of the LG Act.

In all cases, the applicant is to be responsible for all costs incurred by Council in the creation of the easement. The process within section 47 of the LG Act must be followed when considering imposing and easement on community land.

The granting of easements over Crown land will be subject to the provisions of the *Native Title Act 1993* and Section 8.7 of the CLM Act.

**Encroachment on Public Land**

In instances where there is an encroachment upon public land (not including Crown land) by a permanent structure, and the structure does not significantly interfere with the functioning of the reserve, Council may consider a lease or licence agreement with the adjoining property owner and recoup a fee as part of that agreement. This lease or licence will be required to be advertised and may not be granted for more than twenty-one years.

On Crown land, Council may utilise Section 2.19 or Section 2.20 of the CLM Act to address encroachments if the tenure is expressly authorised within a Plan of Management.

**Festival, Events, Markets, Ceremonies, Public Address**

This PoM authorises the granting of a lease or licence for the purpose of festivals, events, markets, outdoor theatre, ceremonies and public address to be held in general community use areas. Such leases or licences will provide for the temporary erection of food stalls, stages, seating, and amusement rides, etc. The applicant must comply with all legislative requirements and Council's policies, application process and hire agreement conditions.

**Filming**

This PoM authorises the granting of a lease or licence for the purpose of commercial photographic sessions and filming. The applicant must comply with Council's application process and agreement conditions.

**Helicopters, Hot Air Balloons and Parachute Jumpers**

This PoM authorises the granting of a lease or licence for the purpose of helicopter landing and take-off, provided all other approvals such as use of restricted air space have been granted by the relevant authority. Such a lease or licence may require the temporary erection of exclusion fencing or any other measure required to ensure public safety. The applicant must comply with Council's application process and any conditions imposed on them.

**Memorials**

This PoM authorises the approval for Memorial Park Furniture and Trees as per Council's Policy. The applicant must comply with Council's application process and policy requirements.

**Personal Trainers**

This PoM authorises the granting of a permit for commercial fitness training operations in designated public open space for commercial training activities on a non-exclusive basis.

Applicants must follow relevant Council's policy, guidelines, application process and hire agreement conditions.

**Public Art**

This PoM authorises the granting of a lease or licence for public art installations. The applicant must comply with Council's application process and conditions.

**Restaurants, kiosks and mobile food vendors**

This PoM authorises the granting of a lease or licence or other estate for the purpose of trading such as a kiosk, restaurant or mobile food vendor. The applicant must comply with all regulatory obligations, including the *Food Act 2003* and s68 of the LG Act, Council's application process, agreed contracts and policies.

**Roads**

This PoM authorises the granting of a lease, license or other estate for the purpose of the provision of public access, where the provision of that road is consistent with the core objectives stated herein and where the road is necessary for the enjoyment of that land.

This PoM authorises the granting of a licence for the use of an existing access or fire trail to:

- transport building materials and equipment required in relation to building work that is to be, or is being carried out on land adjoining the community land; or
- to remove waste that is consequential on such work.

Where currently unavailable, access may be permitted (and licensed accordingly) to adjoining land for the above purpose provided no damage to the park is expected. The applicant must comply with Council's application process and permit conditions.

It is a requirement that any Crown land used for the purpose of a public road will need to be acquired by Council.

If a public road is required on Council owned land Council will open the road under the *Roads Act 1993*.

**Signage**

This PoM authorises the erection of signage that includes but is not exclusively regulatory, interpretive, and directional signage within Community Land. The applicant must comply with Council's application process and conditions.

Requests for Signage on a Council building that is not directional signage requires Council approval and must comply with any local or state legislation.

Signage within a park not located on a Building requires review by Council's Asset Team to ensure its compliance with the DCP and any other conditions.

**Storage sheds**

This PoM authorises the granting of a lease or licence for the storage of equipment used by community groups / non-profit organisations where that equipment is regularly used at that locality. The applicant must comply with Council's application process and conditions.

**Street Performers**

This PoM authorises the granting of a licence for the playing of a musical instrument, performance, or singing, for fee or reward. Applicants must follow Council's Street Performer Permit application process to obtain a valid permit and comply with Council's Street Performers Policy.

**Telecommunications**

This PoM authorises the granting of a lease or licence for the development of telecommunication towers on community land. The applicant must comply with Council's application process and conditions. The siting of the Telecommunications Tower must not impact the operations of the user groups or future infrastructure provision at the facility.

Council is unable to issue telecommunication licences on Crown land, all telecommunications licences are to be issued by DPHI - CL.

**Temporary Structures**

This PoM authorises the granting of a lease or licence to organisations to install temporary structures for the purpose of community activities. The applicant must comply with all legislative requirements and Council's policies.

**Other Permitted Activities**

In addition to the uses requiring a lease or licence, this PoM authorises the following uses, to be leased or licensed as appropriate:

**Dogs Off Leash**

This PoM authorises the erection of enclosures, where appropriate, for the purpose of Dog off Leash areas.

**Drones and Model Aeroplanes**

Council authorises the use of drones and model aircraft at approved sites and in compliance with Civil Aviation Safety Regulations Part 101 and CASA's Remotely Piloted Aircraft Systems – licensing and operations Advisory Circular.

**Fireworks, Distress Signal or Model Rocket Propellant**

Council cannot issue a license or lease for the use of fireworks, distress signals or a model rocket propellant on Council Land, as stipulated by SafeWork NSW Guidelines. However, Council may object or impose conditions on an applicant who notifies Council of their intention to use of fireworks, distress signals or a model rocket propellant on Council Land.

An applicant must hold a pyrotechnician or fireworks (single use) license issued by SafeWork NSW by way of the *Explosives Regulation 2013*, before notifying Council Rangers of the intent to use fireworks, distress signals or a model rocket propellant on Council Land. After an assessment Council may object or impose conditions on the applicant.

**Flags**

This PoM authorises the installations of flag poles and flags. The applicant must comply with Council's application process and conditions in addition to relevant federal government protocol (refer to The Australian Government national flag protocols).

**Irrigation**

This PoM authorises the installation of irrigation pipes underground, to irrigate parks. This includes the use of recycled water.

Applicants need to apply for a 'water supply work' approval through Water NSW. This approval authorises its holder to construct and use a specified water supply work at a specified location. Approvals cannot be traded to another property or location. Each approval includes conditions to minimise adverse impacts.

**Stormwater**

This PoM authorises the construction of relevant structures for the purposes of stormwater treatment and or retention as prescribed in s28 of the *Local Government (General) Regulation 2021*.

This plan authorises the continued use of drains, channels and easements and creation of new drains, channels, and easements.

**Structures**

This PoM authorises the building or use of the following structures:

- Walkways
- Pathways
- Work Sheds or Storage required in connection with the maintenance of the land
- Temporary work Sheds or Storage required in connection with the maintenance of adjoining land by public authorities
- Toilets or rest rooms
- BBQ facilities
- Fencing
- Lighting of facilities
- Removal, relocation, or construction of buildings for community use.
- Community Gardens
- Retaining walls
- Water storage tanks
- Garbage Bin Enclosures
- Fencing and Dog off Leash enclosures
- Play equipment, shade structures, outdoor furniture
- CCTV cameras and security technology
- Internal roadways (eg cemeteries)

*Please note that development approvals may be required for the building or installation of some of these structures, in particular major structures / development. Please refer to the Penrith LEP and T&I SEPP for all appropriate development approval requirements.

Where it is proposed to construct or establish a public work[1] on reserved or dedicated Crown land, where native title is not extinguished, prior to approval Council will notify and give an opportunity for comment from any representative Aboriginal/Torres Strait Islander bodies, registered native title bodies corporate and registered native title claimants in relation to the land or waters covered by the reservation or lease as required under the *Native Title Act 1993.*

Where a proposed update of an existing masterplan, capital works program, facilities asset management plan or any other plan is the approving documentation for a public work on Crown land, that approval will not be given unless the requirements of the *Native Title Act*

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[1] A public work is defined as:

*(a) any of the following that is constructed or established by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities:*

*(i) a building, or other structure (including a memorial), that is a fixture; or*

*(ii) a road, railway or bridge; or*

*(iia) where the expression is used in or for the purposes of Division 2 or 2A of Part 2--a stock-route; or*

*(iii) a well, or bore, for obtaining water; or*

*(iv) any major earthworks; or*

*(b) a building that is constructed with the authority of the Crown, other than on a lease.*

Major earthworks are defined as:

*earthworks (other than in the course of mining) whose construction causes major disturbance to the land, or to the bed or subsoil under waters.*

*1993* have been addressed including the notification and opportunity to comment noted above.

**Conditions of Use**

Approval conditions must be in keeping with the existing relevant Council policies, application process and any conditions of use and may require a resolution from Council.

Fees will be in accordance with the fees and charges as published in Penrith City Council's annual Operating Plan and Budget.

**Restricted Activities**

Activities that are prohibited or restricted within General Community Use Areas include, but are not limited to:

- Camping
- Dogs off leash, unless in designated areas
- Firearms
- Horse riding, unless in designated areas
- Unapproved lighting of fires
- Golf other than on a recognised golf course
- Unapproved remote control vehicles including boats, aeroplanes and cars
- Unauthorised vehicles and motorbikes
- Vandalism and antisocial behaviour
- Unauthorised consumption of alcohol as outline in relevant Council policies, application process and any conditions of use

## Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

The tables below set out these requirements for community land categorised as Community Use - General.

**Recreation / Land Use Planning**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| To enhance recreational opportunities and other approved uses of General Community Use land | Passive recreation activities permitted such as walking, photography, bird watching and other unstructured recreation<br><br>Social, educational, cultural, leisure activities are permitted where appropriate | Refer to the Sport and Recreation strategy for a review of General Community Use areas.<br><br>Relevant application, assessment and approval process adhered to where required<br><br>Enter in appropriate Leasing/Licensing Agreement subject to council approval | General Community Use areas are used for passive recreation<br><br>General Community Use land is used for a range of approved activities |
| To provide for community use and access to the land in such a manner as will minimise damage caused by human intrusion | Restrict the following activities except in areas designated: Camping, caravans, off road recreation<br><br>Unauthorised vehicles prohibited, as identified by signs<br>Activities restricted to specific areas, times, or seasons where this is necessary to achieve the objectives of the plan. | Restrict inappropriate recreational and other activities where unacceptable disturbance is being caused.<br><br>When necessary, areas are cordoned off from the public. Signage and use of advertising may be appropriate to inform the public | Reduction in number of complaints and the amount of damage caused<br><br>Use of unauthorised vehicles within General Community Use areas reduced<br><br>Less damaged caused |
| Informal Recreation e.g. Ball, Frisbee | Informal recreation and other suitable activities are permitted within the General Community Use Area. | Use of regulatory and/or informative signs. | Number of community comments about activity. |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| Outdoor Performance Area | Outdoor performances and performance space provided where appropriate with minimal impact on the community. | Regulation by Council.<br><br>Provision of facility in appropriate locations. | Number of comments received about public acceptance of the outdoor area.<br><br>Number of bookings of facility per annum. |
| Allow outdoor Seating Concessions for approved food related businesses | Licensing or leasing of outdoor seating concessions allowed for approved outdoor dining food related businesses in line with Council's Policy, Guidelines and procedures | Enter in appropriate Leasing/Licensing Agreement subject to council approval | Number of incidents of non-compliance with the terms and conditions of approval and the License or Lease Agreement.<br><br>Number of Leases/Licences issued. |
| Provide appropriate furniture and equipment | Allow for the provision of furniture and equipment that is appropriate for community use | Complement and be consistent with the local theme.<br><br>Appropriate design, siting, use of materials and erection of furniture. | Number of complaints about suitability of the location and the style.<br><br>Number of comments regarding community satisfaction with the opportunity to provide input. |
| Public Art | Allow for public and community artworks in appropriate settings.<br><br>Manage, maintain and decommission. | Co-ordination by relevant Council Officer/s Officer and relevant people involved in the project to identify, commission and erect artworks.<br><br>Comply with Council's Place Making and Public Art Policy | Number of comments about public acceptance.<br><br>Number of public involved in the Project.<br><br>Number of reported incidents of vandalism and damage to artwork. |
| Ensure General Community Use areas do not impact upon adjacent areas | Ensure land use is appropriate to consider noise, lighting and other factors on neighbouring and adjacent properties.<br><br>Restrict community uses for activities that may affect neighbouring lands. | Consider adjacent uses and assess appropriate of uses through community consultation.<br><br>Have management agreements in place. | Compliance management agreements in place with users. |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| Ensure signage / advertising within General Community Use areas does not affect visual quality. | Limit amount of unnecessary signage | Document clear guidelines, application, and approval processes for erection of signs on community land. | Guidelines, application, and approval process documented and followed |
| Ensure all community land is identifiable | All community land to have signage that identifies the land | Install identifying signage and regulatory signage within community use parks where required (except where leased) | Signs installed |
| Consider life cycle costs in the planning and design of capital works | All new capital works programs will include a maintenance budget. | Ensure future maintenance budgets take into account the future requirements of new developments. | Maintenance costs considered for all new works |

**Asset Maintenance and Management**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| Provide Infrastructure/ facilities that are fit for use | Asset management plans are in place and funded appropriately.<br><br>Supply, install, repair or replace facilities to agreed standards | Fund maintenance programs as determined in asset management plans<br><br>Ensure that facilities are functioning and maintained for usage. | Maintenance programs are completed to standard and budget |
| Reduce the amount of litter and number of dumping incidents | Offenders identified<br><br>Dumped rubbish cleaned up<br><br>Signage and or fencing installed to discourage dumping | Report dumping to Compliance Officers to chase up offenders<br><br>Clean up dumped rubbish as per service levels<br><br>Provide rubbish bins where necessary. | Number of dumping incidents occurring<br><br>Number of cleanup operations required over time.<br><br>Number of signs installed over time.<br>Number of bins installed. |
| Maintain assets to agreed standards | Maintenance costs optimised<br><br>Reduction in damage to general community use areas through management of use.<br><br>Service Level agreements are met.<br><br>Life cycle costs are considered in the design of new assets. | Implement procedures for use for management and use of community facilities and open space. | Compliance to procedures for use of community assets. |
| Reduce the occurrence of vandalism | Vandalism repaired promptly to discourage further vandalism<br><br>Vandalism managed through implementing CPTED principles.<br><br>Facilities locked and access limited where required | Repair any sites that have been vandalized within agreed service levels<br><br>Install lighting where appropriate - carparks or at toilet blocks<br><br>Implement strategies and education to discourage vandalism.<br><br>Liaise with police to avoid vandalism in frequently vandalise sites<br><br>Lock amenity buildings if necessary | Number of sites requiring treatment over time.<br><br>Number of sites being vandalised. |

**Environmental Management**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| Ensure habitat values are not compromised | Habitat values improved where appropriate<br><br>Community educated to not remove wood for fires from community reserves<br><br>Community encouraged to stay on designated paths | Create habitat corridors through revegetation where possible<br><br>Retain habitat trees | Number of corridors established<br><br>Number of trees retained |
| Reduce impact of high chemical or fertiliser use on users or adjacent areas | Poison use limited.<br><br>Chemicals and fertilisers used appropriately to limit effect on adjacent areas or people<br><br>Community informed of pesticide usage within General Community Use areas<br><br>Stormwater impacts minimised on community land | Assess use of chemicals and fertilisers and their potential effect on the environment and user groups<br><br>Review current practices<br><br>Follow Pesticide Notification Plan<br><br>Conduct a review of stormwater impacts on community land | Assessment conducted<br><br>Current practices reviewed<br><br>Pesticide Notification Policy followed<br><br>Study Completed |
| Ensure best environmental management practices and principles having regard to environmentally sustainable design, resource use and maintenance. | Energy efficiency initiatives implemented<br><br>Water savings initiatives implemented<br><br>Waste reduction initiatives implemented<br><br>Natural heating and cooling used where appropriate<br><br>Sense of place and local identity considered in all design, resource use and maintenance | | Real time measurement.<br><br>Monthly, Quarterly and Annual performance. |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| To reduce the spread of weeds onto Community Land | Reduce the spread of weeds onto community land | Educate neighbours about weeds that are spreading into general community use areas<br><br>Work with local control authority (Hawkesbury River County Council) to educate residents of managing weeds on private land.<br><br>Implement the Council's Weed Control Program<br><br>Implement Council's Bush care program | Weeds entering community land reduced |
| To reduce waste dumping on Community Land | Prevent waste dumping on Community Land | Educate Community through communications.<br><br>Implement surveillance programs for regular dumping areas<br><br>Conduct research on common trends for waste management<br><br>RID squad inspect and investigate illegal dumping and issues fines | Reduction in the amount of waste dumped on Community Land |

**Community Access and Use**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| Provide the whole community with access to General Community Use areas | The design of green, open and public space should meet Australian standards for mobility and access and should integrate the principles of inclusion for the design and delivery of play spaces.<br><br>Walking tracks/cycle ways constructed where appropriate to improve access to and within General Community Use areas. Paths should be accessible where possible.<br><br>Parking, including all ability access parking, provided where relevant, considering the effect on residents | Appropriate design for pavements, facilities, structures and parking to comply with Australian Standard and Council's Codes, Policies and Regulations.<br><br>Plan the path of new tracks/cycle ways.<br><br>Upgrade or develop parking facilities when funding is available | Number of paths/cycle ways developed.<br><br>Number of reported accidents and comments of user conflicts.<br><br>Number of community comments about the provision of access ways. |
| Ensure that essential pedestrian and vehicular access through or into General Community Use areas minimises the impact on the area | Unauthorised access to General Community Use areas prevented.<br><br>Existing roads, parking areas and walking tracks maintained within General Community Use areas to ensure safety and prevent erosion<br><br>Authorised and unauthorised parking managed in General Community Use areas<br><br>Entry for authorised vehicles for maintenance, emergency service and patrols allowed | Close non-essential vehicular access.<br><br>Stop permanent or temporary use of tracks through General Community Use areas for access to private lands.<br><br>Inspect roads, parking areas and walking tracks annually and maintain when necessary<br><br>Provide appropriate parking facilities and signage<br><br>Use of traffic control devices such as boom gates, barriers and bollards. Provide gate keys to appropriate emergency services | Number of tracks closed successfully<br>Number of access points closed.<br><br>Roads and Paths maintained.<br><br>Comply with traffic management plans for events.<br><br>Areas affected by unauthorised parking<br><br>Number of access ways provided (lineal measure). |

**Community Engagement**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Measure of performance against targets |
|---|---|---|---|
| To involve the community in the management of General Community Use areas | Involve the Community and stakeholders in the design of community assets where possible<br><br>Community is involved in the operation and management of community land where appropriate<br><br>Encourage the participation of the community in reporting incidents<br><br>Community volunteer to help with Bushcare and other groups | Implement the Community Engagement Strategy<br><br>Community based committees and clubs are supported by Council<br><br>Respond quickly to incident reports | The community participates in the operation and management of general community use areas |
| Build relationships with the community to be able to best manage issues that arise | Encourage neighbours to notify Council of any concerns regarding vandalism, dumping, noise etc<br><br>Implement objectives under the Customer Promise to improve responsiveness to Community concerns and complaints | Build relations through Council communications. | Concerns followed up promptly |
| To reduce the impact of neighbouring properties on community land | Prevent unpermitted land access across Community Land | Ensure compliance of Council's permit application process to access Council land<br><br>Identify encroachment and dumping of rubbish on and issue cleanup notices | Number of Permits issued, compliance to permit conditions<br><br>Reduction in damage |

**Safety and Risk Management**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| Ensure the safety of all users when visiting General Community Use areas | All public domain assets shall be installed, maintained, and managed in accordance with acceptable standards | Conduct regular inspections of infrastructure as per levels of service | Regular inspections of key infrastructure undertaken |
| | All works carried out within general community use areas complies with Councils WH&S Policy | Ensure on site safety and inspect contractor operations | All work carried out conforms with WH&S Policy |
| | Encourage community involvement in the recognition and reporting of public risks via the council website | Respond promptly to reports of hazards | Response and remediation of hazards as per agreed service levels |
| | Minimise unsafe usage of the General Community Use areas | Install signage prohibiting specific uses | Number of signs erected |
| | Protect users and staff from harm | Use 'Safer by Design' principles when developing assets | New designs consider Safer by Design principles |
| | To ensure that dog usage is appropriate and undertaken in a responsible manner | Ranger patrols and fines issued for dogs off leash in prohibited areas.<br><br>Provide additional dog off leash areas if appropriate.<br><br>Provision of signage and faeces collection bags where relevant | Number of reports of dogs being off leash in prohibited areas.<br><br>Areas set aside as dog off leash areas<br><br>Reduction of dog faeces complaints and record number of signs |
| | Discourage anti - social behaviour | Provide lighting to improve safety and to act as a deterrent for anti-social behaviour where appropriate.<br><br>Redesign those areas that suffer anti-social behaviour to foster passive surveillance as per Use Safer by Design principles<br><br>Removal of graffiti as per service levels agreements<br><br>Implement Alcohol free zones | Lights erected.<br><br>Reduction in reports of vandalism |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| | Protect the public from sharps hazards | Provide appropriate means of disposal for sharps where appropriate | Suitable disposal bins provided |
| | Have a safe maintenance program in place | Safe Work Method statements and Safe Operation Procedures are in place for all maintenance procedures, including for contractors | Up to date procedures/records |
| | Limit public contact with chemicals whilst in General Community Use areas | Record all chemical spraying and use appropriate signs to indicate affected areas as per the Pesticide Use Notification Plan<br><br>Staff and contractors are trained in the use of chemicals in public outdoor areas and in buildings. | Up to date procedures/records |
| | Public is not under threat from flood during rain events | Close areas that are threatened by flood where possible, until the area is assessed as being safe.<br><br>Council communicate emergency events and closures to the community via social media<br><br>Provide safe flood evacuation routes from riverside areas | Assess and close access to affected areas where possible<br><br>Access routes have been assessed for safe evacuation |
| | Ensure the public is not under threat from Fire | General Community Use areas are to be closed from the public whilst there is a high threat of fire entering the reserve.<br><br>Ensure barbecues are in designated formal picnic areas only, with a minimum cleared distance of 20 metres to bushland and provision of reticulated water supply on site<br><br>Barbecues where possible shall not require timber for fuel.<br><br>All Council owned barbeques are electric | Parks and reserves closed at appropriate times<br><br>All Barbecues are located in appropriate sites<br><br>Fire procedures are in place for any fires that require wood or fuel through a hire event<br><br>No BBQ's or campfires with open flames are bought into the council reserve |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| | Ensure the public are not at risk from Bushfires | Council communicate emergency events and closures to the community via social media.<br><br>Maintain asset protection zones<br><br>Maintain registered fire trails within the LGA to NSW RFS standards | Maintenance performed |
| Security | Maintain a secure public environment within General Community Use facilities. | Installation of security systems where appropriate<br><br>Management of security patrols when required.<br><br>Appropriate fencing and lighting.<br><br>Community education.<br><br>Use of regulatory signs.<br><br>Liaison with Police.<br><br>Appropriate design, siting and materials. | Number of complaints in relation to security<br><br>Number of ordinance investigations and prosecutions.<br><br>Number of public liability claims against Council. |

**Landscape Character and Design**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Measure of performance against targets |
|---|---|---|---|
| Ensure that the landscape character of General Community Use areas is retained | Any structures, signs, paths, planting etc should be sympathetic to the existing setting, its landscape values, heritage and unique character.<br><br>Retain and enhance where possible, inherent landscape features.<br><br>Comply with any Council open space landscape standard design guidelines and construction specifications, strategies and policies | Plan and design appropriately, including materials selection and colour schemes<br><br>Approval of Council staff for all designs before construction<br><br>Landscape designs to enhance landscape features<br><br>Identify and allocate appropriate budgets for maintenance of landscape<br><br>Develop design guidelines | Landscape plans are approved by council and meet Council's vision<br><br>Design reflect the objectives of the designs or master plans, as developed by the community<br><br>Landscape features retained<br><br>Budgets are allocated to the maintenance of landscapes |
| Consider constraints and opportunities such as flooding, geo-tech, services, native vegetation, etc. when siting facilities. | Full assessment and consideration of all factors are done before design commences.<br><br>All opportunities and constraints of a site are considered in the design of infrastructure | Engagement of all stakeholders.<br><br>All investigative studies and surveys completed to inform design.<br><br>Assess impact of flood on structures when deciding on suitable location and design | Efficient process in the assessment and design of landscapes<br><br>Coordinated approach to the design and delivery of all infrastructure |
| Consider adjacent land use when enhancing and managing community land | Manage environmental concerns on community land adjacent to natural areas, considering habitat, aesthetic, and shade values of trees. | Retain trees for habitat value as well as shade and aesthetic values where possible<br><br>Weed removal | Habitat trees retained |
| Landscape is designed and managed using sustainability principles | All landscape considers sustainability principles in design and maintenance | Comply with the standards and policies of Sustainability (e.g. cooling the city strategy, water sensitive urban design) | All landscape is sustainable |

**Animal Control**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Measure of performance against targets |
|---|---|---|---|
| Protect Native Fauna | Protection of native and endangered species and their habitats and control of introduced species in accordance with the *National Parks and Wildlife Act 1974*, and any other relevant Act. | Use of regulatory signs.<br><br>Maintain natural habitat and installation of habitat boxes<br><br>Work with WIRES or national parks if we identify native animals on council reserves<br><br>Check pouches of roadkill for offspring<br><br>Removal of snakes if they enter the grounds of a community facility or populated areas | Assess if habitat boxes have been inhabited<br><br>Reduction in the number of roadkill<br><br>Provide reports to local land services on roadkill numbers |
| Manage domestic and stock | Prohibit the entry of horses except in designated areas.<br><br>Pets to be on leash unless authorised<br><br>Educate the community on regulations under the Companion Animal act for domestic and stock | Community education and involvement in monitoring.<br><br>Issue fines for animals that are not under the full control of owner /handler. | Complaints about off leash dogs, attacks, and waste. |
| Minimise the impact of feral animals | Removal or cull of feral animals in breeding numbers. | Educate rural residents on notifying Local Land Services on pest identification<br><br>Support LLS for the education of pest management (baiting, etc) | Complaints about feral animal numbers.<br><br>Notifications to LLS on pests<br><br>Number of roadkill. |
| Minimise the impact of invasive animals. | Educate the community in the role of council in managing magpies, bats and other problematic birds. | National Parks is responsible for invasive bird control. | |

# APPENDIX

**Appendix A Land Categorised as General Community Uses**

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| CAMBRIDGE GARDENS | Girl Guides Hall | 26 Trinity Drive CAMBRIDGE GARDENS NSW 2747 | Lot 1 DP 616881 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 125 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 126 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 127 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 128 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 129 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 130 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 131 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 132 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 133 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 134 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 135 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 136 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 137 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 138 DP 1868 | Penrith City Council | No | General Community Use | RE1 |

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 139 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 140 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 141 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 142 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 143 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 144 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 145 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Cambridge Park Hall & Allsopp Oval & Paterson Oval | 97 Oxford Street CAMBRIDGE PARK NSW 2747 | Lot 146 DP 1868 | Penrith City Council | No | General Community Use | RE1 |
| CAMBRIDGE PARK | Drainage Reserve | 58a College Street CAMBRIDGE PARK NSW 2747 | Lot 26 DP 28296 | Penrith City Council | No | General Community Use | R2 |
| CASTLEREAGH | Castlereagh Hall | 1158-1160 Castlereagh Road CASTLEREAGH NSW 2749 | Lot 1 DP 198257 | Penrith City Council | No | General Community Use | RU1 SP25 |
| CASTLEREAGH | Smith Park | 1147-1159 Castlereagh Road & 6-8 Castle Street CASTLEREAGH NSW 2749<br>Reserve No.: 500480<br>Gazetted: 07/03/1903<br>Purpose: Park, Urban Services | Lot 3 DP 3784 | The Minister for Lands | Yes | General Community Use[2] | RU4 |
| CLAREMONT MEADOWS | Claremont Meadows Youth Centre | 1-3 Myrtle Road CLAREMONT MEADOWS NSW 2747 | Lot 2502 DP 812731 | Penrith City Council | No | General Community Use | RE1 R2 |

[2] Council intends that the whole of Lot 3 DP 3784 is categorised as General Community Use. Council proposes that the Rural Fire Service (RFS) Shed will be relocated to the centre of this parcel, where the current the children's playground is currently located. The rear of the parcel will be used for RFS training and services facility maintenance requirements. The front of the parcel will be a driveway only as Council wishes to retain existing mature trees. The playground will be relocated to the part of the reserve fronting Castle Street.

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| CLAREMONT MEADOWS | Claremont Meadows Community Centre | 172-180 Sunflower Drive CLAREMONT MEADOWS NSW 2747 | Lot 3203 DP 813518 | Penrith City Council | No | CUI – Community Use / Improved | RE1 |
| COLYTON | Colyton Neighbourhood Centre | 30 Jensen Street COLYTON NSW 2760 | Lot 1 DP 1263953 | Penrith City Council | No | General Community Use | R2 |
| CRANEBROOK | Grays Lane Children's Centre | 96-98 Grays Lane CRANEBROOK NSW 2749 | Lot 137 DP 792061 | Penrith City Council | No | General Community Use | RE1 |
| CRANEBROOK | Andromeda Community Centre | 79-81 Andromeda Drive CRANEBROOK NSW 2749 | Lot 911 DP 836641 | Penrith City Council | No | General Community Use | RE1 |
| CRANEBROOK | Castlereagh Cemetery | 77-85 East Wilchard Road CRANEBROOK NSW 2749 | Lot 281 DP 752021 | Penrith City Council | No | General Community Use | RU4 |
| CRANEBROOK | Tamara Children's Centre | 17-35 Hosking Street CRANEBROOK NSW 2749 | Lot 2 DP 1154439 | Penrith City Council | No | General Community Use | B2 |
| EMU HEIGHTS | Blue Emu Children's Centre | 38a Wedmore Road EMU HEIGHTS NSW 2750 | Lot 3019 DP 713606 | Penrith City Council | No | CUI – Community Use / Improved | R2 |
| EMU HEIGHTS | Blue Emu Children's Centre | 21 Salerno Close EMU HEIGHTS NSW 2750 | Lot 3020 DP 713606 | Penrith City Council | No | CUI – Community Use / Improved | R2 |
| EMU HEIGHTS | Blue Emu Children's Centre | 22 Salerno Close EMU HEIGHTS NSW 2750 | Lot 3021 DP 713606 | Penrith City Council | No | CUI – Community Use / Improved | R2 |
| EMU HEIGHTS | Blue Emu Children's Centre | 21a Salerno Close EMU HEIGHTS NSW 2750 | Lot 1 DP 822301 | Penrith City Council | No | CUI – Community Use / Improved | R2 |
| EMU PLAINS | Arms Of Australia - Historical | 127 Great Western Highway EMU PLAINS NSW 2750 | Lot 22 DP 242300 | Penrith City Council | No | General Community Use | RE1 |
| EMU PLAINS | Melrose Hall | 169 Great Western Highway EMU PLAINS NSW 2750<br>Reserve No.: 64919<br>Gazetted: 16/11/1934<br>Purpose: Public Hall | Lot 7040 DP 1055095 | NSW Department of Industry | Crown | General Community Use | RE1 |
| EMU PLAINS | Emu Plains Kids Place Children's Centre | 4 Lawson Street EMU PLAINS NSW 2750<br>Reserve No.: 93915<br>Gazetted: 31/10/1980<br>Purpose: Community Centre | Lot 7042 DP 93967 | NSW Department of Industry | Crown | General Community Use | RE1 |

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| EMU PLAINS | Emu Village B&A Sch & Vac Care | 4 Lawson Street EMU PLAINS NSW 2750<br>Reserve No.: 93915<br>Gazetted: 31/10/1980<br>Purpose: Community Centre | Part Lot 1 DP 650753 | NSW Department of Industry | Crown | General Community Use | RE1 |
| EMU PLAINS | Emu Plains Post Office | 113 Great Western Highway EMU PLAINS NSW 2750 | Lot 11 DP 1056135 | Penrith City Council | No | General Community Use | R2 |
| EMU PLAINS | Drainage Reserve | 37-47 Sommerville Circuit EMU PLAINS NSW 2750 | Lot 34 DP 1105133 | Penrith City Council | No | General Community Use | IN1 |
| EMU PLAINS | Lewers Art Gallery | 84-88 River Road EMU PLAINS NSW 2750 | Lot 34 DP 1114973 | Penrith City Council | No | CUI – Community Use / Improved | R2 |
| ERSKINE PARK | Erskine Park Children's Centre | 57 Peppertree Drive ERSKINE PARK NSW 2759 | Lot 374 DP 713863 | Penrith City Council | No | CUI – Community Use / Improved | RE1 |
| ERSKINE PARK | Drainage Reserve | 25-31 Quarry Road ERSKINE PARK NSW 2759 | Lot 201 DP 1094523 | Penrith City Council | No | General Community Use | C2 |
| GLENMORE PARK | Glenmore Park OOSH & B&A Sch & Vac Care | 3-4 Floribunda Avenue GLENMORE PARK NSW 2745 | Lot 10 DP 807387 | Penrith City Council | No | General Community Use | RE1 |
| GLENMORE PARK | Surveyors Crk Comm Cnt, Public Res, Softball Fld | 143-153 Garswood Road GLENMORE PARK NSW 2745 | Part Lot 700 DP 859470 | Penrith City Council | No | General Community Use | RE1 |
| GLENMORE PARK | Glenmore Park Child & Family Centre | 31 Blue Hills Drive GLENMORE PARK NSW 2745 | Lot 8100 DP 876748 | Penrith City Council | No | General Community Use | R2 |
| GLENMORE PARK | Glenmore Park Youth & Community Centre | Lot 9101 Luttrell Street GLENMORE PARK NSW 2745 | Lot 9101 DP 1022720 | Penrith City Council | No | General Community Use | B2 |
| GLENMORE PARK | Child and Family Centre | 31 Blue Hills Drive GLENMORE PARK NSW 2745 | Lot 8100 DP 876748 | Penrith City Council | No | General Community Use | R2 |
| GLENMORE PARK | Daily Break Cafe | 31 Blue Hills Drive GLENMORE PARK NSW 2745 | Lot 8100 DP 876748 | Penrith City Council | No | General Community Use | R2 |
| JORDAN SPRINGS | Public Reserve | Lot 3137 Greenwood Parkway JORDAN SPRINGS NSW 2747 | Lot 3137 DP 1168995 | Penrith City Council | No | General Community Use | UR |
| JORDAN SPRINGS | Jordan Springs Community Hub | 2-6 Cullen Avenue JORDAN SPRINGS NSW 2747 | Lot 6 DP 1176874 | Penrith City Council | No | General Community Use | UR |
| JORDAN SPRINGS | | 74 Lakeside Parade JORDAN SPRINGS NSW 2747 | Lot 20 DP 1255848 | Penrith City Council | No | General Community Use | UR |

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| KINGSWOOD | Kingswood Neighbourhood Centre | 35 Hargrave Street KINGSWOOD NSW 2747 | Lot 850 DP 1057946 | Penrith City Council | No | General Community Use | B4 |
| KINGSWOOD | Kingswood Neighbourhood Centre | 23-25 Bringelly Road KINGSWOOD NSW 2747 | Lot 851 DP 1057946 | Penrith City Council | No | General Community Use | B4 |
| KINGSWOOD | Chapman Gardens | 25-27 Second Avenue KINGSWOOD NSW 2747 | Lot 25 DP 1069009 | Penrith City Council | No | General Community Use | RE1 |
| KINGSWOOD | | 67a Jones Street KINGSWOOD NSW 2747 | Lot 2 DP 1176279 | Penrith City Council | No | General Community Use | R3 |
| KINGSWOOD | | Lot 461 Jones Street KINGSWOOD NSW 2747 | Lot 461 DP 1093376 | Penrith City Council | No | General Community Use | R3 |
| KINGSWOOD | | 35a Derby Street KINGSWOOD NSW 2747 | Lot 8 DP 1238301 | Penrith City Council | No | General Community Use | SP292 |
| LONDONDERRY | Londonderry Neighbourhood Centre | 358-360 Carrington Road LONDONDERRY NSW 2753 | Lot 14 DP 17634 | Penrith City Council | No | General Community Use | RU5 |
| LONDONDERRY | Londonderry Neighbourhood Centre | 342-356 Carrington Road LONDONDERRY NSW 2753 | Lot 16 DP 17634 | Penrith City Council | No | General Community Use | RU5 |
| LONDONDERRY | Londonderry Tennis Court | 22-26 Muscharry Road LONDONDERRY NSW 2753 | Lot 5 Sec 3 DP 975390 | Penrith City Council | No | General Community Use | RU5 |
| LONDONDERRY | Londonderry Tennis Court | 24 Muscharry Road LONDONDERRY NSW 2753 | Lot 6 Sec 3 DP 975390 | Penrith City Council | No | General Community Use | RU5 |
| LONDONDERRY | Londonderry Tennis Court | 24a Muscharry Road LONDONDERRY NSW 2753 | Lot 7 Sec 3 DP 975390 | Penrith City Council | No | General Community Use | RU5 |
| LONDONDERRY | Londonderry Tennis Court | 26 Muscharry Road LONDONDERRY NSW 2753 | Lot 8 Sec 3 DP 975390 | Penrith City Council | No | General Community Use | RU5 |
| MOUNT VERNON | | Lot 4131 Bowood Road MOUNT VERNON NSW 2178 | Lot 4131 DP 857093 | Penrith City Council | No | General Community Use | C4 |
| MULGOA | Mulgoa Hall | 349 Littlefields Road MULGOA NSW 2745 | Lot 7 DP 2721 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Hall | 347a Littlefields Road MULGOA NSW 2745 | Lot 8 DP 2721 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Hall | 347 Littlefields Road MULGOA NSW 2745 | Lot 9 DP 2721 | Penrith City Council | No | General Community Use | RE1 |

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| MULGOA | Mulgoa Hall | 345a Littlefields Road MULGOA NSW 2745 | Lot 10 DP 2721 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Hall | 345 Littlefields Road MULGOA NSW 2745 | Lot 11 DP 2721 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Hall | Littlefields Road MULGOA NSW 2745 | Lot 46 DP 2721 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Hall | Littlefields Road MULGOA NSW 2745 | Lot 47 DP 2721 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Hall | Littlefields Road MULGOA NSW 2745 | Lot 48 DP 2721 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Hall | Littlefields Road MULGOA NSW 2745 | Lot 49 DP 2721 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Hall | Littlefields Road MULGOA NSW 2745 | Lot 50 DP 2721 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Hall | Littlefields Road MULGOA NSW 2745 | Lot 51 DP 2721 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Hall | Littlefields Road MULGOA NSW 2745 | Lot 52 DP 2721 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Hall | Littlefields Road MULGOA NSW 2745 | Lot 53 DP 2721 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Hall | Littlefields Road MULGOA NSW 2745 | Lot 54 DP 2721 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Hall | Littlefields Road MULGOA NSW 2745 | Lot 55 DP 2721 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Hall | Littlefields Road MULGOA NSW 2745 | Lot 56 DP 2721 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Hall | Littlefields Road MULGOA NSW 2745 | Lot 57 DP 2721 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Park | 1170-1172 Mulgoa Road MULGOA NSW 2745 | Lot 3 Sec A DP 2121 | Penrith City Council | No | General Community Use | RE1 SP25 |
| MULGOA | Mulgoa Park | 1168 Mulgoa Road MULGOA NSW 2745 | Lot 4 Sec A DP 2121 | Penrith City Council | No | General Community Use | RE1 SP25 |

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| MULGOA | Mulgoa Park | 1166 Mulgoa Road MULGOA NSW 2745 | Lot 5 Sec A DP 2121 | Penrith City Council | No | General Community Use | RE1 SP25 |
| MULGOA | Mulgoa Park | 1164 Mulgoa Road MULGOA NSW 2745 | Lot 6 Sec A DP 2121 | Penrith City Council | No | General Community Use | RE1 SP25 |
| MULGOA | Mulgoa Park | 1158-1162 Mulgoa Road MULGOA NSW 2745 | Lot 7 Sec A DP 2121 | Penrith City Council | No | General Community Use | RE1 SP25 |
| MULGOA | Mulgoa Park | 353-355 Littlefields Road MULGOA NSW 2745 | Lot 9 Sec A DP 2121 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Park | 351 Littlefields Road MULGOA NSW 2745 | Lot 10 Sec A DP 2121 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Park | 1158a Mulgoa Road MULGOA NSW 2745 | Lot 24 Sec A DP 2121 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | Mulgoa Park | 1158b Mulgoa Road MULGOA NSW 2745 | Lot 23 Sec A DP 2121 | Penrith City Council | No | General Community Use | RE1 |
| MULGOA | NSW RFS - Mulgoa Brigade | 1194 Mulgoa Road MULGOA NSW 2745 | Lot 100 DP 1280795 | Penrith City Council | No | General Community Use | SP25 RU5 |
| NORTH ST MARYS | North St Marys Neighbourhood Centre | 47-49 Oleander Road NORTH ST MARYS NSW 2760 | Lot 26 DP 30423 | Penrith City Council | No | General Community Use | RE1 |
| ORCHARD HILLS | | 367-369 Mamre Road ORCHARD HILLS NSW 2748 | Lot 23 DP 1114968 | Department of Planning | No | General Community Use | RE1 |
| OXLEY PARK | Ridge Park Hall & Cec Blinkhorn Oval | 103-109 Great Western Highway OXLEY PARK NSW 2760 | Part Lot 3 DP 793992 | Penrith City Council | No | General Community Use | RE1 |
| OXLEY PARK | Ridge-ee-Didge Children's Centre | 17-23 Woodland Avenue OXLEY PARK NSW 2760 | Part Lot 3 DP 793992 | Penrith City Council | No | General Community Use | RE1 |
| PENRITH | | 40 Bruce Neale Drive PENRITH NSW 2750 | Lot 5 DP 583415 | Penrith City Council | No | General Community Use | RE1 |
| PENRITH | Public Reserve | 2226-2256 Castlereagh Road PENRITH NSW 2750 | Lot 1 DP 866979 | Penrith City Council | No | General Community Use | IN1 |
| PENRITH | Public Reserve | 12 Recreation Avenue PENRITH NSW 2750 | Part Lot 18 DP 14656 | Penrith City Council | No | CUI – Community Use / Improved | R2 |
| PENRITH | Penrith Senior Citizens Centre | 86-96 Station Street PENRITH NSW 2750 | Lot 103 DP 1031340 | Penrith City Council | No | General Community Use | B4 |

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| PENRITH | Cricketers Pavillion | 61 Lord Sheffield Circuit PENRITH NSW 2750 | Lot 1222 DP 1171492 | Penrith City Council | No | General Community Use | RE1 |
| PENRITH | | Lot 104 Woodriff Street PENRITH NSW 2750 | Lot 104 DP 1215261 | Penrith City Council | No | General Community Use | B4 |
| PENRITH | Edwards Place Carpark | Edwards Place PENRITH NSW 2750 | Lot 11 DP 236390 | Penrith City Council | No | General Community Use | RE1 |
| PENRITH | | 71a Derby Street PENRITH NSW 2750 | Lot 12 DP 1241534 | Penrith City Council | No | General Community Use | R4 |
| PENRITH | Edwards Place Carpark | Edwards Place PENRITH NSW 2750 | Lot 12 DP 236390 | Penrith City Council | No | General Community Use | RE1 |
| PENRITH | Edwards Place Carpark | Edwards Place PENRITH NSW 2750 | Lot 13 DP 236390 | Penrith City Council | No | General Community Use | RE1 |
| PENRITH | Edwards Place Carpark | Edwards Place PENRITH NSW 2750 | Lot 14 DP 236390 | Penrith City Council | No | General Community Use | RE1 |
| PENRITH | Edwards Place Carpark | Edwards Place PENRITH NSW 2750 | Lot 15 DP 236390 | Penrith City Council | No | General Community Use | RE1 |
| PENRITH | Reserve | Lot 212 Radcliffe Place PENRITH NSW 2750 | Lot 212 DP 1205092 | Penrith City Council | No | General Community Use | R1 |
| PENRITH | Edwards Place Carpark | Edwards Place PENRITH NSW 2750 | Lot 4 DP 236390 | Penrith City Council | No | General Community Use | RE1 |
| PENRITH | Edwards Place Carpark | Edwards Place PENRITH NSW 2750 | Lot 5 DP 236390 | Penrith City Council | No | General Community Use | RE1 |
| PENRITH | | 69a Derby Street PENRITH NSW 2750 | Lot 6 DP 1238301 | Penrith City Council | No | General Community Use | R4 |
| PENRITH | Edwards Place Carpark | Edwards Place PENRITH NSW 2750 | Lot 6 DP 236390 | Penrith City Council | No | General Community Use | RE1 |
| PENRITH | | 67a Derby Street PENRITH NSW 2750 | Lot 7 DP 1238301 | Penrith City Council | No | General Community Use | R4 |
| PENRITH | Edwards Place Carpark | Edwards Place PENRITH NSW 2750 | Lot 7 DP 236390 | Penrith City Council | No | General Community Use | RE1 |
| PENRITH | Edwards Place Carpark | Edwards Place PENRITH NSW 2750 | Lot 8 DP 236390 | Penrith City Council | No | General Community Use | RE1 |

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| PENRITH | Edwards Place Carpark | Edwards Place PENRITH NSW 2750 | Lot 9 DP 236390 | Penrith City Council | No | General Community Use | RE1 |
| SOUTH PENRITH | | 1 Trent Street SOUTH PENRITH NSW 2750 | Lot 99 DP 727048 | Penrith City Council | No | General Community Use | R2 |
| SOUTH PENRITH | | 217 Evan Street SOUTH PENRITH NSW 2750 | Lot 32 DP 739574 | Penrith City Council | No | General Community Use | RE1 |
| SOUTH PENRITH | Platypus Playground CC | 61 Wardell Drive SOUTH PENRITH NSW 2750 | Lot 22 DP 703827 | Penrith City Council | No | General Community Use | RE1 |
| SOUTH PENRITH | Platypus Playground | 61 Wardell Drive SOUTH PENRITH NSW 2750 | Lot 322 DP 260398 | Penrith City Council | No | CUI – Community Use / Improved | RE1 |
| ST CLAIR | Cook Parade Children's Centre | 41 Cook Parade ST CLAIR NSW 2759 | Lot 68 DP 702772 | Penrith City Council | No | General Community Use | RE1 |
| ST CLAIR | Kindana OOSH Care | 25 Moore Street ST CLAIR NSW 2759 | Lot 42 DP 610847 | Penrith City Council | No | CUI – Community Use / Improved | RE1 |
| ST CLAIR | Strauss Road Children's Centre | 23 Strauss Road ST CLAIR NSW 2759 | Lot 201 DP 622358 | Penrith City Council | No | CUI – Community Use / Improved | RE1 |
| ST CLAIR | Gumbirra Chidren's Centre Pre-Sch & OOSH Care | 97a Cook Parade ST CLAIR NSW 2759 | Lot 3199 DP 701131 | Penrith City Council | No | CUI – Community Use / Improved | RE1 |
| ST CLAIR | Kindana Children's Centre | 25a Moore Street ST CLAIR NSW 2759 | Lot 10 DP 710609 | Penrith City Council | No | CUI – Community Use / Improved | RE1 |
| ST CLAIR | | 41 Cook Parade ST CLAIR NSW 2759 | Part Lot 68 DP 702772 | Penrith City Council | No | General Community Use | RE1 |
| ST CLAIR | | 41a Cook Parade ST CLAIR NSW 2759 | Part Lot 2566 DP 263157 | Penrith City Council | No | General Community Use | RE1 |
| ST CLAIR | | 41 Cook Parade ST CLAIR NSW 2759 | Part Lot 68 DP 702772 | Penrith City Council | No | General Community Use | RE1 |
| ST CLAIR | Coowarra Cottage Neighbourhood Centre | 1 Coowarra Drive ST CLAIR NSW 2759 | Lot 5 DP 627888 | Penrith City Council | No | CUI – Community Use / Improved | RE1 |
| ST CLAIR | Coowarra Cottage Neighbourhood Centre | 1 Coowarra Drive ST CLAIR NSW 2759 | Lot 6 DP 627888 | Penrith City Council | No | CUI – Community Use / Improved | RE1 |
| ST CLAIR | | 35b Colorado Drive ST CLAIR NSW 2759 | Lot 21 DP 1231344 | Penrith City Council | No | CUI – Community Use / Improved | RE1 |

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| ST MARYS | | 12 Collins Street ST MARYS NSW 2760 | Lot 3 DP 206374 | Penrith City Council | No | General Community Use | R3 |
| ST MARYS | Public Reserve | 224a Carpenter Street ST MARYS NSW 2760 | Lot 7 DP 28951 | Penrith City Council | No | General Community Use | R2 |
| ST MARYS | St Marys Corner Community and Cultural Precinct | 29 Swanston Street ST MARYS NSW 2760 | Lot 1 DP 261871 | Penrith City Council | No | General Community Use | R3 |
| ST MARYS | St Marys Corner Community and Cultural Precinct | 2-6 Mamre Road ST MARYS NSW 2760 | Lot 2 DP 261871 | Penrith City Council | No | General Community Use | R3 |
| ST MARYS | St Marys Corner Community and Cultural Precinct | 29 Swanston Street ST MARYS NSW 2760 | Lot 7 DP 38566 | Penrith City Council | No | General Community Use | R3 |
| ST MARYS | St Marys Corner Community and Cultural Precinct | 29 Swanston Street ST MARYS NSW 2760 | Lot 8 DP 38566 | Penrith City Council | No | General Community Use | R3 |
| ST MARYS | St Marys Corner Community and Cultural Precinct | 29 Swanston Street ST MARYS NSW 2760 | Lot 6 Sec 1 DP 974985 | Penrith City Council | No | General Community Use | R3 SP25 |
| ST MARYS | St Marys Corner Community and Cultural Precinct | 29 Swanston Street ST MARYS NSW 2760 | Lot 7 Sec 1 DP 974985 | Penrith City Council | No | General Community Use | R3 SP25 |
| ST MARYS | St Marys Corner Community and Cultural Precinct | 29 Swanston Street ST MARYS NSW 2760 | Lot 8 Sec 1 DP 974985 | Penrith City Council | No | General Community Use | R3 SP25 |
| ST MARYS | St Marys Corner Community and Cultural Precinct | 29 Swanston Street ST MARYS NSW 2760 | Lot 1 DP 1129978 | Penrith City Council | No | General Community Use | R3 |
| ST MARYS | | Schleicher Street ST MARYS NSW 2760 | Lot 27 Sec C DP 1895 | Department of Planning | No | General Community Use [3] | RE1 C2 |
| ST MARYS | | Schleicher Street ST MARYS NSW 2760 | Lots 1,2 & 4 DP 201850 | Department of Planning | No | General Community Use [4] | RE1 C2 |
| WERRINGTON | Arthur Neave Memorial Hall & Parks Avenue Reserve | 65 Albert Street WERRINGTON NSW 2747 | Lot 1 DP 124238 | Penrith City Council | No | General Community Use | RE1 |
| WERRINGTON | Arthur Neave Memorial Hall & Parks Avenue Reserve | 43 Parkes Avenue WERRINGTON NSW 2747 | Lot 2 DP 746972 | Penrith City Council | No | General Community Use | RE1 |

[3] See Diagrams following this Table for the part of Schleicher St Reserve categorised as General Community Use. Part of this land is also categorised as Natural Area and Park and is addressed in the Plans of Management for those categories.

[4] See Diagrams following this Table for the part of Schleicher St Reserve categorised as General Community Use. Part of this land is also categorised as Natural Area and Park and is addressed in the Plans of Management for those categories.

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| WERRINGTON | Community Hall & Parks Avenue Reserve | 65 Albert Street WERRINGTON NSW 2747 | Lot 1 DP 124238 | Penrith City Council | No | General Community Use | RE1 |
| WERRINGTON | Yoorami Children's Centre | 7-11 Cottage Street WERRINGTON NSW 2747 | Lot 10 Sec E DP 2460 | Penrith City Council | No | General Community Use | RE1 |
| WERRINGTON | Yoorami Children's Centre | 7-11 Cottage Street WERRINGTON NSW 2747 | Lot 11 Sec E DP 2460 | Penrith City Council | No | General Community Use | RE1 |
| WERRINGTON | Harold Corr Community Hall | 13-19 Cottage Street WERRINGTON NSW 2747 | Lot 12 Sec E DP 2460 | Penrith City Council | No | General Community Use | RE1 |
| WERRINGTON | Victoria Street Community Cottage | 21-27 Cottage Street WERRINGTON NSW 2747 | Lot 13 Sec E DP 2460 | Penrith City Council | No | General Community Use | RE1 |
| WERRINGTON COUNTY | Werrington County CC | Cnr Henry Lawson Avenue & John Batman Avenue WERRINGTON COUNTY NSW 2747 | Lot 30 DP 578530 | Penrith City Council | No | CUI – Community Use / Improved | RE1 |
| WERRINGTON DOWNS | Werrianda Children's Centre | 20 Brookfield Avenue WERRINGTON DOWNS NSW 2747 | Lot 103 DP 700213 | Penrith City Council | No | CUI – Community Use / Improved | RE1 |

**Categorisation Diagram – Schleicher Street**

**Appendix B - Legislation Pertaining to Plans of Management**

**Local Government Act, 1993**

Community land must be managed according to the provisions of the Local Government Act 1993 (LG Act) and the *Local Government (General) Regulation 2021*.

The LG Act requires all Council owned land to be classified as either Operational or Community land. Community land is defined as land that must be kept for the use of the general community, and must not be sold. Community land is required to be managed in accordance with a PoM and any other laws regulating the use of the land.

Section 35 of the LG Act provides that community land can only be used in accordance with:

- The plan of management applying to that area of community land.
- Any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land.
- The provisions of Division 2 of Chapter 6 of the Act.

**Crown Land Management Act 2016**

The CLM Act authorises local councils appointed to manage dedicated or reserved Crown land (council managers) to manage that land as if it were public land under the LG Act. Generally council managers will manage land as if it were community land. Under the LG Act, a PoM must be adopted by council for all community land.

Section 3.23(6) of the CLM Act requires council managers to adopt a PoM for any Crown reserve for which it is the appointed Crown land manager, and that is classified as 'community land' under the LG Act.

**Environmental Planning and Assessment Act, 1979**

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

On the local level, any land use proposed for any site within this PoM must be consistent with the zoning that is applied to the land by the Penrith Local Environmental Plan 2010 (LEP). Additionally, any land use, building or structure proposed for a site within this PoM may also require development consent under the provisions of the LEP unless it is exempt development.

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

This planning policy deals with vegetation in non-rural areas and Water Catchments.

The SEPP aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal;

- provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality; and
- support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

**Biodiversity Conservation Act, 2016**

The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6(2) of the *Protection of the Environment Administration Act 1991*).

**National Parks and Wildlife Act 1974**

Statutory responsibilities on Council arising from this Act specifically relate to the protection of sites of pre and post European contact archaeological significance and the protection of native flora and fauna.

**Local Land Services Act, 2013**

This Act formalised the establishment of Local Land Services which became operational in 2014. *3.*

**Fisheries Management Act, 1994**

The aim of the *Fisheries Management Act 1994* (FM Act) is to conserve, develop and share the fishery resources of the State for the benefit of present and future generations.

This includes the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation.

Where an area of community land is declared to be critical habitat, or if that area is affected by a threat abatement plan under Part 7A of the FM Act, a site-specific PoM will need to be undertaken.

**Rural Fires Act, 1997**

The *Rural Fires Act 1997* requires the Bushfire Coordinating Committee (BFCC) to establish a Bush Fire Management Committee (BFMC) in each local government area containing a rural fire district, or fire district with a bush fire risk.

One role of the BFMC is to prepare a Bush Fire Risk Management Plan for its area of responsibility.

The strategies established in the bush fire risk management plan address the bush fire hazard, the vulnerability of assets to fire, the safety of the community and fire fighters, the protection of the land and environment from fire. The plan also recognises some aspects of biodiversity can be managed through the application of appropriate fire regimes upon the landscape.

**Heritage Act 1977**

This Act contains provisions for the conservation of items of heritage. Thus, this relates to community land categorised as cultural significance or natural area.

**ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter)**

This charter was drawn up by ICOMOS (International Council on Monuments and Sites) to define the basic principles and procedures to be observed in the conservation of important cultural places. Thus, this relates to community land categorised as cultural significance.

**Water Management Act, 2000**

The objectives of this Act are to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations and, in particular:

- ecologically sustainable development
- protect, enhance and restore water recourses
- recognise and foster social and economic benefits
- recognise the role of the community
- provide efficient and equitable sharing of water
- management of water sources with other aspects of the environment including native vegetation and native fauna
- encourage the sharing of responsibility and efficient use of water
- encourage best practice management and use of water.

The objectives and principals of the *Water Management Act 2000* can be accessed at www.legislation.nsw.gov.au

**Appendix C - Current Tenures on Crown land**

| Reserve No | Reserve Name | Reserve Purpose | Lot / DPs | Tenure Type | Tenure purpose | To Whom | Period | Expiry date |
|---|---|---|---|---|---|---|---|---|
| 64919 | MELROSE HALL | Public Hall | Whole: Lot 7040 DP 1055095 | Biennual Regular Hire Agreement | Occupation and use of the premises | Australian League – Penrith Squadron | Weekly | 28 November 2024 |
| | | | | | Occupation and use of the premises | Blue Mountains & Penrith District Orchid Society | 2024 - 3 days per week | 15 September 2024 |
| | | | | | Occupation and use of the premises | Native Cockatiel Society of Australia | Quarterly (approx.) | 9 September 2024 |
| | | | | | Occupation and use of the premises | Ready Steady Go Kids | Weekly | 19 December 2024 |
| | | | | | Occupation and use of the premises | Uechi Rya Karate | Weekly | 17 December 2024 |
| | | | | | Occupation and use of the premises | Yukan Kai Karate Do | Weekly | 18 December 2024 |

PENRITH

# PLAN of MANAGEMENT

# Community Land

## Generic Plan for Sportsgrounds

September 2024

PENRITH
CITY COUNCIL

penrithcity.nsw.gov.au

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# KEY INFORMATION

Plan of Management for Community Land – Sportsground

Penrith City Council

xxxx date of adoption

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|---|---|---|
| **Version** | **Date** | **Summary of Changes** |
| 1.0 | 2002 | Draft of Plan of Management for Community Land Sportsground |
| 2.0 | 2022 | Revised Draft of Plan of Management for Community Land Sportsground |

This Plan of Management (PoM) has been prepared by Penrith City Council (Council) and provides direction as to the use and management of council-owned community land and council-managed Crown reserves classified as 'community land' in the Penrith City Council area.

The PoM is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993*.t.

The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This PoM is a generic document covering most of the community land and open space within the Penrith local government area (LGA) categorised as Sportsground.

# INTRODUCTION

On the western side of the Cumberland plains and at the edge of the Blue Mountains lies the Penrith Local Government Area (LGA).

Penrith City is made up of areas that range from rural to urban, from nature reserves and farmland to concentrations of high density living and commercial areas. The most recent ABS Census in 2016 showed there were 196,066 people living throughout the City in 71,111 dwellings in 36 suburbs across the City's 404km2.

Penrith City's population has grown by an average of 2750 people per year for the last 10 years and has gained over 45,600 people since the 1991 Census. By 2036 the forecasted population of the Penrith LGA is 258,195. In planning for the growth of the City, we must recognise the changing composition of our communities and provide the services and social infrastructure that meets their needs through different stages of life.

Penrith is experiencing a period of significant growth. The growth in our communities is both a strength we can build on and a challenge to be managed through ensuring social sustainability for all.

**Purpose of the plan of management**

The *Local Government Act 1993* (LG Act) requires a Plan of Management (PoM) to be prepared for all public land that is classified as 'community land'.

The *Crown Land Management Act 2016 (*CLM Act) authorises council crown land managers (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the LG Act. Therefore, all Crown land reserves, where council is appointed as crown land manager, are also required to have a PoM under the LG Act.

The purpose of this generic PoM is to:

- contribute to the council's broader strategic goals and vision as set out in the Community Plan and the Penrith Sports and Recreation Strategy
- ensure compliance with the LG Act *and* the CLM Act.
- provide clarity in the future development, use and management of the community land
- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Further information about the legislative context of Crown Reserve plans of management can be found in Appendix C of this document.

Community land open space, generally known as parks, reserves and sportsgrounds, is land under the care, control and management of Penrith City Council (Council). Council will manage this land to meet its vision of a sustainable and prosperous region with harmony of urban and rural qualities with a strong commitment to environmental protection and enhancement.

Community land is a valuable resource in the Penrith LGA, playing an important role in the social, intellectual, and physical enrichment of both children and adults, and having implications for community welfare and wellbeing.

Community land is required to be used and managed in accordance with the following:

- The PoM applying to the land; and

- Any law which permits the use of land for a specific purpose, or otherwise regulates the use of the land. (This includes the *Environmental Planning and Assessment Act 1979* and planning instruments made under the Act).

A PoM should be consistent with any environmental planning instrument applying to that land.

**Change and Review of plan of management**

This PoM will require regular review to align with community values and changing community needs, and to reflect changes in council priorities. Council has determined that it will review the PoM within 10 years of its adoption. However, the performance of this PoM will be reviewed on a yearly basis to ensure that reserves are being managed in accordance with the PoM, are well maintained and provide a safe environment for public enjoyment.

Council may continue to acquire or divest land for the benefit of the community. Land may also come into council's ownership by dedication of land for open space. Council may also be appointed by the Minister as Crown land manager of additional Crown land.

The community will have an opportunity to participate in reviews of this PoM.

**Community Consultation**

This PoM was placed on public exhibition from [XX/XX/XXXX to XX/XX/XXXX], in accordance with the requirements of section 38 of the LG Act. A total of [XX] submissions were received. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Housing and Infrastructure – Crown Lands (DPHI – CL), as representative of the State of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by the DPHI – CL.

In addition, a public hearing must be held, in accordance with the requirements of Sections 40(A) and 47(G) of the LG Act if community land, owned by Council, is intended to be either categorised or recategorised.

# LAND DESCRIPTION

The community land that is covered by this document is listed in Appendix A. The land covered by this document is defined by real property identifiers (lots and deposited plans) and reserve numbers (for Crown land only). For more information, please go to the Council Land Register found on the Penrith City Council website: https://www.penrithcity.nsw.gov.au/building-development/planning-zoning/public-land-register

All community lands referred to within this PoM have been categorised as Sportsground (see S.36(4) of the LG Act) and for the purpose of the PoM, this category applies to all land included in Appendix A.

Some open spaces are not covered by this PoM, generally because they need site-specific plans of management to be prepared. Contact the council or refer to the council's website for information about other public land not listed in Appendix A.

### Owner of the Land

The land includes Council-owned land and Crown land owned by the State of New South Wales, which is managed by the council as Crown land manager under the CLM Act, [and other land managed by Council that is community land]. The owner of the land is identified in Appendix A.

## BASIS OF MANAGEMENT

The aims and objective of this PoM are to ensure ongoing development of open space strategies and administrative policies and to guide the management, operation, maintenance, and renewal of facilities to effectively protect and conserve the reserves included within this PoM.

Within the context of the continued provision of Council services regarding these lands, this PoM identifies the recreational values of Sportsgrounds to the community and establishes a means of administering and managing those grounds in an effective, efficient, and sustainable manner.

The LG Act prescribes clear guidelines for categorising community land as Sportsground.

Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- restrictions on management of Crown land community land
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.

In 2020 Council, adopted the "Penrith Sport and Recreation Strategy" (The Strategy). This Strategy is a blueprint for the future planning, development, enhancement, and management of our community spaces throughout the wider Penrith LGA.

The Strategy is a valuable document and has been used to help inform the preparation of this Community Land PoM for Sportsgrounds.

The core objectives of the strategy are to:

- Plan for Growth – ensure that the provision and delivery of sport, play, recreation and open space meets the needs of the City's current population and future growth.
- Promote Accessibility and Inclusion – encourage active and healthy lifestyles for all in the community by optimising access and functionality.
- Support Environmental Sustainability – conserve and enhance the City's natural values as an integral part of the landscape of public open space and respond to climate change.
- Create Economic Benefits – foster recreation-based participation, infrastructure development and visitation to the City that benefits the local economy.
- Manage the City's Assets – inform strategic asset management to ensure modern facility provision supported by ongoing maintenance of existing assets.
- Sustainably Resource Strategies – produce sport, recreation, play and open space strategies supported by the appropriate funding sources.
- Monitor and Evaluate Outcomes – review and refine strategies based on key performance indicators.

The Strategy identifies that the vision for open space is to provide an accessible and connected network including a range of active, passive, structured and unstructured opportunities. This network will be managed in a sustainable manner and will offer a range of opportunities and that for current and future generations. More details are provided in the Strategy documentation.

**Categorisation of the land**

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

All community lands referred to within this PoM have been categorised as Sportsground and for the purpose of the PoM, this category applies to all land included in Appendix A.

**Guidelines for Community Land to be categorised as Sportsground.**

Section 103 of the *Local Government (General) Regulation 2021* provides that community land should be categorised as Sportsground under Section 36(4) of the LG Act, where the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.

All community land within this PoM meets the criteria listed above.

**Restrictions on management of Crown land**

Council manages the Crown reserves described in this PoM as the Crown land manager in accordance with the CLM Act, or

The use of the Crown land described in this PoM must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the Commonwealth *Native Title Act 1993* (NT Act).

- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim under the *Aboriginal Land Rights Act 1983* exists
- consider and not be in conflict with any interests and rights granted under the CLM Act
- consider any interests held on title.

Crown land is subject to native title rights and interests under the NT Act which must be considered unless:

- Native title has been extinguished; or
- Native title has been surrendered; or
- determined by a court to no longer exist.

Dealings in land or water that affect (impair or extinguish) native title are referred to as 'future acts' and these acts must be done in compliance with the NT Act. The NT Act specifies procedures that must be followed before future acts can be validly done.

Some examples of acts which may affect native title on Crown land or Crown reserves managed by Council include:

- the construction of new buildings and other facilities such as toilet blocks, walking tracks, tennis courts, grandstands and barbecues.
- the construction of extensions to existing buildings.
- the construction of new roads or tracks.
- installation of infrastructure such as powerlines, sewerage pipes, etc.
- the creation of an easement.
- the issue of a lease or licence.
- the undertaking of major earthworks.

On Crown land, a future act undertaken by Council, which is not covered by one of the Future Act subdivisions of the NTA will be invalid.

**Council's strategic objectives and priorities**

Council, in consultation with the community, has developed strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs and can be found on Council's website. The plans of management are integral documents that support Council's Community Plan, Delivery Program and Operational Plan with implementation aligned to Council's Resource Strategy.

The PoM aims to be useful for Council and an informative document to the public. It will provide an ongoing source of information for informed management decision making. However, nothing in this PoM obliges Council to provide any facility or item.

# DEVELOPMENT AND USE

**Development of Community Land in the Penrith LGA**

Development activities allowed on Community Land is subject to both State and local policies. State policies prevail over local policies. The following information is correct at the time of adoption of this PoM but is subject to change.

This PoM does not remove the requirement for a development application under Part 4, or an ecological assessment under Part 5, of the Environmental Planning and Assessment Act 1979 if applicable.

**The T&I SEPP**

Relevant State Government legislation is the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, known as the T&I SEPP. Under Section of the T&ISEPP certain development may be carried out by Council without consent in public reserves under its control. Refer to the T&I SEPP for these development types.

Under Section 2.74 of the T&I SEPP certain development is exempt development if it is carried out by Council in public reserves under its control. Refer to the T&I SEPP for these development types.

**The Penrith Local Environmental Plan (LEP) 2010**

The Penrith LEP 2010 lists development that may be carried out with or without development consent on land that falls under certain land use zones. Refer to the latest Penrith LEP for these development types or contact Penrith City Council Development Services for more information.

**Crown Land**

Some Crown land is managed by Council as the appointed crown land manager. Where this Crown land is classified as community land and categorised as Sportsground it is subject to this PoM and is included in Appendix A

Council manages some other Crown land under Section 48 of the LG Act. While Council controls this land for the Crown, it is not classified as Community Land in accordance with the LG Act, it is not subject to this PoM. Council will work with the DPHI – CL (responsible for the administration of the CLM Act) to ensure the appropriate management of the Crown Reserve System.

**Road Reserves**

Several of Council's smaller open space areas have evolved on land designated as road reserve. These areas do not have identifying lot and Deposited Plan (DP) numbers but do require the dedication of resources to maintain them.

The categorisation and inclusion of road reserves in a plan of management is therefore not required under the Community Land legislation. However, as they are managed and maintained in a similar manner as similar parcels of classified Community Land, it is appropriate to include them in this PoM. Where appropriate, Council will close these roads and classify them as Community Land under the LG Act.

**Permissible uses / future uses**

Community land is valued for its important role in the social, intellectual, cultural, spiritual, and physical enrichment of residents, workers, and visitors to the Penrith LGA.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings,

swimming pools, and recreational and sporting facilities in particular, Council intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary permanent and temporary infrastructure, including but not exclusive to, playground equipment, amenity blocks, e.g. toilets, change rooms, canteens, or food kiosks, storage facilities, floodlighting, fences, spectator seating and shelters, and car parking.

The general types of uses which may occur on community land categorised as Park, Sportsground, General Community Use and Natural Area, and the forms of development generally associated with those uses, are set out in tables in the relevant category section in this PoM.

**Guidelines and core objectives for Sportsground**

Sportsgrounds are defined in clause 103 of the *Local Government (General) Regulation 2021* as land used primarily for active recreation involving organised sports or playing outdoor games.

The core objectives for land categorised as Sportsground, as outlined in Section 36F of the L G Act, are to:

- encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- ensure that such activities are managed having regard to any adverse impact on nearby residences.

**Management Strategies**

The effective implementation of sound and effective management practices for Sportsgrounds within the City of Penrith is a high priority of Council.

Sportsgrounds provide benefits the city in term of allowing the development of organised active recreation and sporting facilities meeting a range of needs for all members of the community.

This PoM establishes a framework for the management of Sportsground in accordance with the Act. Council's objectives of this PoM are to:

- assist in the development of pro-active land management strategies and policies for Sportsground within Council's operational structure
- plan the efficient distribution of sporting facilities to meet the needs of existing and proposed communities, as well as local, district, regional and national competition/events and training.
- establish strategies that provide for sustainable and environmentally safe management practices for sportsgrounds
- maximise the efficient planning and use of all existing sporting facilities
- provide a means for monitoring the environmental management of Council operations on the lands
- to establish a review for the PoM

## Key Issues

The key issues to be managed by these strategies relate to the efficient operation and management of sportsgrounds and their role in the community.

Key areas of operational management addressed in this PoM are:

1. Recreation and Land Use Planning
2. Asset Management and Maintenance
3. Environmental Management
4. Community Access and Use
5. Community Engagement
6. Safety and Risk Management
7. Landscape Character and Design
8. Animal Control

**Recreation and Land Use Planning**

The Penrith LG Area continues to experience growth and is a City which is transforming. To accommodate this growth, it is vital that present and future communities have access to sportsgrounds and recreation areas and that services and infrastructure meet their needs through all stages of life.

In striving for this, the actions in this PoM sets a framework for the creation of an active, safe, healthy, and vibrant City. Key planning issues, current and emerging for Sportsgrounds under this PoM, include;

- Capacity of spaces being often limited by poor topography, drainage issues, easements, ground/turf condition, inefficient field and ancillary facility configuration, and user group management practices.
- Population growth, changing demographics, changing sport formats, and emerging community need and trends e.g., informal sports competitions and events.
- Ensuring the quantity, quality, and distribution of Sportsgrounds into the future matches current and future population needs.
- Development of infrastructure in the City, particularly transport corridors and housing, will impact availability of land and existing sites into the future.
- Limited financial resource availability for acquisition, facility upgrades and improvements.
- Lack of available user group strategic plans, prioritised facility plans/ facility strategies, and sports participation development plans.

**Asset Management and Asset Maintenance**

Much existing sport and recreation infrastructure is a legacy of historical provision 30+ years ago and is therefore nearing the end of its useable life. Modern planning methods, building regulations and legislation, and community demand for fit for purpose facilities mean that that many councils are taking stock of their facilities.

Strategic Asset Management and Asset Maintenance (both scheduled/programmed and reactive) are key operational functions of Council. The effectiveness of their

implementation is critical to ensuring sustainable, safe and well maintained facilities for user groups to function effectively throughout the year and to provide the widest possible opportunities for participation. They are also critical to Council realising its Resource Strategy in terms of financial efficiency.

Key asset management and asset maintenance issues include;

- Sportsgrounds/ancillary facilities are ageing in condition and there are limitations in terms of design and function, particularly in accommodating changing requirements and needs of sports, and attracting use by all sectors of the community.

- Condition of assets impact and limit the usage capacity of sportsgrounds e.g., floodlight lux, irrigation systems, field construction.
  - Location of sportsgrounds impact asset condition, specifications for construction and Council budgets e.g., in floodways, detention basins.

- Extended seasonal use impacts condition of facilities e.g., field and turf condition, and greater 'wear and tear' on ancillary facilities such as floodlights reducing life expectancy.

- Increasing costs of renewal, maintenance and improvements to sportsgrounds / ancillary facilities and the needs and expectations to have quality sports facilities, given existing and future resource availability.

- Ensuring provision of facilities in new housing release areas have architectural / artistic merit, reflecting the needs of the community, as well as considering factors such as usage, functionality, and maintenance costs.

- Maintaining and implementing Strategic Asset Management Plans, and programmed/scheduled maintenance programs, including sustaining asset inspection regimes.

- Developing effective management and service delivery standards which can be regularly reviewed through customer engagement and benchmark tools.

- Responding to increased need for reactive maintenance requests such as removal of rubbish, repair vandalised facilities, equipment malfunction reported by the community and user groups.

**Environment Management**

Council recognises how important it is that a balance is maintained when providing sport, recreation, play and open space and preserving and maintaining the environment and other green infrastructure.

The City encompasses a network of rivers, creeks and waterways which are an important ecological, hydrological, recreational, and cultural resource.

In terms of biodiversity, Penrith has a diverse range of native species and vegetation communities. Bushland and remnant vegetation is important to provide habitat for native species, help cool the environment and support clearer waterways and air. It contributes to the City's identity and is irreplaceable.

Climatically, the City is getting hotter and weather events are becoming more extreme. Council has developed the 'Cooling the City Strategy' which has a range of actions to increase green infrastructure, Water Sensitive Urban Design (WSUD), policy development and ongoing engagement across the City.

Key issues in relation to environmental management includes:

- Developing innovative ways to maintain and develop new management practices to balance access and risk and more extreme climatic conditions, whether that is; new irrigation, water harvesting, new turf technology, reviewing mowing regimes, increasing shade cover, increasing tree canopies and the like.

- Improving, planning for, and creating and designing facilities that support environmental sustainability and recognise the environmental value of the site, as well as strategies such as Cooling the City.

- Improving the liveability of the City and protection of the natural environment through the presentation, maintenance, and operation of sportsgrounds in an environmentally sustainable manner.

- Sports ground user groups operations need to consider the environmental sensitivity of the precinct within which the activity is being undertaken.

**Community Access and Use**

The provision of recreation and sports participation opportunities across Penrith is both extensive and diverse. Penrith boasts an environment where traditional sports as well as those less common are played. As the demographic structure of the City changes, so will the sport and recreation demands of our community and we must manage our facilities and adapt to ensure long-term relevance and sustainability.

Council currently has approximately 420ha of sports playing surfaces that create a network of facilities which provide participation opportunities and facility infrastructure that support both the local sports needs of the community, as well as competitions and programs at district, regional, state and national levels.

Council also recognises that sportsgrounds provide unstructured sports and recreation opportunities which provide just as valuable social and community outcomes. Social sport and recreation is an emerging trend as an alternative to formal organised sport. The community is increasingly participating in a range of recreation activities to improve fitness, while lifestyle, adventure and alternative recreation facilities are rising in popularity. Unstructured activities such as Parkrun and other active recreation events are increasingly taking place at sportsgrounds and in open spaces, as are requests for special events.

Council's vision is that Penrith will be acknowledged for its diverse range of affordable, accessible, and inclusive sporting and recreation opportunities, provided in quality environments, which are well utilised by its clubs, associations, and wider community.

To achieve this the actions in this PoM seek to address key issues regarding managing the capacity and use of sportsgrounds, as well as physical access, these include;

- Being responsive to the changing sporting and recreational preferences of the community.

- Ensuring that opportunities for use of sportsgrounds and allocations are made on an equitable basis and, allocations and actual use are monitored in terms of managing capacity.

- Managing extended seasonal use and 'season creep'

- Managing conflicting usage demand for sportsgrounds, ie. shared use of sportsgrounds and the need to accommodate informal, unstructured activities.

- Managing the increased demand from external organisations e.g. educational institutions

- Taking a consistent approach to the overall management (including lease agreements), functionality and maintenance of sportsgrounds and associated facilities within the limitations of allocated budgets and environmental conditions.

- Providing the physical infrastructure and services that provide appropriate and inclusive access to sportsgrounds, sustain usage demand, are fit for purpose and, which ensure the safest possible environment for the public use of sportsgrounds.

- Establishing funding mechanisms to improve opportunities for access and infrastructure improvements, including recognising the need for a contribution system from user groups.

- Working with user groups to ensure that they are provided with support to enable good governance, sustainable operations and facility planning and development.

**Community engagement**

Good neighbour relations are important in the management of sportsgrounds. Neighbours and community users can make valuable contributions to the planning and management process as well as informing Council of any ongoing issues.

Council is committed to establishing and maintaining good relationships with adjoining landowners and occupiers, and sportsground users, as well as promoting a culture of respect and accountability between all sportsground stakeholders.

To achieve this the actions in this PoM seek to address key issues regarding community and user group engagement, including;

- Maintaining sufficient Council resources to manage and administer sports user group and community relationships and ensure active and regular engagement.

- Managing the expectations of community groups and sportsground users.

- Creating the opportunity for community consultation to be undertaken in the preparation of sportsground design.

- Monitoring car parking associated with sportsgrounds to ensure adequate facilities and reduce possible conflict with surrounding residents.

- Managing the use of sportsgrounds through contemporary licence agreements, terms conditions of hire, sportsground user guide and providing support to user groups for their implementation.

**Safety and Risk Management**

It is necessary for Council to have risk management strategies in place, to improve safety on and around sportsgrounds in order to minimise potential losses and to ensure there is the maximum opportunity for use and participation. All visitors attending sportsgrounds, or using adjoining land and infrastructure, must be able to do so in a safe environment.

Council is committed to actively identifying risk and monitoring and managing public risk through progressive and responsive mechanisms. Community involvement in the recognition and remediation of public risk will be encouraged.

The key issues in terms of safety and risk management which are addressed by the actions in this PoM are:

- Planning and design of sportsgrounds, as well as infrastructure provision, to assist in reducing opportunities for vandalism and anti-social behaviour to occur, as well to provide a safe participation and visitor environment.
- Ensuring that sportsgrounds have definable boundaries, including the provision of fences (or similar) and gates to discourage non-authorised access to the land, damage to fields, or a conflict of use.
- Ensuring that sportsgrounds and ancillary facilities/infrastructure are planned and provided in a safe configuration and meet the required legislation and regulations.
- The management of alcohol consumption at sportsgrounds.
- Maintenance and repair schedules being implemented which ensure that facilities are safe to use and fit for purpose.
- Responding to vandalism (e.g., graffiti, vehicular damage, broken glass, burning bins/cricket wickets and other infrastructure)
- Managing sportsground user groups to ensure that their administration and operations promote the safe use of community open space.
- Addressing inconsistencies in signage and information regarding sportsgrounds in Penrith, in terms of visibility and information provided.

**Landscape Character and Design**

Council's sportsgrounds contribute to the natural, visual, landscape and heritage qualities of the City and link within the network of open spaces across the City, as well as to other community facilities such as schools, shops, and adjoining residential areas. Key issues considered in developing a plan of management actions for landscape character and design include;

- Landscape designs of Sportsgrounds should consider the existing setting, its landscape values or the unique character and features of each site.
- Enhancement and expansion of walking and cycling linkages to sportsgrounds to encourage access by all members of the community.
- Financial limitations to undertake landscaping designs, renewal works and maintenance for all sportsgrounds.
- Balancing functionality of sportsgrounds and spectator amenity with the need to preserve bushland and the environment.
- Location of sportsgrounds and constraints that provide limitations e.g. flooding.

**Dog/Animal Exercise Areas**

Council recognises the need for the community to have access to open space for dog/animal exercise areas. It also recognises the need for this access to be managed in the interest of public safety and health, through strategies to effectively manage native fauna, domestic stock and feral animals.

- There is increasing demand for 'off leash' dog areas.

- There is a need to comply with section 14 of the *Companions Animals Act 1998* which states that dogs are always prohibited (whether on or off leash) in the following places:
  - Within 10 metres of children's playground equipment
  - Food preparation areas such as public barbeques and kiosks
  - Active recreation areas such as sports fields, ovals and courts (if declared by Council under resolution).

- Other authorised use of sportsgrounds could include horse riding among others activities and there is a need for such activities to be undertaken in the City at appropriate, non-sportsground facilities.

**Permissible uses / future uses**

The general types of uses which may occur on community land categorised as Sportsground, and the forms of development generally associated with those uses, are set out in Table 1. below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide. The terminology used is not intended to impose an exact meaning. For example, a reference to 'football' includes any variations of that game.

It is anticipated that new sports may develop, and others increase or decrease in popularity. If this occurs, then some community land may be modified to facilitate the changing forms of 'active recreation' enjoyed by the community. References such as 'field', or 'court', are not intended to exclude other sporting surfaces.

**Table 1. Permissible use and development of community land categorised as Sportsground**

| Purpose/Use, such as… | Development to facilitate uses, such as… |
|---|---|
| • Active and passive recreational and sporting activities compatible with the nature of the particular land and any relevant facilities<br>• Organised and unstructured recreation activities<br>• Community events and gatherings<br>• Commercial uses associated with sports facilities | • Development for the purpose of conducting and facilitating organised sport (both amateur, professional and personal trainers), for example:<br>• Sports field (e.g. cricket, football, track and field athletics, baseball, softball)<br>• Indoor / outdoor marked court (basketball, volleyball, badminton, tennis, hockey, netball etc.)<br>• Indoor recreation facility (eg. Basketball courts, gym, dance studios)<br>• Aquatic facility (learn to swim classes, squad training, fitness and health classes including aqua aerobics, recreational and competitive swimming and diving, organised water sports including water polo, diving, hydrotherapy facilities)<br>• Professional rooms for hire<br>• Change room/locker areas<br>• Shower/toilet facilities<br>• Kiosk/café, mobile food vendor uses<br>• Car parking and loading areas<br>• Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas, boat sheds)<br>• Shade structures, flood lights, irrigation and fencing of playing areas<br>• Storage ancillary to recreational uses, community events or gatherings, and public meetings (eg: table, chairs)<br>• Facilities for sports training, e.g. batting cages, tennis walls, gyms<br>• Provision of amenities to facilitate use and enjoyment of the community land including but not exclusive to seating, change rooms, canteen, toilets, storage, first aid areas.<br>• Café/kiosk facilities<br>• Outdoor play equipment or exercise equipment<br>• Heritage and cultural interpretation, e.g. signs, art installations<br>• Equipment sales/hire areas<br>• Meeting rooms, halls and staff areas<br>• Compatible, small scale commercial uses, e.g. sports tuition<br>• Advertising structures and signage (such as A-frames and banners) that:<br>  ○ relate to approved uses/activities<br>  ○ are discreet and temporary<br>  ○ are approved by the council<br>• Water-saving initiatives such as stormwater harvesting, rain gardens, rain water tanks and swales<br>• Energy-saving initiatives such as solar lights and solar panels<br>• Locational, directional and regulatory signage |

**Express authorisation of leases, licences and other estates - Sportsground**

Council may resolve to enter into contracts and lease/licence agreements with relevant authorities, organisations, individuals or companies in relation to the provision of services or utilities in accordance with the objectives of this Plan and legislative requirements.

This PoM **expressly authorises** the issue of leases, licences, sub-leases and other estates over the land categorised as Sportsground, listed in table 2, provided that:

- the purpose is consistent with the purpose for which the land was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in *the* LG Act or the *Local Government (General) Regulation 2021*
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated or allowed by the provisions of the NT Act
- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the *Local Government (General) Regulation 2021*
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.
- the issue of short term licences pursuant to Section 2.20 of the *Cown Land Management Act 2016*.

A tenure or hire agreement on Crown land may impact native title rights and interests. Any use agreement issued on Crown land must be issued in accordance with the future act provisions of the NT Act and in accordance with Part 8 of the *CLM Act* unless native title is extinguished. For Crown land which is not *excluded land* this will require written advice from one of Council's native title managers that it complies with any applicable provisions of the native title legislation.

Table 2. further identifies the purposes for which leases and licences may be issued over the reserves identified in this PoM.

**Table 2. Leases, licences and other estates and purposes for which they may be granted for community land categorised as Sportsground**

| Type of tenure | Maximum term | Purpose for which tenure may be granted |
|---|---|---|
| Lease | 30 years | • Development, use, management and operation of sportsgrounds, club houses, training facilities, indoor sports centres, gyms, stadiums, aquatic centres, equestrian facilities, rowing facilities, cycling (track and off road), tennis facilities and other sport and recreation activities.<br>• café/kiosk areas, including seating and tables, and mobile food vendors.<br>• management of courts or similar facilities. |

| Type of tenure | Maximum term | Purpose for which tenure may be granted |
|---|---|---|
| | | • hire or sale of recreational equipment.<br>• Installation of temporary infrastructure. |
| Licence | 30 years | • Development, use, management and operation of sportsgrounds, club houses, training facilities, indoor sports centres, gyms, stadiums, aquatic centres, equestrian facilities, rowing facilities, cycling (track and off road), tennis facilities and other sport and recreation activities.<br>• outdoor café/kiosk seating and tables, and mobile food vendors.<br>• management of court or similar facilities.<br>• hire or sale of recreational equipment.<br>• Installation of temporary infrastructure.<br>• Childminding services. |
| Licence (e.g. seasonal licence) | Short-term Up to 5 years | • Development, use, management and operation of sportsgrounds, club houses, training facilities, equestrian facilities, rowing facilities, cycling (track and off road), tennis facilities and other sport and recreation activities.<br>• café/kiosk areas, including seating and tables, and mobile food vendors.<br>• management of court facilities<br>• hire or sale of recreational equipment<br>• installation of temporary infrastructure<br>• sports and fitness training and classes<br>• broadcasting or filming of sporting fixtures<br>• ancillary services or ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.)<br>• uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'guest' events for juniors; gala days; club meetings)<br>• Events and event infrastructure<br>• Sports training camps/pre-event training and significant sports events<br>• Others |
| Short-term under S2.20 under CLM Act | 1-year | • access through a reserve,<br>• advertising,<br>• camping using a tent, caravan or otherwise,<br>• catering,<br>• community, training or education,<br>• emergency occupation,<br>• entertainment,<br>• environmental protection, conservation or restoration or environmental studies,<br>• equestrian events,<br>• exhibitions,<br>• filming (as defined in the LG Act),<br>• functions,<br>• hiring of equipment,<br>• holiday accommodation,<br>• markets,<br>• meetings,<br>• sales,<br>• shows,<br>• site investigations,<br>• sporting and organised recreational activities,<br>• stabling of horses,<br>• storage. |

| Type of tenure | Maximum term | Purpose for which tenure may be granted |
|---|---|---|
| Other estates | | This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and public authorities works associated with or ancillary to public utilities and public authorities and provision of services, or connections for premises adjoining the community land to a facility of the council , public utility or public authority provider on the community land in accordance with the LG Act |

This PoM expressly authorises the lease, licence or grant of any other estate over the land specified in the in Schedule of Land contained within, and any buildings located on the land specified, for community purposes as determined by Council, for a term not exceeding thirty (30) years. For leases and licences exceeding twenty one (21) years the provisions of section 47 of the LG Act must be applied.

Leases may be granted for exclusive use to any organisation for individual or any community purpose as determined by Council, on such terms as Council may provide. The purposes must be consistent with the core objectives of land categorised as "Sportsground" as outlined in the *Local Government (General) Regulation 2021*, and other applicable legislative requirements.

Council seeks public tenders for entering into a contract for the provision of services to the council under Section 55(f) of the LG Act. Section 46A of the LG Act requires Council to follow a tender process for leases, licences and other estates of community land over 5 years, unless the use agreement is to be granted to a non-profit organisation.

Where Council has entered into a lease of community land, this PoM authorises Council to consent to a sub-lease of the community land provided such sub-lease is in accordance with the requirements of Section 47C (1)(a) of the LG Act. Where Council has entered into a lease of community land, this PoM authorises Council to consent to a sub-lease of the community land by a sporting club if the sub-lease is for a purpose set out in section 119 of the *Local Government (General) Regulation 2021*.

Short term licences allow multiple and non-exclusive use of an area over a shorter period. A licence may be required where intermittent or short-term use or control of all or part of the community land is proposed. A number of licences for different users can apply to the same area at the same time, provided there is no conflict of interest or would result in the capacity of the facility being exceeded.

Licenses for short-term use or occupation of sports facilities in Penrith for a range of purposes may be granted where they are consistent with the reserve purpose and the LG Act.

All short-term use and occupation licence agreements are subject to Council's standard conditions for hire, approval processes, and booking fees. Fees will be in accordance with the fees and charges as published in Council's annual Operating Plan and Budget.

Commercial recreation use of sportsgrounds for community benefit is permitted by this PoM, providing that this is compatible with carrying capacity of the park and meets the requirements of the legislation, community and Council. Leases, licences and other estates, that achieve public benefit, for commercial recreation are expressly authorised by this PoM

This PoM authorises the current lease and licence agreements until the end of their current terms. Prior to the expiry date, each lease or licence agreement will be reviewed, and renewed if appropriate.

**Appendix C** provides a table of current lease, licence and other occupation agreements on Crown land for which Council is Crown land manager.

Below provides further details on Council's conditions that apply to authorised activities on land categorised as Sportsground;

**Club Houses / Amenity Buildings**

This PoM authorises the granting of a lease or licence of buildings and infrastructure both temporary and permanent associated with Sportsgrounds, including but not exclusive to amenity buildings and clubhouses. These buildings can be used for club activities such as meetings and social functions relating to their tenancy agreement.

This PoM authorises the granting of a lease or licence over a community building for the purpose of trading such as a kiosk or social function area, as examples.

**Easements**

The purpose of the easement must fall within a category identified in s46(1) of the LG Act.

In all cases, the applicant is to be responsible for all costs incurred by Council in the creation of the easement. The process within section 47 of the LG Act must be followed when considering imposing and easement on community land.

In all cases, the applicant is to be responsible for all costs incurred by Council in the creation of the easement.

The granting of easements over Crown land will be subject to the provisions of the NT Act and Section 8.7 of the CLM Act.

**Festival, Events, Markets, Ceremonies, Public Address**

This PoM authorises the granting of a lease or licence for the purpose of festivals, events, markets, ceremonies, public address and picnics to be held at Sportsgrounds, where suitable as determined by Council. The applicant must comply with Council's application process for special events, hire agreement conditions and any state or local legislative requirements appropriate to the activity.

**Filming**

This PoM authorises the granting of a lease or licence for the purpose of commercial photographic sessions and filming. The applicant must comply with Council's "Application for filming and still photography' form and agreement conditions.

**Helicopters, Hot Air Balloons and parachute jumpers**

This PoM authorises the granting of a lease or licence for the purpose of helicopter landing and take-off, provided all other approvals such as use of restricted air space have been granted by the relevant authority. Such a lease or licence may require the temporary erection of exclusion fencing or any other measure required to ensure public safety. The applicant must comply with Council's application process and any conditions imposed on them.

**Visitor Fee**

Under Council's Sports User Guidelines, it is recognised that some clubs charge a 'gate' fee for entry to competition matches. An entry fee for match days is a voluntary payment and user groups cannot refuse patrons if the fee is not paid. Hirers are not permitted to request an entrance fee or restrict access to the public who do not make a voluntary payment.

**Personal Trainers**

This PoM authorises the granting of a lease or licence for commercial fitness training operations in designated public open space for commercial training activities on a non-exclusive basis.

Applicants must follow Council's Commercial Trainer and Personal Fitness Groups Guidelines and application process.

**Street Performers**

This PoM authorises the granting of a licence for the playing of a musical instrument, performance, or singing, for fee or reward. Applicants must follow Council's Street Performer Permit application process to obtain a valid permit and comply with Council's Street Performers Policy.

**Temporary Infrastructure**

This PoM authorises the granting of a lease or licence to organisations to erect or install temporary storage, amenities and ancillary sport or event/activity related infrastructure, upon application, assessment and approval by Council.

**Restaurants and mobile food vendors**

This PoM authorises the granting of a lease or licence or other estate for the purpose of trading such as a kiosk, restaurant or mobile food vendor. The applicant must comply with all regulatory obligations, including the *Food Act 2003* and s68 of the LG Act, Council's application process, agreed contracts and the Food Truck on Council Land in the Penrith City Centre Policy.

**Roads**

This PoM authorises the granting of a lease, license or other estate for the purpose of the provision of public access, where the provision of that access is consistent with the core objectives stated herein and where vehicular access is necessary for the enjoyment of that land.

This PoM authorises the granting of a licence for the use of an existing accessor fire trail to:

- transport building materials and equipment required in relation to building work that is to be, or is being carried out on land adjoining the community land; or
- to remove waste that is consequential on such work.

Where currently unavailable, access may be permitted (and licensed accordingly) to adjoining land for the above purpose provided no damage to the park is expected. The applicant must comply with Council's application process and permit conditions.

It is a requirement that any Crown land used for the purpose of a public road will need to be acquired by Council.

If a public road is required on Council owned land Council will open the road under the *Roads Act 1993*

**Stormwater**

This PoM authorises the construction of relevant structures for the purposes of stormwater treatment and or retention as prescribed in s28 of the Regulations. This plan authorises the continued use of drains, channels and easements and creation of new drains, channels and easements.

**Telecommunications**

This PoM authorises the granting of a lease or licence for the development of telecommunication towers on community land. The applicant must comply with Council's application process and conditions. The siting of the Telecommunications

Tower must not impact the operations of the Sportsgrounds user groups or future infrastructure provision at the facility.

Council is unable to issue telecommunication licences on Crown land, all telecommunications licences are to be issued by DPHI – CL.

**Other Permitted Activities**

In addition to the uses requiring a lease or licence, this PoM authorises the following uses, to be leased or licensed as appropriate.

**Drones and Model Aeroplanes**

Council authorises the use of drones and model aircraft in compliance with Civil Aviation Safety Regulations Part 101 and CASA's Remotely Piloted Aircraft Systems – licensing and operations Advisory Circular.

**Fireworks, Distress Signal or Model Rocket Propellant**

Council cannot issue a license or lease for the use of fireworks, distress signals or a model rocket propellant on Council Land, as stipulated by SafeWork NSW Guidelines. However, Council may object or impose conditions on an applicant who notifies Council of their intention to use of fireworks, distress signals or a model rocket propellant on Council Land.

An applicant must hold a pyrotechnician or fireworks (single use) license issued by SafeWork NSW by way of the Explosives Regulations 2013, before notifying Council Rangers of the intent to use fireworks, distress signals or a model rocket propellant on Council Land. After an assessment Council may object or impose conditions on the applicant.

**Playing of Sports**

This PoM authorises the playing of structured or unstructured sports and recreation activities appropriate to sportsgrounds, and activities associated with visitors attending the site for the purpose of sport, recreation and event activities. The PoM authorises the granting of a lease or licence for use of sportsfields, courts, tracks, other surfaces and ancillary infrastructure used for sport and recreation.

**Signage**

This PoM authorises the erection of regulatory, interpretive, and directional signage within Sportsgrounds.

Requests for signage on a Council building that is not directional signage requires Council approval and must comply with any local or state legislation.

Signage within a park not located on a Building requires review by Council's Asset Team to ensure its compliance with the DCP and any other conditions.

**Structures/Infrastructure**

The following list provides examples of the types of buildings or structures authorised by this PoM, which may be either temporary and/or permanent (This list is not exhaustive) *:

- Walkways
- Pathways
- Refreshment kiosks / canteens
- Work Sheds or Storage Containers required in connection with the maintenance of the land and/or operation and provision of activities on the land;
- Toilets or rest rooms
- Amenities including change rooms, mother's rooms, first aid rooms, referee's rooms, accessible toilets etc.
- BMX tracks
- Tennis courts

- Netball courts
- Boatsheds, pontoons
- Equine facilities
- Enclosed off leash dog parks
- Lighting of facilities, including floodlighting
- Shelters and seating
- Cricket practice nets
- Softball nets, discus nets, baseball nets and cages etc.
- Athletics track and associated field event infrastructure
- Goal posts
- Removal, relocation and or construction of buildings for community use.
- BBQ facilities
- Fencing, including around fields of play
- Grandstands
- Playgrounds
- Retaining walls
- Irrigation
- Public address systems
- Bores
- Signs
- Water storage tanks
- Garbage Bin Enclosures
- CCTV cameras and security technology

*Please note that development approvals will be required for the building or installation of some of these structures, in particular major structures / development. Please refer to the Penrith LEP and T&I SEPP for all appropriate development approval requirements.

Where it is proposed to construct or establish a public work[1] on reserved or dedicated Crown land, where native title is not extinguished, prior to approval Council will notify and give an opportunity for comment from any representative Aboriginal/Torres Strait Islander bodies, registered native title bodies corporate and registered native title claimants in relation to the land or waters covered by the reservation or lease as required under the NT Act .

Where a proposed update of an existing masterplan, capital works program, facilities asset management plan or any other plan is the approving documentation for a public work on Crown land, that approval will not be given unless the requirements of the NT Act have been addressed including the notification and opportunity to comment noted above.

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[1] A public work is defined as:

*(a) any of the following that is constructed or established by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities:*

*(i) a building, or other structure (including a memorial), that is a fixture; or*

*(ii) a road, railway or bridge; or*

*(iia) where the expression is used in or for the purposes of Division 2 or 2A of Part 2--a stock-route; or*

*(iii) a well, or bore, for obtaining water; or*

*(iv) any major earthworks; or*

*(b) a building that is constructed with the authority of the Crown, other than on a lease.*

Major earthworks are defined as:

*earthworks (other than in the course of mining) whose construction causes major disturbance to the land, or to the bed or subsoil under waters.*

**Allocation and Conditions of Use**

Applications for use of sports grounds will be assessed on merit and in an equitable manner through a seasonal and casual allocation process. Council may also enter into longer term hire, licence or lease agreements with user groups. When new facilities are constructed, Council may implement an Expression of Interest (EOI) process or, make a direct allocation to a user group, without undertaking and EOI process, based on assessed strategic need.

Conditions of Use will be applied through the Terms and Conditions of Hire of sportsgrounds, lease/licence agreement terms and through the implementation of the relevant legislation, as well as policies of Council. A Sportsground User Guide will also provide a framework reference document.

The application and allocation process, as well as the Terms and Conditions of Hire will be reviewed periodically and be changed from time to time.

Fees will be in accordance with the fees and charges as published in Penrith City Council's annual Operating Plan and Budget.

**Restricted Activities**

Activities that are prohibited or restricted within Sportsgrounds include, but are not limited to:

- Camping
- Dogs off leash, unless in designated "off leash" areas or as part of an approved event
- Firearms
- Horse riding in non-designated areas
- Lighting of fires
- Motorbikes
- Playing golf
- Remote control vehicles including boats, aeroplanes and cars
- Unauthorised vehicles and motorbikes/trail bikes
- Vandalism and antisocial behaviour

# ACTION PLAN

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

The tables below sets out these requirements for community land categorised as Sportsground.

**1. Recreation and Land Use and Planning**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| ***The design, configuration, location, number and type of sportsground facilities ensures capacity and participation opportunities are maximized.***<br><br>***Sportsgrounds are provided and designed to accommodate multi-use inclusive participation opportunities.*** | Capacity of existing venues is increased.<br><br>An appropriate amount and quality of open space is provided to accommodate sportsground facilities.<br><br>Sports adopt and implement prioritized facility development plans. | Consistently implement Council's Sport and Recreation Strategy.<br><br>Provide and upgrade sportsground infrastructure.<br><br>Utilise open space and sportsground design guidelines, and sport technical documents, to inform site design, configuration and facility specifications.<br><br>Carrying capacities of sportsgrounds and associated facilities are regularly reviewed and monitored.<br><br>Sports user groups complete prioritized Sports Facility strategies and plans. Masterplans are developed for key sites. | Council's Sport and Recreation Strategy implemented.<br><br>Infrastructure provided in accordance with standards, technical requirements of the sport and design guidelines.<br><br>Capacity of sportsgrounds increased.<br><br>Use is appropriate to the capacity of the facility.<br><br>Strategies, plans and masterplans are completed. |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| ***The design, configuration, location and type of sportsground considers adjoining land use and ownership.*** | Land use and infrastructure is appropriate to neighbouring and adjacent properties.<br><br>Encroachment from private property onto sportsgrounds is prevented and not permissible. | Consider the design of facilities and manage community use activities that may affect neighbouring lands, including entering management agreements.<br><br>Audit private property encroachments. | Sportsground is functionally and aesthetically attractive.<br><br>Community feedback and complaints.<br><br>Compliance management agreements in place with users.<br><br>Compliance with legislation and management of non-compliance. |

**2. Asset Maintenance and Management**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| ***Facilities within sportsgrounds meet user needs, are attractive, strategically located, maintained to standard and are effectively resourced.***<br><br>***Facilities are safe, clean, hygienic, and accessible.*** | A Strategic Asset Management Plan, including Building Asset Renewal and Parks Asset Renewal Programs is maintained.<br><br>Council's Sport and Recreation Strategy is consistently applied for facility planning and, implementation of capital infrastructure and asset renewal program.<br><br>All new capital works programs will include a maintenance component.<br><br>Service delivery standards are established, implemented and reviewed. | Condition and facility quantum data is captured and processed to inform contemporary Strategic Management Planning.<br><br>Annual review of Parks and Building Asset Renewal programs.<br><br>Maintenance and renewal costs are considered in the planning and design for capital and upgrade work.<br><br>Consider life cycle costs in the planning and design of capital and upgrade work.<br><br>Appropriate design (incorporating | Infrastructure/ facilities are fit for the intended purpose and fit for the designated use.<br><br>All new capital works programs include a maintenance budget.<br><br>Asset management plans are in place and funded appropriately.<br><br>Compliance with sport facility guidelines/technical standards, legislation and Council's codes, policies and regulations.<br><br>Asset maintenance programs are |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| | Reactive and scheduled maintenance programs are established and implemented.<br><br>Financial impacts are minimized and value for money is provided.<br><br>Security measures are implemented that prevent/minimize damage to Council sportsfields, buildings and property.<br><br>Adequate funding is provided for the maintenance and embellishment of the site within Council's Resource Strategy. | CPTED), siting, use of materials and installation of fencing.<br><br>Supply, install, repair or replace facilities to agreed standards.<br><br>Monitor reports from maintenance inspections.<br><br>Monitor number of reports of infrastructure failures and reported incidents.<br><br>Consult with user groups and monitor user group comments and maintenance reports.<br><br>Budgets are reviewed annually, external grants are sought, allocated budgets e.g. developer contributions are managed appropriately. | completed to standard and budget.<br><br>Facilities are functioning, maintained and safe for use.<br><br>Service Level Agreements are met.<br><br>Reduction in maintenance cost of new or renewed facilities.<br><br>Number of infrastructure failures and reported incidents decline.<br><br>Reduced cost to Council and user groups of vandalism.<br><br>Achievement of budget targets and resource strategy. |
| ***Sportsgrounds, including ancillary facilities (e.g. amenities, floodlights, irrigation etc.), are provided to the appropriate quality and specification appropriate to the type of use and demand.*** | Sportsground specifications (including field, irrigation, floodlighting amenities etc.) are developed and maintained.<br><br>Sportsgrounds provide for the installation of facilities for sport specific needs e.g. long jump pits, running tracks etc.<br><br>Adequate furniture such as bubblers, tables, seats, bollards, cycle racks, shade (manufactured and natural) and the like are provided to support visitation.<br><br>Sportsground use, demand and facility requirements are monitored/reviewed. | Regular review and updates of sportsground specifications.<br><br>Review and implement facility guidelines and specifications of sports and recreation user groups.<br><br>Specifications are utilized in for the planning of facilities in new release areas and for upgrading/renewing existing facilities.<br><br>Allow for the demolition of facilities. | Sportsground specifications are in place and contemporary.<br><br>Number and type of feedback from user groups.<br><br>Developers plan for and provide sportsgrounds that meet Council specifications. |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| ***The capacity for use of sportsgrounds and associated ancillary infrastructure is effectively managed.*** | Use of Council's assets are optimized within the capacity of the facilities available.<br><br>Establish, implement and review procedures for use for management and use of community facilities and open space.<br><br>A contemporary Sportsground User Guide is maintained, and policies are established and implemented e.g. Wet Weather Policy | Sports/recreation clubs are provided with support to enable good governance, sustainable operations and facility programming, and facility planning and development e.g.<br><br>- Workshops/forums<br>- User group engagement<br><br>Prioritise and develop a program of policies and standards.<br><br>Sportsground User Guide is reviewed annually. | Number of forums and meetings held with user groups.<br><br>Compliance with procedures for use of community assets.<br><br>Contemporary policies in place and implemented.<br><br>Sportsground User Guide published and implemented.<br><br>Seasonal allocations administered in a timely manner. |

### 3. Environmental Management

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| ***Plan for and create and design facilities that support environmental sustainability and, recognize the site's environmental values.***<br><br>***Sportsgrounds integrate green infrastructure for climate adaptation and resilience*** | High community and user group satisfaction.<br><br>No unapproved loss of species.<br><br>Increased tree canopy cover.<br><br>No unapproved disturbance to natural bush rock, soil and geological features<br><br>Sportsground infrastructure is designed to reduce environmental impact. | Balance provision of sportsground infrastructure with preserving and maintaining the environment and other green infrastructure<br><br>Undertake biodiversity studies where appropriate when planning for and developing new and upgraded facilities.<br><br>Select, locate and plant tree species suitable to facilities.<br><br>Existing flora, and natural features are preserved, maintained and enhanced.<br><br>Application of correct tree and horticultural assessment processes and systems.<br><br>Implement Development Consent process where required.<br><br>Council's Cooling the City, Resilience Strategies and other environmental strategies are consistently applied.<br><br>Provision of sportsground infrastructure and surfaces such as synthetic fields and tracks are permissible. Environmental impact and benefit of providing the type of infrastructure is to be considered. | Biodiversity areas are protected.<br><br>Habitat values improved where appropriate<br><br>Quality and physical appearance of vegetation at sportsgrounds.<br><br>If species loss is required, this is approved.<br><br>Number of trees planted and retained.<br><br>Monitor breaches of tree preservation orders.<br><br>Compliance with Development Consent conditions where appropriate.<br><br>Sports occurs in the format appropriate to the facility at which it is being played.<br><br>Demonstration of need and benefit is provided before surface type and approved. |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| ***Ensure best environmental operating and management practices and principles, having regard to environmentally sustainable design, resource use and maintenance.*** | Quality of the City's rivers, creeks and waterways are maintained and improved.<br><br>Water and energy resources are used effectively and efficiently.<br><br>Council and user group maintenance and facility preparation complies with all legislations and regulations.<br><br>Only approved chemicals and fertilisers are used on sportsgrounds.<br><br>Noxious and unwanted weeds are controlled | Council and sports user group operations and maintenance regimes consider the environmental impact and the reserve and surrounding area.<br><br>Educate and engage user groups and visitors about the design, management, operation and use of sportsgrounds.<br><br>Energy efficiency and water saving. initiatives are implemented.<br><br>Integrate Water Sensitive Urban Design (WSUD) into facility planning.<br><br>Minimise detrimental impacts to water courses that are near to, or within, sportsgrounds.<br><br>Ensure control of drainage and run-off to and from sportsgrounds.<br><br>Manage irrigation use and assess water harvesting options. Use suitable materials in the construction and maintenance of fields, including recycled organics and suitable selection of grass type.<br><br>Review mowing and maintenance regimes.<br><br>Maintenance undertaken by user groups, and any use of chemicals, line marking materials and the like must be approved by Council. | Weeds entering community land reduced.<br><br>Energy and water consumption is minimized.<br><br>Playing surface meets needs of user groups.<br><br>Incidences of non-approved chemical use |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| | | Chemicals and fertilisers are used appropriately to limit effect on adjacent areas or people.<br><br>Develop and implement programs of weed control.<br><br>Vehicle access to fields and their curtilage, that will cause environmental damage, is managed.<br><br>Implement Council's Bush care program where appropriate.<br><br>Regularly monitor and inspect. | |

### 4. Community Access

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| ***Encourage use of sportsgrounds by community groups, educational institutions, residents/individuals and other users.*** | Sportsground allocations, hire, lease and licence agreements are provided based on assessment of need and facility capacities.<br><br>Special events and competitions to be allowed within sportsgrounds. | Sports ground allocation and hire undertaken and assessed seasonally.<br><br>Casual hire applications are considered on merit and allocated accordingly.<br><br>Engagement with sports groups regarding managing season duration/length.<br><br>Conflicting use is managed and where required prevented.<br><br>Events and competitions to be managed according to all relevant legislation, policies and guidelines<br><br>New sportsgrounds are allocated through an Expression of Interest Process or, via a direct allocation based on strategic need.<br><br>Allocations to be prioritized according the sport and season.<br><br>Prevent the loss of public amenity unless for security (including the prevention of damage to surfaces etc.) and safety purposes. | Sportsground allocations, hire, lease and licence agreements are determined. |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| ***To provide the users and visitors of all abilities with safe and convenient access to and through the sportsgrounds.*** | Provide adequate, safe and convenient parking and traffic flow.<br><br>Exclude unauthorized vehicle entry and private parking in non-designated areas of the sportsground.<br><br>Community visitation to sportsgrounds is encouraged by all modes of transport and is supported by infrastructure that supports connectivity.<br><br>To reduce the impact of neighbouring properties on sportsrounds. | Close non-essential vehicular access, restrict access where needed.<br><br>Provide appropriate parking facilities and signage. Upgrade or develop parking facilities when funding is available<br><br>Ensure emergency vehicle, maintenance vehicle, security and authorized vehicle access.<br><br>Event parking permitted in reserves if authorized.<br><br>Review pedestrian and cycle access arrangements and improve in accordance with an adopted program and within budget availability.<br><br>Inspect roads, parking areas and pathways and maintain when necessary.<br><br>Appropriate design for pavements, facilities, structures and parking to comply with Australian Standard and Council's Codes, Policies and Regulations.<br><br>Prevent permanent or temporary use of tracks through Sportsgrounds for access to private lands.<br><br>Prevent unpermitted land access across Community Land.<br><br>Identify encroachment and dumping of rubbish on and issue cleanup notices. | Number of access points closed.<br><br>Roads and paths maintained.<br><br>Compliance with traffic management plans.<br><br>Areas affected by unauthorised parking<br><br>Number of access ways provided (lineal measure).<br><br>Number of paths/cycle ways developed.<br><br>Number of car park spaces at facilities.<br><br>Number of reported incidents and comments of user conflicts.<br><br>Number of community comments about the provision of access ways.<br><br>Compliance to Council's permit application process to access Council land.<br><br>Number of Permits issued, compliance to permit conditions<br><br>Reduction in damage |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| ***To control anti-social behaviour in the sportsground to the benefit of users and adjoining residents*** | Unauthorised access to Sportsgrounds is minimized and where possible, prevented. | Address all breaches of prohibited or inappropriate activity within the sportsground.<br><br>Regulatory signage installed.<br><br>Designated no-alcohol areas where required.<br><br>Prohibit rubbish dumping and littering.<br><br>Prohibit the entry of trail bikes and off-road vehicles.<br><br>Manage the control of noise from the sportsground usage on adjoining areas.<br><br>CPTED reviews and application in design.<br><br>Access restricted or prevented where needed e.g. to prevent damage to fields or buildings via provision of a surrounding fence or other measures. | Number of reported breaches.<br><br>Reducing incidents of anti-social behaviour.<br><br>Number of incidents of reported illegal dumping.<br><br>Reduced number of unauthorized access to sportsgrounds.<br><br>Reduction in maintenance required as a result of vandalism or anti-social behaviour.<br><br>Number of reports and complaints from the community.<br><br>Implement Alcohol free zones |

## 5. Community Engagement

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Measure of performance against targets |
|---|---|---|---|
| ***To involve the community in the planning and operation of Sportsgrounds*** | Involve the Community and stakeholders in the planning and operation of community assets where appropriate.<br><br>Sufficient Council resources are allocated to managing and administering sports user groups and community relationships.<br><br>Relationships are established with the community to be able to best manage issues that arise | Council resources are suitably allocated to communicating with user groups, educational institutions, residents/individuals and other users.<br><br>Engagement strategies are developed and implemented where required<br><br>Encourage neighbours to notify Council of any concerns regarding vandalism, dumping, noise etc.<br><br>Implement Council's Customer Promise to ensure responsiveness to customer. | The community participates in the planning and operation of sportsgrounds.<br><br>Response time to incident reports.<br><br>Council staff structure is established to effectively engage with user groups and the community. |

## 6. Safety and Risk Management

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| ***Ensure the safety of all users when visiting Sportsgrounds*** | All public domain assets are installed, maintained, and managed in accordance with acceptable standards | Conduct regular inspections of infrastructure as per levels of service | Regular inspections of key infrastructure undertaken |
| | All works carried out within Sportsgrounds complies with Councils WH&S Policy | Ensure on site safety and inspect contractor operations | All work carried out conforms with WH&S Policy |
| | Encourage community involvement in the recognition and reporting of public risks via the council website | Respond promptly to reports of hazards | Response and remediation of hazards as per agreed service levels |
| | Minimise unsafe usage of the Sportsgrounds | Install signage prohibiting specific uses | Number of signs erected |
| | Protect users and staff from harm | Use CPTED principles when developing assets | New designs consider Safer by Design principles |
| | To ensure that dog usage is appropriate and undertaken in a responsible manner | Ranger patrols and fines issued for dogs off leash in prohibited areas.<br><br>Provide additional dog off leash areas if appropriate.<br><br>Provision of signage and faeces collection bags where relevant | Number of reports of dogs being off leash in prohibited areas.<br><br>Areas set aside as dog off leash areas<br><br>Reduction of dog faeces complaints and record number of signs |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| | Discourage anti - social behaviour | Provide lighting to improve safety and to act as a deterrent for anti-social behaviour where appropriate<br><br>Redesign those areas that suffer anti-social behaviour to foster passive surveillance as per CPTED principles<br><br>Removal of graffiti as per service levels agreements | Lights erected.<br><br>Reduction in reports of vandalism |
| | Protect the public from sharps hazards | Provide appropriate means of disposal for sharps where appropriate | Suitable disposal bins provided |
| | Have a safe maintenance program in place | Safe Work Method statements and Safe Operation Procedures are in place for all maintenance procedures, including for contractors | Up to date procedures/records |
| | Limit public contact with chemicals whilst in Sportsgrounds | Record all chemical spraying and use appropriate signs to indicate affected areas as per the Pesticide Use Notification Plan<br><br>Staff and contractors are trained in the use of chemicals in public outdoor areas and in buildings. | Up to date procedures/records |
| | Public is not under threat from flood during rain events | Close areas that are threatened by flood where possible, until the area is assessed as being safe.<br><br>Council communicate emergency events and closures to the community via social media<br><br>Provide safe flood evacuation routes from riverside areas | Assess and close access to affected areas where possible<br><br>Access routes have been assessed for safe evacuation |
| | Ensure the public is not under threat from Fire | Sportsgrounds are to be closed from the public whilst there is a high threat of fire entering the reserve. | Parks and reserves closed at appropriate times |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| | | Ensure barbecues are in designated formal picnic areas only, with a minimum cleared distance of 20 metres to bushland and provision of reticulated water supply on site. Barbecues where possible shall not require timber for fuel.<br><br>All Council owned barbeques are electric | All Barbecues are located in appropriate sites.<br><br>Fire procedures are in place for any fires that require wood or fuel through a hire event<br><br>No BBQ's or campfires with open flames are bought into the council reserve |
| | Ensure the public are not at risk from Bushfires | Council communicate emergency events and closures to the community via social media.<br><br>Maintain asset protection zones<br><br>Maintain registered fire trails within the LGA to NSW RFS standards | Maintenance performed |
| | Reduce the occurrence of vandalism. | Repair any sites that have been vandalized within agreed service levels<br><br>Install lighting where appropriate - carparks or at toilet blocks<br><br>Implement strategies and education to discourage vandalism.<br><br>Liaise with police to avoid vandalism in frequently vandalise sites<br><br>Vandalism repaired promptly to discourage further vandalism<br><br>Vandalism managed through implementing CPTED principles. | Number of sites requiring treatment over time.<br><br>Number of sites being vandalised. |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| | | Facilities locked and access limited where required. | |
| | Maintain a secure public environment within Sportsground facilities. | Installation of security systems where appropriate<br><br>Management of security patrols when required.<br><br>Appropriate fencing and lighting. Community education.<br><br>Use of regulatory signs.<br><br>Liaison with Police.<br><br>Appropriate design, siting and materials. | Number of complaints in relation to security<br><br>Number of ordinance investigations and prosecutions.<br><br>Number of public liability claims against Council. |
| | Reduce the amount of litter and number of waste dumping incidents. | Report dumping to Compliance Officers to pursue offenders<br><br>Clean up dumped rubbish as per service levels<br><br>Provide rubbish bins where necessary. Educate Community through communications.<br><br>Implement surveillance programs for regular dumping areas<br><br>Conduct research on common trends for waste management<br><br>RID squad inspect and investigate illegal dumping and issues fines | Reduction in the amount of waste dumped on Community Land |

## 7. Landscape Character and Design

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Measure of performance against targets |
|---|---|---|---|
| ***Ensure that the landscape character of Sportsgrounds is retained*** | Structures, signs, paths, planting etc should be sympathetic to the existing setting, its landscape values, heritage and unique character.<br><br>Retain and enhance where possible, inherent landscape features.<br><br>Comply with any Council open space landscape standard design guidelines and construction specifications, strategies and policies | Plan and design appropriately, including materials selection and colour schemes<br><br>Approval of stakeholders and Council staff for all designs before construction<br><br>Landscape designs to enhance landscape features<br><br>Identify and allocate appropriate budgets for maintenance of landscape<br><br>Develop design guidelines | Landscape plans are approved by and meet Council's vision<br><br>Design reflect the objectives of the designs or master plans, and community need.<br><br>Landscape features retained.<br><br>Budgets are allocated to the maintenance of landscapes. |
| ***Consider constraints and opportunities such as flooding, geo-tech, services, native vegetation, etc. when siting facilities.*** | Full assessment and consideration of all factors are done before design commences.<br><br>All opportunities and constraints of a site are considered in the design of infrastructure | Engagement of all stakeholders.<br><br>All investigative studies and surveys completed to inform design.<br><br>Assess impact of flood on structures when deciding on suitable location and design | Efficient process in the assessment and design of landscapes<br><br>Coordinated approach to the design and delivery of all infrastructure |
| ***Consider adjacent land use when enhancing and managing Sportsgrounds*** | Manage environmental concerns on community land adjacent to natural areas, considering habitat, aesthetic, and shade values of trees. | Retain trees for habitat value as well as shade and aesthetic values where possible<br><br>Weed removal | Habitat trees retained |
| ***Ensure signage / advertising within Sportsgrounds does not affect visual quality.*** | Limit amount of unnecessary signage | Develop a policy for signage on community land | Sign Policy developed.<br><br>User group signage permitted with relevant Council approvals and complies with the Development Control Plan. |
| Landscape is designed and managed using sustainability principles | All landscape considers sustainability principles in design and maintenance | Comply with the standards and policies of Sustainability (e.g. cooling the city strategy, water sensitive urban design) | All landscape is sustainable |

## 8. Animal Management

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Measure of performance against targets |
|---|---|---|---|
| ***Protect Native Fauna*** | Protection of native and endangered species and their habitats and control of introduced species in accordance with the National Parks & Wildlife Act, and any other relevant Act. | Use of regulatory signs.<br><br>Maintain natural habitat and installation of habitat boxes<br><br>Work with WIRES or national parks if we identify native animals on council reserves<br><br>Check pouches of roadkill for offspring<br><br>Removal of snakes if they enter the Sportsgrounds | Assess if habitat boxes have been inhabited<br><br>Reduction in the number of roadkill<br><br>Provide reports to local land services on roadkill numbers |
| ***Manage domestic and stock*** | Prohibit the entry of horses.<br><br>Pets to be on leash for all areas that are not off leash<br><br>Educate the community on regulations under the Companion Animal act for domestic and stock | Community education and involvement in monitoring.<br><br>Issue fines for animals that are not under the full control of owner /handler. | Complaints about off leash dogs, attacks, and waste. |
| ***Minimise the impact of feral animals*** | Removal or cull of feral animals in breeding numbers. | Educate residents on notifying Local Land Services on pest identification<br><br>Support LLS for the education of pest management (baiting, etc) | Complaints about feral animal numbers.<br><br>Notifications to LLS on pests<br><br>Number of roadkill. |
| ***Minimise the impact of invasive animals.*** | Educate the community in the role of council in managing magpies, bats and other problematic birds. | National Parks is responsible for invasive bird control. | Community feedback. |

# APPENDICIES

## Appendix A Land Categorised as Sportsground

| Suburb | Property Name | Property Address | Title Details | Land Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| BERKSHIRE PARK | Berkshire Park Reserve | 59-69 Fifth Road BERKSHIRE PARK NSW 2765 | Lot 197 DP 975322 | Penrith City Council | No | CSL – Community / Sportsground / Local | RU4 |
| BERKSHIRE PARK | Berkshire Park Reserve | 71-79 Fifth Road BERKSHIRE PARK NSW 2765 | Lot 198 DP 975322 | Penrith City Council | No | CSL – Community / Sportsground / Local | RU4 |
| CADDENS | Caddens AFL Field | 229 Caddens Road CADDENS NSW 2747 | Lot 754 DP 1180111 | Penrith City Council | No | CSL – Community / Sportsground / Local[2] | RE1 SP294 |
| CAMBRIDGE PARK | Shaw Park | 28 Herbert Street CAMBRIDGE PARK NSW 2747 | Lot 34 DP 200569 | Penrith City Council | No | CSL – Community / Sportsclub / Local | RE1 |
| CAMBRIDGE PARK | Harold Corr Oval | 32 Herbert Street CAMBRIDGE PARK NSW 2747 | Lot 11 DP 873714 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| CASTLEREAGH | Smith Park | 1147-1159 Castlereagh Road & 6-8 Castle Street CASTLEREAGH NSW 2749<br>Reserve No.: 500480<br>Gazetted: 07/03/1903<br>Purpose: Park, Urban Services | Lot 18 DP 914503 | NSW Department of Industry | Yes | CSL – Community / Sportsground / Local[3] | RU4 SP25 |
| | | | Lot 1 DP 3784 | The Minister for Lands | Yes | | RU4 SP25 |
| | | | Lot 2 DP 3784 | The Minister for Lands | Yes | | RU4 |
| COLYTON | Shepherd Street Park | 146c Shepherd Street COLYTON NSW 2760 | Lot 9 DP 239380 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| COLYTON | Shepherd Street Park & Potter Field | Shepherd Street Park & Potter Field 146b Shepherd Street COLYTON NSW 2760 | Lot 10 DP 239380 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |

[2] See Diagrams following this Table for the part of Caddens AFL Field categorised as Sportsground
[3] Council intends that the whole of Lot 3 DP 3784 is categorised as General Community Use. Council proposes that the Rural Fire Service (RFS) Shed will be relocated to the centre of this parcel, where the current the children's playground is currently located. The rear of the parcel will be used for RFS training and services facility maintenance requirements. The front of the parcel will be a driveway only as Council wishes to retain existing mature trees. The playground will be relocated to the part of the reserve fronting Castle Street.

| Suburb | Property Name | Property Address | Title Details | Land Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| COLYTON | Shepherd Street Park & Potter Field | 146a Shepherd Street COLYTON NSW 2760 | Lot 11 DP 239380 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| COLYTON | Roper Road Soccer Fields | 116-130 Roper Road COLYTON NSW 2760 | Lot 3 DP 839533 | Department of Planning | No | Community - Sportsground | RE1 C2 |
| COLYTON | Roper Road Soccer Fields | 18 Hewitt Street COLYTON NSW 2760 | Lot 4 DP 839533 | Department of Planning | No | Community - Sportsground | RE1 C2 |
| CRANEBROOK | Public Reserve | 43a Andromeda Drive CRANEBROOK NSW 2749 | Lot 11 DP 801859 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| CRANEBROOK | Sherringham Road Fields | 59 Nepean Street CRANEBROOK NSW 2749 | Lot 109 DP 262414 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| CRANEBROOK | Sherringham Road Fields | 61 Nepean Street CRANEBROOK NSW 2749 | Lot 110 DP 262414 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| CRANEBROOK | Public Reserve | 45-47 Andromeda Drive CRANEBROOK NSW 2749 | Lot 5079 DP 817298 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| CRANEBROOK | Public Reserve | 43 Andromeda Drive CRANEBROOK NSW 2749 | Lot 113 DP 818268 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| CRANEBROOK | Public Reserve | 69b-73 Aldebaran Street CRANEBROOK NSW 2749 | Lot 721 DP 826472 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| CRANEBROOK | Public Reserve | 55-67 Andromeda Drive CRANEBROOK NSW 2749 | Lot 43 DP 846518 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| CRANEBROOK | Vacant Land | 983a The Northern Road CRANEBROOK NSW 2749 | Lot 42 DP 846518 | Penrith City Council | No | CSL – Community / Sportsground / Local | R2 |
| CRANEBROOK | Public Reserve | 71 Andromeda Drive CRANEBROOK NSW 2749 | Lot 23 DP 865310 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| CRANEBROOK | Public Reserve | 73-75 Andromeda Drive CRANEBROOK NSW 2749 | Lot 1 DP 1010643 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| CRANEBROOK | | 73-75 Andromeda Drive CRANEBROOK NSW 2749 | Lot 1 DP 1010643 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| CRANEBROOK | | Lot 101 Laycock Street CRANEBROOK NSW 2749 | Lot 101 DP 1173296 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |

| Suburb | Property Name | Property Address | Title Details | Land Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| CRANEBROOK | | Lot 102 Laycock Street CRANEBROOK NSW 2749 | Lot 102 DP 1173296 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| EMU PLAINS | Public Reserve | Lot 12 Grey Street EMU PLAINS NSW 2750 | Lot 12 DP 39194 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| EMU PLAINS | Dukes Oval | Lawson Street EMU PLAINS NSW 2750<br>Part Reserve No.: 500406<br>Gazetted: 18/02/1870<br>Purpose: Public Recreation | Part Lot 7051 DP 1055094 | NSW Department of Industry | Yes | CSL – Community / Sportsground / Local[4] | RE1 |
| EMU PLAINS | Darcy Smith Oval & Emu Park & Hunter Fields | Cary Street EMU PLAINS NSW 2750<br>Part Reserve No.: 500406<br>Gazetted: 18/02/1870<br>Purpose: Public Recreation | Part Lot 7052 DP 1055094 | NSW Department of Industry | Yes | CSL – Community / Sportsground / Local[5] | RE1 |
| ERSKINE PARK | Public Reserve | 182c Erskine Park Road ERSKINE PARK NSW 2759 | Lot 104 DP 717532 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ERSKINE PARK | Peppertree Reserve | 158-172 Swallow Drive ERSKINE PARK NSW 2759 | Lot 375 DP 713863 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ERSKINE PARK | | 184 Erskine Park Road ERSKINE PARK NSW 2759 | Lot 1107 DP 709078 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ERSKINE PARK | | 184 Erskine Park Road ERSKINE PARK NSW 2759 | Lot 102 DP 717532 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ERSKINE PARK | | 184 Erskine Park Road ERSKINE PARK NSW 2759 | Lot 103 DP 717532 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ERSKINE PARK | | 184 Erskine Park Road ERSKINE PARK NSW 2759 | Lot 101 DP 868061 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 SP25 |

[4] See Diagrams following this Table for the Part of Dukes Oval (R.500406) categorised as Sportsground
[5] See Diagrams following this Table for the Part of Darcy Smith Oval & Emu Park & Hunter Fields (R.500406) categorised as Sportsground

| Suburb | Property Name | Property Address | Title Details | Land Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| ERSKINE PARK | | 184 Erskine Park Road ERSKINE PARK NSW 2759 | Lot 237 DP 881319 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ERSKINE PARK | | 184 Erskine Park Road ERSKINE PARK NSW 2759 | Lot 1 DP 1271636 | Penrith City Council | No | CSL – Community / Sportsground / Local | SP25 RE1 |
| ERSKINE PARK | | 184 Erskine Park Road ERSKINE PARK NSW 2759 | Lot 2 DP 1271636 | Penrith City Council | No | CSL – Community / Sportsground / Local | SP25 RE1 |
| GLENMORE PARK | Ched Towns Reserve | Lot 1 William Howell Drive GLENMORE PARK NSW 2745 | Lot 1 DP 833308 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| GLENMORE PARK | Ched Towns Reserve | 2-16 Morrison Street GLENMORE PARK NSW 2745 | Lot 1410 DP 865950 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| GLENMORE PARK | Blue Hills Reserve | Lot 8400 Blue Hills Drive GLENMORE PARK NSW 2745 | Lot 8400 DP 1008395 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| GLENMORE PARK | Blue Hills Reserve | Lot 8722 Blue Hills Drive GLENMORE PARK NSW 2745 | Lot 8722 DP 1040626 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| GLENMORE PARK | Public Reserve | 93-113 Bradley Street GLENMORE PARK NSW 2745 | Lot 1802 DP 1166848 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| GLENMORE PARK | | 2-16 Parkway Avenue GLENMORE PARK NSW 2745 | Lot 18 DP 1155005 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| JORDAN SPRINGS | Public Reserve | 1 Discovery Way JORDAN SPRINGS NSW 2747 | Lot 3000 DP 1223879 | Penrith City Council | No | Community - Sportsground[6] | UR |
| LEONAY | Leonay Reserve & Playing Fields & Leonay Oval | Leonay Parade LEONAY NSW 2750<br>Reserve No.: 98001<br>Gazetted: 22/11/1985<br>Purpose: Public Recreation | Lot 8 DP 259145 | NSW Department of Industry | Yes | CSL – Community / Sportsground / Local | RE1 |

[6] See Diagrams following this Table for the Part of Jordan Springs Park categorised as Sportsground.

| Suburb | Property Name | Property Address | Title Details | Land Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| LEONAY | Leonay Reserve & Playing Fields & Leonay Oval | Leonay Parade LEONAY NSW 2750<br>Reserve No.: 98001<br>Gazetted: 22/11/1985<br>Purpose: Public Recreation | Lot 7044 DP 93964 | NSW Department of Industry | Yes | CSL – Community / Sportsground / Local | RE1 |
| LEONAY | Leonay Reserve & Playing Fields & Leonay Oval | Leonay Parade LEONAY NSW 2750<br>Reserve No.: 98001<br>Gazetted: 22/11/1985<br>Purpose: Public Recreation | Lot 2 DP 1132841 | NSW Department of Industry | Yes | CSL – Community / Sportsground / Local | RE1 |
| LLANDILO | Wilson Park | Lot 225 Seventh Avenue LLANDILO NSW 2747<br>Reserve No.: 59478<br>Gazetted: 21/01/1927<br>Purpose: Public Recreation | Lot 224A DP 2147 | NSW Department of Industry | Yes | Community - Sportsground | RU4 |
| LLANDILO | Wilson Park | Seventh Avenue LLANDILO NSW 2747<br>Reserve No.: 59478<br>Gazetted: 21/01/1927<br>Purpose: Public Recreation | Lot 225 DP 2147 | NSW Department of Lands | Yes | Community - Sportsground | RU4 |
| LUDDENHAM | Sales Park | 76 Campbell Street LUDDENHAM NSW 2745 | Lot 9 DP 1655 | Penrith City Council | No | CSL – Community / Sportsground / Local | AGB |
| LUDDENHAM | Sales Park | 74 Campbell Street LUDDENHAM NSW 2745 | Lot 10 DP 1655 | Penrith City Council | No | Community - Sportsground | AGB |
| LUDDENHAM | Sales Park | 80 Campbell Street LUDDENHAM NSW 2745 | Lot 1 DP 529143 | Penrith City Council | No | CSL – Community / Sportsground / Local | AGB |
| LUDDENHAM | Sales Park | Lot 6 Roots Avenue LUDDENHAM NSW 2745 | Lot 6 DP 1655 | Penrith City Council | No | CSL – Community / Sportsground / Local | AGB |
| MULGOA | Gow Park | 40-48 Farm Road MULGOA NSW 2745 | Lot 302 DP 607849 | Penrith City Council | No | CSL – Community / Sportsground / Local | C2<br>C3 |

| Suburb | Property Name | Property Address | Title Details | Land Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| NORTH ST MARYS | | Boronia Park Boronia Road NORTH ST MARYS NSW 2760 | Part Lot 11 DP 566394 | Department of Planning | No | Community - Sportsground [7] | RE1 C2 |
| NORTH ST MARYS | Poplar Park | 14a Kurrajong Road NORTH ST MARYS NSW 2760 | Lot 652 DP 215148 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ORCHARD HILLS | Disabled Riders Association | 33-45 Samuel Marsden Road ORCHARD HILLS NSW 2748 | Lot 17 DP 238495 | Department of Planning | No | Community - Sportsground | RE1 |
| ORCHARD HILLS | Disabled Riders Association | 21-31 Samuel Marsden Road ORCHARD HILLS NSW 2748 | Lot 18 DP 238495 | Department of Planning | No | Community - Sportsground | RE1 |
| ORCHARD HILLS | Disabled Riders Association | 13-19 Samuel Marsden Road ORCHARD HILLS NSW 2748 | Lot 19 DP 238495 | Department of Planning | No | Community - Sportsground | RE1 |
| ORCHARD HILLS | Disabled Riders Association | 1-11 Samuel Marsden Road ORCHARD HILLS NSW 2748 | Lot 20 DP 238495 | Department of Planning | No | Community - Sportsground | C2 |
| ORCHARD HILLS | Samuel Marsden Reserve | 2-42 Samuel Marsden Road ORCHARD HILLS NSW 2748 | Lot 9 DP 1013984 | Department of Planning | No | Community - Sportsground | RE1 C2 |
| OXLEY PARK | Ridge Park Hall & Cec Blinkhorn Oval | 101 Great Western Highway OXLEY PARK NSW 2760 | Lot 12 DP 17289 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| OXLEY PARK | Ridge Park Hall & Cec Blinkhorn Oval | 101 Great Western Highway OXLEY PARK NSW 2760 | Lot 21 DP 225336 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| OXLEY PARK | Ridge Park Hall & Cec Blinkhorn Oval | Great Western Highway OXLEY PARK NSW 2760 | Lot 2 DP 521098 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| PENRITH | Andrews Road Baseball Complex | 78-110 Andrews Road PENRITH NSW 2750 | Lot 1 DP 262235 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |

[7] See Diagrams following this Table for the part of Boronia Park categorised as Sportsground. Part of this land is also categorised as Natural Area - Bushland and is addressed in the Plan of Management for that category.

| Suburb | Property Name | Property Address | Title Details | Land Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| PENRITH | Drainage Reserve | 74-76 Andrews Road PENRITH NSW 2750 | Lot 5 DP 262235 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| PENRITH | Public Reserve | 70-72 Andrews Road PENRITH NSW 2750 | Lot 6 DP 262235 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| PENRITH | Parker Street Reserve | 49b Glebe Place PENRITH NSW 2750 | Lot 669 DP 31157 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| PENRITH | Hickeys Park | Lot Hickeys Park 2 Hickeys Road PENRITH NSW 2750 | Lot 2 DP 785029 | Penrith City Council | No | CSL – Community / Sportsground / Local | IN1 |
| PENRITH | Penrith Park | 143 Station Street PENRITH NSW 2750<br><br>Reserve No.: 500420<br>Gazetted: 02/02/1892<br>Purpose: Public Recreation | Lot 1 DP 1147219 | NSW Department of Lands | Yes | CSR – Community / Sportsground / Regional | RE1 |
| PENRITH | Howell Oval | 171-199 Station Street PENRITH NSW 2750<br><br>Reserve No.: 500420<br>Gazetted: 02/02/1892<br>Purpose: Public Recreation | Lot 2 DP 1147219 | NSW Department of Lands | Yes | CSR – Community / Sportsground / Regional | RE1 |
| PENRITH | | Lot 1354 Lord Sheffield Circuit PENRITH NSW 2750 | Lot 1354 DP 1171493 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| PENRITH | Captain Cook Tennis Club | 2268-2270 Castlereagh Road PENRITH NSW 2750 | Lot 4 DP 1051278 | Penrith City Council | No | Community - Sportsground | RE1 |
| SOUTH PENRITH | Public Reserve | 6 Birmingham Road SOUTH PENRITH NSW 2750 | Part Lot 804 DP 590249 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| SOUTH PENRITH | Public Reserve | 221 York Road SOUTH PENRITH NSW 2750 | Lot 367 DP 250516 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| SOUTH PENRITH | Eileen Cammack Reserve | Lot 2 Birmingham Road SOUTH PENRITH NSW 2750 | Lot 2 DP 570743 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |

| Suburb | Property Name | Property Address | Title Details | Land Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| SOUTH PENRITH | Jamison Park | Racecourse Road SOUTH PENRITH NSW 2750 | Lot A DP 420410 | Penrith City Council | No | CSR – Community / Sportsground / Regional | RE1 |
| SOUTH PENRITH | Jamison Park | 252-308 Jamison Road SOUTH PENRITH NSW 2750 | Lot 1 DP 1057945 | Penrith City Council | No | CSR – Community / Sportsground / Regional | RE1 |
| ST CLAIR | Mark Leece Sporting Complex | 153 Bennett Road ST CLAIR NSW 2759 | Lot 5 DP 248680 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ST CLAIR | Drainage Reserve | 155 Bennett Road ST CLAIR NSW 2759 | Lot 10 DP 248680 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ST CLAIR | Public Reserve | 161a Bennett Road ST CLAIR NSW 2759 | Lot 499 DP 253815 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ST CLAIR | Saunders Park | 1a Blackwell Avenue ST CLAIR NSW 2759 | Lot 2104 DP 255371 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ST CLAIR | Saunders Park | 1a Blackwell Avenue ST CLAIR NSW 2759 | Lot 2106 DP 255371 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ST CLAIR | Saunders Park | 1b Blackwell Avenue ST CLAIR NSW 2759 | Lot 2105 DP 255371 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ST CLAIR | Cook and Banks Reserve | 2a Cook Parade ST CLAIR NSW 2759 | Lot 1574 DP 262911 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ST CLAIR | Public Reserve | 1a Edmund Blackett Close ST CLAIR NSW 2759 | Lot 294 DP 253813 | Penrith City Council | No | CSL – Community / Sportsground / Local | R2 RE1 |
| ST CLAIR | Mark Leece Sporting Complex | 2a St Clair Avenue ST CLAIR NSW 2759 | Lot 152 DP 253814 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ST CLAIR | Peter Kearns Reserve | 31a Solander Drive ST CLAIR NSW 2759 | Lot 1398 DP 262975 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ST CLAIR | | 25a Kala Circuit ST CLAIR NSW 2759 | Part Lot 568 DP 701989 | Penrith City Council | No | Community - Sportsground | RE1 |
| ST CLAIR | | 41a Cook Parade ST CLAIR NSW 2759 | Part Lot 568 DP 701989 | Penrith City Council | No | Community - Sportsground | RE1 |
| ST MARYS | Monfarville Park | 92 Collins Street ST MARYS NSW 2760 | Lot 2 DP 209645 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |

| Suburb | Property Name | Property Address | Title Details | Land Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| ST MARYS | Cook Park | Lot 101 Wilson Street ST MARYS NSW 2760 | Lot 101 DP 618270 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ST MARYS | Cook Park | Lot 102 Wilson Street ST MARYS NSW 2760 | Lot 102 DP 618270 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ST MARYS | Monfarville Park | 240 Shepherd Street ST MARYS NSW 2760 | Lot 12 DP 579080 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ST MARYS | Monfarville Park | 134 Mamre Road ST MARYS NSW 2760 | Lot 11 DP 579080 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ST MARYS | Cook Park | Pages Road ST MARYS NSW 2760 | Lot 1 Sec E DP 1895 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ST MARYS | Cook Park | Pages Road ST MARYS NSW 2760 | Lot A DP 342440 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ST MARYS | | Lot 9-10 John Street ST MARYS NSW 2760 | Lot 9 DP 1432 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| ST MARYS | | Lot 9-10 John Street ST MARYS NSW 2760 | Lot 10 DP 1432 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| WERRINGTON | Rance Oval | 66-68 Albert Street WERRINGTON NSW 2747 | Lot 57 Sec D DP 1573 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| WERRINGTON | Rance Oval | 62-64 Albert Street WERRINGTON NSW 2747 | Lot 58 DP 1573 | Penrith City Council | No | Community - Sportsground | RE1 |
| WERRINGTON | Rance Oval | 58-60 Albert Street WERRINGTON NSW 2747 | Lot 59 Sec D DP 1573 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| WERRINGTON | Rance Oval | 54-56 Albert Street WERRINGTON NSW 2747 | Lot 60 Sec D DP 1573 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| WERRINGTON | Rance Oval | Parkes Avenue WERRINGTON NSW 2747 | Lot 61 Sec D DP 1573 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| WERRINGTON | Rance Oval | Victoria Street WERRINGTON NSW 2747 | Lot 62 Sec D DP 1573 | Penrith City Council | No | Community - Sportsground | RE1 |
| WERRINGTON | Rance Oval | Victoria Street WERRINGTON NSW 2747 | Lot 63 Sec D DP 1573 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |

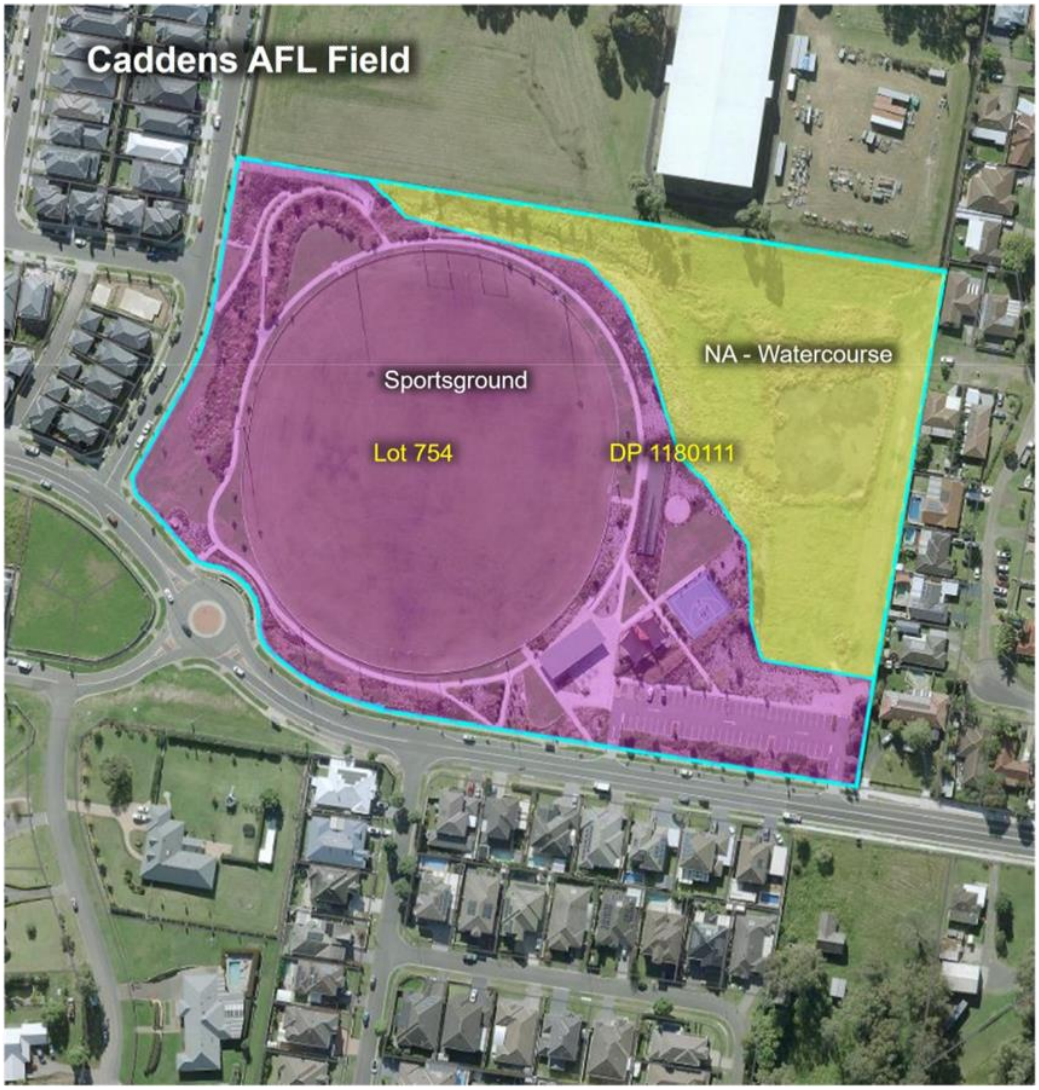
| Suburb | Property Name | Property Address | Title Details | Land Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| WERRINGTON | Rance Oval | Victoria Street WERRINGTON NSW 2747 | Lot 64 DP 1573 | Penrith City Council | No | Community - Sportsground | RE1 |
| WERRINGTON | Rance Oval | Victoria Street WERRINGTON NSW 2747 | Lot 65 Sec D DP 1573 | Penrith City Council | No | Community - Sportsground | RE1 |
| WERRINGTON | Rance Oval | Victoria Street WERRINGTON NSW 2747 | Lot 66 Sec D DP 1573 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| WERRINGTON | Rance Oval | Victoria Street WERRINGTON NSW 2747 | Lot 67 Sec D DP 1573 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| WERRINGTON | Rance Oval | Victoria Street WERRINGTON NSW 2747 | Lot 68 Sec D DP 1573 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| WERRINGTON | Rance Oval | Victoria Street WERRINGTON NSW 2747 | Lot 69 Sec D DP 1573 | Penrith City Council | No | CSL – Community / Sportsground / Local | RE1 |
| WERRINGTON | The Kingsway Playing Fields | 8 The Kingsway WERRINGTON NSW 2747 | Lot 4302 DP 1282854 | Department of Planning | Yes | Community - Sportsground [8] | C2 RE1 |
| WERRINGTON | The Kingsway Playing Fields | The Kingsway WERRINGTON NSW 2747 | Lot 4401 DP 1282520 | Department of Planning | No | | C2 RE1 |
| WERRINGTON | The Kingsway Playing Fields | The Kingsway WERRINGTON NSW 2747 | Lot 4403 DP 1282520 | Department of Planning | No | | C2 RE1 |
| WERRINGTON | The Kingsway Playing Fields | The Kingsway WERRINGTON NSW 2747 | Lot 801 DP 1282507 | Department of Planning | No | | C2 RE1 |
| WERRINGTON | The Kingsway Playing Fields | The Kingsway WERRINGTON NSW 2747 | Lot 4301 DP 1282854 | Penrith City Council | No | | C2 RE1 |
| WERRINGTON | The Kingsway Playing Fields | The Kingsway WERRINGTON NSW 2747 | Lot 8 DP 624980 | Department of Planning | No | | C2 RE1 |
| WERRINGTON | The Kingsway Playing Fields | The Kingsway WERRINGTON NSW 2747 | Lot 13 DP 624936 | Department of Planning | No | | C2 RE1 |

[8] See Diagrams following this Table for the Part of Kingsway Playing Fields categorised as Sportsground. Part of this land is also categorised as Natural Area and is addressed in the Plan of Management for that category.

| Suburb | Property Name | Property Address | Title Details | Land Owner | Crown Land? | Category etc | Zone |
|---|---|---|---|---|---|---|---|
| WERRINGTON | The Kingsway Playing Fields | The Kingsway WERRINGTON NSW 2747 | Lot 7 DP 217883 | Department of Planning | No | Community - Sportsground[9] | RE1 |
| WERRINGTON | | Werrington Road WERRINGTON NSW 2747 | Lot 105 DP 826498 | Department of Planning | No | | C2 RE1 |

[9] See Diagrams following this Table for the Part of Kingsway Playing Fields categorised as Sportsground. Part of this land is also categorised as Natural Area and is addressed in the Plan of Management for that category.

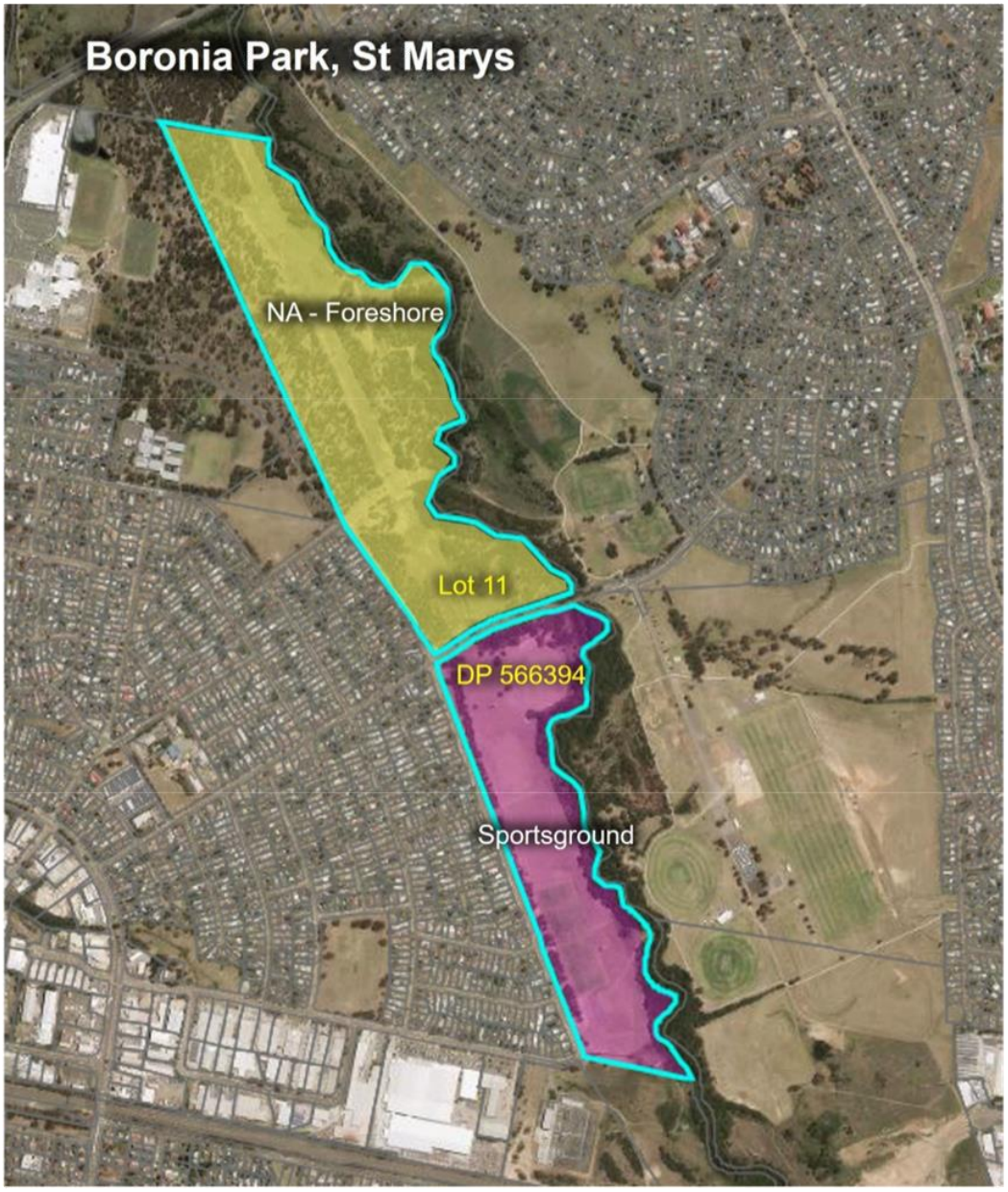
**Categorisation Diagram – Caddens AFL Field**



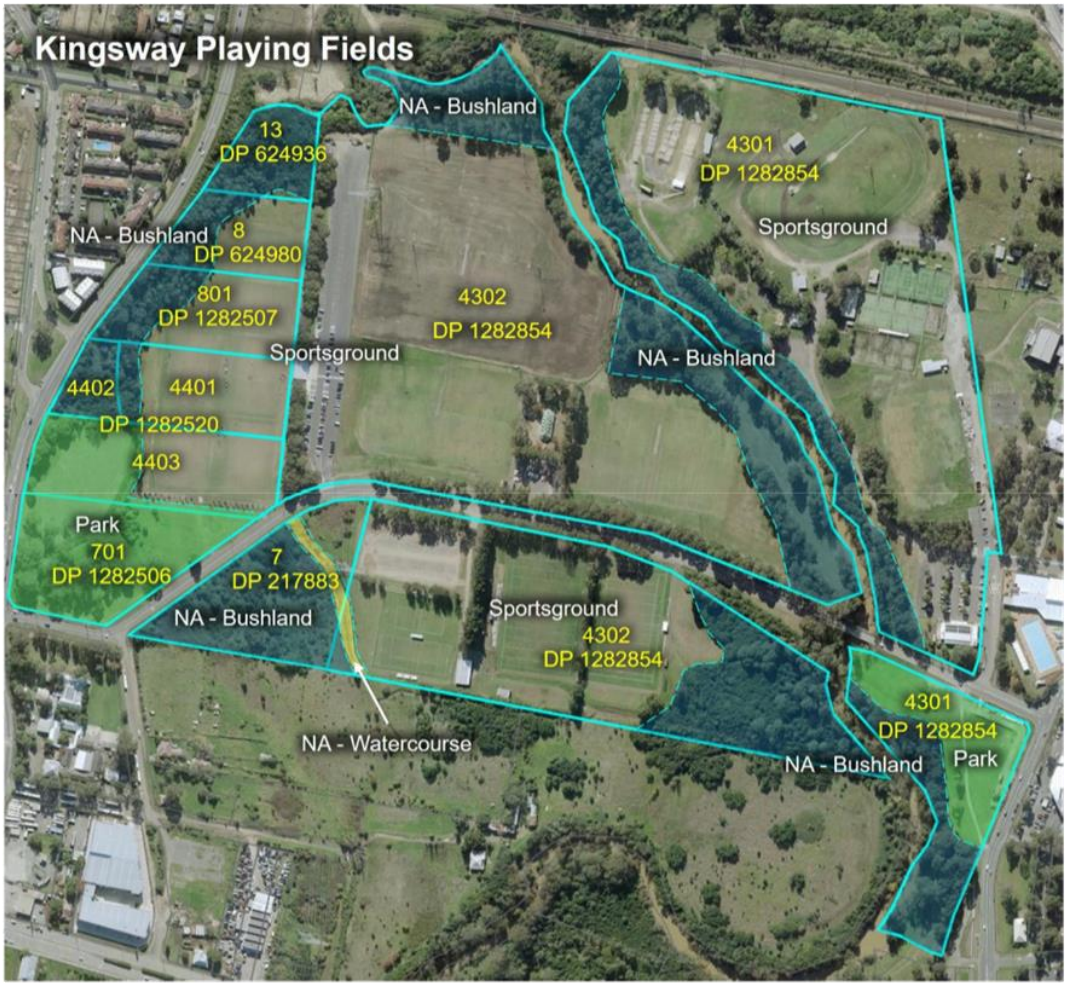
**Categorisation Diagram - Dukes Oval, Darcy Smith Oval & Emu Park & Hunter Fields (R.500406)**

**Categorisation Diagram – Jordan Springs Park**

**Categorisation Diagram – Boronia Park**



**Categorisation Diagram – Kingsway Playing Fields**



**Categorisation Diagram – Werrington Road, Werrington**

**Appendix B Legislation Pertaining to Plans of Management**

**Local Government Act 1993**

Community land must be managed according to the provisions of the Local Government Act 1993 (LG Act) and the Local Government (General) Regulation 2021.

The LG Act requires all Council owned land to be classified as either Operational or Community land. Community land is defined as land that must be kept for the use of the general community and must not be sold. Community land is required to be managed in accordance with a PoM and any other laws regulating the use of the land.

Section 35 of the LG Act provides that community land can only be used in accordance with:

- The plan of management applying to that area of community land.
- Any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land.
- The provisions of Division 2 of Chapter 6 of the Act.

**Crown Land Management Act 2016**

The Crown Land Management Act 2016 (the CLM Act) authorises local councils appointed to manage dedicated or reserved Crown land (council managers) to manage that land as if it were public land under the LG Act. Generally, council managers will manage land as if it were community land. Under the LG Act, a PoM must be adopted by council for all community land.

Section 3.23(6) of the CLM Act requires council managers to adopt a PoM for any Crown reserve for which it is the appointed Crown land manager, and that is classified as 'community land' under the LG Act.

**Environmental Planning and Assessment Act 1979**

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

On the local level, any land use proposed for any site within this PoM must be consistent with the zoning that is applied to the land by the Penrith Local Environmental Plan 2010 (LEP). Additionally, any land use, building or structure proposed for a site within this PoM may also require development consent under the provisions of the LEP unless it is exempt development.

It should be noted that all local government authorities in NSW are required to prepare a new comprehensive local environmental plan in accordance with the Standard Instrument Local Environmental Plan as introduced by State Government Planning Reforms in March 2006.

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

This planning policy deals with vegetation in non-rural areas and Water Catchments.

The SEPP aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal;

- provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality; and
- support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

**Biodiversity Conservation Act 2016**

The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6(2) of the *Protection of the Environment Administration Act 1991*)..

**National Parks and Wildlife Act 1974**

Statutory responsibilities on Council arising from this Act specifically relate to the protection of sites of pre and post European contact archaeological significance and the protection of native flora and fauna.

**Local Land Services Act 2013**

This Act formalised the establishment of Local Land Services which became operational in 2014.

**Fisheries Management Act 1994**

The aim of the *Fisheries Management Act 1994* (FM Act) is to conserve, develop and share the fishery resources of the State for the benefit of present and future generations.

This includes the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation.

Where an area of community land is declared to be critical habitat, or if that area is affected by a threat abatement plan under Part 7A of the FM Act, a site-specific PoM will need to be undertaken.

**Rural Fires Act 1997**

The *Rural Fires Act 1997* requires the Bushfire Coordinating Committee (BFCC) to establish a Bush Fire Management Committee (BFMC) in each local government area containing a rural fire district, or fire district with a bush fire risk.

One role of the BFMC is to prepare a Bush Fire Risk Management Plan for its area of responsibility.

The strategies established in the bush fire risk management plan address the bush fire hazard, the vulnerability of assets to fire, the safety of the community and fire fighters, the protection of the land and environment from fire. The plan also recognises some aspects of biodiversity can be managed through the application of appropriate fire regimes upon the landscape.

**Heritage Act 1977**

This Act contains provisions for the conservation of items of heritage. Thus, this relates to community land categorised as cultural significance or natural area.

**ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter)**

This charter was drawn up by ICOMOS (International Council on Monuments and Sites) to define the basic principles and procedures to be observed in the conservation of important cultural places. Thus, this relates to community land categorised as cultural significance.

**Water Management Act 2000**

The objectives of this Act are to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations and, in particular:

- ecologically sustainable development
- protect, enhance and restore water recourses
- recognise and foster social and economic benefits
- recognise the role of the community
- provide efficient and equitable sharing of water
- management of water sources with other aspects of the environment including native vegetation and native fauna
- encourage the sharing of responsibility and efficient use of water
- encourage best practice management and use of water.

The objectives and principals of the *Water Management Act 2000* can be accessed at www. legislation.nsw.gov.au

**Appendix C - Current Tenures on Crown land**

| Reserve No | Reserve Name | Reserve Purpose | LOTS | Tenure Type | Tenure purpose | To Whom | Period | Expiry date |
|---|---|---|---|---|---|---|---|---|
| 500406 | EMU PARK (Dukes Oval) | Public Recreation | Whole: Lot 7051 DP 1055094 | Summer Season Sportsground Hire Agreement | Playing and training Cricket | Nepean District Cricket Association | Summer Season September - March | 2 March 2025 |
| 500406 | EMU PARK (Hunter Fields) | Public Recreation | Whole: Lot 7052 DP 1055094 | Winter Season Sportsground Hire Agreement | Playing and training Netball | Emu Plains Netball Club | Winter Season March – September | 31 October 2024 |
| 500420 | PENRITH PARK | Public Recreation | Whole: Lot 1 DP 1147219 | Lease | Playing rugby league football game and activities reasonably associated with playing rugby league football and others uses permitted in 9.3(a) of the lease. Function centre and catering as permitted by law | Penrith Rugby League Club Limited | 20 Years | 31 December 2028 |
| 500480 | SMITH PARK | Park | Whole: Lot 18 DP 914503, Lots 1-3 DP 3784 | Summer Season Sportsground Hire Agreement | Playing and training Cricket | Nepean District Cricket Association | Summer Season September - March | 2 March 2025 |
| 98001 | LEONAY RESERVE | Public Recreation | Whole: Lot 7044 DP 93964, Lot 8 DP 259145, Lot 2 DP 1132841 | Summer Season Sportsground Hire Agreement | Playing and training Rugby League | Emu Plains Junior Rugby League Football Club | Summer Season September - March | 2 March 2025 |
| | | | | | Competing and training in athletics | Emu Plains Little Athletics Club | Summer Season September - March | 2 March 2025 |

# PLAN of MANAGEMENT

# Community Land

## Generic Plan for Natural Areas

June 2024

PENRITH CITY COUNCIL

penrithcity.nsw.gov.au

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# KEY INFORMATION

Plan of Management for Community Land – Natural Areas

Penrith City Council

xxxx date of adoption

| **Document Control:** | |
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| Status: | Draft |
| Date of Issue: | June 2024 |
| Review Date: | June 2034 |
| Document Owner: | Director of City Services |

| **History of Approved Versions** | | |
|---|---|---|
| **Version** | **Date** | **Summary of Changes** |
| 1.0 | 1996 | Community Land Plan of Management – Natural Areas |
| 2.0 | 2005 | Plan of Management for Community Land Natural Areas |
| 3.0 | 2022 | Draft Plan of Management for Community Land – Generic Plan for Natural Areas |

This Plan of Management (PoM) has been prepared by Penrith City Council (Council) and provides direction as to the use and management of council-owned community land and council-managed Crown reserves classified as 'community land' in the Penrith City Council area.

The PoM is required in accordance with Section 3.23 of the *Crown Land Management Act 2016* and Section 36 of the *Local Government Act 1993.*

The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This PoM is a generic document covering most of the community land and open space within the Penrith local government area (LGA) categorised as Natural Area.

# INTRODUCTION

On the western side of the Cumberland plains and at the edge of the Blue Mountains lies the Penrith Local Government Area (LGA).

Penrith City is made up of areas that range from rural to urban, from nature reserves and farmland to concentrations of high density living and commercial areas. The most recent ABS Census in 2016 showed there were 196,066 people living throughout the City in 71,111 dwellings in 36 suburbs across the City's 404km$^2$.

Penrith City's population has grown by an average of 2750 people per year for the last 10 years and has gained over 45,600 people since the 1991 Census. By 2036 the forecasted population of the Penrith LGA is 258,195. In planning for the growth of the City, we must recognise the changing composition of our communities and provide the services and social infrastructure that meets their needs through different stages of life.

Penrith is experiencing a period of significant growth. The growth in our communities is both a strength we can build on and a challenge to be managed through ensuring social sustainability for all.

**Purpose of the plan of management**

The *Local Government Act 1993* (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as 'community land'.

The *Crown Land Management Act 2016* (CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the LG Act. Therefore, all Crown land reserves, where council is appointed as crown land manager, are also required to have a PoM under the LG Act.

The purpose of this generic PoM is to:

- contribute to the council's broader strategic goals and vision as set out in the Community Plan and the Penrith Sports and Recreation Strategy,
- ensure compliance with the LG Act and the CLM Act,
- provide clarity in the future development, use and management of the community land, and
- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Community land open space, generally known as parks, reserves and sportsgrounds, is land under the care, control and management of Penrith City Council (Council). Council will manage this land to meet its vision of a sustainable and prosperous region with harmony of urban and rural qualities with a strong commitment to environmental protection and enhancement.

Community Land is a valuable resource in the Penrith LGA, playing an important role in the social, intellectual, and physical enrichment of both children and adults, and having implications for community welfare and wellbeing.

Community land is required to be used and managed in accordance with the following:

- The PoM applying to the land; and
- Any law which permits the use of land for a specific purpose, or otherwise regulates the use of the land. (This includes the *Environmental Planning and Assessment Act 1979* and planning instruments made under the Act).

A PoM should not be inconsistent with any environmental planning instrument applying to that land.

**Process for preparing a plan of management.**

Figure 1 illustrates the process undertaken by Council in preparing this PoM.

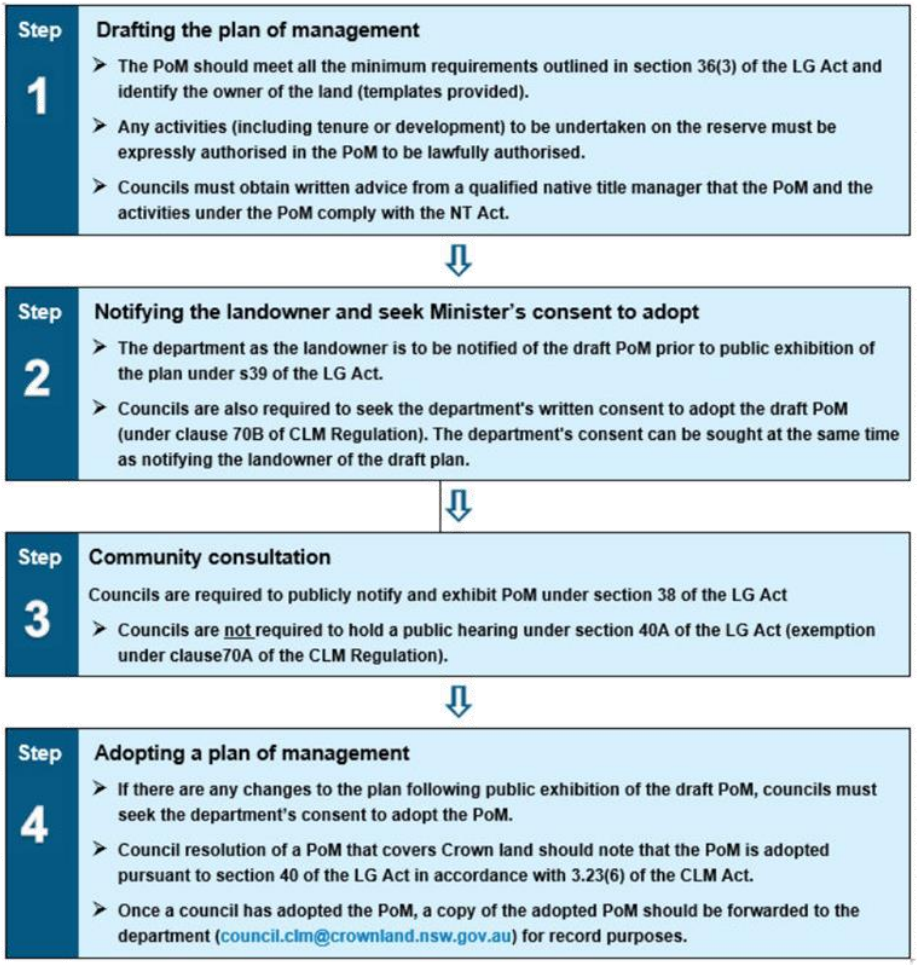


**Figure 1: process for preparing a Plan of Management for council managed Crown Reserves.**

### Change and Review of Plan of Management

This PoM will require regular review to align with community values and changing community needs, and to reflect changes in council priorities. Council has determined that it will review the PoM within 10 years of its adoption. However, the performance of this PoM will be reviewed on a yearly, basis to ensure that the Reserve is being managed in accordance with the PoM, is well maintained and provides a safe environment for public enjoyment.

Council may continue to acquire or divest land for the benefit of the community. Land may also come into council's ownership by dedication of land for open space.

The community will have an opportunity to participate in reviews of this PoM.

**Community Consultation**

This PoM was placed on public exhibition from [XX/XX/XXXX to XX/XX/XXXX], in accordance with the requirements of section 38 of the LG Act. A total of [XX] submissions were received. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Industry. Housing and Infrastructure – Crown Lands (DPHI – CL), as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by the DPHI – CL.

In addition, a public hearing must be held, in accordance with the requirements of Sections 40(A) and 47(G) of the LG Act if community land is intended to be either categorised or recategorised. Crown Lands is exempt from this.

# LAND DESCRIPTION

The community land that is covered by this document is listed in Appendix A. The land covered by this document is defined by real property identifiers (lots and deposited plans) and reserve numbers (for Crown land only). For more information, please go to the Council Land Register found on the Penrith City Council website: https://www.penrithcity.nsw.gov.au/building-development/planning-zoning/public-land-register

All community lands referred to within this PoM have been categorised as Natural Area and for the purpose of the PoM, this category applies to all land included in Appendix A.

Some open spaces are not covered by this PoM, generally because they need site-specific plans of management to be prepared. Contact the council or refer to the council's website for information about other public land not listed in Appendix A.

**Owner of the Land**

The land subject to this PoM includes council-owned land and Crown land owned by the State of New South Wales which is managed by the council as Crown land manager under the CLM Act, [and other land managed by Council that is community land]. The owner of the land is identified in Appendix A.

# BASIS OF MANAGEMENT

Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- restrictions on management of Crown land community land
- Council's strategic objectives and priorities including those identified in the Biodiversity Asset Management Framework and the Roadside Vegetation Management Plan, 2018 (RVMP, 2018)
- development and use of the land outlined in Section 6 of the LG Act.

**Categorisation of the land**

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

All community lands referred to within this PoM have been categorised as Natural Area and for the purpose of the PoM, this category applies to all land included in Appendix A.

**Guidelines for the Categorisation of Community Land as Natural Area.**

Section 102 of the *Local Government (General)Regulation 2021* (LG Regulation) provides that land should be categorised as a natural area under Section 36(4) of the LG Act if the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36(5) of the LG Act.

Land that is categorised as a natural area is to be further categorised as one or more of the following—

(a) bushland,
(b) wetland,
(c) escarpment,
(d) watercourse,
(e) foreshore,
(f) a category prescribed by the regulations.

**Bushland**
Land that is categorised as a natural area is to be further categorised as Bushland as defined in Section 107 of the LG Regulation if the land contains primarily native vegetation and that vegetation—

(a) is the natural vegetation or a remainder of the natural vegetation of the land, or
(b) although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.

Such land includes—

(a) bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or
(b) moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or
(c) highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.

**Wetland**
Land that is categorised as a natural area is to be further categorised as Wetland as defined in Section 108 of the LG Regulation if the land includes marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a waterbody that is inundated cyclically, intermittently or permanently with fresh, brackish or salt water, whether slow moving or stationary

**Escarpment**
Land that is categorised as a natural area is to be further categorised as Escarpment as defined in Section 109 of the LG Regulation if:

(a) the land includes such features as a long cliff-like ridge or rock, and
(b) the land includes significant or unusual geological, geomorphological or scenic qualities.

**Watercourse**
Land that is categorised as a natural area is to be further categorised as Watercourse as defined in Section 110 of the LG Regulation if the land includes—

(a) any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and
(b) associated riparian land or vegetation.

**Foreshore**
Land that is categorised as a natural area is to be further categorised as Foreshore as defined in Section 111 of the LG Regulation if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.

All community lands referred to within this PoM have been categorised as Natural Area and for the purpose of the plan, this category applies to all land included in Appendix A.

This PoM applies to all land listed in Appendix A.

**Restrictions on management of Crown land**

Council manages the Crown reserves described in this PoM as the Crown land manager in accordance with the CLM Act. The use of the land described in this PoM must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the Commonwealth *Native Title Act 1993* (NT Act)
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim under the *Aboriginal Land Rights Act 1983* exists
- consider and not be in conflict with any interests and rights granted under the CLM Act
- consider any interests held on title.

Crown land is subject to native title rights and interests under the NT Act which must be considered unless:

- native title has been extinguished; or
- native title has been surrendered; or
- determined by a court to no longer exist.

Dealings in land or water that affect (impair or extinguish) native title are referred to as 'future acts' and these acts must be done in compliance with the NT Act. The NT Act specifies procedures that must be followed before future acts can be validly done.

Some examples of acts which may affect native title on Crown land or Crown reserves managed by Council include:

- the construction of new buildings and other facilities such as toilet blocks, walking tracks, tennis courts, grandstands and barbecues.
- the construction of extensions to existing buildings.
- the construction of new roads or tracks.
- installation of infrastructure such as powerlines, sewerage pipes, etc.
- the creation of an easement.
- the issue of a lease or licence.
- the undertaking of major earthworks.

On Crown land, a future act undertaken by Council, which is not covered by one of the Future Act subdivisions of the NTA will be invalid.

**Council's strategic objectives and priorities**

Penrith City Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs and can be found on Council's website.

**Penrith's Biodiversity Asset Management Framework**

Penrith's Biodiversity Asset Management Framework has been developed to provide the framework for the Review on Environmental Factors and to guide any work that impacts on Council's biodiversity Assets and any plans of management over natural areas.

Penrith is located on the Cumberland Plain where endemic native vegetation is considered threatened, including certain vegetation types listed as critically endangered under NSW and National biodiversity management frameworks. This vegetation is under considerable pressure from ongoing development and urbanisation and every effort should be made to conserve and enhance its remaining extent (RVMP, 2018).

Areas of bushland and roadside reserves that contain native vegetation provide an important biodiversity asset to Council. These assets provide a range of environmental, recreation, heritage, and commercial values, including:

- Remnant vegetation acts as a corridor between otherwise isolated native vegetation stands, linking different native vegetation communities
- Habitat for native species and important refuges for feeding, shelter and breeding, including threatened native plant and animal species and communities
- Vegetated roadsides play a significant role in soil conservation and stormwater quality
- Ground-cover vegetation helps prevent soil eroding on the road shoulder and in table drains. Vegetation filters sediment and pollutants from road run-off such as petrochemicals, improving water quality entering watercourses
- Well managed native vegetation reduces weed maintenance pressure and acts as an effective means of weed control.

The Penrith City Council area contains a number of Endangered Ecological Communities (ECC), including:

- Castlereagh Shale-gravel Transition Forest
- Castlereagh Ironbark Forest
- Cumberland River Flat Forest
- Cumberland Shale Plains Woodland
- Cumberland Shale Hills Woodland
- Castlereagh Scribbly Gum Woodland
- Agnes Banks Woodland
- Castlereagh Swamp Woodland
- Cumberland Shale-Sandstone Ironbark Forest

In addition, the City also currently has 40 threatened fauna species and 25 threatened flora species. There are a range of threats that present a challenged to the ongoing health of these ECCs and Threatened Species. This includes:

- Dieback of mature vegetation due to pressures of fragmentation
- Spread of invasive weeds
- Clearing from a range of sources
- Slashing and under-scrubbing
- Litter and dumping
- Increase fire frequency
- Firewood removal
- Road construction and maintenance
- Stockpiling of materials
- Other infrastructure builds and maintenance

# DEVELOPMENT AND USE

**Current Tenures on Crown Land**

There are no current leases, licences or estates on Crown land subject to this PoM.

**Development of Community Land in the Penrith LGA**

Development activities allowed on Community Land is subject to both State and local policies. State policies prevail over local policies. The following information is correct at the time of adoption of this PoM but is subject to change.

This PoM does not remove the requirement for a development application under Part 4, or an ecological assessment under Part 5, of the *Environmental Planning and Assessment Act 1979* if applicable.

**The T&I SEPP**

Relevant State Government legislation is the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, known as the T&I SEPP. Under Section 2.73 of the T&I SEPP certain development may be carried out by Council without consent in public reserves under its control. Refer to the T&I SEPP for these development types.

Under Section 2.74 of the T&I SEPP certain development is exempt development if it is carried out by Council in public reserves under its control. Refer to the T&I SEPP for these development types.

**The Penrith Local Environmental Plan (LEP) 2010**

The Penrith LEP 2010 lists development that may be carried out with or without development consent on land that falls under certain land use zones. Refer to the latest Penrith LEP for these development types.

**Crown Land**

Crown land is generally managed by Council as the appointed crown land manager. Where this Crown land is classified as community land and categorised as Natural Area it is subject to this PoM and is included in Appendix A.

Council also manages other Crown land under Section 48 of the LG Act. While Council controls this land for the Crown, it is not classified as Community Land in accordance with the LG Act and is not subject to this PoM. Council will work with the DPHI – CL (responsible for the administration of the CLM Act) to ensure the appropriate management of the Crown Reserve System.

**Road Reserves**

Several of Council's smaller open space areas have evolved on land designated as road reserve. These areas do not have identifying lot and Deposited Plan (DP) numbers but do require the dedication of resources to maintain them.

The categorisation and inclusion of road reserves in a PoM is therefore not required under the LG Act. However, as they are managed and maintained in a similar manner as similar parcels of classified Community Land, it is appropriate to include them in this PoM. Where appropriate, Council will close these roads and classify them as Community Land under the LG Act.

**Permissible uses / future uses**

Community land is valued for its important role in the social, intellectual, cultural, spiritual and physical enrichment of residents, workers, and visitors to the Penrith LGA.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming

pools, and recreational and sporting facilities in particular, Council intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks.

The general types of uses which may occur on community land categorised as Park, Sportsground, General Community Use and Natural Area, and the forms of development generally associated with those uses, are set out in tables in the relevant category section in this PoM.

**Natural area**

The aims and objective of this PoM are to ensure ongoing development of open space strategies and administrative policies within Council to effectively protect and conserve the natural areas included within this plan.

Within the context of the continued provision of Council services to the community regarding these lands, this PoM identifies the natural areas of bushland, escarpment, foreshore, watercourse or wetland and establishes the means of managing the environmental values of the lands.

The LG Act prescribes clear guidelines for categorising community land as Natural Area.

**Core objectives for Natural Area land**

The core objectives for management of community land categorised as a natural area are, as outlined in Section 36E of the LG Act, are to:

(a) conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area
(b) maintain the land, or that feature or habitat, in its natural state and setting
(c) provide for the restoration and regeneration of the land
(d) provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion
(e) assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in the *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994.*

The core objectives for management of community land further categorised as bushland as outlined in Section 36J of the LG Act are:

(a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and
(b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
(c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and
(d) to restore degraded bushland, and
(e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and
(f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and
(g) to protect bushland as a natural stabiliser of the soil surface.

The core objectives for management of community land categorised as wetland as outlined in Section 36K of the LG Act are:

(a) to protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands, and
(b) to restore and regenerate degraded wetlands, and
(c) to facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.

The core objectives for management of community land categorised as an escarpment as outlined in Section 36L of the LG Act are:

(a) to protect any important geological, geomorphological or scenic features of the escarpment, and
(b) to facilitate safe community use and enjoyment of the escarpment.

The core objectives for management of community land categorised as a watercourse as outlined in Section 36M of the LG Act are;

(a) to manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and
(b) to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and
(c) to restore degraded watercourses, and
(d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

Core objectives for management of community land categorised as foreshore (S36 N)

The core objectives for management of community land categorised as foreshore as outlined in Section 36N of the LG Act are—

(a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and
(b) to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

**Management Strategies**

The protection of natural areas within the City of Penrith is a high priority of Council. The ecological values of natural areas withing public land are considered of significance to the community and any development of recreation or community facilities on such sites can only occur where it can be demonstrated that the sites ecological values are not threatened.

This PoM establishes a framework for the management of natural areas in accordance with the Act. Penrith City Councils objectives of this PoM are to:

- Assist in the development of proactive land management strategies and policies for natural areas within councils' operations structure
- Establish strategies to assist in the protection, conservation, regeneration and/or restoration of bushland covered in this plan, by government agencies and community-based organisations within the city
- Provide a means for monitoring the environmental management of Council operations on the lands
- Provide a means of managing the sites to retain the natural values inherent in the flora, fauna and landscape elements and their relationship to the local community
- To establish a review for the PoM.

**Biodiversity Conservation Act 2016**

Land identified within this plan or management is subject to the provisions of the NSW *Biodiversity Conservation Act 2016* notwithstanding any lands being included in threat abatement of recovery plans for endangered species of communities. These sites are also subject to the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.

All remnant natural vegetation communities identified on these sites as belonging to the Cumberland Plain Group are listed as critically endangered ecological communities under the *Biodiversity Conservation Act 2016.* Under provisions of this *Act* consideration must be given in the assessment of developments and activities to minimise adverse impacts.

Cumberland Plain Woodland is listed on Schedule 1 of the *Biodiversity Conservation Act 2016* as a federally listed critically endangered ecological community and is protected under Commonwealth legislation.

**Description of the lands covered by this plan**

The natural areas included in this PoM apply to all listed communities within the *Biodiversity Conservation Act 2016* and *the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.* It includes sites that have conservation values in a local context but have not been included in thread abatement plan or recovery plan for threatened species or ecological communities at a regional, state, or national level to date.

**Conservation Significance**

The conservation significance of these vegetation communities is high, regardless of their level of disturbance, their size, boundary configuration or fragmentation. In terms of protecting and conserving the biodiversity of the western Cumberland Plain they have an important role to play complimenting and reinforcing the role of formal reserves administered by the National Parks and Wildlife Service.

The management of landscapes to support the conservation of a region's biodiversity outside formal reservations requires an integrated approach of threat identification and assessment, land management strategies for threat abatement and land use policy development.

Management of biodiversity implies management of flora and fauna communities of each site, and few studies have been undertaken that specifically targets ecological communities of the Cumberland Plain [1] in terms of their overall complexity. However, on the basis of surveys undertaken within the region it is clear that native species of fauna and flora are in decline in distribution and abundance in many areas, and that introduced species are on the increase. [2]

[1] CPEEC Draft Recovery Plan. NPWS (08.2000)
[2] Flora and Fauna Corridors Study. Penrith City Council; Fallding et al, (1997)

# PERMISSIBLE USES / FUTURE USES – NATURAL AREAS

Permissible uses / future uses for Natural Areas further categorised as Bushland, Wetland, Escarpment, Watercourse and Foreshore are set out following this Section.

**Authorisation of leases, licences and other estates - Natural Area**

This PoM **expressly authorises** the issue of leases, licences and other estates over the land categorised as Natural Area, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the LG Act or the LG Regulation
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated or allowed by the provisions of the *Native Title Act 1993* (Cth)
- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the LG Regulation
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

This PoM **expressly authorises** the issue of short term licences (up to 12 months) under Sec 2.20 of the CLM Act 2016, for the purposes prescribed in Clause 31 of the CLM Regulation.

A tenure or hire agreement on Crown land may impact native title rights and interests. Any use agreement issued on Crown land must be issued in accordance with the future act provisions of the NT Act and in accordance with Part 8 of the CLM Act unless native title is extinguished. For Crown land which is not *excluded land* this will require written advice from one of Council's native title managers that it complies with any applicable provisions of the native title legislation.

Where it is proposed to construct or establish a public work[3] on reserved or dedicated Crown land, where native title is not extinguished, prior to approval Council will notify and give an opportunity for comment from any representative Aboriginal/Torres Strait Islander bodies, registered native title bodies corporate and registered native title claimants in relation to the land or waters covered by the reservation or lease as required under the *Native Title Act 1993*

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[3] A public work is defined as:

*(a) any of the following that is constructed or established by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities:*

*(i) a building, or other structure (including a memorial), that is a fixture; or*

*(ii) a road, railway or bridge; or*

*(iia) where the expression is used in or for the purposes of Division 2 or 2A of Part 2--a stock-route; or*

*(iii) a well, or bore, for obtaining water; or*

*(iv) any major earthworks; or*

*(b) a building that is constructed with the authority of the Crown, other than on a lease.*

Major earthworks are defined as:

*earthworks (other than in the course of mining) whose construction causes major disturbance to the land, or to the bed or subsoil under waters.*

**D1 - Natural Area - Bushland**

**Guidelines – Natural Area - Bushland**

Bushland is defined in clause 107 of the LG Regulation as land containing primarily native vegetation that is the natural vegetation or a remainder of the natural vegetation of the land, or although not the natural vegetation, is still representative of the structure or floristics of the natural vegetation in the locality.

**Permissible uses / future uses – Natural Area - Bushland**

The general types of uses which may occur on community land categorised as Natural Area – Bushland, and the forms of development generally associated with those uses, are set out in Table D1.1. below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide.

**Table D1.1. Permissible use and development of community land categorised as Natural Area – Bushland by council or the community**

| Purpose/Use, such as… | Development to facilitate uses, such as… |
|---|---|
| • Preservation of the council's natural heritage including the identified endangered ecological communities<br>• Preservation of biological diversity and habitat<br>• Providing a location for relaxation and passive informal recreation<br>• Walking/hiking<br>• Guided bushwalks<br>• Environmental and scientific study<br>• Bush regeneration works<br>• Carbon sequestration<br>• Bio-banking<br>• Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna.<br>• Fire hazard reduction. | • Visitor facilities: toilets, picnic tables, BBQs, sheltered seating areas, lighting, low impact carparks, refreshment kiosks (but not restaurants)<br>• Low-impact walking trails<br>• Interpretive signage, information kiosks<br>• Water-saving initiatives such as rain gardens, swales and sediment traps<br>• Bridges, observation platforms, signs<br>• Work sheds or storage sheds required in connection with the maintenance of the land<br>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out<br>• Locational, directional and regulatory signage |

Table D1.2. further identifies the purposes for which leases and licences may be issued over the reserves identified in this PoM as Natural Area – Bushland

**Table D1.2. Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area – Bushland.**

| Type of tenure | Maximum term | Purpose for which tenure may be granted |
|---|---|---|
| Lease | 30 years | • walkways, pathways, bridges, causeways<br>• observation platforms, signs<br>• information kiosk<br>• kiosk selling light refreshments (but not restaurants)<br>• bicycle/boat hire or similar<br>• work sheds or storage sheds required in connection with the maintenance of the land<br>• toilets<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| Licence | 30 years | • walkways, pathways, bridges, causeways<br>• observation platforms, signs<br>• Information kiosk<br>• Kiosk selling light refreshments (but not restaurants)<br>• Bicycle/boat hire or similar<br>• work sheds or storage sheds required in connection with the maintenance of the land<br>• toilets<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| Licence (e.g. seasonal licence) | Short-term Up to 5 years | • scientific studies and surveys or similar<br>• bicycle/boat hire or similar<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| Other estates | | This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and public authorities works associated with or ancillary to public utilities and public authorities and provision of services, or connections for premises adjoining the community land to a facility of the council, public utility, or public authority provider on the community land in accordance with the LG Act |

The granting of easements over Crown land will be subject to the provisions of the *Native Title Act 1993* and Section 8.7 of the CLM Act.

**D2 - Natural Area - Wetland**

**Guidelines – Natural Area - Wetland**

Wetlands are defined in clause 108 of the LG Regulation as marshes, mangroves, backwaters, billabongs, swamps, sedge lands, wet meadows or wet heathlands that form a waterbody.

**Permissible uses / future uses - Wetlands**

The general types of uses which may occur on community land categorised as Natural Area – Wetland, and the forms of development generally associated with those uses, are set out in Table D2.1 below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide. The terminology used is not intended to impose an exact meaning.

**Table D2.1 Permissible use and development of community land categorised as Natural Area – Wetland by council or the community**.

| Purpose/Use, such as… | Development to facilitate uses, such as… |
|---|---|
| • Preservation of the council's natural heritage including the identified endangered ecological communities<br>• Preservation of biological diversity and habitat<br>• Providing a location for relaxation and passive informal recreation<br>• Environmental and scientific study<br>• Regenerative works requiring ecological restoration activities associated with protection of flora and fauna | • Visitor facilities: toilets, picnic tables, BBQs, sheltered seating areas, lighting, low-impact carparks, refreshment kiosks (but not restaurants)<br>• Low-impact walking trails<br>• Interpretive signage, information kiosks<br>• Water-saving initiatives such as rain gardens, swales and sediment traps<br>• Energy-saving initiatives such as solar lights and solar panels<br>• Bridges, observation platforms, jetties<br>• Work sheds or storage sheds required in connection with the maintenance of the land<br>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out<br>• Locational, directional and regulatory signage |

Table D2.2 further identifies the purposes for which leases and licences may be issued over the reserves identified in this PoM as Natural area - wetland.

**Table D2.2 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area – Wetland.**

| Type of tenure | Maximum term | Purpose for which tenure may be granted |
|---|---|---|
| Lease | 30 years | • walkways, pathways, bridges, causeways<br>• observation platforms, signs<br>• information kiosk<br>• kiosk selling light refreshments (but not restaurants)<br>• bicycle/boat hire or similar<br>• work sheds or storage sheds required in connection with the maintenance of the land<br>• toilets<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| Licence | 30 years | • walkways, pathways, bridges, causeways<br>• observation platforms, signs<br>• Information kiosk<br>• Kiosk selling light refreshments (but not restaurants)<br>• Bicycle/boat hire or similar<br>• work sheds or storage sheds required in connection with the maintenance of the land<br>• toilets<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| Licence (e.g. seasonal licence) | Short-term Up to 5 years | • scientific studies and surveys or similar<br>• bicycle/boat hire or similar<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| Other estates | | This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and public authorities works associated with or ancillary to public utilities and public authorities and provision of services, or connections for premises adjoining the community land to a facility of the council, public utility or public authority provider on the community land in accordance with the LG Act |

**D3 - Natural Area – Escarpment**

**Guidelines – Natural Area – Escarpment**

Escarpments are defined in clause 109 of the LG Regulation as land that includes such features as a long cliff-like ridge or rock, and significant or unusual geological, geomorphological or scenic qualities.

**Permissible uses / future uses Escarpment**

The general types of uses which may occur on community land categorised as Natural Area – Escarpment, and the forms of development generally associated with those uses, are set out in Table D3.1 below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide. The terminology used is not intended to impose an exact meaning.

**Table D3.1 Permissible use and development of community land categorised as Natural Area – Escarpment by council or the community**

| Purpose/Use, such as… | Development to facilitate uses, such as… |
|---|---|
| • Preservation of the council's natural heritage including the identified endangered ecological communities<br>• Preservation of biological diversity and habitat<br>• Providing a location for formal and informal recreation such as rock climbing, abseiling, paragliding and hang gliding.<br>• Bush regeneration works | • Visitor facilities: toilets, picnic tables, BBQs, sheltered seating areas, lighting, low-impact carparks, refreshment kiosks (but not restaurants)<br>• Low-impact walking trails<br>• Interpretive signage<br>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out<br>• Locational, directional and regulatory signage<br>• Construction of facilities for activities such as rock climbing and abseiling |

Table D3.2 further identifies the purposes for which leases and licences may be issued over the reserves identified in this PoM as Natural Area – Escarpment.

**Table D3.2 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area – Escarpment.**

| Type of tenure arrangement | Maximum term | Purpose for which tenure may be granted |
|---|---|---|
| Lease | 30 years | • walkways, pathways, bridges, causeways<br>• observation platforms, signs<br>• information kiosk<br>• kiosk selling light refreshments (but not restaurants)<br>• bicycle/boat hire or similar<br>• work sheds or storage sheds required in connection with the maintenance of the land<br>• toilets<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| Licence | 30 years | • walkways, pathways, bridges, causeways<br>• observation platforms, signs<br>• Information kiosk<br>• Kiosk selling light refreshments (but not restaurants)<br>• Bicycle/boat hire or similar<br>• work sheds or storage sheds required in connection with the maintenance of the land<br>• toilets<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| Licence (e.g. seasonal licence) | Short-term Up to 5 years | • scientific studies and surveys or similar<br>• bicycle/boat hire or similar<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| Other estates | | This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and public authorities works associated with or ancillary to public utilities and public authorities in accordance with the LG Act. |

**D4 - Natural Area – Watercourse**

**Guidelines – Natural Area – Watercourse**

Watercourses are defined in clause 110 of the LG Regulation as any stream of water, perennial or intermittent, in a natural or artificial channel, and associated riparian land or vegetation.

**Permissible uses / future uses Watercourse**

The general types of uses which may occur on community land categorised as Natural Area – Watercourse, and the forms of development generally associated with those uses, are set out in Table D4.1 below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide. The terminology used is not intended to impose an exact meaning.

**Table D4.1 Permissible use and development of community land categorised as Natural Area – Watercourse by council or the community**

| Purpose/Use, such as… | Development to facilitate uses, such as… |
|---|---|
| • Preservation of the council's natural heritage including the identified endangered ecological communities<br>• Preservation of biological diversity and habitat<br>• Providing a location for relaxation and passive, informal, water-based recreation, unless prohibited.<br>• Approved bush care projects requiring ecological restoration activities associated with the protection and conservation of flora and fauna<br>• Restoration works associated with the protection of the biodiversity and ecological values of the in-stream environment. | • Visitor facilities: toilets, picnic tables, BBQs, sheltered seating areas, lighting, low-impact carparks, refreshment kiosks (but not restaurants)<br>• Low-impact walking trails<br>• Interpretive signage, information kiosks<br>• Water-saving initiatives such as rain gardens, swales and sediment traps<br>• Bridges, observation platforms<br>• Work sheds or storage sheds required in connection with the maintenance of the land<br>• Bicycle/boat hire or similar<br>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out<br>• Locational, directional and regulatory signage<br>• Flood mitigation works, such as detention basins, realignment of water flows and banks, installation of pipes, culverts and other structures to assist in control of flood waters. |

Table D4.2 further identifies the purposes for which leases and licences may be issued over the reserves identified in this PoM as Natural Area – Watercourse

**Table D4.2 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area – Watercourse.**

| Type of tenure | Maximum term | Purpose for which tenure may be granted |
|---|---|---|
| Lease | 30 years | • walkways, pathways, bridges, causeways<br>• observation platforms, signs<br>• information kiosk<br>• kiosk selling light refreshments (but not restaurants)<br>• bicycle/boat hire or similar<br>• work sheds or storage sheds required in connection with the maintenance of the land<br>• toilets<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| Licence | 30 years | • walkways, pathways, bridges, causeways<br>• observation platforms, signs<br>• Information kiosk<br>• Kiosk selling light refreshments (but not restaurants)<br>• Bicycle/boat hire or similar<br>• work sheds or storage sheds required in connection with the maintenance of the land<br>• toilets<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| Licence (e.g. seasonal licence) | Short-term Up to 5 years | • scientific studies and surveys or similar<br>• bicycle/boat hire or similar<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| Other estates | | This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and public authorities works associated with or ancillary to public utilities and public authorities and provision of services, or connections for premises adjoining the community land to a facility of the council, public utility or public authority provider on the community land in accordance with the LG Act |

**D5 – Natural Area Foreshore**

**Guidelines – Natural Area – Foreshore**

Foreshores are defined in clause 111 of the LG Regulation as land situated on the water's edge forming a transition zone between the aquatic and terrestrial environment.

**Permissible uses / future uses Foreshore**

The general types of uses which may occur on community land categorised as Natural Area – Foreshore, and the forms of development generally associated with those uses, are set out in Table D5.1 below. The facilities on community land may change over time, reflecting the needs of the community.

The anticipated uses and associated development identified in the table are intended to provide a general guide. The terminology used is not intended to impose an exact meaning.

**Table D5.1 Permissible use and development of community land categorised as Natural Area – Foreshore by council or the community**

| Purpose/Use, such as… | Development to facilitate uses, such as… |
|---|---|
| • Preservation of the council's natural heritage including the identified endangered ecological communities<br>• Preservation of biological diversity and habitat<br>• Providing a location for formal and informal recreation<br>• Walking and cycling<br>• Environmental and scientific study<br>• Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna.<br>• Fire hazard reduction | • Visitor facilities: toilets, picnic tables, BBQs, sheltered seating areas, lighting, low-impact carparks, refreshment kiosks (but not restaurants)<br>• Low-impact walking trails<br>• Interpretive signage and information kiosks<br>• Water-saving initiatives such as rain gardens, swales and sediment traps<br>• Energy-saving initiatives such as solar lights and solar panels<br>• Bridges, observation platforms<br>• Work sheds or storage sheds required in connection with the maintenance of the land<br>• Bicycle/boat hire or similar<br>• Temporary erection or use of any building or structure necessary to enable a filming project to be carried out<br>• Locational, directional and regulatory signage |

Table D5.2 further identifies the purposes for which leases and licences may be issued over the reserves identified in this PoM as Natural Area – Foreshore.

**Table D5.2 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area – Foreshore.**

| Type of tenure | Maximum term | Purpose for which tenure may be granted |
|---|---|---|
| Lease | 30 years | • walkways, pathways, bridges, causeways<br>• observation platforms, signs<br>• information kiosk<br>• kiosk selling light refreshments (but not restaurants)<br>• bicycle/boat hire or similar<br>• work sheds or storage sheds required in connection with the maintenance of the land<br>• toilets<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| Licence | 30 years | • walkways, pathways, bridges, causeways<br>• observation platforms, signs<br>• Information kiosk<br>• Kiosk selling light refreshments (but not restaurants)<br>• Bicycle/boat hire or similar<br>• work sheds or storage sheds required in connection with the maintenance of the land<br>• toilets<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| Licence (e.g. seasonal licence) | Short-term Up to 5 years | • scientific studies and surveys or similar<br>• bicycle/boat hire or similar<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out |
| Other estates | | This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and public authorities works associated with or ancillary to public utilities and public authorities and provision of services, or connections for premises adjoining the community land to a facility of the council, public utility or public authority provider on the community land in accordance with the LG Act |

# MANAGEMENT OBJECTIVES FOR NATURAL AREAS

The key strategies to be covered by this plan relate to the long term protection and conservation of the ecological values of each site, including the natural regeneration of ecological communities and/or the assisted restoration of ecological communities through planned intervention.

The issues of ecological sustainability, the reduction or elimination of processes that modify or interrupt the natural functions of the site and the need to provide access to, and management of the site are key management targets for Council.

The seven broad areas of management concern addressed in this PoM are:

1. Safety and Risk Management
2. Maintenance and Management
3. Conservation and Protection
4. Community Access and Parking
5. Recreation and Land Use
6. Landscape Character and Design
7. Community Engagement and Education

**Safety and Risk Management**

Public safety is of the utmost importance in the management and maintenance of Council community use areas. Council will actively identify, monitor and manage public risk through progressive and responsive mechanisms and community involvement in the recognition and remediation of public risk will be encouraged.

Council has a statutory responsibility to provide facilities that meet relevant Australian Standards and is obliged under common law to take appropriate steps to protect people from reasonably foreseeable risk or harm in the use of public spaces and public assets.

This implies a responsibility to maintain all community use areas associated facilities to an acceptable standard, hence:

- Provision needs to be made to restrict access to community land affected or potentially affected by natural disasters such as flood or severe windstorms until the safety of the public can be assured.
- Management of chemical usage needs to be assessed to minimise the potential impacts upon the community.
- Due to the number of parks, reserves and natural areas distributed over a wide area, staff are unable to inspect all areas on a regular basis.
- Antisocial behaviour and its effects are ongoing issues which need to be minimised.
- Dogs, off leash, can threaten the health and safety of users and need to be managed.

**Maintenance and Management**

Natural Area management aims to allow for the retention and preservation of the maximum amount of remnant bushland and waterways for the inherent ecological values they contain and for wider community benefit. Council also must ensure that optimum condition of the reserves is maintained, that conflicts are minimised, and that any works undertaken are compatible with the existing functions and character of the land.

Natural Area reserves require funding allocations to be managed and maintained at best practice level. Council will need to allocate an appropriate level of funding to cater for the embellishment of natural areas and, ensure a cost-efficient maintenance program is continued. The protection of the ecological values of these reserves can be served through adequate resource allocation.

Opportunities exist for funding under various State and Federal environments grants, particularly for sites of high conservation value. Avenues such as these should be pursued

for capital works and infrastructure spending, such as fencing and signage which offers protective and educational measures for bushland.

The role of volunteer organisations in managing bushland reserves can be further developed through partnerships with Council and the application of funding under programs such as Bushcare.

Due to the relative low use of natural areas, maintenance of these areas is often limited. Key areas to consider for maintenance and management are:

- Weed control
- Vegetation management
- Urban stormwater runoff and nutrient enrichment
- Soil erosion
- Fragmentation
- Fire management
- Boundary fencing and perimeter management
- Bushland regeneration

**Weed Control**

Exotic weed invasion poses one of the greatest threats to the integrity of bushland being the end result of overlying levels of modification and disturbance to the original natural system. Weeds are a response to the disturbance of soil and drainage patterns, the removal of natural vegetation and the introduction of opportunistic plant species through human agency.

The most significant weed threats to western Sydney bushland are the perennial woody species of which the African Olive *Olea africana*, Small Leave Privet *Ligustrum sinense*, Large Leaved Privet *Ligustrum lucidum* and Lantana *Lantana camara* are included.

Successful control strategies for perennial weeds include the use of hand removal, herbicide application and mechanical removal, dependent on-site conditions, level of infestation and accessibility.

**Vegetation Management**

Management of vegetation on public land is often carried out in response to community request, where vegetation is either rampant, creating a fire hazard, impeding access or within a service easement.

In bushland situations the removal of native species should only be carried out where it can be demonstrated no other option is possible, and it can be demonstrated that the impact on the reserve is minimal. In many cases it may be possible to limit the removal of vegetation through pruning rather than removal, and by replanting similar species in locations away from the trouble spot.

Degraded sites often attract feral bird species such as Indian Myna and Common Starling. Vegetation management is often required. Strategies include removal of degraded vegetation and the undertaking of bushland regeneration programs to restore the site, rather than total clearing.

**Urban Stormwater**

Urban stormwater acts as a transport agent of weeds, nutrients, sediment, contaminants, and gross litter when allowed to eb discharged into, or to travel through, natural bushland areas. Urban runoff can adversely affect the environmental qualities of remnant bushland. The transportation of nutrients and sediment into bushland areas modifies conditions to create opportunities for weed invasion and spread.

**Soil Erosion**

Soil erosion in bushland reserves can be caused by agents and activities from within and from outside the boundary. Unsealed and badly formed tracks and paths, vehicle use, animals and stormwater all interact to create erosion of soils. The result can be the undermining of vegetation, exposure of root systems, destabilising of trees and death of vegetation. Gullying of steep sties and the exposure of bare soils creates conditions for weed invasion and further soil loss.

**Fragmentation of vegetation**

The fragmentation of bushland within reserves can be the result of poorly planned paths and tracks; soil erosion and stormwater drainage lines which can isolate and fragment the vegetation communities. The smaller the reserve the greater the problems of fragmentation within, and the opportunities for weed establishment, and the loss of native species.

The development of an island of vegetation within already small remnants is unsustainable for the conservation of species over the long term.

**Fire Management**

The woodlands of Western Sydney are adapted to a cycle of wildfire of approx. 15 to 20 years; however, the cycle is often much shorter through accidental and deliberate burnings. The changes to fire regimes can radically alter vegetation types and patterns which can also affect the distribution and abundance of individual species and populations.

Under the *Rural Fires Act 1997* Council has responsibility for controlling land under its ownership or care, control, and management, and to ensure they do not cause damage to adjoining land of property.

**Boundary Fencing and Perimeter Management**

Bushland reserves often adjoin neighbouring private property with attendant issues of vegetation management and hazard reduction. A consultative approach to management of the perimeter zone with adjoining landholders can achieve favourable management outcomes.

**Bushland Regeneration**

Bushland regeneration has the objective of returning degraded bushland areas to a state approaching its original condition using the natural regenerative capacity of the site. This relies almost totally on the regeneration of vegetation through the germination of seed withing the soil and the regeneration of root stocks. Regeneration requires intervention in the form of weed removal and site management techniques to establish conditions for regeneration to occur.

Restoration implies the more active intervention in the form of replanting species to develop a vegetation structure in highly degraded areas where regeneration is unlikely to be successful.

**Collection of Seed and Other Plant and Biological Material**

All fauna and flora within the lands included in this PoM is protected and the collection of seed, fruit, plant cuttings or any other biological material, including fauna, leaf litter and natural mulches is prohibited, unless express permission is granted by Council, and the purpose of the collection is for scientific or research purposes only.

Council in these circumstances has a right to charge a fee for such service provision.

**Collection of Firewood, Stone, Bushrock, Gravel and other Geological Material**

The collection of these is prohibited from land included in this PoM.

**Cultural Items and Areas of Significance**

The traditional Aboriginal people of the region were the Darug whose homelands comprised the greater part of the Cumberland Plain and parts of the Blue Mountains. It is likely that relics, artifacts and evidence of past occupation remains in many locations. It is likely that some sites hold a special significance to the Aboriginal people and with which special links are retained.

This PoM recognises the importance of this cultural heritage to the Aboriginal people in the region. All Aboriginal relics, artefacts and sites known and those that remain unknown are protected by the *National Parks and Wildlife Act 1974* on lands within this PoM.

Equally sites, relics and artefacts of European tradition and historical significance may exist on these reserves. Their importance in the heritage fabric of the region is acknowledged and protected under this PoM.

**Conservation and Protection**

The key issues covered in this section refer to:

- Conservation of biodiversity
- Conservation of habitat
- Rare and threatened species
- Identification of threatening process
- Conservation of landscape and scenic quality

**Conservation of Biodiversity**

Biodiversity refers to the variety of life forms in terms of species richness, genetic patterns and ecological communities formed by them. Genetic diversity refers to the genetic variation within distinct populations of the same species and occurs in plant and animal communities. In Western Sydney there are distinct species of plants that occur whether in isolation of other populations across the State or are at the limit of their natural distribution. This has, in some species lead to a distinct variation manifesting as either flower colour or form.

Species diversity refers to the variety of species and are usually classified into three measurements groups: richness, abundance and taxonomic diversity, each of which gives an indication of an areas number of species; how many numbers among those species, and any genetic relationships between them.

The conservation of a region's biodiversity is important in terms of reinforcing the resilience of ecosystems and their capacity to provide beneficial service in the form of nutrient breakdown and recycling protection of water resources, soil formation and protection, breakdown of contaminants, contribute to climatic stability.

Additionally, the biodiversity of a region provides social and cultural benefits of recreation opportunities, scenic landscapes and research and education.

**Conservation of Habitat**

Remnant bushland provides important areas of habitat for native fauna and maintains environmental conditions suitable for native plant communities. The vegetation communities of the Cumberland Plain, which forms the greater part of the Penrith LGA, have undergone significant modification and in many areas have been totally lost to urban and agricultural development. The net effect has been an overall loss in the region's biodiversity and in the area and type of habitat suitable for native species.

Bushland reserves on community land provide important communities for habitat protection and the creation of wildlife corridors through the linking of reserves with street plantings and remnants on private land.

Protection of habitat assists in the conservation of threatened fauna within the LGA including the Glossy Black Cockatoo *Calyptorhynchus lathami* and Regent Honeyeater *Xanthomyza phyrgia.*

**Rare and threatened Species**

An important consideration in the protection of remnant bushland on community land is the role it plays in the conservation of rare and threatened species and endangered ecological communities which may not otherwise be protected in more formal reservations, because of size or other management considerations. This is particularly important in urban areas where bushland pockets are generally small and under pressure from adjoining land uses.

In many cases these small urban reserves offer the last examples of the original ecological communities that existed in the region predevelopment.

**Identification of Threatening Process's**

Threatening processes to remnant bushland in Western Sydney have been identified in several Council documents in the past. These processes are further defined by the NSW Scientific Committee in their determinations on Cumberland Plain Endangered Ecological Communities as being:

- Weed invasion
- Clearing for development
- Rubbish dumping
- Recreational (vehicles)
- Grazing and mowing
- Increase in nutrient loads
- Edge effects because of small remnant size

**Conservation of Landscape and Scenic Quality**

Remnant bushland on community land provides character and scenic quality in areas which are largely developed either as urban or agricultural land uses. These sites provide richness in the landscape and form a reminder of the original landscape of the area.

**Community Access and Parking**

In principle, all of Council's public open space areas should be accessible to the whole community, regardless of age, ability, or gender. However, natural areas have requirements for the preservation of biodiversity, and restricted or conditional access may be appropriate in some circumstances. Key areas to consider are:

- Recreation facilities
- Pathways
- Vehicle use
- Community organisations
- Education and interpretation

**Recreation Facilities**

Under the LG Act facilities in natural area are limited to those specifically prescribed under Section 47B(4). These are limited to:

- Walkways
- Pathways
- Bridges
- Causeways
- Observation platforms
- Signs

Additionally, the following purposes are permitted under S47B (5) of the LG Act:

- Information kiosks
- Refreshment kiosks (not restaurant)
- Work and storage sheds required in connection with the maintenance of the land
- Toilets of rest rooms

For the purposes of this PoM no other purposes are permitted.

**Pathways**

Access to natural areas needs to be restricted to limit disturbance. Pathways should be well designed and constructed to limit soil erosion and run off. Pathways should remain relatively informal but should be constructed of durable and non-toxic materials.

The design of pathways can be used to delineate areas and assist in the control of weeds and act as a fire break.

Design and construction standards should meet applicable Australia Standards and requirements of the Building Code of Australia.

**Signage**

Signage is permitted in bushland reserves and should be designed and constructed in a manner appropriate to the site characters. Signage should be unobtrusive and placed in accessible areas.

**Gates and Fences**

Boundary consolidation is important in protecting natural areas from unauthorised uses, and to limit degrading edge effects. Fencing can however present problems for native fauna, and requires careful design and consideration. Fencing and gate placement should be such that it is used to restrict vehicle access and domestic animals on a site by site bases.

**Vehicle Access**

The use of all motorised vehicles in natural areas is not permitted unless by Council staff or contractors of Council on Council business.

The use of BMX and mountain bikes is restricted to formed pathways and are not to be used for other purposes.

**Community Organisation**

The use of natural area for the purposes of regeneration, restoration and rehabilitation by authorised incorporated community organisations is permitted under the LG Act.

Scientific and educational study is permitted on land included in this PoM.

**Recreation and Land Use**

Recreation activities are encouraged in natural areas but are subsidiary to the objective of management of the land to retain its natural features and qualities noting:

- There is a lack of dog off leash areas as well as areas for other domestic animals such as horses.
- The drinking of alcohol within natural areas can lead to anti-social behaviour as well as broken glass causing a safety issue.
- A lack of signage identifying what can or cannot occur within each natural area makes it difficult to curb certain activities. The over usage of signs can however lead to clutter and visual pollution. Currently there are private water pumps used for irrigation, located within natural areas.
- In some natural areas, overnight camping is conducted even though camping is prohibited in natural areas.
- There are few existing boat ramps in natural areas. There is little provision of access for canoeists.
- Off road recreation vehicles are prohibited in natural areas, except on properly constructed roads or where used for maintenance or management purposes.
- Where barbeques have been provided in natural areas, they are open fireplaces. This is not appropriate where bushfires can easily be started or where fuel is sourced from natural areas.
- Often cyclists or horse riders do not stick to formed tracks.
- It is difficult to prevent the use of swing ropes into the river from natural areas due to the vast number of areas requiring monitoring.
- Swimming and or diving into water bodies can be dangerous due to variable water quality and submerged logs, rocks.

**Landscape Character and Design**

Any structures, signs, paths etc in natural areas should be sympathetic to the existing setting, its landscape values or the unique character and features of each site. The inherent landscape features of natural areas thus need to be retained, and where possible enhanced, when developing natural areas noting:

- Site planning, materials selection and colour schemes are not often considered when designing structures in natural areas.
- Often landscape design in areas adjoining natural areas opposes the ecological values of the site.
- Often natural areas are unsigned and entrances are not obvious.
- Flooding is a constraint to the location and type of structures placed in natural areas.
- Stormwater is generally designed to flow into natural watercourses. This water often contains sediment, weed propagates and seed and is high in nutrients, thus promoting the spread of weeds into natural areas.
- Pumps and pipes within reserves can detract from the appearance of the reserve, particularly where they run down escarpments.
- Consideration of *Safer by Design* principles should be incorporated into new designs for Natural Areas where possible, to improve safety of park users and staff and reduce the incidence of crime.

**Community involvement / Neighbour Relations**

Good neighbourly relations are important in the management of natural areas. Neighbours and community users are vital for the contribution to the planning and management process as well as informing Council of any ongoing issues as:

- There is often encroachment or dumping of rubbish and garden refuse into natural areas.
- In some cases, the community and neighbours are affected by issues such as anti-social behaviour and presence of pest animals such as rabbits and foxes.
- Often community awareness of natural area qualities and management issues is poor. A broader understanding would ensure that as far as possible residents and visitors have a positive interaction with the bushland.

# ACTION PLAN

**Safety and Risk Management**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| Ensure the safety of all users when visiting natural areas | All public domain assets shall be installed, maintained, and managed in accordance with acceptable standards | Conduct regular inspections of infrastructure as per levels of service | Regular inspections of key infrastructure undertaken |
| | All works carried out within Natural areas complies with Councils WH&S Policy | Ensure on site safety and inspect contractor operations | All work carried out conforms with WH&S Policy |
| | Encourage community involvement in the recognition and reporting of public risks via the council website | Respond promptly to reports of hazards | Response and remediation of hazards as per agreed service levels |
| | Minimise unsafe usage of the Natural areas | Install signage prohibiting specific uses | Number of signs erected |
| | Protect users and staff from harm | Use 'Safer by Design' principles when developing assets | New designs consider Safer by Design principles |
| | To ensure that dog usage is appropriate and undertaken in a responsible manner | Ranger patrols and fines issued for dogs off leash in prohibited areas.<br><br>Provide additional dog off leash areas if appropriate.<br><br>Provision of signage and faeces collection bags where relevant | Number of reports of dogs being off leash in prohibited areas.<br><br>Areas set aside as dog off leash areas<br><br>Reduction of dog faeces complaints and record number of signs |
| | Discourage anti - social behaviour | Provide lighting to improve safety and to act as a deterrent for anti-social behaviour where appropriate<br><br>Redesign those areas that suffer anti-social behaviour to foster passive surveillance as per Use Safer by Design principles<br>Removal of graffiti as per service levels agreements | Lights erected.<br><br>Reduction in reports of vandalism |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| | | Implement Alcohol free zones | |
| | Protect the public from sharps hazards | Provide appropriate means of disposal for sharps where appropriate | Suitable disposal bins provided |
| | Have a safe maintenance program in place | Safe Work Method statements and Safe Operation Procedures are in place for all maintenance procedures, including for contractors | Up to date procedures/records |
| | Limit public contact with chemicals whilst in Natural areas | Record all chemical spraying and use appropriate signs to indicate affected areas as per the Pesticide Use Notification Plan<br><br>Staff and contractors are trained in the use of chemicals in public outdoor areas and in buildings. | Up to date procedures/records |
| | Public is not under threat from flood during rain events | Close areas that are threatened by flood where possible, until the area is assessed as being safe.<br><br>Council communicate emergency events and closures to the community via social media<br><br>Provide safe flood evacuation routes from riverside areas | Assess and close access to affected areas where possible<br><br>Access routes have been assessed for safe evacuation |
| | Ensure the public is not under threat from Fire | Natural areas are to be closed from the public whilst there is a high threat of fire entering the reserve.<br><br>Ensure barbecues are in designated formal picnic areas only, with a minimum cleared distance of 20 metres to bushland and provision of reticulated water supply on site<br><br>Barbecues where possible shall not require timber for fuel. | Parks and reserves closed at appropriate times<br><br>All Barbecues are located in appropriate sites<br><br>Fire procedures are in place for any fires that require wood or fuel through a hire event |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| | | All Council owned barbeques are electric | No BBQ's or campfires with open flames are bought into the council reserve |
| | Ensure the public are not at risk from Bushfires | Council communicate emergency events and closures to the community via social media.<br><br>Maintain asset protection zones<br><br>Maintain registered fire trails within the LGA to NSW RFS standards | Maintenance performed |
| Security | Maintain a secure public environment within Natural area facilities. | Installation of security systems where appropriate<br><br>Management of security patrols when required.<br><br>Appropriate fencing and lighting.<br><br>Community education.<br><br>Use of regulatory signs.<br><br>Liaison with Police.<br><br>Appropriate design, siting and materials. | Number of complaints in relation to security<br><br>Number of ordinance investigations and prosecutions.<br><br>Number of public liability claims against Council. |

**Maintenance and Management**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| Weed Control | Identification of weed species of concern in remnant bushland, including native 'non endemic' species<br>Target of removal of high impact woody weed species from reserves<br>Controlled removal of perennial weed species from remnant bushland on priority basis with minimum disturbance to natural communities<br>Reduce incidence of weed introductions to bushland through garden refuse, soil and waste materials<br>Reduce impact, distribution and effect of weed species on adjoining land and property | Undertake survey of all sites and score weed incidence types, distribution and abundance<br>Develop action plan for high priority target woody species including Privet and African Olive<br>Undertake weed control on reserve priority basis using appropriate techniques<br>Develop education program for residents on garden refuse | Survey completed<br>Action plan completed and incorporated into parks maintenance program<br>Reduced weed infestation on reserves<br>Reduced incidence of weed invasion from adjoining properties and through dumping |
| Vegetation Management | The management of natural vegetation on public land to retain the diversity, distribution and abundance of the community<br>To allay incidence of fire on adjoining properties | No indigenous vegetation to be removed without investigation of its significance to the site<br>Boundary and perimeter vegetation to be managed in consultation with adjoining properties | Structure and ecological integrity of vegetation maintained<br>Reduced incidence of unauthorised clearing of vegetation along property boundaries |
| Off-site stormwater | Manage water quality entering natural areas at a level close to predevelopment conditions<br>No new direct discharge of road or property drainage into natural areas<br>Pipe discharges into bushland areas to have water dissipators designed to slow discharge velocity | Manage stormwater in accordance with Council SW Management Plan<br>Design and divert discharge flows of stormwater away from natural areas<br>Retrofit existing discharge pipes with dissipation and stilling devices | Reduction in sediment and nutrient loads entering natural areas<br>Reduction in erosion |
| Soil erosion | On site soil erosion to be reduced through application of best practice controls on soil movement, transport, and protection during any development works<br>Off-site transport of soil into natural areas through stormwater to be reduced | Implement sound sedimentation controls on off site developments | Controls implemented |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| | On site erosion effected by off site causes to be monitored and reduced. Off site effects can result in contamination of soil and water by toxins; introduction of weeds; and sedimentation of drainage lines and ground vegetation, | | |
| Fire Management | Fire is important in the health of natural areas' systems and requires a balanced management approach<br>The protection of ecological values of bushland and the protection and safety of adjoining properties are of equal consideration | Develop fire management plan for council reserves | Plan in place |
| Boundary and Perimeter Management | Perimeters of natural areas are generally areas of high disturbance where delineation of the edge is often blurred and where weeds and litter accumulate. These areas are often subject to regular mowing or slashing with the net effect of further edge disturbance and encroachment on the core values.<br>Boundaries need to be managed to protect the natural values of the natural area and to protect the interests of adjoining properties<br>Edge effects need to be reduced on all natural areas through an integrated management approach incorporating strategic boundary definition and review of maintenance practices<br>The consolidation of natural areas is important to discourage and eliminate the use of unauthorised vehicles on the sites. Additionally this will discourage the use of the sites for unauthorised or illegal activities | Consolidate and implement no mow zones in all bushland reserves<br>Consult with neighbouring property owners to establish joint management practices for boundaries<br>Fence natural areas | Joint management practices agreed on |
| Bush regeneration | Bush regeneration is an ecological and cost effective tool for the rehabilitation and management of degraded bushland | | |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| | Bushland regeneration denotes a pro active approach to bushland management and incorporates community involvement in the ongoing management of areas biodiversity, habitat | Employ bush regeneration teams in sites identified for priority protection and restoration | Regeneration of vegetation occurring |
| | Natural regeneration of degraded sites can be complemented with the planting of endemic species propagated from seed or propagation material collected on site or of local provenience | Establish local Bushcare groups | Bushcare groups established |
| | Bushland regeneration activities by volunteer organisations assists in fostering an awareness and local ownership of bushland reserves | | |
| Collection of Seed and Other Plant Material | The uncontrolled collection of plant material including seed, cuttings and fruit limits the availability of the natural resource for natural regeneration of new plants and restricts the availability of food sources for native fauna particularly birds. The collection of these materials is not permitted in any land covered by this PoM unless specifically authorised by and with expressed permission of Council | Prohibit collection of seed and plant material | |
| Collection of Firewood, Leaf Litter, Bushrock, Other Stone, Grave and Soil | The collection of firewood or any geological derived material is not permitted on any land within this PoM | Prohibit collection of any other material from reserves | |

**Conservation and Protection**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| Biodiversity Conservation | The conservation of a site's total biological diversity<br>To assist in the recovery, conservation and protection of rare and threatened species and communities in the city | Identify and assess and prioritise natural areas within this plan for protection and recovery | Identification plan completed |
| Habitat Conservation | The protection of existing wildlife habitat on community land<br>The recovery of habitat for native fauna and flora species<br>Introduction of habitat that has been loss both natural and artificial | Implement habitat management program<br>Regenerate/ restore degraded habitat areas<br>Installation of nesting boxes, habitat hollows, repurposing of logs and rootballs. | Successful regeneration of native plant communities and habitat<br>Fauna surveys |
| Rare, threatened, and endangered species or communities | Protect sites containing RTE species/ communities | Implement habitat restoration program | Protection of sites implemented |
| Threatening processes | Reduce/ eliminate threatening processes at local level | Identify threatening processes at a local level | Stabilised habitat |

**Community Access and Parking**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| Recreation Facilities | Only those facilities and activities prescribed under S47B of the LG Act are permitted on land included in this plan. There facilities are described in Section 4.3 of this plan.<br>All developments are to be subject to site specific approvals dependent upon investigations to determine the level and nature of disturbance to the area | Refer to the Sport and Recreation strategy for a review of natural areas. | Natural areas used for passive recreation |
| Leases, licenses and other estates | Leases, licenses and other estates over land included in this plan may only be granted where it can be demonstrated that the lease, license or other estate will not damage disturb or cause the extinction of species on the site, and may only be granted for the purposes prescribed in S47B of the LG Act | | |
| Walkways and Paths | New walkways and pathways through bushland areas should have minimal disturbance on the vegetation and should be designed and constructed of non toxic materials to minimise runoff and erosion; provide a safe and durable walking surface and provide effective non vehicular access to all members of the community | Appropriate design for pavements, facilities, structures and parking to comply with Australian Standard and Council's Codes, Policies and Regulations.<br>Plan the path of new tracks/cycle ways.<br>Upgrade or develop parking facilities when funding is available | Number of paths/cycle ways developed.<br>Number of reported accidents and comments of user conflicts.<br>Number of community comments about the provision of access ways. |
| Gates and Fences | Gates and fences on natural areas help consolidate the boundary and assist in site management by having clearly defined access points. They can however limit movement of some native animals a through natural area corridors and therefore should be designed with this in mind | | |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| | Gate and fence materials should be durable and of a design that integrates with the sites landscape character | | |
| Signage | Signage should be located at entry points to natural areas and should clearly identify the reserve<br><br>Interpretive signage assets in the communities understanding of bushland management issues and can be installed in selected reserves. The design should be effective and durable | Develop a policy for signage on community land | Sign Policy developed |
| Vehicle access including cars; motorcycles; BMX and mountain bikes | Inappropriate use of vehicles in natural areas creates problems with soil erosion, noise, soil compaction and contamination, vegetation damage and habitat loss. Vehicle use in these reserves is restricted to authorised users including Council staff or contractors on Council business<br><br>Motorcycles are not permitted on land covered by this PoM<br><br>BMX and mountain bikes are permitted only on formed paths on land covered by this plan | Close non-essential vehicular access.<br><br>Stop permanent or temporary use of tracks through natural areas for access to private lands.<br><br>Inspect roads, parking areas and walking tracks annually and maintain when necessary<br><br>Provide appropriate parking facilities and signage<br><br>Use of traffic control devices such as boom gates, barriers and bollards. Provide gate keys to appropriate emergency services | Number of tracks closed successfully<br><br>Number of access points closed.<br><br>Roads and Paths maintained.<br><br>Comply with traffic management plans for events.<br><br>Areas affected by unauthorised parking<br><br>Number of access ways provided (lineal measure). |
| Community Organisations | Incorporated community environment organisations such as local Bushcare groups should be encouraged to form and undertake generation and restoration works in reserves in partnership with Council<br><br>The use of reserves is permitted for educational and scientific study purposes with express permission of Council | | |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| Provide the whole community with access to natural areas | The design of green, open and public space should meet Australian standards for mobility and access and should integrate the principles of inclusion for the design and delivery of play spaces. | Appropriate design for pavements, facilities, structures and parking to comply with Australian Standard and Council's Codes, Policies and Regulations. | Number of paths/cycle ways developed. |
| | Walking tracks/cycle ways constructed where appropriate to improve access to and within Natural areas. Paths should be accessible where possible. | Plan the path of new tracks/cycle ways. | Number of reported accidents and comments of user conflicts.<br><br>Number of community comments about the provision of access ways. |
| | Parking, including all ability access parking, provided where relevant, considering the effect on residents | Upgrade or develop parking facilities when funding is available | |

**Recreation and Land Use**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| To enhance the recreational opportunities of Natural areas | Passive recreation activities permitted such as walking, photography, bird watching and other unstructured recreation | Refer to the Sport and Recreation strategy for a review of community use areas. | Natural areas used for passive recreation |
| To provide for the community use of and access to the land in such a manner as will minimise damage caused by human intrusion | Restrict the following activities except in areas designated: Camping, caravans, off road recreation<br><br>Unauthorised vehicles prohibited, as identified by signs<br><br>Recreational activity restricted to specific areas, times, or seasons where this is necessary to achieve the objectives of the plan. | Install Signs in problem areas<br><br>Restrict inappropriate recreational activities where unacceptable disturbance is being caused.<br><br>When necessary, areas are cordoned off from the public. Signage and use of advertising may be appropriate to inform the public | Reduction in number of complaints and the amount of damage caused<br><br>Use of unauthorised vehicles within Natural areas, reduced<br><br>Less damaged caused |
| Informal Recreation e.g. Ball, Frisbee | Games allowed that are suitable within the Natural Area. | Use of regulatory signs. | Number of community comments about activity. |
| Outdoor Performance Area | Outdoor performances and performance space provided where appropriate with minimal impact on the community. | Regulation by Council.<br><br>Provision of facility in appropriate locations. | Number of comments received about public acceptance of the outdoor area.<br><br>Number of bookings of facility per annum. |
| Allow outdoor Seating Concessions for approved food related businesses | Licensing or leasing of outdoor seating concessions allowed for approved outdoor dining food related businesses in line with Council's Policy, Guidelines and procedures | Enter in appropriate Leasing/Licensing Agreement subject to council approval | Number of incidents of non-compliance with the terms and conditions of approval and the License or Lease Agreement.<br><br>Number of Leases/Licences issued. |
| Provide appropriate furniture and equipment | Allow for the provision of furniture and equipment that is appropriate for community use | Complement and be consistent with the local theme.<br><br>Appropriate design, siting, use of materials and erection of furniture. | Number of complaints about suitability of the location and the style.<br><br>Number of comments regarding |

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Assessment of performance against targets |
|---|---|---|---|
| | | | community satisfaction with the opportunity to provide input. |
| Public Art | Allow for public and community artworks in appropriate settings.<br><br>Manage, maintain and decommission. | Co-ordination by Council's Community Arts Officer and relevant people involved in the project to identify, commission and erect artworks.<br><br>Comply with Council's Place Making and Public Art Policy | Number of comments about public acceptance.<br><br>Number of public involved in the Project.<br><br>Number of reported incidents of vandalism and damage to artwork. |
| Ensure Natural areas do not impact upon adjacent areas | Ensure land use is appropriate to consider noise, lighting and other factors on neighbouring and adjacent properties.<br><br>Restrict community uses for activities that may affect neighbouring lands. | Consider adjacent uses and assess appropriate of uses through community consultation.<br><br>Have management agreements in place. | Compliance management agreements in place with users. |
| Ensure signage / advertising within Natural areas does not affect visual quality. | Limit amount of unnecessary signage | Develop a policy for signage on community land | Sign Policy developed |
| Ensure all community land is identifiable | All community land to have signage that identifies the land | Install identifying signage and regulatory signage within community use parks where required (except where leased) | Signs installed |
| Consider life cycle costs in the planning and design of capital works | All new capital works programs will include a maintenance budget. | Ensure future maintenance budgets take into account the future requirements of new developments. | Maintenance costs considered for all new works |

**Landscape Character and Design**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Measure of performance against targets |
|---|---|---|---|
| Ensure that the landscape character of Natural areas is retained | Any structures, signs, paths, planting etc should be sympathetic to the existing setting, its landscape values, heritage and unique character.<br><br>Retain and enhance where possible, inherent landscape features.<br><br>Comply with any Council open space landscape standard design guidelines and construction specifications, strategies and policies | Plan and design appropriately, including materials selection and colour schemes<br><br>Approval of Council staff for all designs before construction<br><br>Landscape designs to enhance landscape features<br><br>Identify and allocate appropriate budgets for maintenance of landscape<br><br>Develop design guidelines | Landscape plans are approved by council and meet Council's vision<br><br>Design reflect the objectives of the designs or master plans, as developed by the community<br><br>Landscape features retained<br><br>Budgets are allocated to the maintenance of landscapes |
| Consider constraints and opportunities such as flooding, geo-tech, services, native vegetation, etc. when siting facilities. | Full assessment and consideration of all factors are done before design commences.<br><br>All opportunities and constraints of a site are considered in the design of infrastructure | Engagement of all stakeholders.<br><br>All investigative studies and surveys completed to inform design.<br><br>Assess impact of flood on structures when deciding on suitable location and design | Efficient process in the assessment and design of landscapes<br><br>Coordinated approach to the design and delivery of all infrastructure |
| Consider adjacent land use when enhancing and managing community land | Manage environmental concerns on community land adjacent to natural areas, considering habitat, aesthetic, and shade values of trees. | Retain trees for habitat value as well as shade and aesthetic values where possible<br><br>Weed removal | Habitat trees retained |
| Landscape is designed and managed using sustainability principles | All landscape considers sustainability principles in design and maintenance | Comply with the standards and policies of Sustainability (e.g. cooling the city strategy, water sensitive urban design) | All landscape is sustainable |

**Community Engagement and Education**

| Management Objectives | Performance Targets | How to achieve objectives and performance targets | Measure of performance against targets |
|---|---|---|---|
| To involve the community in the management of Natural areas | Involve the Community and stakeholders in the design of community assets where possible<br><br>Community is involved in the operation and management of community land where appropriate<br><br>Encourage the participation of the community in reporting incidents<br><br>Community volunteer to help with Bushcare and other groups | Implement the Community Engagement Strategy<br><br>Community based committees and clubs are supported by Council<br><br>Respond quickly to incident reports | The community participates in the operation and management of Natural areas |
| Build relationships with the community to be able to best manage issues that arise | Encourage neighbours to notify Council of any concerns regarding vandalism, dumping, noise etc<br><br>Implement objectives under the Customer Promise to improve responsiveness to Community concerns and complaints | Build relations through Council communications. | Concerns followed up promptly |
| To reduce the impact of neighbouring properties on community land | Prevent unpermitted land access across Community Land | Ensure compliance of Council's permit application process to access Council land<br><br>Identify encroachment and dumping of rubbish on and issue cleanup notices | Number of Permits issued, compliance to permit conditions<br><br>Reduction in damage |

# APPENDICIES

## Appendix A - Land Categorised as Natural Areas

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land | Category | Zone |
|---|---|---|---|---|---|---|---|
| CADDENS | Caddens AFL Field | 229 Caddens Road CADDENS NSW 2747 | Lot 754 DP 1180111 | Penrith City Council | No | CNC – Community / Natural Area / Watercourse [4] | RE1 SP294 |
| CAMBRIDGE PARK | Public Reserve | 176 Richmond Road CAMBRIDGE PARK NSW 2747 | Lot 7 DP 1295641 | Penrith City Council | No | CNC – Community / Natural Area / Watercourse | RE1 |
| CAMBRIDGE PARK | Public Reserve | 1a Tasman Street CAMBRIDGE PARK NSW 2747 | Lot 8 DP 1295641 | Penrith City Council | No | CNC – Community / Natural Area / Watercourse | RE1 |
| CLAREMONT MEADOWS | Public Reserve | 33-37 Heaton Ave CLAREMONT MEADOWS NSW 2747 | Lot 138 DP 1088137 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | C2 |
| CLAREMONT MEADOWS | Public Reserve | 27-37 Fowler Street CLAREMONT MEADOWS NSW 2747 | Lot 16 DP 1088875 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | C2 |
| CLAREMONT MEADOWS | Public Reserve | 39-47 Fowler Street CLAREMONT MEADOWS NSW 2747 | Lot 2 DP 1090232 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | C2 |
| CLAREMONT MEADOWS | Public Reserve | 404-408 Caddens Rd CLAREMONT MEADOWS NSW 2747 | Lot 6 DP 1090232 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | C2 |
| CLAREMONT MEADOWS | Public Reserve | 39-43 Heaton Ave CLAREMONT MEADOWS NSW 2747 | Lot 219 DP 1093617 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | C2 |
| CLAREMONT MEADOWS | Public Reserve | 1A Castle Road CLAREMONT MEADOWS NSW 2747 | Lot 3 DP 1101381 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | C2 |
| CLAREMONT MEADOWS | | Lot 52 Off Caddens Road CLAREMONT MEADOWS NSW 2747 | Lot 52 DP 1166569 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | C2 |

[4] See Diagrams following this Table for the part of Caddens AFL Field categorised as Natural Area - Watercourse

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land | Category | Zone |
|---|---|---|---|---|---|---|---|
| CLAREMONT MEADOWS | | 419 Caddens Road CLAREMONT MEADOWS NSW 2747 | Lot 13-15 DP 1226529 | Department of Planning Industry & Environment | No | CNB – Community / Natural Area / Bushland[5] | C2 |
| COLYTON | | 96-106 Roper Road COLYTON NSW 2760 | Lot 1 DP 342275 | Department of Planning | No | CNC – Community / Natural Area / Watercourse | RE1 C2 |
| COLYTON | | 108-114 Roper Road COLYTON NSW 2760 | Lot 2 DP 342275 | Department of Planning | No | CNC - Community / Natural Area / Watercourse | RE1 C2 |
| COLYTON | | 106a Roper Road COLYTON NSW 2760 | Lot 3 DP 342275 | Department of Planning | No | CNC - Community / Natural Area / Watercourse | RE1 |
| CRANEBROOK | | Cranebrook Road, Hooworth Street, CRANEBROOK, 2749 | Lots 1-37 Sec D DP 1613 | Department of Planning | No | Natural Area / Bushland | RE1 C2 |
| CRANEBROOK | | 86 Nepean Street, CRANEBROOK, 2749 | Lot 2 DP 612798 | Department of Planning | No | Natural Area / Bushland | RE1 |
| CRANEBROOK | | Nepean Street, CRANEBROOK, 2749 | Lot 1001 DP 634348 | Department of Planning | No | Natural Area / Bushland | RE1 |
| CRANEBROOK | | Soling Crescent, CRANEBROOK, 2749 | Part Lot 111 DP 730065 | Department of Planning | No | Natural Area / Bushland | RE1 |
| CRANEBROOK | | Nepean Street, CRANEBROOK, 2749 | Lots 43-119 Sec A DP 1613 | Department of Planning | No | Natural Area / Bushland | RE1 C2 |
| CRANEBROOK | | Braddock Street, Milham Street, CRANEBROOK, 2749 | Lots 38-105, 112-125 Sec B DP 1613 | Department of Planning | No | Natural Area / Bushland | RE1 C2 |
| CRANEBROOK | | Milham Street, Hooworth Street, CRANEBROOK, 2749 | Lots 29-61, 104-127 Sec C DP 1613 | Department of Planning | No | Natural Area / Bushland | RE1 C2 |
| EMU HEIGHTS | Public Reserve | 45a Greenhaven Drive EMU HEIGHTS NSW 2750 | Lot 89 DP 238135 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |

[5] See Diagrams following this Table for the part of 419 Caddens Road categorised as Natural Area - Bushland. Part of this Reserve is also categorised as Park and is addressed in the Plan of Management for that category.

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land | Category | Zone |
|---|---|---|---|---|---|---|---|
| EMU HEIGHTS | McCanns Island | Russell Street, EMU HEIGHTS NSW 2750<br>Reserve No.:91443<br>Gazetted 25 May 1979<br>Purpose: Public Recreation | Part Lot 1 DP 194851 | Her Most Gracious Majesty Queen Elizabeth II (Minister for Justice)[6] | Yes | CNF – Community / Natural Area / Foreshore | RE1 |
| EMU PLAINS | Dukes Oval | Lawson Street EMU PLAINS NSW 2750<br>Part Reserve No.: 500406<br>Gazetted: 18/02/1870<br>Purpose: Public Recreation | Part Lot 7051 DP 1055094 | The State of New South Wales | Yes | CNC - Community / Natural Area / Watercourse[7] | RE1 |
| EMU PLAINS | Darcy Smith Oval & Emu Park & Hunter Fields | Cary Street EMU PLAINS NSW 2750<br>Part Reserve No.: 500406<br>Gazetted: 18/02/1870<br>Purpose: Public Recreation | Part Lot 7052 DP 1055094 | The State of New South Wales | Yes | CNC - Community / Natural Area / Watercourse[8] | RE1 |
| EMU PLAINS | Hollier Reserve | 54 Emerald Street EMU PLAINS NSW 2750 | Lot 11 DP 239410 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | RE1 |
| EMU PLAINS | | 2a Great Western Highway EMU PLAINS NSW 2750 | Lot 1 DP 614436 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| EMU PLAINS | Huntington Reserve | 94a Nepean Street EMU PLAINS NSW 2750 | Lot 23 DP 243048 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | RE1 |
| EMU PLAINS | River Road Reserve | 4 River Road EMU PLAINS NSW 2750 | Lot 9 DP 228204 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| EMU PLAINS | Public Reserve | 8a Palmer Place EMU PLAINS NSW 2750 | Lot 29 DP 259234 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | RE1 |

[6] Lot 1 DP 194851 was declared land able to be dealt with as though it were Crown land under Section 25A of the *Crown Lands Consolidation Act 1913* on 26 February 1960.
[7] See Diagrams following this Table for the Part of Dukes Oval (R.500406) categorised as Natural Area – Watercourse. Part of this Reserve is also categorised as Sportsground and Park and are addressed in Plans of Management for those categories.
[8] See Diagrams following this Table for the Part of Darcy Smith Oval & Emu Park & Hunter Fields (R.500406) categorised as Natural Area – Watercourse. Part of this Reserve is also categorised as Sportsground and Park and are addressed in Plans of Management for those categories.

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land | Category | Zone |
|---|---|---|---|---|---|---|---|
| EMU PLAINS | Huntington Reserve | 94b Nepean Street EMU PLAINS NSW 2750 | Lot 3 DP 710639 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | RE1 |
| EMU PLAINS | Public Reserve | Lot 3 Nepean Street EMU PLAINS NSW 2750 | Lot 3 DP 255380 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | RE1 |
| EMU PLAINS | | Lot 2 Off Mackellar Street EMU PLAINS NSW 2750 | Lot 2 DP 1164474 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| ERSKINE PARK | | 10a Erskine Park Road ERSKINE PARK NSW 2759 | Lot 30 DP 604320 | Department of Planning | No | Natural Area / Bushland | RE1 C2 |
| ERSKINE PARK | | Lot 11 Lenore Drive ERSKINE PARK NSW 2759 | Lot 25 DP 624876 | Department of Planning | No | Natural Area / Bushland | RE1 C2 |
| ERSKINE PARK | | Lot 11 Lenore Drive ERSKINE PARK NSW 2759 | Lot 11 DP 1157476 | Department of Planning | No | Natural Area / Bushland | RE1 C2 |
| ERSKINE PARK | | 6A-8A Erskine Park Road ERSKINE PARK NSW 2759 | Lot 27 DP 583277 | Department of Planning | No | Natural Area / Bushland | RE1 C2 |
| ERSKINE PARK | | 6A-8A Erskine Park Road ERSKINE PARK NSW 2759 | Lot 29 DP 589546 | Department of Planning | No | Natural Area / Bushland | RE1 C2 |
| GLENMORE PARK | Public Reserve | Lot 4009 Regentville Road GLENMORE PARK NSW 2745 | Lot 4009 DP 825280 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| GLENMORE PARK | Public Reserve | 81-107 Garswood Road GLENMORE PARK NSW 2745 | Lot 42 DP 877987 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | C2 |
| GLENMORE PARK | Drainage Reserve | 90c Forestwood Drive GLENMORE PARK NSW 2745 | Lot 100 DP 1272622 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | C2 |
| JAMISONTOWN | Tench Reserve | 476-482 Jamison Road JAMISONTOWN NSW 2750 | Lot 7A DP 38950 | Planning Ministerial Corporation | No | Natural Area / Foreshore[9] | RE1 |
| JAMISONTOWN | Tench Reserve | Lot 2 Tench Avenue JAMISONTOWN NSW 2750 | Lot 1 DP 612169 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| JORDAN SPRINGS | Drainage Reserve | 97 Lakeside Parade JORDAN SPRINGS NSW 2747 | Lot 4000 DP 1280971 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | UR |

[9] See Diagrams following this Table for the part of the Tench Reserve categorised as Natural Area - Foreshore. Part of this land is also categorised as Park and is addressed in the Plan of Management for that category.

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land | Category | Zone |
|---|---|---|---|---|---|---|---|
| KINGSWOOD | Public Reserve | 246 Algie Crescent KINGSWOOD NSW 2747 | Lot 40 DP 242174 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | RE1 |
| KINGSWOOD | Public Reserve | 79 Great Western Highway KINGSWOOD NSW 2747 | Lot 12 Sec G DP 935 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | IN2 |
| KINGSWOOD | Public Reserve | 79 Great Western Highway KINGSWOOD NSW 2747 | Lot 13 Sec G DP 935 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | IN2 |
| KINGSWOOD | Public Reserve | 79 Great Western Highway KINGSWOOD NSW 2747 | Lot 14 Sec G DP 935 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | IN2 |
| KINGSWOOD | Public Reserve | 79 Great Western Highway KINGSWOOD NSW 2747 | Lot 15 Sec G DP 935 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | IN2 |
| KINGSWOOD | Public Reserve | 79 Great Western Highway KINGSWOOD NSW 2747 | Lot 16 Sec G DP 935 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | IN2 |
| KINGSWOOD | Public Reserve | 79 Great Western Highway KINGSWOOD NSW 2747 | Lot 17 Sec G DP 935 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | IN2 |
| KINGSWOOD | Public Reserve | 79 Great Western Highway KINGSWOOD NSW 2747 | Lot 118 DP 129177[10] | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | IN2 |
| KINGSWOOD | Peppermint Park | 1 Peppermint Crescent KINGSWOOD NSW 2747 | Lot 4008 DP 701746 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| KINGSWOOD | Peppermint Park | 5 Peppermint Crescent KINGSWOOD NSW 2747 | Lot 4001 DP 701746 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| KINGSWOOD | Peppermint Park | 15 Peppermint Crescent KINGSWOOD NSW 2747 | Lot 4002 DP 701746 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| KINGSWOOD | Peppermint Park | 29 Peppermint Crescent KINGSWOOD NSW 2747 | Lot 4003 DP 701746 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| KINGSWOOD | Peppermint Park | 33 Peppermint Crescent KINGSWOOD NSW 2747 | Lot 4004 DP 701746 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| KINGSWOOD | Peppermint Park | 37 Peppermint Crescent KINGSWOOD NSW 2747 | Lot 4005 DP 701746 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| KINGSWOOD | Peppermint Park | 41 Peppermint Crescent KINGSWOOD NSW 2747 | Lot 4006 DP 701746 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |

[10] Title is Lot 18 Sec G DP 935

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land | Category | Zone |
|---|---|---|---|---|---|---|---|
| KINGSWOOD | Peppermint Park | 71 Peppermint Crescent KINGSWOOD NSW 2747 | Lot 4007 DP 701746 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| KINGSWOOD | Drainage Reserve | Lot 3 Victoria Street KINGSWOOD NSW 2747 | Lot 3 DP 589848 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | R3 |
| LEONAY | River Road Reserve | 197a River Road LEONAY NSW 2750 | Lot 102 DP 235829 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | C2 |
| LEONAY | River Road Reserve | 197a River Road LEONAY NSW 2750 | Lot 103 DP 235829 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| LEONAY | Public Reserve | 194 River Road LEONAY NSW 2750 | Lot 110 DP 261213 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| LONDONDERRY | Red Robins Park | 255-265 Carrington Road LONDONDERRY NSW 2753 | Lot 48 DP 17428 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | C2 |
| MULGOA | Nepean Natural Park | 10a Donohoes Avenue MULGOA NSW 2745<br>Reserve No.: 85528<br>Gazetted: 05/11/1965<br>Purpose: Public Recreation | Lot C DP 164835 | The State of New South Wales | Yes | CNB – Community / Natural Area / Bushland | C2 |
| MULGOA | Warragamba Park | 7002 Nortons Basin Road MULGOA NSW 2745<br>Reserve No.: 500123<br>Gazetted: 20/11/1925<br>Purpose: Public Recreation | Lot 7002 DP 1055297 | The State of New South Wales | Yes | CNB – Community / Natural Area / Bushland | RE1 |
| MULGOA | | 427A Mulgoa Road MULGOA NSW 2745 | Lot 1 DP 563748 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | C2 |
| MULGOA | | 115a Martin Street MULGOA NSW 2745 | Lot 1 DP 554965 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | C2 |
| MULGOA | | 9a Hawkstone Close MULGOA NSW 2745 | Lot 91 DP 1244177 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | RU5 |
| NORTH ST MARYS | | Boronia Park Boronia Road NORTH ST MARYS NSW 2760 | Part Lot 11 DP 566394 | Department of Planning | No | Natural Area / Bushland[11] | RE1<br>C2 |

[11] See Diagrams following this Table for the part of Tench Reserve categorised as Natural Area - Foreshore. Part of this land is also categorised as Park and is addressed in the Plan of Management for that category.

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land | Category | Zone |
|---|---|---|---|---|---|---|---|
| PENRITH | | 38 Bruce Neale Drive PENRITH NSW 2750 | Lot 9 DP 573086 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| PENRITH | | 38 Bruce Neale Drive PENRITH NSW 2750 | Lot 10 DP 573086 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| PENRITH | | 40 Bruce Neale Drive PENRITH NSW 2750 | Lot 6 DP 583415 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| PENRITH | | 42 Bruce Neale Drive PENRITH NSW 2750 | Lot 7 DP 583415 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| PENRITH | Public Reserve | 32a Bruce Neale Drive PENRITH NSW 2750 | Lot 2 DP 579647 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| PENRITH | Public Reserve | 32a Bruce Neale Drive PENRITH NSW 2750 | Lot 4 DP 579648 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| PENRITH | Weir Reserve | 32a Peachtree Road PENRITH NSW 2750 | Lot 47 DP 249986 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| PENRITH | Naval Cadets | 42 Bruce Neale Drive PENRITH NSW 2750 | Lot 8 DP 583415 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| PENRITH | Tench Reserve | 85-93 Nepean Avenue PENRITH NSW 2750 | Lot 1 DP 228331 | Planning Ministerial Corporation | No | Natural Area / Foreshore[12] | RE1 |
| PENRITH | Tench Reserve | 85-93 Nepean Avenue PENRITH NSW 2750 | Lots 1-4 DP 38628 | Planning Ministerial Corporation | No | Natural Area / Foreshore[13] | RE1 |
| PENRITH | Tench Reserve | 85-93 Nepean Avenue PENRITH NSW 2750 | Lot 1 DP 567225 | Planning Ministerial Corporation | No | Natural Area / Foreshore[14] | RE1 |

[12] See Diagrams following this Table for the part of Boronia Park categorised as Natural Area - Foreshore. Part of this land is also categorised as Park and is addressed in the Plan of Management for that category.
[13] See Diagrams following this Table for the part of Boronia Park categorised as Natural Area - Foreshore. Part of this land is also categorised as Park and is addressed in the Plan of Management for that category.
[14] See Diagrams following this Table for the part of Boronia Park categorised as Natural Area - Foreshore. Part of this land is also categorised as Park and is addressed in the Plan of Management for that category.

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land | Category | Zone |
|---|---|---|---|---|---|---|---|
| PENRITH | Tench Reserve | 85-93 Nepean Avenue PENRITH NSW 2750 | Lot 59 DP 752044 | Planning Ministerial Corporation | No | Natural Area / Foreshore[15] | RE1 |
| REGENTVILLE | Public Reserve | 29a Bellevue Road REGENTVILLE NSW 2745 | Lot 27 DP 596326 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| REGENTVILLE | Public Reserve | 31a Bellevue Road REGENTVILLE NSW 2745 | Lot 29 DP 596325 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| REGENTVILLE | Public Reserve | 27a Bellevue Road REGENTVILLE NSW 2745 | Lot 25 DP 596327 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| REGENTVILLE | Public Reserve | 21a Bellevue Road REGENTVILLE NSW 2745 | Lot 19 DP 596329 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| REGENTVILLE | Public Reserve | 21a Bellevue Road REGENTVILLE NSW 2745 | Lot 21 DP 596329 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| REGENTVILLE | Public Reserve | 19a Bellevue Road REGENTVILLE NSW 2745 | Lot 17 DP 596330 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| REGENTVILLE | Public Reserve | 13a Bellevue Road REGENTVILLE NSW 2745 | Lot 13 DP 596331 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| REGENTVILLE | Public Reserve | 15a Bellevue Road REGENTVILLE NSW 2745 | Lot 15 DP 596331 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| REGENTVILLE | Public Reserve | 9a Bellevue Road REGENTVILLE NSW 2745 | Lot 9 DP 596332 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| REGENTVILLE | Public Reserve | 9a Bellevue Road REGENTVILLE NSW 2745 | Lot 11 DP 596332 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| REGENTVILLE | Public Reserve | 5a Bellevue Road REGENTVILLE NSW 2745 | Lot 5 DP 596333 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| REGENTVILLE | Public Reserve | 5a Bellevue Road REGENTVILLE NSW 2745 | Lot 7 DP 596333 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| REGENTVILLE | Public Reserve | Lot 1 Factory Road REGENTVILLE NSW 2745 | Lot 1 DP 566392 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | C2 |

[15] See Diagrams following this Table for the part of Boronia Park categorised as Natural Area - Foreshore. Part of this land is also categorised as Park and is addressed in the Plan of Management for that category.

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land | Category | Zone |
|---|---|---|---|---|---|---|---|
| REGENTVILLE | | 3a Bellevue Road REGENTVILLE NSW 2745 | Lot 3 DP 596334 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| REGENTVILLE | Public Reserve | 35 Bellevue Road REGENTVILLE NSW 2745 | Lot 43 DP 16540 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| REGENTVILLE | | 33a Bellevue Road REGENTVILLE NSW 2745 | Lot 31 DP 596324 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| REGENTVILLE | | 25a Bellevue Road REGENTVILLE NSW 2745 | Lot 23 DP 596328 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| REGENTVILLE | | 17a Bellevue Road REGENTVILLE NSW 2745 | Lot 281 DP 1020286 | Penrith City Council | No | CNF – Community / Natural Area / Foreshore | RE1 |
| ST CLAIR | Public Reserve | 31 Denver Road ST CLAIR NSW 2759 | Lot 524 DP 740304 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| ST CLAIR | Public Reserve | Lot 70 Denver Road ST CLAIR NSW 2759 | Lot 70 DP 802614 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| ST CLAIR | Dorothy Radford Reserve | 6b Hunter Street ST CLAIR NSW 2759 | Lot 67 DP 255903 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| ST CLAIR | Dorothy Radford Reserve | 25a Omeo Street ST CLAIR NSW 2759 | Lot 1 DP 773512 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| ST CLAIR | Dorothy Radford Reserve | 7a Rochford Street ST CLAIR NSW 2759 | Lot 48 DP 258287 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| ST CLAIR | Dorothy Radford Reserve | 7e Rochford Street ST CLAIR NSW 2759 | Lot 56 DP 260495 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| ST CLAIR | Dorothy Radford Reserve | 7d Rochford Street ST CLAIR NSW 2759 | Lot 400 DP 261488 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| ST CLAIR | Dorothy Radford Reserve | 7c Rochford Street ST CLAIR NSW 2759 | Lot 219 DP 261699 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| ST CLAIR | Public Reserve | 97b Cook Parade ST CLAIR NSW 2759 | Lot 96 DP 262609 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| ST CLAIR | Dorothy Radford Reserve | 1 Omeo Street ST CLAIR NSW 2759 | Lot 6 DP 701992 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| ST CLAIR | Dorothy Radford Reserve | 2 Omeo Street ST CLAIR NSW 2759 | Lot 7 DP 701992 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| ST CLAIR | Dorothy Radford Reserve | 11-15 Omeo Street ST CLAIR NSW 2759 | Lot 105 DP 811555 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |

| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land | Category | Zone |
|---|---|---|---|---|---|---|---|
| ST CLAIR | Dorothy Radford Reserve | 7b Rochford Street ST CLAIR NSW 2759 | Lot 2230 DP 872682 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | RE1 |
| ST MARYS | | Putland Street ST MARYS NSW 2760 | Lots 1-4 DP 23396 | Department of Planning | No | Natural Area - Bushland | RE1 C2 |
| ST MARYS | | Schleicher Street ST MARYS NSW 2760 | Lot 27 Sec C DP 1895 | Department of Planning | No | Natural Area - Bushland[16] | RE1 C2 |
| ST MARYS | | Schleicher Street ST MARYS NSW 2760 | Lots 1 & 4 DP 201850 | Department of Planning | No | Natural Area - Bushland[17] | RE1 C2 |
| WALLACIA | Public Reserve | 6a Denton Place WALLACIA NSW 2745 | Lot 15 DP 259033 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | RU5 C2 |
| WALLACIA | Public Reserve | 6b Denton Place WALLACIA NSW 2745 | Lot 10 DP 255225 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | C2 |
| WALLACIA | Public Reserve | 2a Green Street WALLACIA NSW 2745 | Lot 16 DP 243981 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | C2 |
| WALLACIA | Public Reserve | 81a Greendale Road WALLACIA NSW 2745 | Lot 13 DP 259806 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | C2 C3 |
| WALLACIA | Public Reserve | 17 Kadiera Close WALLACIA NSW 2745 | Lot 319 DP 808445 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | C2 |
| WALLACIA | Public Reserve | Lot 514 Montelimar Place WALLACIA NSW 2745 | Lot 514 DP 789716 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | C2 |
| WALLACIA | Public Reserve | 40 Park Road WALLACIA NSW 2745 | Lot 1 DP 238697 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | C2 |
| WALLACIA | Public Reserve | 8 Golfview Drive WALLACIA NSW 2745 | Lot 3 DP 537578 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | C2 |
| WALLACIA | Public Reserve | Lot 432 Kadiera Close WALLACIA NSW 2745 | Lot 432 DP 843875 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | C2 |
| WERRINGTON | Drainage Reserve | 38a Burton Street WERRINGTON NSW 2747 | Part Lot 1 DP 730359 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | RE1 |

[16] See Diagrams following this Table for the part of Putland and Schleicher St Reserve categorised as Natural Area – Bushland. Part of this land is also categorised as Park and General Community Use and is addressed in the Plans of Management for those categories.
[17] See Diagrams following this Table for the part of Putland and Schleicher St Reserve categorised as Natural Area – Bushland. Part of this land is also categorised as Park and General Community Use and is addressed in the Plans of Management for those categories.

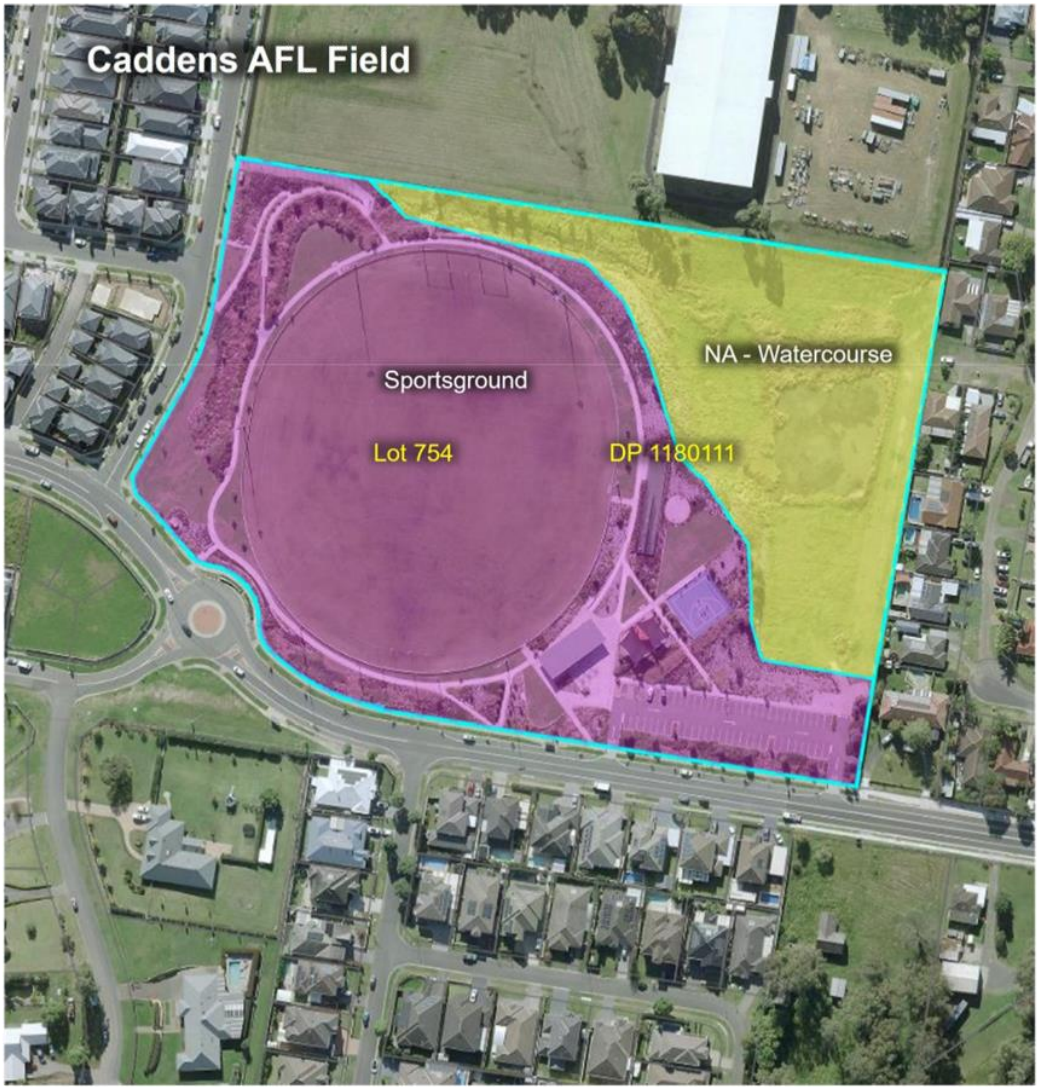
| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land | Category | Zone |
|---|---|---|---|---|---|---|---|
| WERRINGTON | Drainage Reserve | 47a John Oxley Avenue WERRINGTON NSW 2747 | Lot 70 DP 248393 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | RE1 |
| WERRINGTON | Drainage Reserve | 53-63 Heavey Street WERRINGTON NSW 2747 | Lot 21 DP 1942 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | RE1 |
| WERRINGTON | | 97 Parkes Avenue WERRINGTON NSW 2747 | Lot 3 DP 701601 | Department of Planning | No | CNB – Community / Natural Area / Bushland | RE1 C2 |
| WERRINGTON | The Kingsway Playing Fields | 8 The Kingsway WERRINGTON NSW 2747 | Lot 4302 DP 1282854 | Department of Planning | No | CN – Community / Natural Area / Bushland & Watercourse[18] | C2 RE1 |
| WERRINGTON | The Kingsway Playing Fields | The Kingsway WERRINGTON NSW 2747 | Lot 4401 DP 1282520 | Department of Planning | No | CNB – Community / Natural Area / Bushland[19] | C2 RE1 |
| WERRINGTON | The Kingsway Playing Fields | The Kingsway WERRINGTON NSW 2747 | Lot 4403 DP 1282520 | Department of Planning | No | CNB – Community / Natural Area / Bushland[20] | C2 RE1 |
| WERRINGTON | The Kingsway Playing Fields | The Kingsway WERRINGTON NSW 2747 | Lot 801 DP 1282507 | Department of Planning | No | CNB – Community / Natural Area / Bushland[21] | C2 RE1 |
| WERRINGTON | The Kingsway Playing Fields | The Kingsway WERRINGTON NSW 2747 | Lot 4301 DP 1282854 | Penrith City Council | No | CNB – Community / Natural Area / Bushland[22] | C2 RE1 |
| WERRINGTON | The Kingsway Playing Fields | The Kingsway WERRINGTON NSW 2747 | Lot 4402 DP 1282520 | Penrith City Council | No | CNB – Community / Natural Area / Bushland | C2 |
| WERRINGTON | The Kingsway Playing Fields | The Kingsway WERRINGTON NSW 2747 | Lot 8 DP 624980 | Department of Planning | No | CNB – Community / Natural Area / Bushland[23] | C2 RE1 |

[18] See Diagrams following this Table for the Part of Kingsway Playing Fields categorised as Natural Area – Watercourse and Natural Area – Bushland. Part of this land is also categorised as Sportsground and is addressed in the Plan of Management for that category.
[19] See Diagrams following this Table for the Part of Kingsway Playing Fields categorised as Natural Area – Bushland. Part of this land is also categorised as Sportsground and is addressed in the Plan of Management for that category.
[20] See Diagrams following this Table for the Part of Kingsway Playing Fields categorised as Natural Area – Bushland. Part of this land is also categorised as Sportsground and Park and is addressed in the Plans of Management for those categories.
[21] See Diagrams following this Table for the Part of Kingsway Playing Fields categorised as Natural Area – Bushland. Part of this land is also categorised as Sportsground and is addressed in the Plan of Management for that category.
[22] See Diagrams following this Table for the Part of Kingsway Playing Fields categorised as Natural Area – Bushland. Part of this land is also categorised as Sportsground and Park and is addressed in the Plans of Management for those categories.
[23] See Diagrams following this Table for the Part of Kingsway Playing Fields categorised as Natural Area – Bushland. Part of this land is also categorised as Sportsground and is addressed in the Plan of Management for that category.

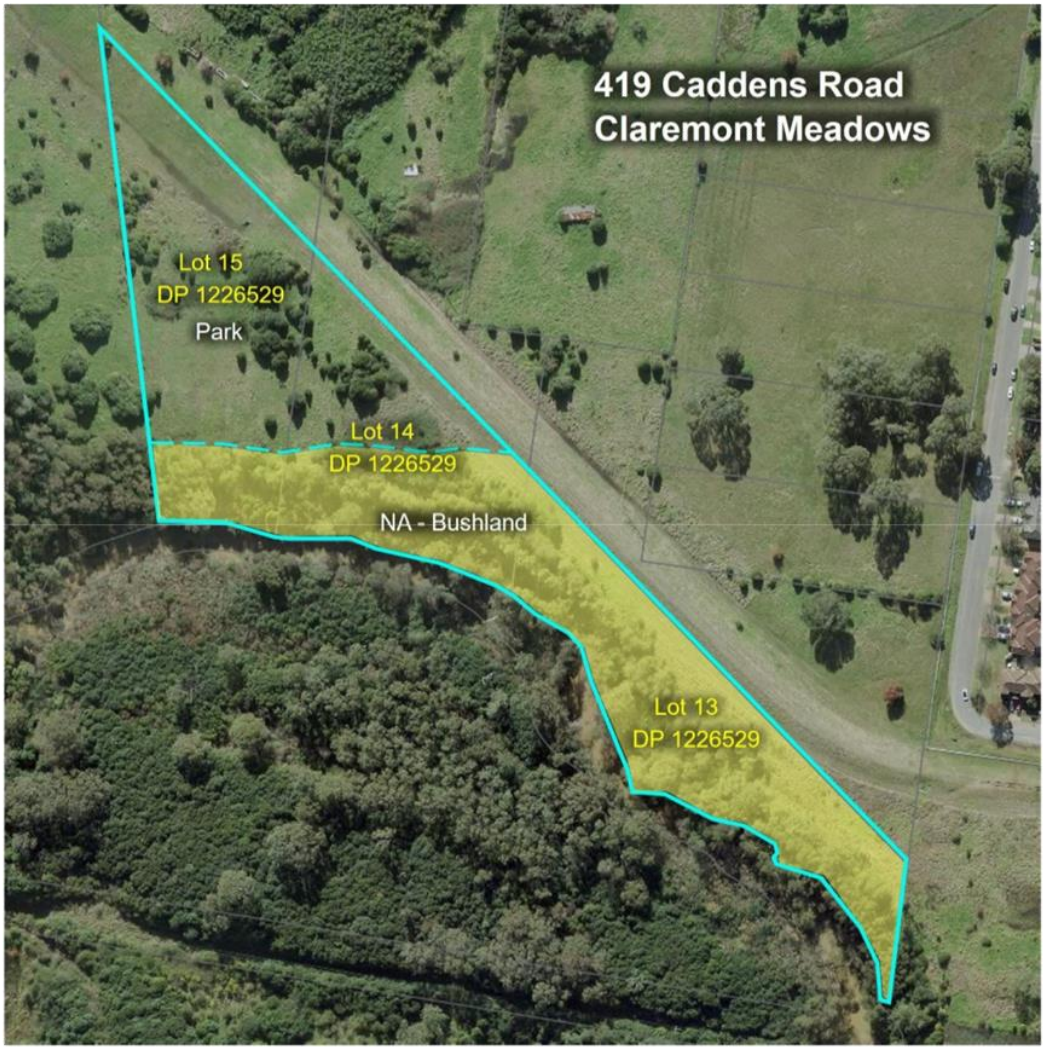
| Suburb | Property Name | Property Address | Title Details | Owner | Crown Land | Category | Zone |
|---|---|---|---|---|---|---|---|
| WERRINGTON | The Kingsway Playing Fields | The Kingsway WERRINGTON NSW 2747 | Lot 13 DP 624936 | Department of Planning | No | CNB – Community / Natural Area / Bushland[24] | C2 RE1 |
| WERRINGTON | The Kingsway Playing Fields | The Kingsway WERRINGTON NSW 2747 | Lot 7 DP 217883 | Department of Planning | No | CN – Community / Natural Area / Bushland & Watercourse[25] | RE1 |
| WERRINGTON | | Werrington Road WERRINGTON NSW 2747 | Lot 105 DP 826498 | Department of Planning | No | Natural Area - Bushland[26] | C2 RE1 |
| WERRINGTON COUNTY | Drainage Reserve | 2 Charles Sturt Drive WERRINGTON COUNTY NSW 2747 | Lot 134 DP 243308 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | RE1 |
| WERRINGTON COUNTY | Drainage Reserve | 42 Charles Sturt Drive WERRINGTON COUNTY NSW 2747 | Lot 403 DP 245602 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | RE1 |
| WERRINGTON DOWNS | Public Reserve | 18a Pasturegate Avenue WERRINGTON DOWNS NSW 2747 | Lot 9 DP 1295641 | Penrith City Council | No | CNC - Community / Natural Area / Watercourse | RE1 |

[24] See Diagrams following this Table for the Part of Kingsway Playing Fields categorised as Natural Area – Bushland. Part of this land is also categorised as Sportsground and is addressed in the Plan of Management for that category.
[25] See Diagrams following this Table for the Part of Kingsway Playing Fields categorised as Natural Area – Watercourse and Natural Area – Bushland. Part of this land is also categorised as Sportsground and is addressed in the Plan of Management for that category.
[26] See Diagrams following this Table for the part of Werrington Road Reserve categorised as Natural Area – Bushland. Part of this land is also categorised as Park and Sportsground and is addressed in the Plans of Management for those categories.

**Categorisation Diagram – Caddens AFL Field**

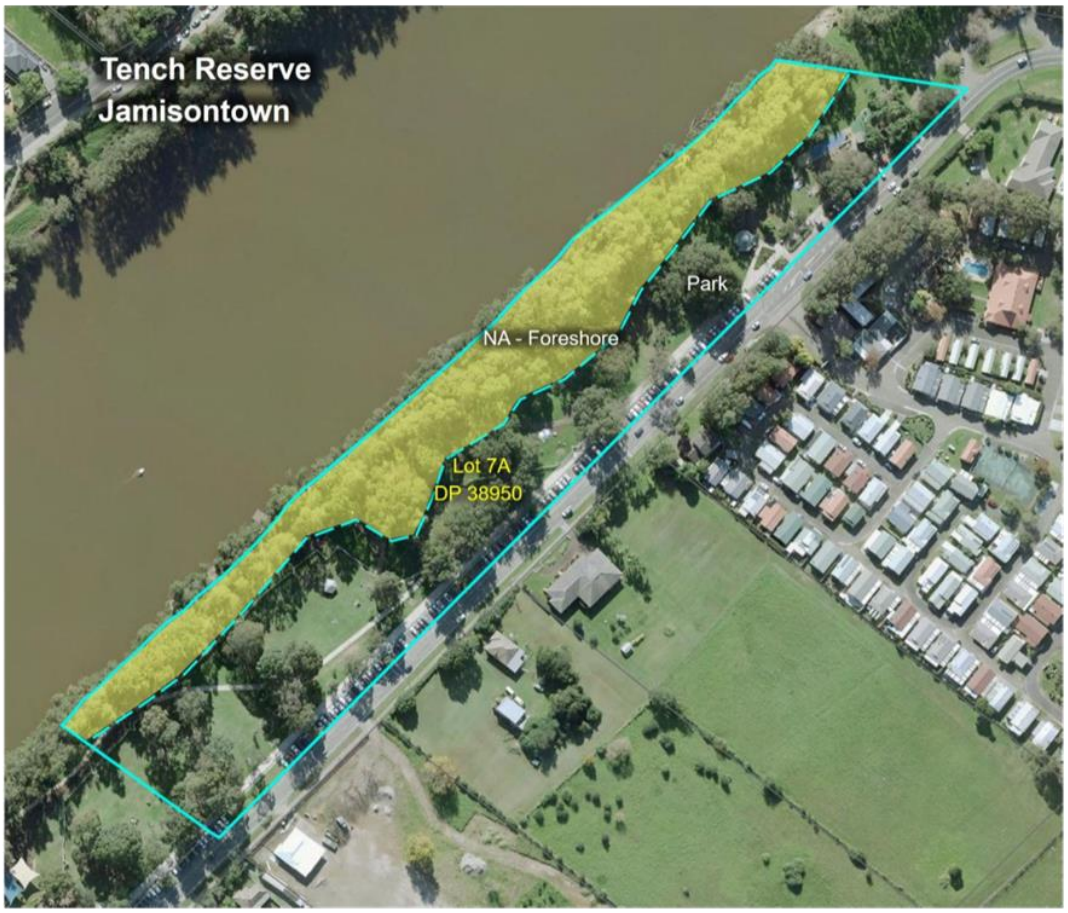


**Categorisation Diagram – 419 Caddens Road, Claremont Meadows**



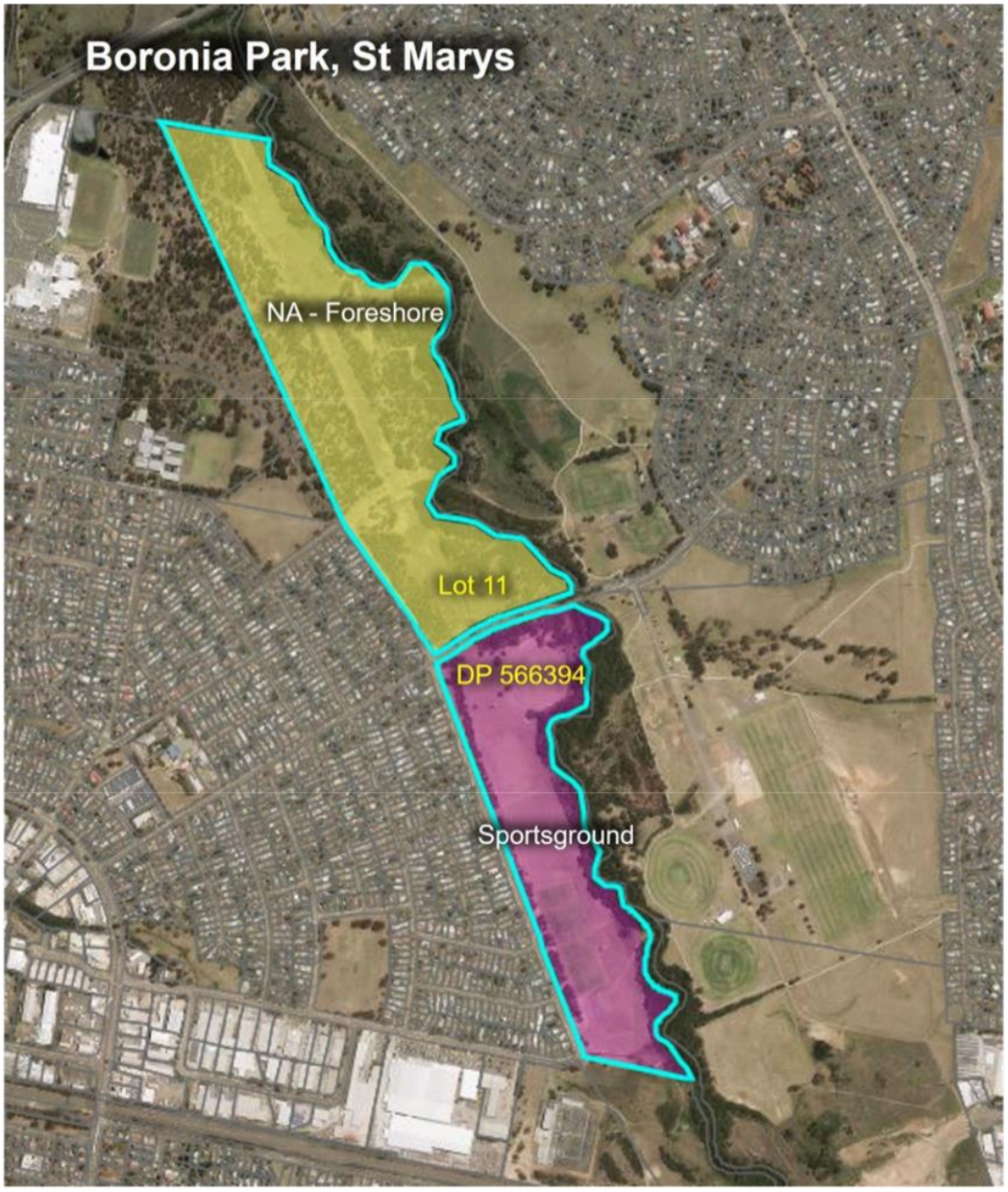
**Categorisation Diagram - Dukes Oval, Darcy Smith Oval & Emu Park & Hunter Fields (R.500406)**

**Categorisation Diagram – Tench Reserve, Jamisontown**



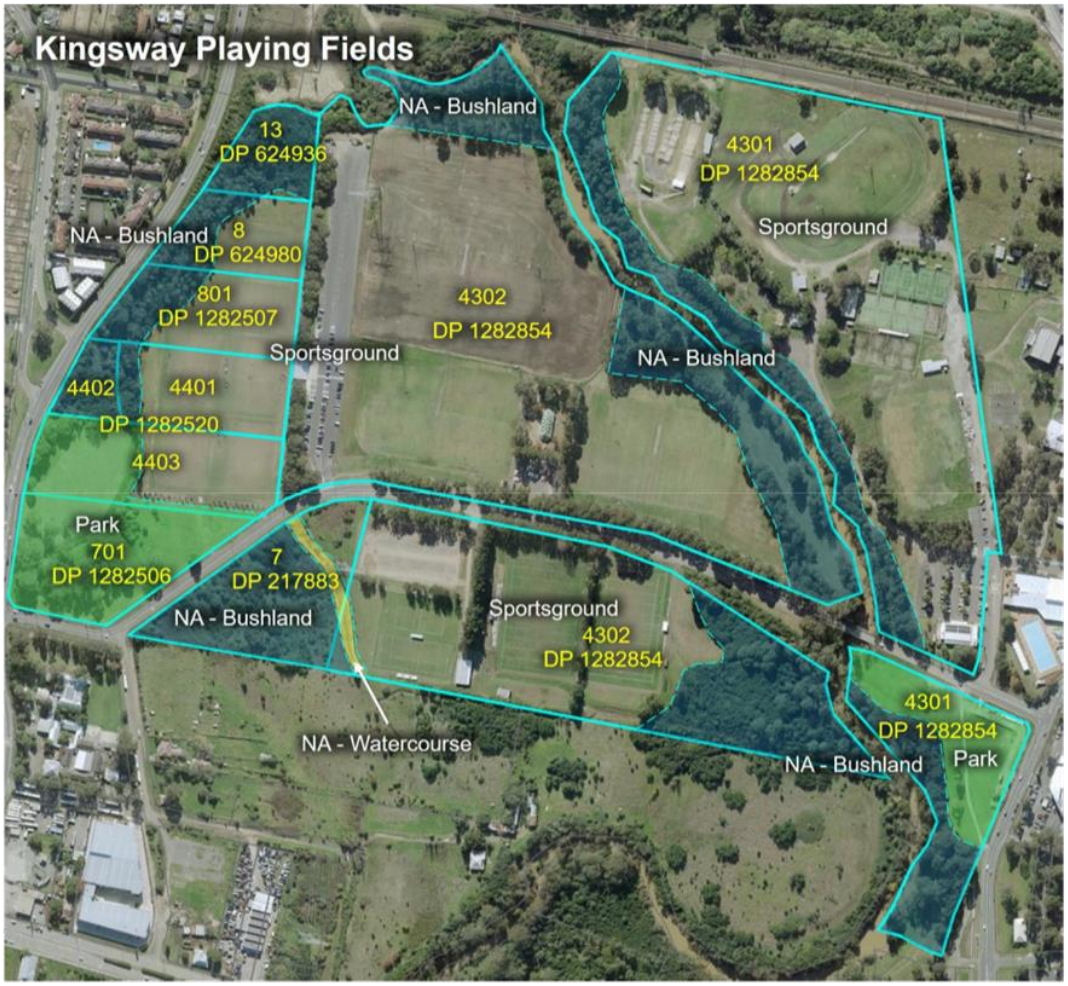
**Categorisation Diagram – Tench Reserve, Penrith**

**Categorisation Diagram – Boronia Park**



**Categorisation Diagram – Schleicher Street**

**Categorisation Diagram – Kingsway Playing Fields, Werrington**



**Categorisation Diagram – Werrington Road, Werrington**

# Appendix B - Legislation Pertaining to Plans of Management

**Local Government Act, 1993**

Community land must be managed according to the provisions of the *Local Government Act 1993* (LG Act) and the *Local Government (General) Regulation 2021*.

The LG Act requires all Council owned land to be classified as either Operational or Community land. Community land is defined as land that must be kept for the use of the general community, and must not be sold. Community land is required to be managed in accordance with a PoM and any other laws regulating the use of the land.

Section 35 of the LG Act provides that community land can only be used in accordance with:

- The PoM applying to that area of community land.
- Any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land.
- The provisions of Division 2 of Chapter 6 of the LG Act .

**Crown Land Management Act 2016**

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils appointed to manage dedicated or reserved Crown land (council managers) to manage that land as if it were public land under the LG Act. Generally council managers will manage land as if it were community land. Under the LG Act, a PoM must be adopted by council for all community land.

Section 3.23(6) of the CLM Act requires council managers to adopt a PoM for any Crown reserve for which it is the appointed Crown land manager, and that is classified as 'community land' under the LG Act.

**Environmental Planning and Assessment Act, 1979**

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans. On a local level there are Local Environmental Plans as well as Development Control Plans.

On the local level, any land use proposed for any site within this PoM must be consistent with the zoning that is applied to the land by the Penrith Local Environmental Plan 2010 (LEP). Additionally, any land use, building or structure proposed for a site within this PoM may also require development consent under the provisions of the LEP unless it is exempt development.

**The Environmental Protection and Biodiversity Conservation Act 1999**

The *Environmental Protection and Biodiversity Conservation Act 1999* (cwth) (EPBC Act) protects matters of National Environmental Significance, such as threatened species and ecological communities, migratory species (protected under international agreements), and National Heritage places (among others).

The nine matters of national environmental significance are:

- World heritage properties
- National heritage places
- Wetlands of international importance (often called 'Ramsar' wetlands after the international treaty under which such wetlands are listed)

- Nationally threatened species and ecological communities
- Migratory species
- Commonwealth marine areas
- The Great Barrier Reef Marine Park
- Nuclear actions (including uranium mining)
- A water resource, in relation to coal seam gas development and large coal mining development.

In Penrith, the main EPBC Act consideration is several threatened ecological communities and threatened species.

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

This planning policy deals with vegetation in non-rural areas and Water Catchments

Chapter 2 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (B&C SEPP) works together with the *Biodiversity Conservation Act 2016* and the *Local Land Services Amendment Act 2016* to create a framework for the regulation of clearing of native vegetation in NSW.

The Policy applies to the following zones within the Penrith Local Government Area:

Zone RU5 Village
Zone R1 General Residential
Zone R2 Low Density Residential
Zone R3 Medium Density Residential
Zone R4 High Density Residential
Zone R5 Large Lot Residential
Zone B1 Neighbourhood Centre
Zone B2 Local Centre
Zone B3 Commercial Core
Zone B4 Mixed Use
Zone B5 Business Development
Zone B6 Enterprise Corridor
Zone B7 Business Park
Zone B8 Metropolitan Centre
Zone IN1 General Industrial
Zone IN2 Light Industrial
Zone IN3 Heavy Industrial
Zone IN4 Working Waterfront
Zone SP1 Special Activities
Zone SP2 Infrastructure
Zone SP3 Tourist
Zone RE1 Public Recreation
Zone RE2 Private Recreation
Zone E2 Environmental Conservation
Zone E3 Environmental Management
Zone E4 Environmental Living
Zone W3 Working Waterways.

Section 2.7(4) of the (B&C SEPP) also allows for vegetation clearing without approval under certain circumstances. These circumstances are:

- Council is satisfied is dying or dead and is not required as the habitat of native animals.
- The removal of vegetation that the council is satisfied is a risk to human life or property.

Chapter 6 of the B&C SEPP aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal;

- provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality; and
- support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

**Biodiversity Conservation Act, 2016**

The *Biodiversity Conservation Act 2016* (BC Act) provides provisions relating to the management of native vegetation. The BC Act provides a number of Assessment requirements and Licensing. It also provides provisions for threatened species and Biodiversity Value areas.

The Biodiversity Values (BV) Map identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing. The map forms part of the Biodiversity Offsets Scheme Threshold which is one of the triggers for determining whether the Biodiversity Offset Scheme (BOS) applies to a clearing or development proposal. Any development within a BV mapped area that impacts native vegetation requires a Biodiversity Development Assessment Report or Species Impact Statement (SIS).

Section 7.3 of the BC Act outlines that a 'test of significance' is to be undertaken is a development or activity is going to impact threatened species and ecological communities. The test requires an assessment to determine if the impact is significant. If a proposed activity under Part 5 of the EP&A Act is likely to significantly affect threatened species, and the proponent does not opt into the BOS, a SIS must be prepared.

The BC Act also requires a licence to be obtained to pick or harm a threatened species. A threatened species licence, a class of biodiversity conservation licence under Part 2 of the BC Act, may be required if an action is likely to result in:

- harm to an animal that is a threatened species or part of a threatened ecological community
- picking a plant that is a threatened species or part of a threatened ecological community
- damage to the habitat of a threatened species or threatened ecological community
- damage to a declared area of outstanding biodiversity value.

**National Parks and Wildlife Act 1974**

Statutory responsibilities on Council arising from this Act specifically relate to the protection of sites of pre and post European contact archaeological significance and the protection of native flora and fauna. Therefore, this relates to community land categorised as cultural significance, natural area or park.

**Local Land Services Act, 2013**

This Act formalised the establishment of Local Land Services which became operational in 2014.

**Fisheries Management Act, 1994**

The aim of the Fisheries Management Act 1994 (FM Act) is to conserve, develop and share the fishery resources of the State for the benefit of present and future generations.

This includes the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation.

Where an area of community land is declared to be critical habitat, or if that area is affected by a threat abatement plan under Part 7A of the FM Act, a site-specific PoM will need to be undertaken.

**Biosecurity Act, 2015**

The primary objective of the *Biosecurity Act 2015* is to provide a framework for the prevention, elimination and minimisation of biosecurity risks posed by biosecurity matter, dealing with biosecurity matter, carriers and potential carriers, and other activities that involve biosecurity matter, carriers or potential carriers.

**Rural Fires Act, 1997**

The Rural Fires Act 1997 requires the Bushfire Coordinating Committee to establish a Bush Fire Management Committee (BFMC) in each local government area containing a rural fire district, or fire district with a bush fire risk.

One role of the BFMC is to prepare a Bush Fire Risk Management Plan for its area of responsibility.

The strategies established in the bush fire risk management plan address the bush fire hazard, the vulnerability of assets to fire, the safety of the community and fire fighters, the protection of the land and environment from fire. The plan also recognises some aspects of biodiversity can be managed through the application of appropriate fire regimes upon the landscape.

**Heritage Act 1977**

This Act contains provisions for the conservation of items of heritage. Thus, this relates to community land categorised as cultural significance or natural area.

**ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter)**

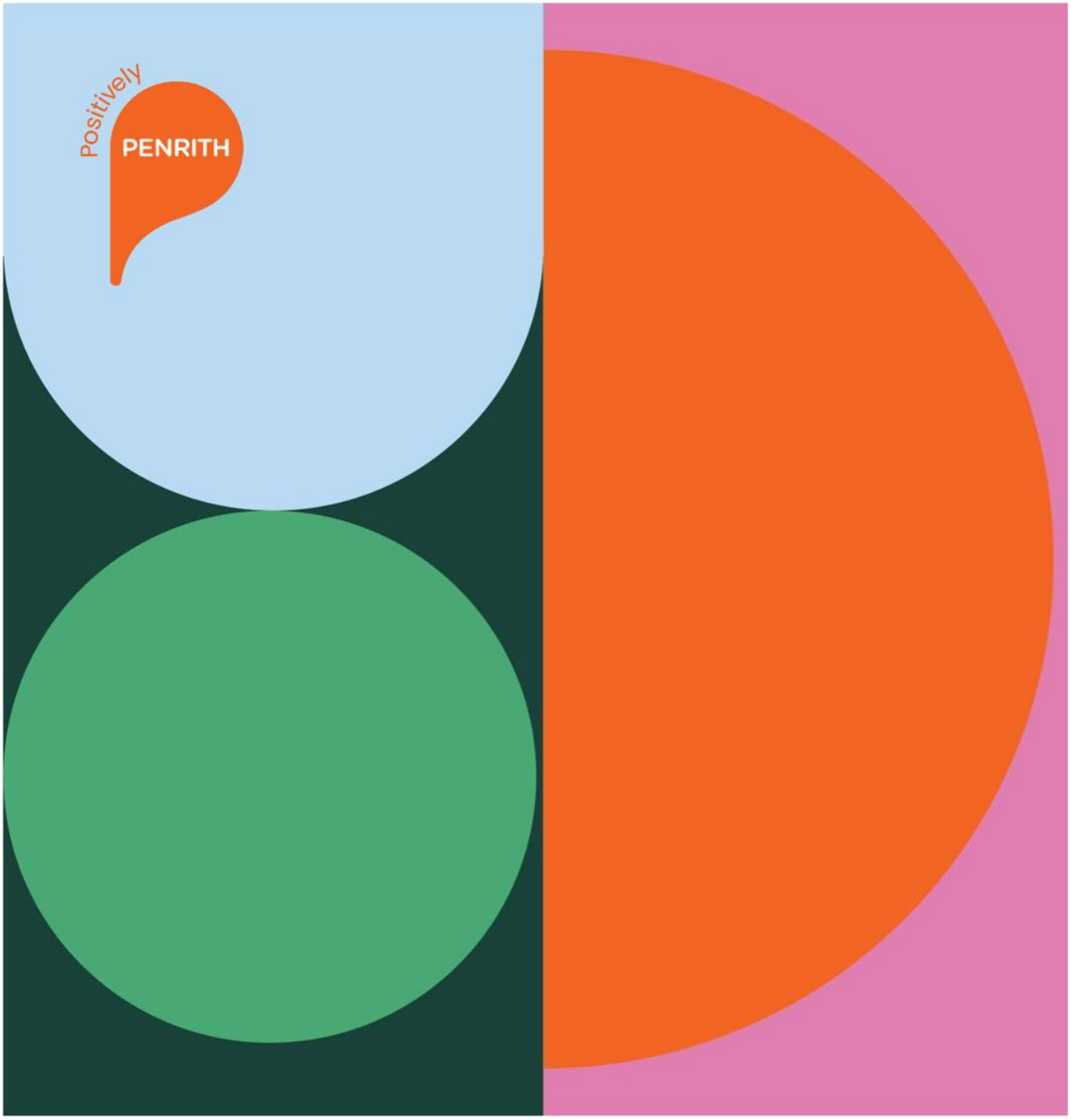
This charter was drawn up by ICOMOS (International Council on Monuments and Sites) to define the basic principles and procedures to be observed in the conservation of important cultural places. Thus, this relates to community land categorised as cultural significance.

**Water Management Act, 2000**

The objectives of this Act are to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations and, in particular:

- ecologically sustainable development
- protect, enhance and restore water recourses
- recognise and foster social and economic benefits
- recognise the role of the community
- provide efficient and equitable sharing of water
- management of water sources with other aspects of the environment including native vegetation and native fauna
- encourage the sharing of responsibility and efficient use of water
- encourage best practice management and use of water.

The objectives and principals of the *Water Management Act 2000* can be accessed at www. legislation.nsw.gov.au




# Gipps Street Recreation Precinct
# Draft Plan of Management

PENRITH CITY COUNCIL

penrith.city

| Document control | |
|---|---|
| Project name | Gipps Street Recreation Precinct – Plan of Management |
| Prepared for | Penrith City Council |
| Status | Draft |
| Version number | 1-08 |
| Date | 1 August 2025 |

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# 1. Key information

Penrith City Council (Council) values the unique status of Aboriginal people as the original owners and custodians of lands and waters including the lands and waters of the Penrith Local Government Area (LGA). Council values the unique status of Torres Strait Islander people as the original owners and custodians of the Torres Strait Islands and surrounding waters.

The Gipps Street Recreation Precinct (the Precinct) in Claremont Meadows is a new open space project being delivered by Council. The Precinct aims to deliver an active recreation precinct for the local community which caters to all people.

This 2024 Gipps Street Recreation Precinct Plan of Management (POM) and accompanying Master Plan have been prepared by Council to categorise the land and provide direction as to the use and management of the Precinct. This POM outlines the way the land will be developed in the future and provides the framework for Council to follow in relation to the express authorisation of leases and licences on the land.

The Precinct will have a mix of:

- organised team sports;
- youth zone with skate park and pump track with lighting;
- inclusive play space with water play elements;
- nature play and play trails;
- multi-sport courts and netball courts;
- walking trails and fitness loop;
- amenities building with community spaces, canteen and change rooms; and
- BBQ facilities, shelters and amenities.

The Precinct is formally registered as Lot 11 on Deposited Plan (DP) 1194036 and is approximately 32 ha, of which approximately 27 ha comprises the footprint of a former landfill site, which operated between approximately 1947 and the mid-1980s. Remediation of the Precinct has been undertaken since decommissioning with the aim of developing it into a recreation and open space destination for the community.

The Precinct is classified as community land for the purpose of public recreation. Section 35 of the *NSW Local Government Act 1993* (LG Act) provides that community land can only be used in accordance with a plan of management applying to the community land. This POM has been prepared in accordance with and to meet the relevant requirements of the LG Act.

# 2. Introduction

## 2.1 Overview

This POM and the Master Plan (refer **Section 5.2** and **Appendix B**) provide clear guidelines and designation of areas to enable the efficient use of the Precinct and to enable the site to be managed for the purpose and enjoyment of all visitors.

Extensive community engagement has been undertaken, and this POM and the Master Plan prepared to reflect the outcomes of this engagement. When complete, the Precinct will incorporate both active and passive sport and recreational and open space for use by the whole community.

It should be noted that the implementation of the strategies and actions identified in this POM, whether undertaken in one attempt, or staged over an extended period of time, will be dependent on the demands made on Council, its preferred priorities, and the availability of resources in any given financial year.

## 2.2 Purpose of this Plan of Management

The LG Act requires a plan of management to be prepared for all public land that is classified as community land.

The purpose and objectives of this POM are to:

- ensure compliance with the LG Act;
- provide appropriate categories of land for the ongoing use, management and maintenance of the Precinct for the next ten years;
- expressly authorise leases, licences and other estates on the land;
- contribute to Council's broader strategic goals and vision as set out in its strategic planning policies;
- ensure consistent management that supports a unified approach to meeting the varied needs of the community efficiently and with minimal conflict between existing and future user groups;
- ensure that the Precinct accommodates a range of public sporting facilities and general recreational needs of the community;
- protect and enhance the natural, social and cultural values of the Precinct;
- draw on the outcomes of stakeholder engagement to identify and address key issues affecting the Precinct and to guide its future development through the Master Plan; and
- establish management objectives, strategies and performance targets in an 'Action Plan'.

Council's strategic planning objectives and the outcomes of stakeholder engagement during the preparation of this POM are reflected in the Action Plan (**Appendix C**). The

Action Plan identifies the objectives, performance targets and means to achieve and assess performance of these objectives and targets.

## 2.3 Change and review of this Plan of Management

This POM will require regular review in order to align with community values and changing community needs, and to reflect changes in Council priorities. Council has determined that it will review this POM within ten (10) years of its adoption. However, the performance of this POM will be reviewed on an annual basis to ensure that the Precinct is being managed in accordance with this POM, is well maintained and provides a safe environment for public enjoyment.

The community will have an opportunity to participate in reviews of this POM.

## 2.4 Community consultation

Council undertook community consultation to seek feedback on a draft Master Plan design between May and June 2020. The Master Plan was then updated to reflect the outcomes of the consultation and adopted by Council in July 2020. A further community co-design workshop and online engagement was also undertaken in March 2021 to help inform the detailed design for the youth precinct.

All elements included in the draft Master Plan were supported by the community. Comments in relation to specific design elements and how they were addressed in the adopted Master Plan are detailed in Table 4.1.

**Outcomes of community consultation**

| Design element | Comments on the draft Master Plan | How comments were addressed |
|---|---|---|
| Play, water play and children's play areas. | The provision of play equipment, water play and designated children's play areas was well received by the community.<br>Feedback indicated that residents are seeking the provision of large scale, varying and stimulating play equipment across multiple age groups.<br>The community also suggested increased car parking to be provided in close proximity to the playspace.<br>A number of suggestions included the requirement for a kiosk. | In response, the adopted Master Plan includes:<br>A larger footprint for the playspace and additional nature play pods have also been included in the design.<br>The amenities building adjacent to the playspace includes accessible toilets and an adult change table.<br>A canteen has been provided as part of the amenities building with the opportunity to service the playspace (in response to the suggestions for a kiosk).<br>An additional parking area has been provided adjacent to the |

**Outcomes of community consultation**

| Design element | Comments on the draft Master Plan | How comments were addressed |
|---|---|---|
| | | amenities building and play areas. |
| Walking, cycling, pathways connections and parking | The provision of walking loops, trails and cycling pathways and facilities were strongly supported. There were also suggestions for fitness stations and bubblers to be included around the pathway loop.<br>Cycling connections through to St Marys were raised and other comments about pathway connections to South Creek were positive.<br>The provision of ample provision car parking and the need for coach drop off and parking was strongly supported. | The pathway and cycling loops in the Master Plan have been retained and are now complemented with the addition of a nature/exploration trail with natural play nodes. Associated signage (directional and educational) as well as lighting in the park has been incorporated.<br>The Master Plan includes fitness stations and water bubblers around the pathway loop, which is in addition to the outdoor health and fitness area.<br>The pump track affords the opportunity for off road cycling for beginners and the more experienced, with the hard court areas also providing learn to ride opportunities when not being used for other activities.<br>Cycling connections through to St Marys will be considered further as part of future planning.<br>Car parking in the Master Plan has been increased from 418 to 518 spaces dispersed along the ring-road of the park, including 36 accessible parking spaces. A bus drop-off zone on the western side of the precinct has space for two buses at a time to drop off and pick up passengers. |
| Shaded areas and passive recreation | The provision of BBQ areas was widely supported by residents who identified the Precinct as an ideal location to host social and cultural gatherings and celebrations. In terms of larger gatherings there was strong representation for an indoor hall | The Master Plan includes bigger shelters for larger gatherings close to the playspace and proposed amenities building. The detailed design includes multiple shaded BBQ and picnic areas provided across the site.<br>Spatially and financially, it is not possible to provide a 300-person |

**Outcomes of community consultation**

| Design element | Comments on the draft Master Plan | How comments were addressed |
|---|---|---|
| | to accommodate 300 people at the venue. | indoor hall at the venue. It is noted that St Marys Memorial Hall can service this need currently. |
| Provision of sports hard courts (basketball and netball) | There was strong support for the provision of multiple sports hard courts, particularly for basketball, and for these to be lit. | The Master Plan includes two netball courts, two basketball/multi-sport courts and an additional hoop in the youth zone.<br>The netball courts can be utilised for other sports and general recreational activities (e.g. learn to ride a bicycle) when not being used for netball.<br>Ongoing provision of basketball and netball courts will continue to be reviewed and planned as part of the future development of sports infrastructure, or as part of infrastructure upgrades at existing facilities so that a network of courts is provided in the LGA. |
| Sportsground and amenity provision | Engagement with the sports codes identified that the field capacity included in the Master Plan will meet their needs; however, the need for additional netball courts was identified.<br>Baseball NSW and Greater Western Baseball Association made representation to utilise the site with a longer-term view that the relocation of baseball activities from Samuel Marsden Road should transport infrastructure impact that site. | To address the provision of netball courts, the Master Plan includes four rectangular fields, one modified field, and a mini field (formerly a modified field). It has been determined that this change can be accommodated in terms of sport operations and the capacity of the remaining fields. In addition, the location of the cricket practice facility has been moved, which will have no impact on the sport.<br>Investment of over $2.5m is planned in baseball facilities over the next three years at Chapman Gardens, Monfarville Reserve, and Samuel Marsden Road, which will increase the capacity of those venues, with the potential for future infrastructure improvements that could provide |

**Outcomes of community consultation**

| Design element | Comments on the draft Master Plan | How comments were addressed |
|---|---|---|
| | | additional capacity. For these reasons, the Master Plan does not include the provision for baseball. As future planning for the Penrith LGA progresses, the need to consider alternative venues for baseball will be addressed subject to ongoing demand levels for the sport. |

## 2.5 Public exhibition

Under Section 38 of the LG Act Councils are required to publicly notify and exhibit a POM. The draft POM was placed on public exhibition from 25/06/2024 to 22/07/2024. Submissions were accepted until 5/8/2024 to satisfy the minimum statutory requirements. Council considered all submissions before finalising this POM.

## 2.6 Environmental assessment

Council, as the proponent and determining authority, were required to undertake an environmental assessment of the proposed development of the Precinct, pursuant to Part 5 of the NSW Environmental Planning and Assessment Act 1979 (EP&A Act).

Arnold Planning Pty Ltd (Arnold Planning) prepared a Review of Environmental Factors (REF) (Arnold Planning, 2023) to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the proposed development of the Precinct.

The REF found that any potential adverse impacts of the proposed development of the Precinct on the environment and the community will be adequately addressed through a comprehensive suite of environmental management and mitigation measures.

Where relevant, the outcomes of the REF have been drawn upon in the preparation of this POM.

# 3. Land description

## 3.1 The Precinct

The Precinct is formally registered as Lot 11 on Deposited Plan (DP) 1194036 and is approximately 32 ha, of which approximately 27 ha comprises the footprint of a former landfill site, which operated between 1947 and the mid-1980s, with the majority of landfilling occurring from the 1960s onwards. Remediation of the Precinct has been undertaken since decommissioning with the aim of developing it into a recreation and open space destination for the community.

The Precinct is bound by Gipps Street to the west and north, Fowler Street to the south and South Creek to the east. Access to the Precinct is via Gipps Street to the north.

Vegetation is present within narrow rows along the north, east and western boundaries and some remnant vegetation is present primarily in the north-eastern corner of the Precinct. Vegetation in the Precinct adjoins tracts of similar riparian and remnant vegetation to the north-east and south-east along South Creek.

An aerial of the Precinct is show in **Figure 3.1** below.

**Figure 3.1** **The Precinct (Source: Six Maps)**

### 3.2 The surrounding area

The Precinct is located approximately 7 km east of Penrith and approximately 44 km west of central Sydney. The Precinct is surrounded by residential suburbs to the west and south (Claremont Meadows), rural residential land to the north and South Creek to the east.

A compound located in the south-western corner of the Precinct, which is fenced off from the remaining Precinct area, is currently used by the State Emergency Service (SES).

Immediately adjacent to the north of the Precinct is the site of a Sydney Metro service facility, part of the Western Sydney Airport Metro Railway (Sydney Metro), that will link the new Western Sydney International (Nancy-Bird Walton) Airport and Western Sydney Aerotropolis with St Marys.

The Precinct and surrounding area are shown in the aerial in **Figure 3.2** below.

**Figure 3.2** **The surrounding area (Source: Six Maps)**

## 3.3 The existing environment

### 3.3.1 Geology

Reference to the *Geological Survey of NSW Department of Minerals and Energy Geological Series Sheet 9030, 1:100,000 Scale, Penrith (1991)* indicates the landfill is underlain by Bringelly Shale of the Wianamatta Group over the majority of the Precinct and potentially Quaternary fluvial sediments (fine-grained sand, silt and clay) in the eastern portion of the Precinct.

### 3.3.2 Natural soils

Reference to *Soil Conservation Service of NSW Soil Landscapes of the Penrith 1:100,000 Sheet (1990)* indicates the dominant soil lithology at the Precinct comprises yellow / brown podzolic residual soils of the Blacktown Group, which is typically characterised by moderately reactive highly plastic subsoil, low soil fertility and poor soil drainage.

### 3.3.3 Topography

Precinct topography ranges from 42 m Australian Height Datum (AHD) in the south-west at the highest point to 34 m AHD in the north-east part of the Precinct at the lowest point, although rehabilitation works carried out by Council may have raised the Precinct topography slightly from numbers reported here.

### 3.3.4 Bushfire

A bushfire assessment was prepared as part of the REF (Arnold Planning, 2023). The assessment identified that the Precinct is mapped as bushfire prone on Council's Bushfire Prone Land (BFPL) map. Accordingly, an asset protection zone (APZ) was required and has been reflected in the Master Plan design and certain special fire protection measures recommended for the design and construction of the proposed amenities building.

### 3.3.5 Hydrology and flooding

South Creek is located adjacent to the eastern Precinct boundary flowing towards the north and ultimately into the Hawkesbury River (18 km north of the Precinct). Given the Precinct topography it is assumed that surface water flows towards South Creek to the north-east.

A floodplain management report was prepared as part of the REF (Arnold Planning, 2023). The report obtained the 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) modelling results from Council's *South Creek Floodplain Risk Management Study*, which incorporates the Precinct. Based on existing levels, the impact of flooding from South Creek was not expected to have a major effect on the development of the Precinct, given that the majority will be outside of the maximum flood extent. Accordingly, no specific management measures were proposed in relation to flooding, although it is noted that in the event of a PMF, the proposed amenities

building will be available for refuge.

Groundwater beneath the Precinct is present at depths of between approximately 3 m and 10 m and is expected to be in hydraulic connection with surrounding regional groundwater.

### 3.3.6 Rehabilitation and remediation

Since operation of the landfill ceased, the Precinct has been the subject of rehabilitation and remediation with the ultimate intention (by Council) of making it suitable for use as a public recreation reserve. Rehabilitation and remediation works undertaken at the Precinct to date, generally includes:

- the installation of a leachate trench collection system around the Precinct perimeter;
- reshaping, reworking and regrading landfill waste to minimise water infiltration into the waste mass and any consequent generation of leachate and landfill gas;
- excavation of residual clay underlying the landfill and replacement of this material as a 500 mm thick cap - where required, sandstone and shale was imported to the Precinct to make up the required volume to complete the capping across the landfill;
- the placement of previously stripped soils and imported soils above the capping layer to provide a 400 mm thick layer of growing medium; and
- the placement of 100 mm of topsoil where planting was to occur and landscaping to establish a protective grass cover at the Precinct as well as tree planting around the Precinct perimeter and main drainage lines.

An Environmental Management Plan (EMP) and Operational Maintenance and Monitoring Plan have been prepared for the Precinct, which provide a framework for the ongoing operational requirements for the leachate trench collection system. Only authorised Council staff and contractors are permitted to enter the leachate cells and pump well areas with 24-hour access required to the site to allow for the monitoring and management of the leachate system.

## 3.4 Property details

Property details of the Precinct are provided in Table 3.1 below.

**Table 3.1 Precinct property details**

| | |
|---|---|
| Reserve purpose | Public Recreation |
| Land parcel/s | Lot 11 DP 1194036 |
| Area | 32 ha |
| LEP zoning | RE1 – Public Recreation<br>C2 – Environmental Conservation |
| Assigned categories of Community Land | Park<br>General Community Use<br>Sportsground |

**Table 3.1 Precinct property details**

| | |
|---|---|
| | Natural Area - Watercourse<br>Natural Area - Bushland |

## 3.5 Land comprising the habitat of endangered species or threatened species

A Flora and Fauna Assessment (FFA) was undertaken as part of the REF (Arnold Planning, 2023), which detailed the legislative context, methods used and results from literature and data reviews and field survey, providing the framework and information to identify potential impacts on native vegetation, threatened species, populations and communities listed under the *NSW Biodiversity Conservation Act 2016* (BC Act) and *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) .

The FFA identified that the development of the Precinct will result in the removal of 1.02 ha of native vegetation identified as the following threatened ecological communities:

- River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions; and
- Cumberland Plain Woodland in the Sydney Basin Bioregion.

The native vegetation proposed to be removed represents habitat for the following threatened fauna species:

- *Artamus cyanopterus* (Dusky Woodswallow);
- *Calyptorhynchus lathami* (Glossy Black-Cockatoo);
- *Daphoenositta chrysoptera* (Varied Sittella);
- *Glossopsitta pusilla* (Little Lorikeet);
- *Lathamus discolor* (Swift Parrot); and
- *Pteropus poliocephalus* (Grey-headed Flying-fox).

The areas of vegetation communities proposed to be removed are within the development footprint as shown in **Figure 3.3** below. All areas of vegetation outside of the development footprint are proposed to be retained, which is reflected in the land categories of this POM, (refer **Section 6.4** for further details).

**Figure 3.3** **Validated vegetation and habitat features (Source: Ecological Australia)**

Tests of Significance in accordance with BC Act were undertaken for the above ecological communities and fauna species to assess the impact of the development of the Precinct on each. Assessments concluded that they are unlikely to result in a significant impact on any of the potentially affected threatened entities.

Both ecological communities are also listed as critically endangered under the EPBC Act; however, occurrences of these ecological communities within the Precinct area did not meet the key diagnostic criteria for listing under the EPBC Act. Therefore, Significant Impact Criteria under the EPBC Act were not applied. Significant Impact Criteria were applied for the Swift Parrot and Grey-headed Flying-fox, and it was concluded that they are unlikely to result in a significant impact to either species. Therefore, further assessment and approval under the EPBC Act was not required.

## 3.6 Culturally significant land

### 3.6.1 Aboriginal heritage

An Aboriginal Due Diligence Assessment (ADD) was prepared as part of the REF (Arnold Planning, 2023). The ADD identified that the following sites under a search of the Aboriginal Heritage Information Management System, which had either been removed

with authorisation or no longer existed:

- AHIMS ID 45-5-4428 - an artefact site identified during the upgrade of Kent Road and Gipps Street between the M4 Motorway and the Great Western Highway, as part of the Werrington Arterial Road project, which has been completed and the site now destroyed under an active Aboriginal Heritage Impact Permit (AHIP); and
- AHIMS ID 45-5-3016 - an artefact site, which could not be located during a visual inspection, with the area considered so heavily disturbed that the AHIMS site is no longer valid.

The ADD identified that the entire study area has been heavily modified and was therefore of low archaeological sensitivity. Notwithstanding, in the unlikely event that any Aboriginal objects or artefacts are identified during the construction and development of the Precinct, the ADD recommended measures to ensure their appropriate management.

### 3.6.2 Historic heritage

As part of the REF (Arnold Planning, 2023), searches of the Australian Heritage Database, the State Heritage Register and Schedule 5 of the *Penrith Local Environment Plan 2010* were conducted to determine if any items or places of heritage significance are located within or in proximity to the Precinct. No items or places of heritage significance were identified within or adjacent to the Precinct.

# 4. Basis of management

Council intends to manage its community land to meet:

- assigned categorisation of community land.
- the LG Act guidelines and core objectives for community land.
- Council's strategic objectives and priorities.
- development and use of the land outlined in Section 36 of the LG Act.

## 4.1 Categorisation of the land

Under Section 36 (4) of the LG Act, community land is required to be categorised as one or more of the following five categories:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance (Note: not applicable to the Precinct).
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

## 4.2 Guidelines and core objectives for management of community land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

## 4.3 Council's strategic objectives and priorities

Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach adopted in this POM and the design and development of the Master Plan.

### 4.3.1 Penrith Local Strategic Planning Statement

The Penrith *Local Strategic Planning Statement 2020* (LSPS) sets out Penrith's economic,

social and environmental land use needs over the next 20 years and outlines how growth and change will be managed in the future.

The LSPS is informed by both local and state government plans and policies and describes how these initiatives, and their strategic direction will affect the LGA from a land use perspective. It has been prepared in response to, and is consistent with, the initiatives and direction of the NSW Government's strategic planning framework, including the Greater Sydney Region Plan and the Western Sydney District Plan.

The LSPS has the following ten themes, which include more detailed planning priorities:

- Theme 1: Infrastructure.
- Theme 2: Partnerships.
- Theme 3: Homes.
- Theme 4: Communities.
- Theme 5: Places.
- Theme 6: Connectivity.
- Theme 7: Economy.
- Theme 8: Environment.
- Theme 9: Sustainability.
- Theme 10: Resilience.

Theme 4: Communities, includes Planning Priority 6, to:

*'Ensure our social infrastructure meets the changing needs of our communities'*

The LSPS recognises that as Penrith grows, this growth needs to be supported by necessary community infrastructure such as open space, parks and sporting facilities and that providing this infrastructure within existing urban areas can be challenging. Addressing this planning priority has been a key consideration in the preparation of this POM and the Master Plan and are reflected in the objectives and performance targets in the Action Plan (**Appendix C**).

### 4.3.2 Penrith 2041+ Community Strategic Plan

The *Penrith 2041+ Community Strategic Plan* (Penrith CSP) was endorsed by Council in June 2025. The Penrith CSP will inform a range of other strategic documents around employment, housing, recreation, open spaces and inclusion based on a number of outcomes and strategies.

Development of the Precinct as a sports and recreation reserve is consistent with the following relevant outcomes and strategies identified in the Penrith CSP:

- Strategic direction 1: Nurture our environment:
  - Strategy 1.1: Enhance natural spaces and protect environmental quality.
- Strategic direction 2: Support our wellbeing:
  - Strategy 2.2: Support equitable access to community services and facilities.
  - Strategy 2.3: Live safely and enhance community wellbeing.
- Strategic direction 4: Shape our growing City: Provide for our lifestyle:
  - Strategy 4.2: Empower participation in sport and recreational activities.
  - Strategy 4.3: Ensure public spaces and facilities are pleasant and fit for diverse needs and uses.
- Strategic direction 5: Work together:
  - Strategy 5.2: Ensure public participation in collaborative decision-making.

### 4.3.3 Penrith Sport and Recreation Strategy

The Penrith *Sport and Recreation Strategy* (Sport and Recreation Strategy) provides a 15-year road map for the future provision of sport, play, recreation and open space facilities across the Penrith LGA and has helped create the vision for the Master Plan.

The strategies and actions included in the Sport and Recreation Strategy respond to the core objectives for the provision of:

- open space;
- play; and
- sport and recreation.

To deliver the Sport and Recreation Strategy, the Penrith LGA has been divided into 12 'Aggregated Areas' for the implementation of upgrades, new facilities, and future planning. The Precinct falls within the Central East area. Strategy action items for the Central East area (for years one to five), identify for the Gipps Street Precinct, Claremont Meadows (the Precinct), that following community consultation, a district open space and reserve should be constructed, including following components:

- walking/cycling loops, and outdoor fitness equipment;
- four playing fields and two training fields;
- amenities buildings and BMX, cycling and scooter facilities; and
- an additional Citywide level play space including water play following community consultation.

All elements have been incorporated in the Master Plan as well as a number of other elements to reflect the outcome of community consultation (refer **Section 2.5**).

Other relevant strategies and actions included in the Sport and Recreation Strategy included in the core objectives relevant to the Precinct are considered as follows:

**Open space:**

- ensuring the quantity and distribution of open space in established urban areas better matches current and future population needs;
- optimising open space for existing populations where access is below optimal and significant growth is expected;
- improving community access to existing and future public open space through provision of an integrated network of open space classified as local, district and citywide parks;
- providing open space in the appropriate size and shape to ensure that the capacity of that space meets and accommodates a range of recreation activities and needs;
- designing open space to accommodate multi-use inclusive participation opportunities for different recreation types;
- enhancing open space connectivity through an integrated strategy that links recreational, cultural heritage and natural values;
- promoting awareness and recognition of Penrith's Aboriginal and non-Aboriginal Heritage;
- improving community access to existing and future public open space is through an integrated action plan that involves all modes of access; and
- ensuring contemporary plans of management and master plans will be in place.

**Play:**

- providing opportunities are provided for everyone in the community to enjoy a playspace;
- recognising playspaces as contemporary, unique, safe and innovative; and
- ensuring playspaces remain contemporary and safe to use.

**Sport and recreation:**

- providing an appropriate amount and quality of open space to accommodate sport and recreation facilities;
- ensuring sportsground surfaces, buildings and associated infrastructure sustain the usage demand and are fit for purpose/fit for future;
- providing sports/recreation clubs and associations with support to enable good governance, sustainable operations, and facility planning and development; and
- providing unstructured recreation spaces and activities to accommodate changing trends in participation.

Having regard to these strategies has been a key consideration in the preparation of this POM and the Master Plan and is reflected in the objectives and performance targets of the Action Plan (**Appendix C**).

# 5. Development and use

## 5.1 Overview

Council's community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Penrith LGA. The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings and recreational and sporting facilities in particular, Council intends to permit and encourage a broad range of appropriate activities.

This is reflective of the proposed uses and activities of the Precinct as described in the following sections of this POM.

## 5.2 The Precinct Master Plan

This POM is accompanied by the Precinct Master Plan (the Master Plan) to guide the future development and use of the Precinct.

The Master Plan has been designed to respond to the issues raised during the community engagement process undertaken for this POM (refer **Section 2.5**) and meet Council's statutory and strategic planning objectives and priorities as identified in the Action Plan (**Appendix C**).

The Master Plan includes the following key components with corresponding Master Plan ID numbers (MP ID):

- main sports field (MP ID 01).
- amenities building (MP ID 02).
- inclusive playground (MP ID 03).
- netball courts (MP ID 04).
- multi-sport courts (MP ID 05).
- youth zone (MP ID 06).
- skate area (MP ID 07).
- pump track (MP ID 08).
- nature play and trail (MP ID 09).
- fitness loop (MP ID 10).

An excerpt of the Master Plan is provided in **Figure 5.1** below and a full version of the Master Plan and accompanying design report is provided in **Appendix B**. The design report provides further details and plans of each of the key Master Plan components listed above.

**Figure 5.1** **The Gipps Street Recreation Precinct Master Plan (Source: Group GSA)**

## 5.3 Express authorisation of lease and licences and other estates

Under Section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this POM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

### 5.3.1 Leases and licences authorized by this Plan of Management

This POM **expressly authorises** the issue of leases, licences and other estates over the land covered by this POM, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved;
- the purpose is consistent with the core objectives for the category of the land;
- the lease, licence or other estate is for a permitted purpose listed in the LG Act or the *Local Government (General) Regulation 2021* (LG Regulation);
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993;*
- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted;
- the lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the LG Regulation; and
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

### 5.3.2 Short-term licences

Short-term licences and bookings may be used to allow the Council to program different uses of community land at different times, allowing the best overall use.

Short-term licences will be issued for the purpose of, but not exclusively for, the following

activities:

- the playing of a musical instrument, or singing, for fee or reward;
- engaging in a trade or business;
- the playing of a lawful game or sport;
- the delivery of a public address;
- commercial photographic sessions;
- holding an event, fete, festival, meeting, or market;
- picnics and private celebrations such as weddings and family gatherings; and
- filming sessions.

### 5.3.3 Duration of leases, licences and other estates authorised by this Plan of Management

**i. Lease, licences, and other estates in respect of community land – for a period exceeding five (5) years:**

Section 47 of the LG Act applies to a lease, licence, or other estate in respect of community land for a period exceeding 5 years:

1. If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must:
    a. give public notice of the proposal;
    b. exhibit notice of the proposal on the land to which the proposal relates;
    c. give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land; and
    d. give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.

2. A notice of the proposal must include:
    a. information sufficient to identify the community land concerned;
    b. the purpose for which the land will be used under the proposed lease, licence, or other estate;
    c. the term of the proposed lease, licence, or other estate (including particulars of any options for renewal);
    d. the name of the proposed lessee or licensee (if known); and
    e. a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.

3. Any person may make a submission in writing to the council during the period specified for the purpose in the notice.

4. Before granting the lease, licence or other estate, the council must consider all submissions duly made to it.

5. The council must not grant the lease, licence or other estate except with the Minister's consent, if:
    a. a person makes a submission by way of objection to the proposal; or
    b. in the case of a lease or licence, the period (including any period for which the lease or licence could be renewed by the exercise of an option) of the lease or licence exceeds 21 years.

6. If the council applies for the Minister's consent, it must forward specific information to the Minister, noting that the Minister may consent to a lease or licence exceeding 21 years if special circumstances have been justified.

7. On receipt of the application, the Minister must request the Director of Planning to furnish a report concerning the application within such a period as the Minister specified.

8. After considering the application and any report of the Director of Planning, the Minister, if satisfied may consent to the granting of the lease, licence, or other estate in respect of the whole or any part of the land to which the application relates, subject to such terms and conditions as the Minister specifies.

9. On request by any person, the Minister must provide that person, within 14 days of that request, with a written statement of reasons for consenting to, or refusing to consent to, the granting of a lease, licence, or other estate.

**ii. Lease, licences, and other estates in respect of community land – for a period exceeding five (5) years:**

Section 47A of the LG Act applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years.

If a council proposes to grant a lease, licence or other estate to which Section 47A applies:

a. the proposal must be notified and exhibited in the manner prescribed by section 47 (refer above);
b. the provisions of section 47(3) and (4) (refer above) apply to the proposal; and

c. on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of Section 47(5) to (9) (refer above) are to apply to the proposal.

If the Minister determines that the provisions of section 47(5) to (9) are to apply to the proposal:

a. the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47(1) to (8); and
b. Section 47(9) has effect with respect to the Minister's consent.

The LG Regulation grants that the following purposes are exempt from the provisions of Section 47A of the LG Act:

a. residential purposes, where the relevant community land has been developed for the purposes of housing owned by the council;
b. the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on the community land;
c. use and occupation of the community land for events such as:
    i. a public performance (that is, a theatrical, musical, or other entertainment for the amusement of the public)
    ii. the playing of a musical instrument, or singing, for fee or reward,
    iii. engaging in a trade or business
    iv. playing of any lawful game or sport
    v. delivering a public address
    vi. conducting a commercial photographic session
    vii. picnics and private celebrations such as weddings and family gatherings; and
    viii. filming for cinema or television.

However, the use or occupation of community land for events listed in subclause (c) above is exempt only if:

a. the use or occupation does not involve the erection of any building or structure of a permanent nature;
b. in the case of any use or occupation that occurs only once, it does not continue for more than three consecutive days; and
c. in the case of any use or occupation that occurs more than once, each occurrence is for no more than three consecutive days, not including Saturday and Sunday, and the period from the first occurrence until the last occurrence is not more than 12 months.

# 6. Management of land by category

## 6.1 Overview

The following general categories of community land are assigned to the Precinct, as shown in the Categorisation Plan in **Appendix A** and the following excerpt in **Figure 6.1**:

- Sportsground (**Section 6.2**);
- General Community Use (**Section 6.3**);
- Natural Area (**Section 6.4**); and
- Park (**Section 6.5**).

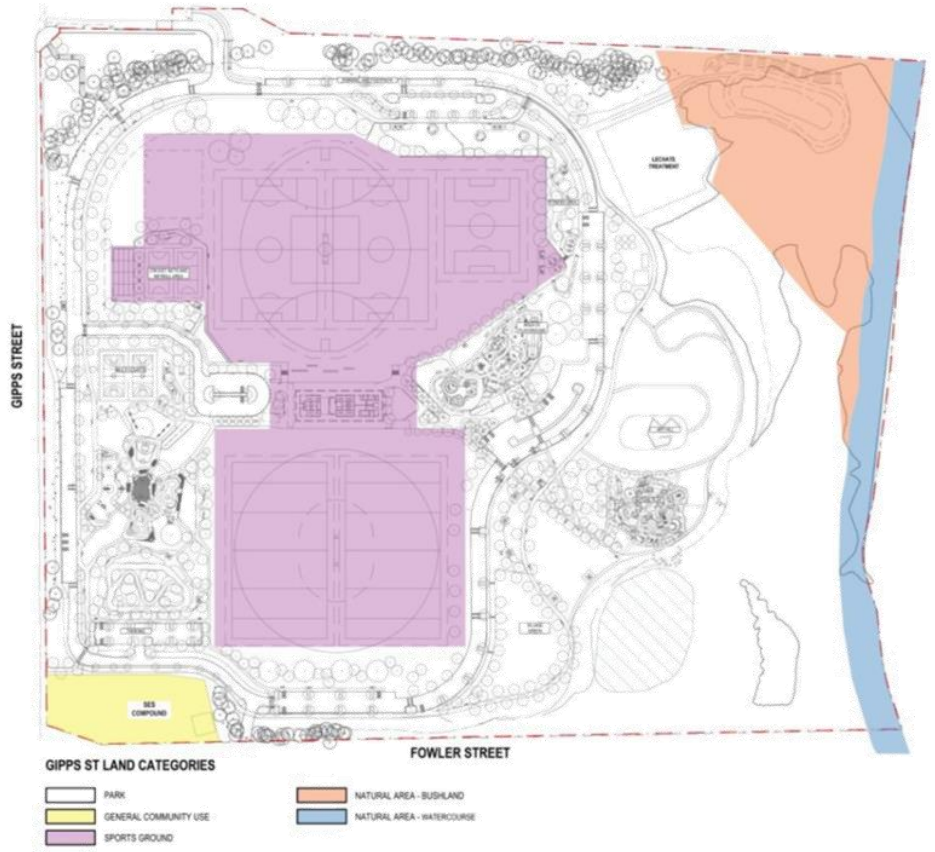



**Figure 6.1** **Excerpt of Land Categorisation Plan (Source: Group GSA)**

### 6.1.1 Condition of the land

Section 36(3A)(a) of the LG Act requires a POM to include a description of the condition of the land and structures on adoption of the plan. The Precinct is currently undeveloped having been rehabilitated and remediated from its previous use as a landfill (refer Section 3.3.6). The only existing assets are the leachate treatment zone

(tanks and swales) and leachate collection pit, which have their own ongoing management schedules and procedures.

### 6.1.2 Objectives and performance targets

Section 36 (3) of the LG Act requires that a POM for community land details:

- objectives and performance targets for the land;
- the means by which the council proposes to achieve these objectives and performance targets; and
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

An Action Plan, which details the objectives and performance targets for each category of land and how Council intends to achieve and assess their performance, is provided in **Appendix C**.

## 6.2 Sportsground

The category Sportsground applies to the community land located within the centre of the Precinct, depicted in purple in **Figure 6.1** above.

The Sportsground category is considered the most appropriate for the areas shown on the Master Plan (refer **Figure 6.1**) as the Main Sports Field (MP 01), which includes:

- soccer / AFL field.
- rugby / cricket field.
- junior soccer field.
- netball courts.
- cricket practice nets.
- mini (all purpose) field.
- amenities building.

The permissible and future uses set out in **Section 6.2.2** and the express authorisation of leases, licences and other estates set out in **Section 6.2.3** for the areas categorised as Sportsground are consistent with the purpose for which the Precinct was dedicated, being a reserve for public recreation.

### 6.2.1 Guidelines and core objectives (Sportsground)

Sportsgrounds are defined in Clause 103 of the LG Regulation as land used primarily for active recreation involving organised sports or playing outdoor games.

The core objectives for Sportsgrounds, as outlined in Section 36F of the LG Act, are to:

- encourage, promote and facilitate recreational pursuits in the community

involving organised and informal sporting activities and games; and
- ensure that such activities are managed having regard to any adverse impact on nearby residences.

The Sportsground category allows for provision of the Main Sports Field areas, which will allow for organised and informal sporting activities and games, including but not exclusive to sports such as soccer, AFL, rugby, netball and cricket, for use by sporting clubs and the general community. With the proposed hours of operation and the distance to nearby residences, there are not anticipated to be any significant adverse amenity impacts. For these reasons, the Sportsground category for this part of the Precinct meets the core objectives outlined above.

The amenities building will comprise eight change rooms with operable walls that can be opened to make larger spaces when required, an undercover central social space, three bulk storage areas, two multi-purpose areas, a canteen, offices, store rooms, a plant room and first aid room.

### 6.2.2 Permissible and future uses (Sportsground)

Section 36(3A) of the LG Act requires a POM to detail the uses currently permitted on the land and any planned or committed future uses of the land.

The general types of uses which may occur on community land categorised as Sportsground and the forms of development generally associated with those uses, are set out in detail in **Table 6.3**. The facilities on community land may change over time, reflecting the needs of the community.

**Table 6.3 Permissible uses and development of land categorised as Sportsground**

| Purpose/use | Development to facilitate uses |
|---|---|
| • active and passive recreational and sporting activities compatible with the nature of the particular land and any relevant facilities.<br>• organised and unstructured recreation activities.<br>• community events and gatherings.<br>• commercial uses associated with sports facilities.<br>• festivals, parades, markets, fairs, exhibitions and similar events and gatherings. | • development for the purpose of conducting and facilitating organised sport.<br>• professional rooms for hire.<br>• change rooms/locker areas.<br>• shower/toilet facilities.<br>• car parking and loading areas.<br>• ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas).<br>• shade structures, floodlights, irrigation and fencing of playing areas.<br>• storage ancillary to recreational uses, community events or gatherings, and public meetings.<br>• provision of amenities to facilitate use and enjoyment of the community land including seating, change rooms, toilets, storage, first aid areas.<br>• café/kiosk facilities.<br>• outdoor play equipment or exercise equipment. |

**Table 6.3 Permissible uses and development of land categorised as Sportsground**

| Purpose/use | Development to facilitate uses |
|---|---|
| | • heritage and cultural interpretation, e.g. signs, art installations<br>• compatible, small scale commercial uses, e.g. sports tuition.<br>• advertising structures and signage (such as A-frames and banners) that:<br>  ○ relate to approved uses/activities.<br>  ○ are discreet and temporary.<br>  ○ are approved by Council.<br>• water-saving initiatives such as stormwater harvesting, rain gardens and swales.<br>• energy-saving initiatives such as solar lights and solar panels.<br>• locational, directional and regulatory signage. |

### 6.2.3 Express authorisation of leases, licences and other estates (Sportsground)

Section 46(1)(b) and 36(3A) of the LG Act requires a POM to provide an express authorisation for the granting of leases, licences or other estates.

This POM **expressly authorises** the issue of leases, licences and other estates over the land categorised as Sportsground, listed in **Table 6.4**. The term of any lease, licence or other estate will be subject to the relevant provisions of the LG Act.

**Table 6.4 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Sportsground**

| Purpose/use | Development to facilitate uses |
|---|---|
| Lease | • indoor/outdoor café and kiosk areas, including seating and tables.<br>• management of court facilities.<br>• hire or sale of recreational equipment.<br>• sporting fixtures, training, programs and events.<br>• sports and fitness training and classes.<br>• broadcasting or filming of sporting fixtures.<br>• ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.).<br>• uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'guest' events for juniors; gala days; club meetings). |
| Licence | • indoor/outdoor café and kiosk areas, including seating and tables.<br>• management of court or similar facilities.<br>• hire or sale of recreational equipment.<br>• sporting fixtures, training, programs and events.<br>• sports and fitness training and classes. |

**Table 6.4 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Sportsground**

| Purpose/use | Development to facilitate uses |
|---|---|
| | • broadcasting or filming of sporting fixtures.<br>• ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.).<br>• uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'guest' events for juniors; gala days; club meetings). |
| Short-term licence | • indoor/outdoor café and kiosk areas, including seating and tables.<br>• sporting fixtures, training, programs and events.<br>• sports and fitness training and classes.<br>• broadcasting or filming of sporting fixtures.<br>• ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.).<br>• uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'guest' events for juniors; gala days; club meetings). |
| Other estates | This POM allows Council to grant 'an estate' over community land for the provision of public utilities and public authorities works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of Council or a public utility provider on the community land in accordance with the LG Act. |

## 6.3 General Community Use

The category General Community Use applies to the community land located within the south east of the Precinct, depicted in yellow in **Figure 6.1** above.

The existing SES compound in the south-west corner of the Precinct is included in the General Community Use category of land.

The permissible and future uses set out in **Section 6.3.2** and the express authorisation of leases, licences and other estates set out in **Section 6.3.3** are consistent with the purpose for which the Precinct was dedicated, being a reserve for public recreation.

### 6.3.1 Guidelines and core objectives (General Community Use)

Clause 106 of the LG Regulation identifies General Community Use land as land that may be made available for use for any purpose for which community land may be used, and which does not satisfy the definition of Natural Area, Sportsground, Park or Area of Cultural Significance.

The core objectives for community land categorised as General Community Use, as outlined in Section 36I of the LG Act, are to promote, encourage and provide for the use of the land, and provide facilities on the land, to meet the current and future needs of the local community and of the wider public, in relation to:

- public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public; and
- purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

This POM and the Master Plan have been prepared having regard to these objectives, as reflected in the objectives and performance targets in the Action Plan (**Appendix C**).

### 6.3.2 Permissible and future uses (General Community Use)

Section 36(3A) of the LG Act requires a POM to detail the uses currently permitted on the land and any planned or committed future uses of the land.

The general types of uses which may occur on community land categorised as General Community Use and the forms of development generally associated with those uses, are set out in detail in **Table 6.5**. The facilities on community land may change over time, reflecting the needs of the community.

**Table 6.5 Permissible uses and development land categorised as General Community Use**

| Purpose/use | Development to facilitate uses |
|---|---|
| • providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.<br>• providing multi-purpose building/s with specialised community uses such as:<br>• casual or informal recreation.<br>• changing rooms.<br>• meetings (including for social, recreational, educational or cultural purposes).<br>• functions.<br>• performances (including film and stage).<br>• exhibitions.<br>• workshops.<br>• kiosk, café and restaurant purposes.<br>• leisure or training classes.<br>• designated group use (e.g. scout and girl guide use).<br>• educational centres, including information and resource centres.<br>• entertainment facilities. | • development for the purposes of social, community, cultural and recreational activities, such as youth services, aged services, men's sheds.<br>• development includes:<br>○ provision of buildings or other amenity areas to facilitate use and enjoyment by the community.<br>○ development (particularly within buildings) for the purposes of addressing the needs of a particular group.<br>○ development for the purpose of a kiosk, café or restaurant.<br>○ landscaping and finishes, improving access, amenity and the visual character of the general community area.<br>○ outdoor play equipment, shade structures, awnings and the like.<br>○ water-saving initiatives such as rain |

**Table 6.5 Permissible uses and development land categorised as General Community Use**

| Purpose/use | Development to facilitate uses |
|---|---|
| • maintenance and operational facilities.<br>• emergency services infrastructure and facilities. | gardens and rainwater tanks.<br>○ energy-saving initiatives such as solar lights and solar panels.<br>○ car parking and loading areas.<br>• advertising structures and signage (such as a-frames and banners) that:<br>○ relate to approved uses/activities.<br>○ are discreet and temporary; and<br>○ are approved by Council.<br>• locational, directional and regulatory signage.<br>• heritage and cultural interpretation, e.g. signs, art installations.<br>• work sheds or storage sheds required in connection with the maintenance of the land.<br>• provision of buildings or other facilities to facilitate use for Council and emergency service operational requirements. |

### 6.3.3 Express authorisation of leases, licences and other estates (General Community Use)

Section 46(1)(b) and 36(3A) of the LG Act requires a POM to provide an express authorisation for the granting of leases, licences or other estates.

This POM **expressly authorises** the issue of leases, licences and other estates over the land categorised as General Community Use, listed in **Table 6.6**. The term of any lease, licence or other estate will be subject to the relevant provisions of the LG Act.

**Table 6.6 Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use**

| Purpose/use | Development to facilitate uses |
|---|---|
| Lease | • educational purposes, including libraries, education classes, workshops.<br>• cultural purposes, including dramatic productions and galleries.<br>• recreational purposes, including fitness classes, dance classes and games.<br>• kiosk, café, restaurant and refreshment purposes.<br>• commercial retail uses associated with the facility. |
| Licence | • social purposes (including child care, vacation care).<br>• educational purposes, including education classes, workshops. |

**Table 6.6 Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use**

| Purpose/use | Development to facilitate uses |
|---|---|
| | • recreational purposes, including fitness classes, dance classes.<br>• café/restaurant/kiosk areas.<br>• sale of goods or services that are ancillary to community land use and reserve purposes, for example flower sales at a cemetery. |
| Short-term licence | • public speeches, meetings, seminars and presentations, including educational programs.<br>• functions (including commemorative functions, book launches, film releases, balls, and similar activities).<br>• displays, exhibitions, fairs, fashion parades and shows.<br>• events (including weddings, corporate functions, and community gatherings).<br>• other performances, including both live performances and film (cinema and tv).<br>• broadcasts associated with any event or public speech.<br>• engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities. |
| Other estates | This POM allows Council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of Council or a public utility provider on the community land in accordance with the LG Act. |

## 6.4 Natural Area

Under Section 36(4) of the LG Act, land should be categorised as Natural Area if the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under Section 36(5) of the LG Act.

Parts of the Precinct are further categorised as Natural Area – Bushland (depicted in orange in the Categorisation Plan – refer **Figure 6.1**) and Natural Area – Watercourse (depicted in blue in the Categorisation Pan – refer **Figure 6.1**) as detailed in the following sections.

### 6.4.1 Natural Area - Bushland

Clause 107 of the LG Regulation identifies land as bushland if the land contains primarily native vegetation, that:

a. *is the natural vegetation or a remainder of the natural vegetation of the land, or*
b. *although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.*

Such land includes:

a. *bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or*
b. *moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or*
c. *highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.*

As detailed in **Section 3.5**, the Precinct contains areas of remnant native vegetation, including land mapped as Cumberland Riverflat Forest (Low Condition) and Cumberland Shale Plains Woodland (Low Condition) that are being retained. These areas are located primarily in the north-west part of the site in the area categorised as Natural Area – Bushland on the Categorisation Plan (refer **Figure 6.1**).

### 6.4.2 Natural Area - Watercourse

Clause 110 of the LG Regulation identifies land as a watercourse if the land includes:

a. *any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and*
b. *associated riparian land or vegetation.*

The eastern part of the Precinct is adjacent to South Creek, which is mapped as a 6th order stream under the Strahler Classification System and has an associated 40 m vegetated riparian zone either side of the watercourse under the Office of Water guidelines for riparian corridors. The riparian zone includes associated vegetation and, therefore, the area 40 m from the western side of the watercourse is categorises as Natural Area – Watercourse.

### 6.4.3 Guidelines and core objectives (Natural Area)

Section 36E of the LG Act identifies the following core objectives for Natural Areas:

- conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area;
- maintain the land, or that feature or habitat, in its natural state and setting;
- provide for the restoration and regeneration of the land;
- provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion; and
- assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*.

The core objectives for land categorised as bushland, as outlined in Section 36J of the LG Act, are to:

- ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land;
- protect the aesthetic, heritage, recreational, educational and scientific values of the land;
- promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion;
- restore degraded bushland;
- protect existing landforms such as natural drainage lines, watercourses and foreshores;
- retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term; and
- protect bushland as a natural stabiliser of the soil surface.

The core objectives for land categorised as watercourse, as outlined in Section 36J of the LG Act, are to:

- manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows;
- manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability;
- restore degraded watercourses; and
- promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

This POM and the Master Plan have been prepared having regard to these objectives, as reflected in the objectives and performance targets in the Action Plan (**Appendix C**).

### 6.4.4 Permissible and future uses (Natural Area)

Section 36(3A) of the LG Act requires a POM to detail the uses currently permitted on the land and any planned or committed future uses of the land.

The general types of uses which may occur on community land categorised as Natural Area - Bushland and Natural Area - Watercourse and the forms of development generally associated with those uses, are set out in detail in **Table 6.7**. The facilities on community land may change over time, reflecting the needs of the community.

**Table 6.7 Permissible uses and development land categorised as Natural Area**

| Purpose/use | Development to facilitate uses |
|---|---|
| • preservation of the Council's natural heritage including the identified endangered ecological communities.<br>• preservation of biological diversity and habitat.<br>• providing a location for authorised informal activities.<br>• walking and cycling.<br>• environmental and scientific study.<br>• approved regeneration projects associated with protection of flora and fauna and watercourses.<br>• fire hazard reduction. | • low-impact walking trails.<br>• interpretive signage and information kiosks.<br>• water-saving initiatives such as rain gardens, swales and sediment traps.<br>• energy-saving initiatives such as solar lights and solar panels.<br>• observation platforms.<br>• work sheds or storage sheds required in connection with the maintenance of the land.<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out.<br>• locational, directional and regulatory signage. |

### 6.4.5 Express authorisation of leases, licences and other estates (Natural Area)

Section 46(1)(b) and 36(3A) of the LG Act requires a POM to provide an express authorisation for the granting of leases, licences or other estates.

This POM **expressly authorises** the issue of leases, licences and other estates over the land categorised as Natural Area - Bushland and Natural Area - Watercourse, listed in

**Table 6.8**. The term of any lease, licence or other estate will be subject to the relevant provisions of the LG Act.

**Table 6.8 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Natural Area**

| Purpose/use | Development to facilitate uses |
|---|---|
| Lease | • walkways, pathways.<br>• observation platforms, signs.<br>• information kiosk.<br>• work sheds or storage sheds required in connection with the maintenance of the land.<br>• toilets.<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out. |
| Licence | • walkways, pathways.<br>• observation platforms, signs.<br>• information kiosk.<br>• work sheds or storage sheds required in connection with the maintenance of the land.<br>• toilets.<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out. |
| Short-term licence | • scientific studies and surveys or similar.<br>• temporary erection or use of any building or structure necessary to enable a filming project to be carried out. |
| Other estates | This POM allows Council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of Council or a public utility provider on the community land in accordance with the LG Act. |

## 6.5 Park

The category Park applies to the community land that forms the area of Precinct depicted in white in the Categorisation Plan (refer **Figure 6.1**) and includes all areas in between the other categorisations of General Community Use, Sportsground and Natural Area.

The Park category incorporates the following components as shown on the Master Plan (**Figure 5.1**):

- multi-sport courts (MP 05)
- youth zone (MP 06);
- skate area (MP 07);
- pump track (MP 08);

- nature play and trail (MP 09); and
- fitness loop (MP 10).

Further details of the above components of the Master Plan are provided in the Master Plan Design Report (**Appendix B**).

The permissible and future uses set out in **Section 6.5.2** and the express authorisation of leases, licences and other estates set out in **Section 6.5.3** for the areas categorised as Park are consistent with the purpose for which the Precinct was dedicated, being a reserve for public recreation.

### 6.5.1 Guidelines and core objectives (Park)

Parks are defined in Clause 104 of the LG Regulation as land which is improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that do not intrude on the peaceful enjoyment of the land by others.

The core objectives for Parks, as outlined in Section 36G of the LG Act, are to:

- encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities;
- provide for passive recreational activities or pastimes and for the casual playing of games; and
- improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

This POM and the Master Plan have been prepared having regard to these objectives, as reflected in the objectives and performance targets in the Action Plan (**Appendix C**).

### 6.5.2 Permissible and future uses (Park)

Section 36(3A) of the LG Act requires a POM to detail the uses currently permitted on the land and any planned or committed future uses of the land.

The general types of uses which may occur on community land categorised as Park and the forms of development generally associated with those uses, are set out in detail in **Table 6.9**. The facilities on community land in the Precinct may change over time, reflecting the needs of the community.

**Table 6.9 Permissible uses and development land categorised as Park**

| Purpose/use | Development to facilitate uses |
|---|---|
| • active and passive recreation including children's play equipment and cycling.<br>• group recreational use, such as picnics and private celebrations. | • development for the purposes of improving access, amenity and the visual character of the park, for example paths, public art, pergolas.<br>• development for the purposes of recreation |

**Table 6.9 Permissible uses and development land categorised as Park**

| Purpose/use | Development to facilitate uses |
|---|---|
| • eating and drinking in a relaxed setting.<br>• publicly accessible ancillary areas, such as toilets.<br>• festivals, parades, markets, fairs, exhibitions and similar events and gatherings.<br>• low-intensity commercial activities.<br>• filming and photographic projects.<br>• busking.<br>• public address (speeches).<br><br>Note: Some of the uses listed above require a permit from Council. | such as play equipment, exercise equipment, bike racks.<br>• amenities to facilitate the safe use and enjoyment of the park, for example picnic tables, BBQs, sheltered seating areas.<br>• kiosks or refreshment areas including external seating.<br>• lighting, seating, toilet facilities, courts, paved areas.<br>• hard and soft landscaped areas.<br>• storage sheds.<br>• car parking and loading areas.<br>• commercial development that is sympathetic to and supports use in the area, for example hire of recreation equipment.<br>• heritage and cultural interpretation, for example signs.<br>• advertising structures and signage (such as a-frames and banners) that:<br>  ○ relate to approved uses/activities.<br>  ○ are discreet and temporary.<br>  ○ are approved by Council.<br>• water-saving initiatives such as stormwater harvesting, rain gardens and swales.<br>• energy-saving initiatives such as solar lights and solar panels.<br>• locational, directional and regulatory signage.<br>• work sheds or storage sheds required in connection with the maintenance of the land. |

### 6.5.3 Express authorisations of leases, licences and other estates (Park)

Section 46(1)(b) and 36(3A) of the LG Act requires a POM to provide an express authorisation for the granting of leases, licences or other estates.

This POM expressly authorises the issue of leases, licences and other estates over the land categorised as Park, listed in **Table 6.10**. The term of any lease, licence or other estate will be subject to the relevant provisions of the LG Act.

**Table 6.10 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Park**

| Purpose/use | Development to facilitate uses |
|---|---|
| Lease | • café/kiosk areas, including seating and tables.<br>• management of court facilities.<br>• hire or sale of recreational equipment. |
| Licence | • outdoor café/kiosk seating and tables.<br>• management of court or similar facilities.<br>• hire or sale of recreational equipment. |

**Table 6.10 Leases, licences and other estates and purposes for which they may be granted for community land categorised as Park**

| Purpose/use | Development to facilitate uses |
|---|---|
| Short-term licence | • community events and festivals.<br>• playing a musical instrument, or singing, for fee or reward.<br>• picnics and private celebrations such as weddings and family gatherings.<br>• filming, including for cinema/television.<br>• conducting a commercial photography session.<br>• public performances.<br>• engaging in an appropriate trade or business.<br>• delivering a public address.<br>• community events.<br>• fairs, markets, auctions and similar activities. |
| Other estates | This POM allows Council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of Council or a public utility provider on the community land in accordance with the LG Act. |

## 6.6 General conditions applying to authorised activities

The following sections provide further details on Council's conditions applying to authorised activities:

### 6.6.1 Access for building purposes

Access across community land shall be authorised by this POM provided that:

- the applicant follows Council's process for applying for a permit;
- the access is of a temporary nature;
- the works requiring the access is associated with an adjoining property;
- a bond in respect of potential damage is held by Council; and
- Council is in receipt of proof of suitable insurances.

### 6.6.2 Casual hirers

This POM authorises the granting of a lease or licence for the purpose of causal hiring in parks, provided that the applicant complies with Council's application process and hire agreement.

### 6.6.3 Community buildings

This POM authorises the granting of a lease or licence of halls and other buildings for community purposes. Such permissible uses include but are not restricted to meetings, scouts, and girl guides activities. The applicant must comply with Council's application process and hire agreement.

### 6.6.4 Easements

The purpose of the easement shall fall within a category identified in Section 46(1) of the LG Act.

In all cases, the applicant is to be responsible for all costs incurred by Council in the creation of the easement. The process within Section 47 of the LG Act shall be followed when considering imposing and easement on community land.

The granting of easements over Crown Land will be subject to the provisions of the *Native Title Act 1993* and Section 8.7 of the *Crown Land Management Act 2016*.

### 6.6.5 Encroachment on public land

In instances where there is an encroachment upon public land (not including Crown Land) by a permanent structure, and the structure does not significantly interfere with the functioning of the reserve, Council may consider a lease or licence agreement with the adjoining property owner and recoup a fee as part of that agreement. This lease or licence will be required to be advertised and may not be granted for more than twenty-one (21) years. Council has no authority to issue a lease of license on Crown Land.

### 6.6.6 Festivals, events, ceremonies and public address

This POM authorises the granting of a lease or licence for the purpose of festivals, events, markets, ceremonies, public address and picnics to be held at Parks. The applicant shall comply with Council's application process, hire agreement conditions and any state or local legislative requirements appropriate to the activity.

### 6.6.7 Filming

This POM authorises the granting of a lease or licence for the purpose of commercial photographic sessions and filming. The applicant shall comply with Council's application process and agreement conditions.

### 6.6.8 Helicopters, hot air balloons and parachute jumpers

This POM authorises the granting of a lease or licence for the purpose of helicopter landing and take-off, provided all other approvals such as use of restricted air space have been granted by the relevant authority. Such a lease or licence may require the temporary erection of exclusion fencing or any other measure required to ensure public safety. The applicant shall comply with Council's application process and any conditions imposed on them.

Note that the SES (State Emergency Service) may be required to utilise part of the site for air base operations during emergency (such as flood or bush fire).

### 6.6.9 Memorials

This POM authorises the granting of a lease or licence for Memorial Park Furniture and Trees

as per Council's Policy. The applicant shall comply with Council's application process and policy requirements.

### 6.6.10 Personal trainers

This POM authorises the granting of a lease or licence for commercial fitness training operations in designated public open space for commercial training activities on a non-exclusive basis.

Applicants shall follow Council's Commercial Trainer and Personal Fitness Groups Guidelines and application process.

### 6.6.11 Public art

This POM authorises the granting of a lease or licence for public art installations. The applicant shall comply with Council's application process and conditions.

### 6.6.12 Recreation equipment storage

This POM authorises the granting of a lease or licence to organisations to erect temporary structures for the purpose of adventure type recreation, upon application and assessment through Council's general hire application.

### 6.6.13 Restaurants, kiosks and mobile food vendors

This POM authorises the granting of a lease or licence or other estate for the purpose of trading such as a kiosk, restaurant or mobile food vendor. The applicant shall comply with all regulatory obligations, including the *Food Act 2004* and Section 68 of the LG Act, Council's application process, agreed contracts and policies.

### 6.6.14 Roads

This POM authorises the granting of a lease, license or other estate for the purpose of the provision of public roads, where the provision of that road is consistent with the core objectives stated herein and where the road is necessary for the enjoyment of that land.

This POM authorises the granting of a licence for the use of an existing road or fire trail to:

- transport building materials and equipment required in relation to building work that is to be, or is being carried out on land adjoining the community land; or
- to remove waste that is consequential on such work.

Where there is no existing road, access may be permitted (and licensed accordingly) to adjoining land for the above purpose provided no damage to the Park is expected. The applicant shall comply with Council's application process and permit conditions.

It is a requirement that any Crown Land used for the purpose of a public road will need to be acquired by Council.

### 6.6.15 Storage sheds
This POM authorises the granting of a lease or licence for the storage of equipment used by community groups / non-profit organisations where that equipment is regularly used at that locality. The applicant shall comply with Council's application process and conditions.

### 6.6.16 Stormwater
This POM authorises the construction of relevant structures for the purposes of stormwater treatment and or retention as prescribed in Section 28 of the LG Regulations. This plan authorises the continued use of drains, channels and easements and creation of new drains, channels and easements.

### 6.6.17 Street performers
This POM authorises the granting of a lease or licence for street performances. The applicant shall comply with Council's application process and policy requirements.

### 6.6.18 Telecommunications
This POM authorises the granting of a lease or licence for the development of telecommunication towers on community land. The applicant shall comply with Council's application process and conditions. The siting of the telecommunications tower shall not impact the operations of the Park user groups or future infrastructure provision at the facility.

The access of these telecommunication towers on Council Land requires the applicants to acquire a permit which can be applied for via the Council website using the Vehicle Access to Council Reserve application form.

Council is unable to issue telecommunication licences on Crown Land, all telecommunications licences are to be issued by Crown Lands.

### 6.6.19 Temporary infrastructure
This POM authorises the granting of a lease or licence to organisations to erect or install temporary storage, amenities and ancillary infrastructure, upon application, assessment and approval by Council.

## 6.7 Other permitted activities
In addition to the uses requiring a lease or licence, this POM authorises the following uses, to be leased or licensed as appropriate to the categorisation of land and subject:

### 6.7.1 Banners
To be approved upon application to Council.

### 6.7.2 Dogs off leash

This POM authorises the erection of enclosures, where appropriate, for the purpose of 'dog off leash' areas.

### 6.7.3 Drones and model aeroplanes

Council authorises the use of drones and model aircraft in compliance with Civil Aviation Safety Regulations Part 101 and CASA's Remotely Piloted Aircraft Systems – licensing and operations Advisory Circular.

### 6.7.4 Fireworks, distress signal or model rocket propellant

Council cannot issue a license or lease for the use of fireworks, distress signals or a model rocket propellant on Council Land, as stipulated by SafeWork NSW Guidelines. However, Council may object or impose conditions on an applicant who notifies Council of their intention to use of fireworks, distress signals or a model rocket propellant on Council Land.

An applicant shall hold a pyrotechnician or fireworks (single use) license issued by SafeWork NSW by way of the *Explosives Regulations 2013*, before notifying Council Rangers of the intent to use fireworks, distress signals or a model rocket propellant on Council Land. After an assessment Council may object or impose conditions on the applicant.

### 6.7.5 Irrigation

This POM authorises the installation of irrigation pipes underground, to irrigate parks. This includes the use of recycled water.

Applicants need to apply for a 'water supply work' approval through Water NSW. This approval authorises its holder to construct and use a specified water supply work at a specified location. Approvals cannot be traded to another property or location. Each approval includes conditions to minimise adverse impacts.

### 6.7.6 Signage

This POM authorises the erection of regulatory, interpretive, and directional signage within general parks. The POM also authorises temporary signage associated with approved activities in the park.

### 6.7.7 Stormwater

This POM authorises the construction of relevant structures for the purposes of stormwater treatment and or retention as prescribed in Section 28 of the LG Regulations.

This POM authorises the continued use of drains, channels and easements and creation of new drains, channels, and easements.

### 6.8 Conditions of use

Approval conditions shall be in keeping with the existing relevant Council policies and may require a resolution from Council. Any approval for leases or licences must include, but not be limited to, the following provisions:

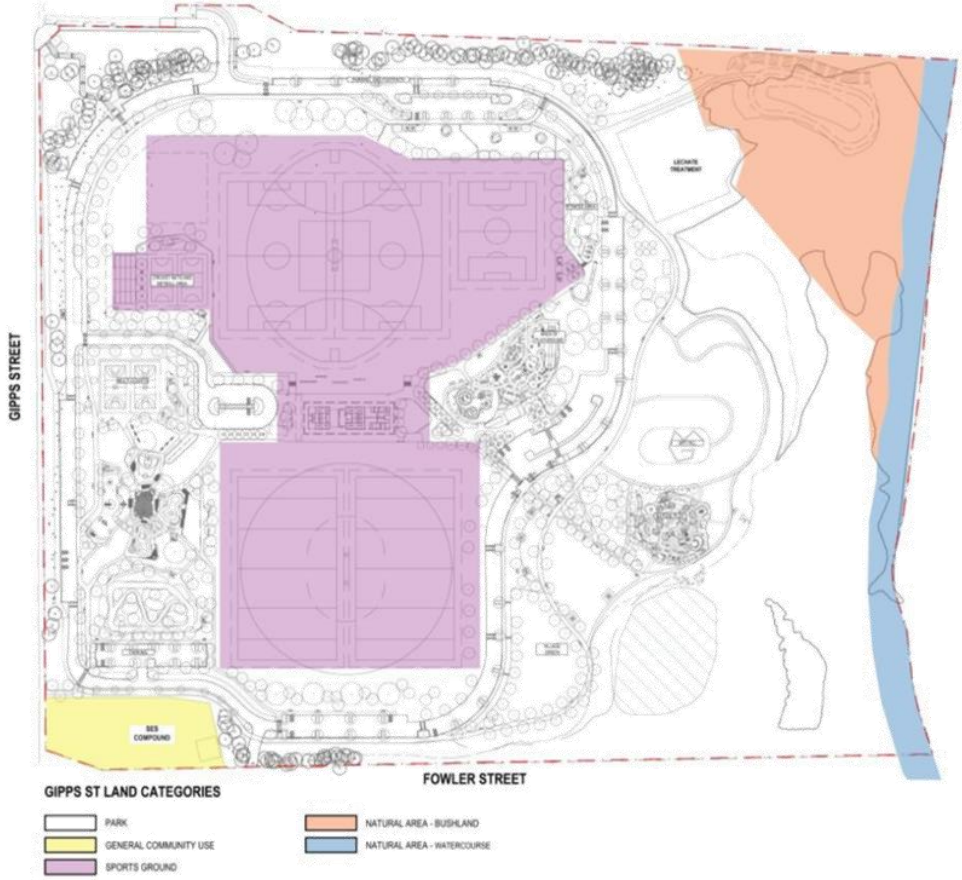
- no significant damage to the area is anticipated because of the proposed activity;
- a bond in respect of potential damage is held by Council;
- the activity is permissible;
- the use or occupation does not involve the erection of any building or structure of a permanent nature;
- there is anticipated to be no significant disturbance to adjacent property owners;
- there is no interference with other users;
- proof is obtained by Council of suitable insurances;
- all litter is removed; and
- development applications are approved where required (e.g. for structures).

### 6.9 Restricted activities

Activities that are prohibited or restricted include, but are not limited to:

- camping;
- dogs off leash, unless in designated 'off leash' areas or as part of an approved event;
- firearms;
- horse riding;
- lighting of fires;
- motorbikes;
- playing golf;
- remote control vehicles including boats, aeroplanes, and cars;
- circuses;
- unauthorised vehicles and motorbikes; and
- vandalism and antisocial behaviour.

# Appendix A: Land categorisation plan



## Appendix B: Gipps Street Master Plan and Landscape Report

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**Cover Image:** *Gipps Street Masterplan*

**Inside Cover:** *Existing Gipps Street Site Condition*

CLOUSTON associates

# GIPPS STREET MASTERPLAN UPDATE
# LANDSCAPE REPORT

Client:

PENRITH CITY COUNCIL

Prepared by

CLOUSTON Associates
*Landscape Architects • Urban Designers • Landscape Planners*
65-69 Kent Street • Sydney NSW 2000
PO Box R1388 • Royal Exchange NSW 1225 • Australia
Telephone +61 2 8272 4999 • Facsimile +61 2 8272 4998
Contact: Crosbie Lorimer
Email • sydney@clouston.com.au
Web • www.clouston.com.au

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# 1.0 INTRODUCTION

### 1.0 LOCATION

The Gipps Street site (the Project) is located on Gipps Street, Claremont Meadows, a suburb located within the Local Government Area (LGA) of Penrith City Council. The site was previously a landfill location that accepted household waste until it was decommissioned in 1956. Remediation of the site has been undertaken since decommissioning with the aim of developing it into a recreation and open space destination for the community.

Immediately surrounding the site is Claremont Meadows to the west and South Creek to the east. Further from the site are the suburbs of St Marys and Werrington.

The location of the site in such close proximity to South Creek offers opportunities for integration with a riparian environment and connect into the recreation opportunities of the South Creek Corridor.

### 1.1 PURPOSE

The purpose of the Gipps Street Masterplan is to provide guidance for the future development of the area as an open space and recreation facility for the community. Through careful consideration and assessment of the opportunities and constraints of the site, the Masterplan balances the existing community recreation and open space needs while ensuring a flexibility for future adaptation and modification of the site for future community needs.

The Masterplan defines the programme and spatial orientation of the site, however built into this framework is a flexibility that will ensure Council has the ability to meet the future needs of the community. The Masterplan guides both the short and long term objectives for the site.

The Gipps Street Masterplan should be viewed as the first step towards the development of the site. The next stage of the development of the site is design development, whereby the concepts of the Masterplan are further refined and developed in order for implementation.

# 2.0 THE SITE

A detailed analysis of existing site conditions and an assessment of potential opportunities and constraints for the site informed the development of the Gipps Street Site Masterplan.

The assessment of the Gipps Street Site was undertaken within the following categories:

- Natural Environment
- Access and Circulation
- Recreation and Leisure
- Landscape Character and Scenic Quality

The following pages provide a summary of the assessment of each of the above categories.

Looking east from the Gipps Street site entrance.

Looking south across the site towards the SES Penrith unit.

Leachate treatment facility on-site.

Bushaland area running parallel to South Creek.

## 2.1 NATURAL ENVIRONMENT

Riparian Vegetation | Native Vegetation | Opportunities for vegetation corridor connections

Main arterial roads | Minor arterial roads | Average 200m riparian corridor zone

Site boundary

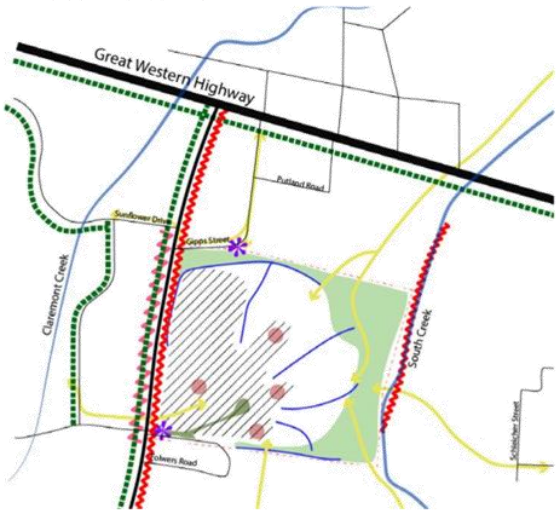
**Constraints:**

- The leachate collection and treatment system is a permanent feature on the site. Any new works will need to consider its function.
- Lack of a natural soil profile means that any native seed deposits no longer exists on the site and therefore natural regeneration will not take place.

**Opportunities:**

- The size of the site creates the opportunity to introduce a significant amount of new canopy cover.
- Opportunity to create significant areas of new habitat for flora and fauna.
- The width of the corridor provides opportunities for continued rehabilitation of the native bushland to act as a physical buffer and filter to protect the creekline area.
- Opportunities exist to link two separated portions of natural bushland on the north and south of the site through the riparian corridor.

## 2.2 ACCESS AND CIRCULATION




Embarkment areas | Level areas | Drainage lines | Original access

High points | Existing entry points | Potential linkages

Barriers to access | Road widening | Public transport

Main arterial roads | Minor arterial roads | Site boundary

**Constraints:**

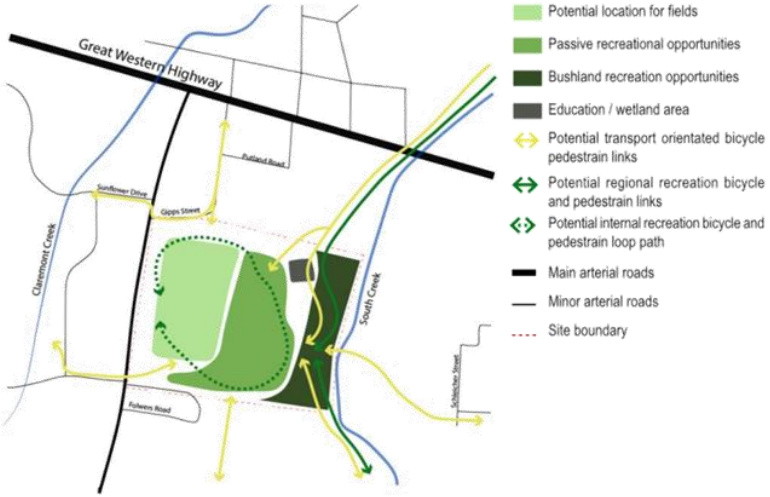
- South Creek creates a natural barrier to east in terms of access to the site.
- Gipps Street to the west is a significant road limiting access.
- Steeper embankment areas create physical barriers to the mobility impaired.

**Opportunities:**

- Develop Gipps St Site as a major destination point within a broader precinct recreational trails network.
- Improve connectivity by linking Gipps St Site key streets across the creek corridor with pedestrian bridges.
- Investigate options to provide new bridge linkages, and level crossings (as appropriate) across Gipps St.
- Consider vehicle access points and offstreet parking facilities at the site.
- Develop the site as a gateway location to the broader precinct to increase identity / profile and sense of arrival.
- Develop wayfiniding signage to improve accessibility to the site.

# 2.0 THE SITE

## 2.3 RECREATION AND LEISURE



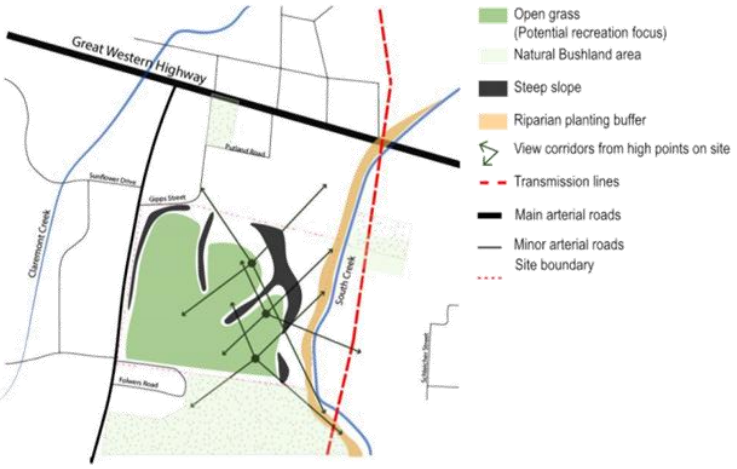

**Constraints:**

- Topography directly along the creekline prohibits the creating large level areas to cater for new playing fields

**Opportunities:**

- Develop the site as a major active recreation destination.
- Provide a range of programmed areas/facilities to cater for different passive and active recreation needs and social levels including competition playing fields ( soccer, rugby, cricket, AFL etc), active hardcourt recreational facilities (tennis, basketball, mixed use courts, etc), large gathering spaces / kick about opportunities, secure playgrounds for children, play opportunities for youth and opportunities for families.
- Flat clear areas on the west of the site provide opportunities for sports fields to be built up on top of the rehabilitation works.
- Flat to undulating areas and high points over the eastern part of the site provide opportunities for passive recreation areas (e.g. picnic facilities, playgrounds, kick about areas) that take advantage of the district views.
- The creekline corridor and bushland areas provide an opportunity to create nature based passive recreation such as walking, jogging, cycling etc.

## 2.4 LANDSCAPE CHARACTER AND SPACIAL QUALITY




**Constraints:**

- Transport corridors are permanent features in the landscape.

**Opportunities:**

- Broader precinct wide measures, such as gross pollutant traps, bioretention areas, revegetation of creek banks and removal of aquatic weeds will assist in improving the visual quality of creek. The existing leachate collection and treatment system and wetland already perform this function for the site.
- Optimise existing views into the creek to improve awareness and identity of the corridor.
- Where appropriate activities and facilities should address the creek as a focal point.
- Enhance scenic quality of bushland through regeneration and revegetation programs.
- Employ visual mitigation measures, such as screen planting, as part of the Gipps Street road widening works to reduce the visual impact of the road.

# 3.0 MASTERPLAN THEMES

**Masterplan Elements:**

- Plat for a range of ages and abilities
- Youth precinct
- Hardcourts
- Pump track
- Space for a range of potential sports fields configurations
- Amenities building
- Managed lawn areas
- Passive recreation and picnic area
- Viewing areas and public art
- Interpretation signage and artworks
- Boardwalk through the woodland belt
- Dog-off leash area
- Tree, shrub and native grass planting
- Cumberland Plain Woodland revegetation
- Riparian zone revegtation

This masterplan has been prepared to show the future potential for the Gipps Street Site and provides for a range of recreation opportunities ranging from structured active recreation (such as team sports) through to passive recreation opportunities such as picnics.

CLOUSTON associates

Client: Penrith City Council

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MASTER PLAN - DRAFT | 14/02/20 Issue B

# 3.0 MASTERPLAN THEMES

**3.0 THE MASTERPLAN**

The preparation of the Gipps Street Masterplan has been guided by four aspirations for the site:

- To maximise the opportunity for active and passive recreation pursuits. As the Gipps Street site will be a brand new "District Level" facility for the community, the Masterplan has been designed to provide additional high quality sporting facilities but within a landscape that offers passive and informal recreation areas.
- To have a highly integrated interface between the Gipps Street Site and the surrounding South Creek Corridor. The Corridor is a vital recreation and environmental corridor within Western Sydney and the design of the Masterplan was conducted with a heightened consideration of the proposed programme, purpose and integrity of the Corridor.
- To provide opportunities for the conservation, improvement and education of the environment and ecology of the site and the adjoining South Creek. The Gipps Street Site offers the community a unique opportunity to experience Cumberplain Woodlands and riparian vegetation communities at one location. The Masterplan seeks to improve habitat and vegetation communities while exposing the role of the landscape in treating the outputs from previous uses of the site.
- To provide a diversity of experiences and opportunities through the design of a park that responds to the needs of the community but reflects the past uses of the region.

While these four aspirations have been the drivers for the development of the Masterplan, there have been occasions where compatibility has not been possible. Where such conflicts have arisen, the goal has been to define a balance that remains true to these aspirations.

The outcome of this design approach has been the creation of a Parkland that meets the leisure and wellbeing desires of the community while ensuring a flexible approach to meeting sportsfield demand. With large open grasslands that can accommodate various configurations of sports fields, the options and combinations for the future use of the Parklands is endless.

Meeting the recreation and leisure needs of the community was only one consideration in the preparation of the Masterplan. Education, awareness and understating was another key design idea that was achieved in the Masterplan. The Parklands offers a wonderful opportunity to facilitate environmental, aboriginal heritage and cultural heritage awareness and education.

The Parklands are unique. School and university groups together with the local community can come to the Parklands and see first hand a number of elements, including:

- Cumberland Plain Woodlands,
- South Creek and its riparian corridor,
- Active leachate collection and management system,
- Wetlands,
- Stormwater management system.

**What does the Masterplan offer to the Penrith Community?**

The scale of the Gipps Street Site is such that to obtain a full appreciation of what the Masterplan offers to the community, a number of Precincts have been identified to provide details on the design. Each of the Precincts are discussed in detail in the following section of this Report, however as a summary, the Masterplan offers the following to the community:

- Space for a number of sports fields configurations (to be determined by sporting and community input / requirements)
- Youth Precinct (such as skateboarding)
- Pump track
- Multi-use hardcourts
- A large play area that consists of three play zones; 0 - 5 years, 5 - 12 years and water play and will cater to a range of abilities
- Fitness area
- Picnic and BBQ areas
- Public art
- Creek edge boardwalk
- Amenities building
- Small and large dog off-leash areas
- A range of planting varieties to increase diversity and habitat creation
- 2 way Parkland Loop Road with access from Gipps Street at the northern boundary of the Parklands
- Parking throughout the park.

Example of potential play as seen as Willowdale Park

# 3.0 MASTERPLAN THEMES

## 3.1 YOUTH PRECINCT

Located in the south-west corner of the Parklands, the purpose of the Youth Precinct is to provide an area where youths can socialise and participate in recreation.

**Features:**

- Skate facility - it is the intention that this facility be a skate plaza that imitates skating in urban areas, with stairs, ramps, hand rails in addition to bowls and other traditional skate park elements
- Pump track - this will offer the opportunity for off trail bicycle trail. It is proposed that this trail will consist of dirt mounds and jumps. It is not proposed that this track is available for motorised vehicles
- Shelter and social spaces for gatherings and to be able to observe skating and pump track
- Space for food stalls at key times to support youth events (such as a skating contest)

**Access**

The precinct will be accessible from the path network running throughout the park, as well as a number of parking spaces directly opposite it. Access points from Gipps Street to the south and approximately halfway along the western boundary will provide easy access point to the surrounding community to this precinct as well as the wider park.

**Character**

Tree planting within the Precinct will be placed and structured to maximise views into the area while maintaining shaded areas of respite while not engaged in active recreation (such as skating). Understorey planting will be limited in this area. New cycleways and pathways will connect the Precinct to the remainder of the Park and into the adjoining suburbs. Detailed design of the Precinct must consider material selection (for noise control), views from surrounding residential areas, antisocial behaviour and after-hours access / management.

# 3.0 MASTERPLAN THEMES

### 3.2 SPORTS PRECINCT

A major use of the Park will be for formal active sports. The masterplan provides a central sporting precinct that has been planned and designed with a flexibility that will accommodate various sporting configurations and large scale community events.

While located in the centre of the park and occupying the largest area within the park, it is not intended that the precinct dictate the program and usage of the Park. Rather, it offers large grassed areas that meet community needs for formal sports but can also provide opportunities for informal recreation, such as kite flying, dog walking, fitness training, community events (fairs) etc.

**Features:**

- Large areas for a number of potential sporting configurations (TBC)
- Central amenity building - that should be designed to provide club facilities, change rooms, storage rooms and toilet facilities for Park users. Furthermore, this building should be designed to provide kiosk or cafe to service users of the Parklands and the adjoining South Creek Corridor. CPTED principles must be applied in the design of this facility.

**Access**

The precinct is accessible for pedestrians directly from Gipps Street along the central pathway, from the north west and south west corners and from Fowler Street to the South. A number of parking opportunities thoroughout the park also provide easy access for vehicle users.

**Character**

Open expanses of grassed areas will be the dominating characteristic of the precinct. However, to ensure spectator and user comfort, located around the perimeter of the sports fields are tree groups for shade provision and mounded lawn areas for informal spectator seating. Where possible, small seating walls can be added to provide additional seating for park users.

Surrounding the perimeter of the precinct is the Park loop road and associated car parking. To manage the movement of vehicles and to prohibit vehicles driving onto the sports fields, an interface between the road and the fields is proposed. Through the use of bio-swales and earth mounding, access to the fields by vehicles will not be possible (apart for defined locations for emergency vehicles).

The central amenity building will be the heart of the precinct. The design of the building must meet the needs of the users of precinct however the building also serves as a facility for the entire Parklands.

# 3.0 MASTERPLAN THEMES

### 3.3 PLAY PRECINCT

Located in the heart of the Parklands is the play precinct. This area has been designed to provide a fun and exciting play space for children with three playground areas that each provide a focus on a range of ages and abilities.

Earth mounds, shade structures, trees, surface textures, water elements, seating walls and picnic shelters help to define the play areas and to engage children in exploration play in addition to the play equipment that will be installed.

The design and location of the playground provides a safe connection to the park amenity building and offers carers a comfortable and convenient area to observe children playing and exploring.

**Features:**

Three play spaces that have been positioned and designed to maximise play benefit of different age groups and abilities. The three spaces have been programmed as follows:

1. 0 - 5 age group - consisting of small equipment, seating for carers, shade structures and shade trees.
2. 5 - 12 age group - Shade structures and shade trees will provide solar protection and a comfortable seating area will be provided for carers. Water play elements will be included within this area.

- Car parking is positioned adjacent to the playground.
- Carers area have been placed in close proximity to the play areas and provide a separate area for carers to sit and relax while watching the children. Shade trees and picnic tables (etc) are located within these areas.

**Access**

Access to the Play Precinct is via the Parkland Loop Road and path network.

**Character**

Diversity of play elements is intended to provide for a range of abilities. Natural play elements will provide educational opportunities through play. Although primarily an active play space for children, opportunities for rest and relaxation (especially for parents / minders) will be provided in a way that allows for passive observation of children while still being an enjoyable and comfortable space in its own right.

# 3.0 MASTERPLAN THEMES

### 3.4 INVESTIGATION PRECINCT

Some of the unique features of the Gipps Street Site include its history, environment and its location within the South Creek Corridor. To capitalise on this uniqueness, the Investigation Quarter has been proposed as a destination for education, interpretation and a learning centre to inform and educate the community and school children about waste management, creek environments, Cumberland Plain Woodland, stormwater management and land fill management.

Located in the north-eastern sector of the Parklands, the Investigation Quarter captures many different vegetation types. In addition to the value of this area for education, it also provides a recreation and leisure resource for the community.

**Features:**

- The Environmental Trail is proposed within the Precinct. The purpose of this Trail is to provide a loop pathway with interpretation and art works that communicate to the community on the following topics:

1. History of the Parklands,
2. Impacts of humans within the natural environment,
3. Management and protection of endangered remnant vegetation communities,
4. Integrated stormwater management (collection and re-use),
5. Adaptive reuse of landfill areas and the management of these lands,
6. Landfill remediation
7. South Creek Corridor

- Outdoor Classroom - to provide a location where school / university groups can meet and sit to learn about the Parklands and the South Creek Corridor. This space can double as a picnic area when not being used by school / university groups for educational purposes
- Interpretation signage and art works will be placed throughout the Quarter to provide information and explanations of points of interest. This may include South Creek fauna, birdlife of Cumberland Plain Woodland etc
- The Wetland Boardwalk will link into the trail network of the Parklands but the boardwalk will also provide an education opportunity in addition to being a part of the trail network
- Cumberland Plain Woodland is located to the north and the south of the Parklands
- The masterplan proposes significant revegetation areas of this Woodland for two primary purposes: to provide a continuation of habitat and secondly to provide opportunity for education and study of the vegetation community.
- Leachate Treatmemt Ponds have been constructed on the site to treat the leachate collected from around the Parklands. These ponds are essential to the ongoing management of the Parklands and provide a great opportunity for education on waste management and remediation.

**Access**

The Parkland Loop Road is located along the boundary of the Investigation Quarter and vehicle parking is provided in close proximity to the area. The internal trail network connects the Quarter to the remainder of the Park and to the adjacent South Creek Corridor.

**Character**

There are two predominate vegetation characters proposed within the Investigation Quarter. These are described as follows:

- Cumberland Plain Woodland revegetation. This vegetation community will be positioned to the north and east of the Quarter and will be characterised by tree planting with a scrubby under storey. However for safety reasons, consideration must be given to the species selection so as to maximise view lines

# 3.0 MASTERPLAN THEMES

### 3.5 THE RIDGELANDS

The Ridgelands are the highland areas of the Parkland that offer park users views over the Parklands and over the South Creek Corridor. Located in the eastern third of the Parklands, The Ridgelands provide the central passive recreation zone for the Park and the interface between the activities of the South Creek Corridor.

**Features:**

- Large viewing areas are located to provide views of the region. Complemented by artworks and interpretation, this area will become a marker that will identify the Parklands from the surrounding suburbs.
- Cycle and Pedestrian Loop - this trail is a part of the wider trail network within the Park and picnic areas provide a destination for park users.
- Native grass mosaics are placed around the viewing mounds to form a patchwork of colour and texture. The Parkland Trails and pathways will traverse the mosaics and accommodate views across the Parklands and to South Creek.

**Access**

The precinct is accessible for pedestrians directly along the Central Avenue and by car along the Parkland Loop Road.

**Character**

Tree planting within the Precinct will be placed and structured to limit view obstruction but while ensuring shaded areas. Understory planting will be either managed lawns or the native grass mosaic.

# 3.0 MASTERPLAN THEMES

### 3.6 CREEK LOWLANDS AND WOODLAND BELT

These two precincts are predominately revegetation zones. The Woodland Belt will provide revegetation of Cumberland Plain Woodland community and the Creek Lowlands will be revegetation of appropriate riparian vegetation.

**Attractions**

- Boardwalks over wetland areas
- Creek side Trails
- Vegetation interpreation and education opportunities
- Picnic areas and seating to view the bushland and the Creek.

**Access**

The precinct is accessible for pedestrians and car parking is located within close proximity which will allow for people to park and walk a short distance to access the areas.

**Character**

Tree planting and a bushland setting will be the major characteristics of this area. These two precincts have a high level of interface with the South Creek Corridor and extension of walking trails into the corridor will move through these areas. Throughout the two Precincts, artworks are suggested to provide points of interest to also provide interpretation of the landscape.

# 4.0 LANDSCAPE VALUES AND STRATEGIES

### 4.0 RECREATION AND CIRCULATION
**Objectives**

- To strengthen the perception of the Parklands as an integrated resource providing a diverse range of passive and active recreational opportunities for both the immediate and wider community.
- To ensure that the Parklands provide scenic and green corridors linked to their urban context by a highly accessible network of local and district pathways.

**Key Strategies**

- Progressively upgrade all sports precincts and passive recreation facilities to provide and integrate support facilities, improve aesthetics and identity and create physical and visual linkages to creeks and surrounding areas.
- Ensure all sports facilities and future land developments close to the creeks address the creeks through both physical and visual linkages.
- Improve transport links, paths and cycleways within and around the Parklands and major reserves.
- Improve public amenity and encourage active and passive use of the parks without health impacts.

### 4.1 ENVIRONMENT, CONSERVATION AND LANDSCAPE CHARACTER
**Objectives**

- To enhance, rehabilitate and maintain the biodiversity and natural systems of the Parklands, focused on the creeks as healthy and dynamic natural filters for the catchment.

**Key Strategies**

- Implement a range of actions in line with best practice and Stormwater Management Plans to improve water quality in Ropes and South Creeks.
- Continue bush regeneration and revegetation activities that are occurring along the creeks and their environs.
- Maintain the Parklands as a environmental and heritage education resource for school groups and the community.

### 4.2 HERITAGE INTERPRETATION AND EDUCATION
**Objectives**

- To conserve, care for and manage the cultural assets of the Parklands and promote them as an educational, interpretive and tourism resource.

**Key Strategies**

- Promote both Aboriginal and Non Aboriginal cultural heritage of the site.
- Establish a heritage and environment walking trail within the Parklands that link the numerous Aboriginal and European heritage sites in this locality, use signage to interpret their difference.
- Adapt and develop schools, tertiary and general community awareness and education programs for the locality using the corridors as a key resource.
- Develop a Parklands orientation and interpretive strategy.

### 4.3 INFRASTRUCTURE, PLANNING AND MANAGEMENT
**Objectives**

- To promote strategic and integrated planning and management of the parklands that recognises their local and regional values.

**Key Strategies**

- Create an identity / sense of place to which the present or future local community can relate to and which can be developed as a marketing tool.

CLOUSTON Associates
65-69 Kent Street• Sydney NSW 2000
PO Box R1388 • Royal Exchange NSW 1225 • Australia
Telephone +61 2 8272 4999
Email • sydney@clouston.com.au

# Appendix C: Action Plan

In accordance with Section 36 of the LG Act, the Action Plan below provides performance objectives and targets for the following categories of community land at the Precinct:

- Sportsground (S)
- General Community Use (GCU)
- Natural Area (NA)
- Parks (P)

Objectives and targets are derived from the following statutory and strategic planning documents and from the outcomes of the community engagement:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2021*
- *Penrith Local Environmental Plan 2010*
- *Penrith Local Strategic Planning Statement*
- *Penrith Draft Community Strategic Plan*
- *Penrith Sport and Recreation Strategy*

**Community engagement outcomes:**
The draft POM was placed on public exhibition from 25/06/2024 to 22/07/2024. Submissions were accepted, online and via email, until 5/8/2024 to satisfy the minimum statutory requirements. Council considered all submissions before finalising this POM.

A communications plan was developed and implemented to ensure community and stakeholders were informed of the public exhibition period and opportunities to make submissions. Multiple communication channels were utilised including:

- 1,330 letters sent to residents living within proximity to Gipps Street Recreation Precinct

- Online via Council's website and Your Say Penrith platform
- Media release
- Corporate news briefs in The Western Weekender – Penrith's weekly local newspaper
- Social media channels

The draft POM was made available to view online via Council's Your Say Penrith platform, and in-person with hard copies made available at the Penrith Civic Centre.

Council received two written submissions from the NSW State Emergency Service (SES). The two submissions were predominately regarding the flood risk of low lying area adjacent to South Creek and feedback regarding design detail as illustrated in the landscape Master Plan. The feedback noted that the site may be utilised for airbase operations during flood or bushfire operations.

**Action plan:**
The corresponding Master Plan item numbers as shown on the Master Plan (**Appendix B**) are provided in the last column of the table.

**Action Plan**

| Category of land | Objectives and performance targets (Section 36(3)(b) of the LG Act) | How to achieve objectives and performance targets (Section 36(3)(c) of the LG Act) | Performance measures (Section 36(3)(d) of the LG Act) | Master Plan item |
|---|---|---|---|---|
| S | **Sportsground core objectives (LG Act - Section 36F):**<br>• encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games.<br>• ensure that such activities are managed having regard to any adverse impact on nearby residences. | As shown on the Master Plan (**Appendix B**), a range of sporting facilities are proposed, which will encourage informal and formal sporting activities and games for both organised sports clubs and for use by the general community.<br><br>The following is required to ensure consistency with the Sportsground core objectives:<br><br>• promote the Precinct's recreation and sporting facilities on Council's website | • high levels of satisfaction from organisers and participants of sporting facilities as reported by Council surveys.<br>• user surveys conducted at regular intervals with year-to-year comparison and analysis of results. Surveys conducted on weekends, during the week, different times during the day and during events.<br>• low level of objections/complaints from local residents and regular users of the Precinct. | 01 |

**Action Plan**

| Category of land | Objectives and performance targets (Section 36(3)(b) of the LG Act) | How to achieve objectives and performance targets (Section 36(3)(c) of the LG Act) | Performance measures (Section 36(3)(d) of the LG Act) | Master Plan item |
|---|---|---|---|---|
| | | and media.<br>• promote the sports field for bookings by sports teams.<br>• ensure provision of supporting amenities such as toilets, parking, picnic facilities, shade, and open space/landscaped areas to allow everyone to stay as long as they choose.<br>• provide accessible pathways, signage, and wayfinding to allow people to move around.<br>• ensure infrastructure maintenance and any future provision is adequate to support events.<br>• ensure that activities are managed having regard to any adverse impact on nearby residences.<br>• ensure the terms of any leases/licenses include requirements to manage potential adverse impacts, such as noise, to nearby residences. | | |
| GCU | **General Community Use core objectives (LG Act - Section 36I):**<br>• promote, encourage and provide for the use of the land, and provide facilities on the land, to meet the current and future needs of the local community and of the wider | This POM includes the categorisation of the multi-purpose amenities building as General Community Use, which provides the opportunity for shared uses such as changing rooms, a central social space and multi-purpose areas.<br><br>The following is required to ensure that the building is consistent with the General | • high levels of satisfaction from organisers and users as reported by Council surveys.<br>• successful construction/completion of the amenities building.<br>• the amenities building remains in good working order, is clean, free from graffiti and well maintained.<br>• use of the amenities building by the general community. | 02 |

**Action Plan**

| Category of land | Objectives and performance targets (Section 36(3)(b) of the LG Act) | How to achieve objectives and performance targets (Section 36(3)(c) of the LG Act) | Performance measures (Section 36(3)(d) of the LG Act) | Master Plan item |
|---|---|---|---|---|
| | public:<br>○ In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public.<br>○ In relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities). | Community Use core objectives:<br><br>• ensure the terms of any leases/licenses do not restrict the use of the building by the general community.<br>• ensure the allocation of budget for the proposed construction and ongoing operation and maintenance of the proposed amenities building. | | |
| NA | **Natural Area core objectives (LG Act - Section 36E):**<br><br>• conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area. | This POM includes the further categorisation of the area adjacent to the South Creek watercourse as Natural Area – Watercourse and the areas that contain remnant vegetation as Natural Area – Bushland, which will restrict the type of development that can occur in these areas.<br><br>The following is required to ensure that the building is consistent with the Natural Area | • undertake environmental assessment, management, and monitoring of the condition of the bushland and watercourse areas and the impact from use by users of the Precinct. | |

**Action Plan**

| Category of land | Objectives and performance targets (Section 36(3)(b) of the LG Act) | How to achieve objectives and performance targets (Section 36(3)(c) of the LG Act) | Performance measures (Section 36(3)(d) of the LG Act) | Master Plan item |
|---|---|---|---|---|
| | • maintain the land, or that feature or habitat, in its natural state and setting.<br>• provide for the restoration and regeneration of the land.<br>• provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion.<br>• assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994.* | core objectives:<br><br>• ensure the allocation of budget for any proposed restoration or regeneration works.<br>• ensure the terms of any leases and licences do not result in adverse terrestrial or aquatic biodiversity impacts. | | |
| P | **Park core objectives (LG Act - Section 36G):**<br><br>• encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.<br>• provide for passive recreational activities or | This POM includes the categorisation of a significant portion of the Precinct as Park.<br><br>Together with options for leasing and licensing of the Park land, this will encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities and provide greater opportunities for passive recreation and the playing of casual games. | • high levels of satisfaction from organisers and participants of sporting facilities as reported by Council surveys.<br>• low level of objections/complaints from local residents and regular users of the Precinct.<br>• user surveys conducted at regular intervals with year-to-year comparison and analysis of results. Surveys conducted on weekends, during the week, different times during the | 03-10 |

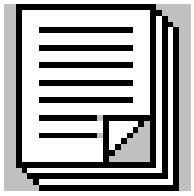
**Action Plan**

| Category of land | Objectives and performance targets (Section 36(3)(b) of the LG Act) | How to achieve objectives and performance targets (Section 36(3)(c) of the LG Act) | Performance measures (Section 36(3)(d) of the LG Act) | Master Plan item |
|---|---|---|---|---|
| | pastimes and for the casual playing of games.<br>• improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management. | The following is required to ensure that the building is consistent with the Park core objectives:<br>• update Council website page dedicated to the Precinct<br>• through Council website and other means promote the Precinct as a key location for:<br>  ○ community events (free).<br>  ○ community events (for hire).<br>  ○ social gatherings such as children's birthday parties (bookings required).<br>• ensure playspaces are easy to access, easy to move around in and provide a range of play types and challenges to suit all ages and abilities including some accessible elements.<br>• ensure provision of supporting amenities such as toilets, parking, picnic facilities, shade, and open space/landscaped areas to allow everyone to stay as long as they choose.<br>• provide accessible pathways, signage, and wayfinding to allow people to move around.<br>• ensure infrastructure maintenance and any future provision is adequate to support events. | day and during events. | |

**Action Plan**

| Category of land | Objectives and performance targets (Section 36(3)(b) of the LG Act) | How to achieve objectives and performance targets (Section 36(3)(c) of the LG Act) | Performance measures (Section 36(3)(d) of the LG Act) | Master Plan item |
|---|---|---|---|---|
| | | • ensure that activities are managed having regard to any adverse impact on nearby residences.<br>• retain open areas for unstructured and informal games.<br>• ensure the allocation of budget for the proposed Park works. | | |

# ATTACHMENT



Date of Meeting: 27 October 2025

Delivery Program: Strategic Direction 5

Service: Financial Services

Report Title: 2025-2026 Voted Works

# 2025-26 VOTED WORKS

## as at 27 October 2025

| Meeting Approved | Ref | Description of Allocation | Amount $ | Expenditure | Manager Responsible |
|---|---|---|---|---|---|
| **SOUTH WARD** | | | | | |
| | | **Amount Available for 2025-26** | | | |
| | | Funds brought forward from 2024-25 | 246,140 | | |
| | | 2025-26 Funds | 53,000 | | |
| | | **Total Vote for 2025-26** | **299,140** | | |
| | | **Amounts Allocated** | | | |
| 29-Apr-24 | 2 | Nighttime Live Performance Partnerships** | 5,000 | - | **CACP** |
| 12-Aug-24 | 13 | Acceptance of Grant Funding - Natural Disaster Relief Assistance* | 25,000 | - | **D&P** |
| 26-Aug-24 | 1 | Penrith Mayoral Challenge - Monfarville Reserve* | 15,000 | - | **D&P** |
| 26-May-25 | UB1 | Nepean Business Network Annual Event | 1,000 | 1,000 | **CACP** |
| 25-Aug-25 | NM3 | Vegetation Clearing - Communications Plan | 4,000 | 373 | **Communications** |
| 25-Aug-25 | UB3 | Nepean Evening View Club | 305 | 305 | **CACP** |
| 25-Aug-25 | UB2 | The Haven - Fridge Replacement | 433 | 433 | **CACP** |
| 25-Aug-25 | UB1 | Penrith Rotary Club - Annual Duck Race | 1,667 | 1,667 | **CACP** |
| | | | **52,404** | | |
| | | **TOTAL VOTE UNCOMMITTED FOR SOUTH WARD** | **246,736** | | |
| **NORTH WARD** | | | | | |
| | | **Amount Available for 2025-26** | | | |
| | | Funds brought forward from 2024-25 | 335,647 | | |
| | | 2025-26 Funds | 53,000 | | |
| | | **Total Vote for 2025-26** | **388,647** | | |
| | | **Amounts Allocated** | | | |
| 29-Apr-24 | 2 | Nighttime Live Performance Partnerships** | 5,000 | - | **CACP** |
| 12-Aug-24 | 13 | Acceptance of Grant Funding - Natural Disaster Relief Assistance* | 25,000 | - | **D&P** |
| 26-Aug-24 | 1 | Penrith Mayoral Challenge - Monfarville Reserve* | 15,000 | - | **D&P** |
| 28-Apr-25 | UB2 | Hoa Tek Chiem and Kim Heang Gau - Buzzy Bee's Burger House*** | 931 | 931 | **CACP** |
| 26-May-25 | UB1 | Nepean Business Network Annual Event | 1,000 | 1,000 | **CACP** |
| 25-Aug-25 | NM3 | Vegetation Clearing - Communications Plan | 4,000 | 373 | **Communications** |
| 25-Aug-25 | UB3 | Nepean Evening View Club | 305 | 305 | **CACP** |
| 25-Aug-25 | UB2 | The Haven - Fridge Replacement | 433 | 433 | **CACP** |
| 25-Aug-25 | UB1 | Penrith Rotary Club - Annual Duck Race | 1,667 | 1,667 | **CACP** |
| | | **Total Vote Committed** | **53,335** | | |
| | | **TOTAL VOTE UNCOMMITTED FOR NORTH WARD** | **335,312** | | |
| **EAST WARD** | | | | | |
| | | **Amount Available for 2025-26** | | | |
| | | Funds brought forward from 2024-25 | 245,095 | | |
| | | 2025-26 Funds | 53,000 | | |
| | | **Total Vote for 2025-26** | **298,095** | | |
| | | **Amounts Allocated** | | | |
| 29-Apr-24 | 2 | Nighttime Live Performance Partnerships** | 5,000 | - | **CACP** |
| 12-Aug-24 | 13 | Acceptance of Grant Funding - Natural Disaster Relief Assistance* | 25,000 | - | **D&P** |
| 26-Aug-24 | 1 | Penrith Mayoral Challenge - Monfarville Reserve* | 15,000 | - | **D&P** |
| 26-May-25 | UB1 | Nepean Business Network Annual Event | 1,000 | 1,000 | **CACP** |
| 30-Jun-25 | UB4 | Marquee and Trestle Tables - Team Colyton | 1,693 | 1,693 | **CACP** |
| 25-Aug-25 | NM3 | Vegetation Clearing - Communications Plan | 4,000 | 373 | **Communications** |
| 25-Aug-25 | UB3 | Nepean Evening View Club | 304 | 304 | **CACP** |
| 25-Aug-25 | UB2 | The Haven - Fridge Replacement | 433 | 433 | **CACP** |
| 25-Aug-25 | UB1 | Penrith Rotary Club - Annual Duck Race | 1,666 | 1,666 | **CACP** |
| | | **Total Vote Committed** | **54,096** | | |
| | | **TOTAL VOTE UNCOMMITTED FOR EAST WARD** | **243,999** | | |
| **SUMMARY** | | | | | |
| | | **Total Vote for 2025-26** | **985,882** | | |
| | | **Less Total Vote Committed** | **159,836** | | |
| | | **TOTAL VOTE UNCOMMITTED** | **826,046** | | |

* Adopted March 2025 Quarter Revote

** Annual allocation for four years

*** Adopted June 2025 Quarter Revote