

## BUSINESS PAPER



General Manager, Warwick Winn and His Worship the Mayor, Councillor Ross Fowler OAM with children from Council's Platypus Playground Children's Centre. Council's Work Health and Safety team implemented a Safety Campaign and the children were awarded for creating artworks representing how they are a 'Safety Champion'.

## Policy Review Committee Meeting 9 December 2019

4 December 2019

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and the Regulations thereunder, notice is hereby given that a **POLICY REVIEW COMMITTEE MEETING** of Penrith City Council is to be held in the Pasadena Room, Civic Centre, 601 High Street, Penrith on Monday 9 December 2019 at 7:00PM.

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

Yours faithfully

**Warwick Winn**  
General Manager

## **BUSINESS**

1. LEAVE OF ABSENCE
2. APOLOGIES
3. CONFIRMATION OF MINUTES  
*Policy Review Committee Meeting - 11 November 2019.*
4. DECLARATIONS OF INTEREST  
*Pecuniary Interest (The Act requires Councillors who declare a pecuniary interest in an item to leave the meeting during discussion of that item)*  
*Non-Pecuniary Conflict of Interest – Significant and Less than Significant (The Code of Conduct requires Councillors who declare a significant non-pecuniary conflict of interest in an item to leave the meeting during discussion of that item)*
5. ADDRESSING THE MEETING
6. MAYORAL MINUTES
7. NOTICES OF MOTION TO RESCIND A RESOLUTION
8. NOTICES OF MOTION
9. DELIVERY PROGRAM REPORTS
10. REQUESTS FOR REPORTS AND MEMORANDUMS
11. URGENT BUSINESS
12. CONFIDENTIAL BUSINESS



**POLICY REVIEW COMMITTEE MEETING**

**MONDAY 9 DECEMBER 2019**

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**MEETING CALENDAR**

**CONFIRMATION OF MINUTES**

**DELIVERY PROGRAM REPORTS**

## 2019 MEETING CALENDAR

January 2019 - December 2019

(Adopted by Council - 26 November 2018, Amended 1 May, 28 May and 27 June 2019)

	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
<b>Ordinary Council Meeting</b>	<b>7.00pm</b>		25@	25	29❖	27#	24*	22	26@	23^✓	28∞	25#+	16
<b>Policy Review Committee</b>	<b>7.00pm</b>		11	11	8				12	9	21	11	9

- ❖ Meeting at which the draft corporate planning documents (Delivery Program and Operational Plan) are endorsed for exhibition
- \* Meeting at which the draft corporate planning documents (Delivery Program and Operational Plan) are adopted
- # Meetings at which the Operational Plan quarterly reviews (March and September) are presented
- @ Meetings at which the Delivery Program progress reports (including the Operational Plan quarterly reviews for December and June) are presented
- ^ Election of Mayor/Deputy Mayor
- ✓ Meeting at which the 2018-2019 Annual Statements are presented
- ∞ Meeting at which any comments on the 2018-2019 Annual Statements are adopted
- + Meeting at which the Annual Report is presented
- > Briefing to consider Budget, draft fees & charges and corporate documents
  - Extraordinary Meetings are held as required;
  - Members of the public are invited to observe meetings of the Council (Ordinary and Policy Review Committee). Should you wish to address Council, please contact Governance Coordinator, Adam Beggs on 4732 7597.

**UNCONFIRMED MINUTES  
OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY COUNCIL HELD  
IN THE PASSADENA ROOM, PENRITH  
ON MONDAY 11 NOVEMBER 2019 AT 7:00PM**

**PRESENT**

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Karen McKeown OAM, and Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Brian Cartwright, Robin Cook, Marcus Cornish, Greg Davies, Mark Davies, Aaron Duke, Tricia Hitchen, Kath Presdee and John Thain.

**LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor Kevin Crameri OAM for the 11 November 2019.

**APOLOGIES**

There were no apologies.

**CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 21 October 2019**

PRC35 RESOLVED on the MOTION of Councillor Aaron Duke seconded Councillor Karen McKeown OAM that the minutes of the Policy Review Committee Meeting of 21 October 2019 be confirmed.

**DECLARATIONS OF INTEREST**

There were no declarations of interest.

**DELIVERY PROGRAM REPORTS**

**OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES**

**1 St Marys Night Time Economy Audit and Study**

Councillor Aaron Duke left the meeting, the time being 7:26pm.

Councillor Aaron Duke returned to the meeting, the time being 7:27pm.

PRC36 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Mark Davies

That:

1. The information contained in the report on St Marys Night Time Economy Audit and Study be received
2. Council endorse the St Marys Night Time Economy Study and Audit.

**2 Draft Special Places Usage Policy (Penrith City Centre and St Marys Town Centre)**

Councillor Mark Davies left the meeting, the time being 7:29pm.

PRC37 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Brian Cartwright

That:

1. The information contained in the report on Draft Special Places Usage Policy (Penrith City Centre and St Marys Town Centre) be received
2. Council endorse the Draft Special Places Usage Policy (Attachment 1).

Councillor Karen McKeown OAM left the meeting, the time being 7:31pm.

#### **OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT**

##### **3 Regional Illegal Dumping Squad (RID) - EPA Project Agreement**

Councillor Karen McKeown OAM returned to the meeting, the time being 7:32pm.

Councillor Mark Davies returned to the meeting, the time being 7:33pm.

PRC38 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Brian Cartwright that the information contained in the report on Regional Illegal Dumping Squad (RID) - EPA Project Agreement be received.

#### **OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL**

##### **4 Draft Fraud and Corruption Prevention Policy**

PRC39 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee

That:

1. The information contained in the report on Draft Fraud and Corruption Prevention Policy be received
2. Council adopt the Fraud and Corruption Prevention Policy as attached to the report.

There being no further business the Chairperson declared the meeting closed the time being 8:04pm.

## DELIVERY PROGRAM REPORTS

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<b>OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH</b>		
1	<a href="#"><u>Planning Proposal to reclassify land on Reynolds Road and The Driftway, Londonderry</u></a>	1
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4	<a href="#"><u>Penrith Whitewater Annual Report 2018-2019</u></a>	43





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## **OUTCOME 1 - WE CAN WORK CLOSE TO HOME**

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

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**OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH**

**Item**

**Page**

1 [Planning Proposal to reclassify land on Reynolds Road and The Driftway, Londonderry](#)

1





## 1 Planning Proposal to reclassify land on Reynolds Road and The Driftway, Londonderry

Compiled by: Breannan Dent, Planner

Authorised by: Natasha Borgia, City Planning Manager

<b>Outcome</b>	<i>We plan for our future growth</i>
<b>Strategy</b>	<i>Facilitate development in the City that considers the current and future needs of our community</i>
<b>Service Activity</b>	<i>Plan for and facilitate development in the City</i>

### Executive Summary

Council is in receipt of a Planning Proposal to amend the Penrith Local Environmental Plan (PLEP) 2010 to reclassify seven (7) lots of land owned by Hawkesbury City Council (HCC) located on the corner of The Driftway and Reynolds Road in Londonderry from “Community” to “Operational”.

Hawkesbury City Council (HCC) is seeking the reclassification to enable the sites to become self-sustaining by leasing them for purposes which suit their function as a buffer to the Hawkesbury City Council Waste Management Facility. The reclassification will also allow consideration of future sale or residential leasing of the sites. HCC have indicated that this will take place when the waste facility ceases to operate as a landfill site.

This is not permitted under the existing “Community” classification, as the *Local Government Act 1993* sets limitations on the lease of Community Land.

No other zones or planning controls are proposed to be amended. The Planning Proposal is aligned with local and regional plans and strategies.

Under the requirements of Section 2.19 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), this Planning Proposal was referred to the Local Planning Panel for advice. The Local Planning Panel (LPP) generally supported the Planning Proposal. The LPP’s advice has been considered in the assessment of the Planning Proposal.

This process requires a Gateway Determination, the preparation and public exhibition of a Planning Proposal and an independently chaired public hearing. This report seeks Council’s endorsement to forward the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) seeking a Gateway Determination to enable the Planning Proposal to proceed through the Gateway process. The Gateway will set conditions for public authority referrals, public exhibition and an independently chaired public hearing.

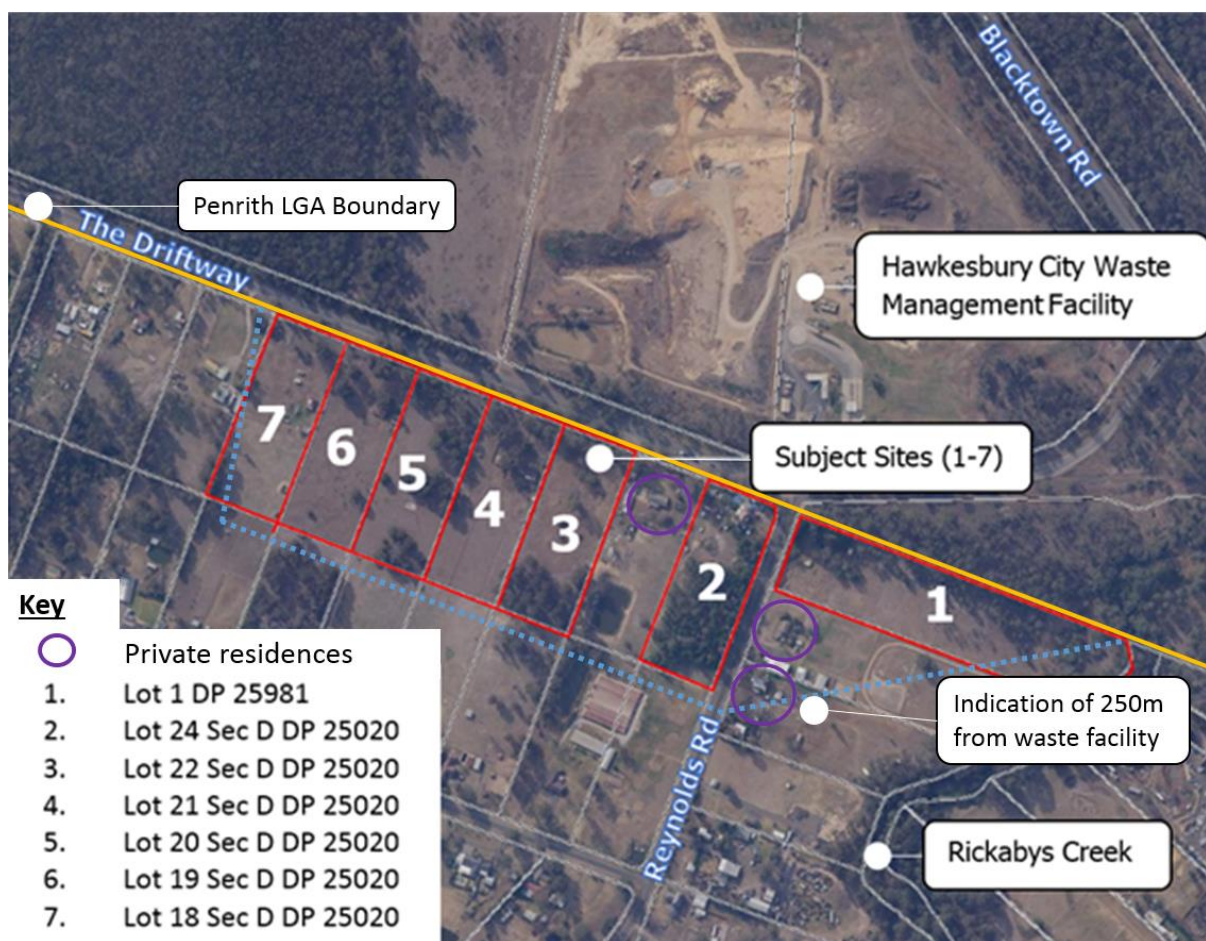
### Site Description

The Planning Proposal relates to the HCC owned properties identified in Table 1 and Figure 1 and referred to as “subject sites”:

Site	Legal Description	Street Address	PLEP 2010 Zoning
1	Lot 1 DP 25981	2-6 Reynolds Road, Londonderry	RU4 Primary Production Small Lots And E2 Environmental

			Conservation
2	Lot 24 Sec D DP 25020	2-8 The Driftway, Londonderry	RU4 Primary Production Small Lots
3	Lot 22 Sec D DP 25020	18-24 The Driftway, Londonderry	RU4 Primary Production Small Lots
4	Lot 21 Sec D DP 25020	26-32 The Driftway, Londonderry	RU4 Primary Production Small Lots
5	Lot 20 Sec D DP 25020	34-40 The Driftway, Londonderry	RU4 Primary Production Small Lots
6	Lot 19 Sec D DP 25020	42-48 The Driftway, Londonderry	RU4 Primary Production Small Lots
7	Lot 18 Sec D DP 25020	50-56 The Driftway, Londonderry	RU4 Primary Production Small Lots

**Table 1 – Subject sites and Zoning**



**Figure 1 – Aerial view of the Subject Sites**

Further information on the subject sites is provided as Attachment 1. The sites have a combined area of 12.71ha. The sites are classified by default as ‘Community’ land under the *Local Government Act 1993*, as HCC did not seek operational classification when the sites were purchased.

The sites have a 2 Hectare Minimum Lot Size control under PLEP 2010. The sites northern boundaries are on the edge of the Penrith Local Government Area. The Hawkesbury City Waste Management Facility is located on the Northern side of The Driftway in Hawkesbury Local Government Area.

The sites are bushfire prone and all except Site 2 are flood prone (identified by the *Penrith City Council Overland Flow Flood Overview Study 2006* and on the SES Hawkesbury-Nepean flood risk website). Site 1 is partly affected by an 'easement for transmission line' (W168632), this interest is not proposed to be discharged by the Planning Proposal.

### **Background**

The subject sites were purchased by HCC between 1997 and 2001 to form a 250m buffer between residential dwellings and HCC's Waste Management Facility to comply with the NSW Environment Protection Authority (EPA) "*Environmental Guidelines, Solid Waste Landfills, Second Edition*".

At the time of purchase, no action was taken by HCC to reclassify the subject sites as 'Operational' land' under the *Local Government Act 1993*, and therefore by default they are classified as 'Community' land.

The subject sites have previously been leased out by HCC, with some of the sites leased as dwellings, however all leases have now ended and there are no known leases or agreements applying to the subject sites at this time.

Conditions under the *Local Government Act 1993* and the *Local Government Regulations 2005*, prevent the sale and restrict leasing of 'Community' land. The conditions restrict the maximum lease term and require categorisation of the sites with concurrent uses and plans of management. These conditions have restricted HCC's ability to lease the subject sites for agricultural and residential purposes in a manner which would allow the sites to be self-sustaining.

The Waste Facility has a projected lifespan under its current operational model of 15-20 years, beyond which it is likely to transition into a waste transfer facility and may not require a buffer.

### **The Planning Proposal**

The Planning Proposal seeks to change the classification of the sites from "Community" to "Operational" in *Penrith Local Environmental Plan 2010*. Reclassification of this land under PLEP 2010 is required as the land is located in Penrith Local Government Area, though it is classified as "Community" because HCC own the site. The Planning Proposal is provided as a separate Enclosure to this report.

The intended outcome of the Planning Proposal is to enable HCC provide an opportunity to lease the land for uses permissible under PLEP 2010 whilst maintaining a buffer to the waste facility. This is the reason the sites were acquired by HCC. No trusts or interests in the land are proposed to be discharged by the Planning Proposal.

### **Reclassification Process**

Public land is managed under the *Local Government Act 1993*, based on its classification. All public land must be classified as either 'Community land or 'Operational' land.

- Community land – is land council makes available for use by the public, for example, parks, reserves or sports grounds.
- Operational land – is land which facilitates the functions of council, and may not be open to the public, for example, a works depot or council garage. Operational land may be sold or leased.

Land that is classified as Community land must not be sold, exchanged or otherwise disposed of by a council. Specific restrictions apply under the *Local Government Act 1993*



and the *Local Government Regulations* 2005 for the lease of Community land which restricts the duration and types of leases that are permissible. There is no special restriction on Council powers to manage, develop, dispose, or change the nature and use of Operational land. The reclassification of public land does not commit HCC to the sale or development of the land. HCC can still retain ownership and maintain the current use of the land.

Reclassification through an LEP (by the preparation of a planning proposal) is the mechanism with which Council can remove any public reserve status applying to land, as well as any interests affecting all or part of public land. It is critical that all trusts are identified upfront as part of any planning proposal. If public land is reclassified from Community to Operational, without relevant interests being identified and specified to be retained or discharged, then the land may need to be reclassified back to 'Community land'.

The effect of this process is that the land in question is no longer protected under the *Local Government Act* 1993 from potential future sale once it has been reclassified to operational. A reclassification proposal may not necessarily result in the immediate sale or disposal of the land.

An independently chaired public hearing is required to be held under the *Local Government Act* 1993 for reclassification of land. It is intended that this would take place after a Gateway Determination has been received.

### **Assessment**

Assessment of the Planning Proposal has identified that the sites can be used to provide a buffer for Penrith residents from the Hawkesbury City Waste Management Facility under EPA guidelines and the existing RU4 zone in PLEP 2010, until a buffer is no longer necessary. Future development or lease of the sites will deliver outcomes that are more consistent with the intentions of the zone than the outcomes of the current community classification.

Further considerations in the assessment of this Planning Proposal are summarised below:

#### Property information

The Planning Proposal must identify any reservations, trusts or interests applying to the subject sites, or risk being invalid. The title searches included in the Planning Proposal reveal that a Crown Grant applies to the land, with Reservations and Conditions. These reservations and conditions will not be extinguished by the Planning Proposal under *Local Government Act* 1993 s.30(1)(a). An electrical easement is also identified on Site 1 and the Planning Proposal identifies that this interest will not be discharged.

#### Local Planning Panel

Under the requirements of Section 2.19 of the *Environmental Planning and Assessment Act* 1979, this Planning Proposal was referred to the Local Planning Panel for advice on 22 May 2019. The panel were briefed on the Planning proposal by Council officers. The Local Planning Panel's advice is provided as Attachment 2.

The Local Planning Panel generally supported the Planning Proposal, provided that further information including property information, information on the impacts of the Waste Facility and alignment with local and regional plan was received from HCC. This information was provided by HCC and has been incorporated into the Planning Proposal.

The LPP also requested that the Planning Proposal not facilitate operation of the Waste Facility closer to residential neighbours. In response to this consideration, the Planning Proposal now identifies that if any changes to the use of the subject sites are planned,

additional approvals, development applications or a new or amended EPA License and LEMP may be required. These ensure that any future uses of the sites are appropriate to the local context and that plans consider existing and future planning and environmental controls.

#### Impacts of the operation of the Hawkesbury City Waste Management Facility

The proponent has indicated that the operation of the Hawkesbury City Waste Management Facility is not planned to impact on the subject sites being used as a buffer to residential dwellings as required by the EPA *Environmental Guidelines, Solid Waste Landfills, Second Edition*.

The Environmental Planning and Assessment Act 1979 sets out several project assessment processes, and the applicable process will depend on the scale of the project, the nature of the waste, and the location. The NSW Department of Planning and Environment and the relevant local council should be consulted for more information on the applicable assessment process in each case.

Regardless of the planning assessment process, the EPA *Environmental Guidelines, Solid Waste Landfills, Second Edition* forms the basis of the EPA's input at the planning stage of waste facility licencing and operation.

The Hawkesbury City Waste Management Facility *EPA License and Landfill Environmental Management Plan* (LEMP) provided in the Planning Proposal provides environmental management responses for the Waste Facility site. A new LEMP will be prepared within the next 2 years. HCC will also complete a new Waste Management Strategy that identifies potential future directions for the waste facility site, which may reduce its impact or reduce the need for a buffer.

At this time, no further studies identifying the impacts of the operation of the waste facility on the subject sites have been requested, as the planning proposal does not seek to change the permissible land uses for the sites and there are no relevant requirements under the existing planning controls. The proposed future uses of the sites are permissible under the existing and historical zoning that applies to these and other properties not owned by HCC within 250m of the waste facility. Further studies on odour, contamination, noise and dust may be requested from the proponent by the Gateway Determination.

#### Future uses of subject sites

HCC have indicated their intention for the future use of the land is to provide temporary leases for the sites until the landfill use of the waste facility ends, then sell or lease the properties for residential accommodation. Once the properties are reclassified, there is no legislation which would prevent the properties from being sold or leased for potential residential purposes or as an extension to the operations of the waste facility. Any future development would be subject to an approvals process, including a DA for residential development or and EPA license or LEMP amendment to existing approvals may also be required for any future proposed operational uses of the site to support the waste facility. This would ensure that future uses of the site are compatible.

Any future development would have regard to bush fire and flooding controls in PLEP 2010 in order to manage risks relating to flooding and bushfire affectation.

#### Alignment with local and regional plans

The Planning Proposal aligns HCC's Strategic objectives, as well as the following key plans:

- the Greater Sydney Region Plan,
- Western City District Plan,

- Penrith City Strategy (to be superseded by the Local Strategic Planning Statement on its adoption),
- Community Plan, and
- Other controls in PLEP 2010.

### **Next Steps**

Should Council endorse the Planning Proposal, it will be submitted to the DPIE with a request for a Gateway Determination. A copy of this report and meeting minutes will be attached to the Planning Proposal before it is submitted for a Gateway Determination. Upon receipt of a Gateway Determination, public exhibition and agency consultation will occur, followed by an independently chaired public hearing. A further report to Council will be provided advising of the outcomes of the public exhibition and public hearing.

### **Conclusion**

The intention to reclassify the subject sites is generally supported. Suitable conditions exist under existing state and local planning and environmental controls to ensure that all relevant considerations are addressed. The Planning Proposal will receive comment from the community and key stakeholders through the Gateway determination, public authority referrals, public exhibition and public hearing processes. If the proposed amendments are made, suitable controls will also be considered through any future development applications.

The Planning Proposal will not extinguish any trusts, reserves or interests in the subject land. It is recommended that Council sponsor the Planning Proposal and commence the Gateway process to reclassify the land from 'Community' to 'Operational'. A Gateway Determination will enable public exhibition and agency consultation of the Planning Proposal. It is also recommended that Council seek delegation through the Gateway Determination to make the Planning Proposal.

### **RECOMMENDATION**

That:

1. The information contained in the report on Planning Proposal to reclassify land on Reynolds Road and The Driftway, Londonderry be received.
2. Council endorse the Planning Proposal provided as a separate enclosure to this report, that seeks to reclassify seven sites owned by Hawkesbury City Council on Reynolds Road and The Driftway, Londonderry and submit it to the Department of Planning, Industry and Environment seeking a Gateway Determination.
3. The General Manger be granted delegation to update and finalise the Planning Proposal before submission to the Department of Planning, Industry and Environment for a Gateway Determination.
4. Consultation with the community and public agencies be undertaken in accordance with any Gateway Determination issued by the Department of Planning, Industry and Environment.
5. An independently chaired public hearing be held in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations.
6. A suitably qualified consultant be engaged to independently chair the public

hearing.

7. A report be presented to Council on submissions received during the public exhibition and the results of the public hearing.
8. Council seek delegation through the Gateway Determination to make the amendment to *Penrith Local Environmental Plan 2010* identified in the Planning Proposal.

**ATTACHMENTS/APPENDICES**

- |  |         |          |
|--|---------|----------|
| 1. Details of the Subject Sites              | 2 Pages | Appendix |
| 2. Local Planning Panel Advice - 22 May 2019 | 1 Page  | Appendix |

**Attachment 1**

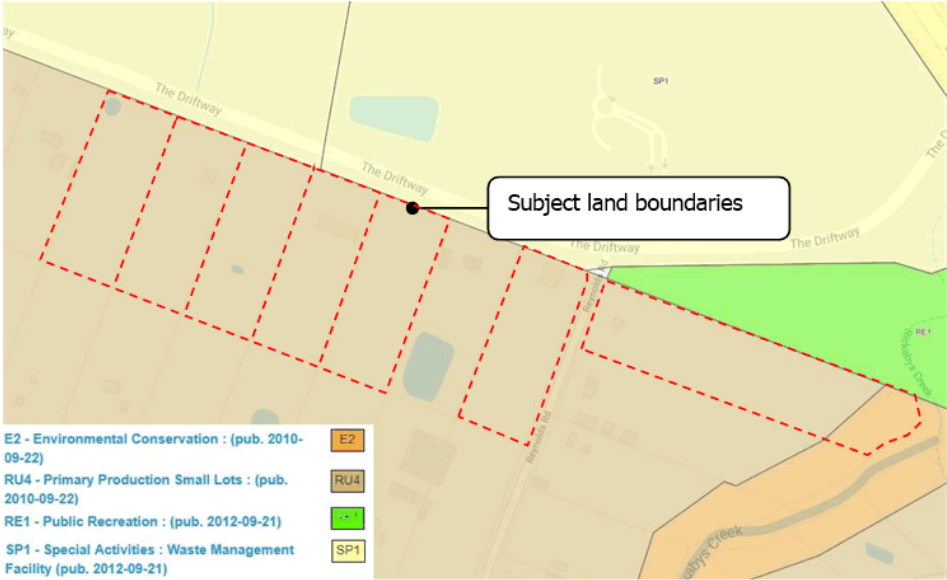
**Details of the Subject Sites**

Below is a table summarising details of the subject sites. The details identified in this table are supported by aerial and zoning maps provided as Figures 1 and 2.

**Table 2 – Subject Sites indicating respective site areas**

<b>Site</b>	<b>Legal Description</b>	<b>Street Address</b>	<b>Zoning</b>	<b>Area</b>	<b>Current Land Use</b>
1	Lot 1 DP 25981	2-6 Reynolds Road, Londonderry	RU4 Primary Production Small Lots  And E2 Environmental Conservation	2.986ha	Vacant land
2	Lot 24 Sec D DP 25020	2-8 The Driftway, Londonderry	RU4 Primary Production Small Lots	1.588ha	Vacant land
3	Lot 22 Sec D DP 25020	18-24 The Driftway, Londonderry	RU4 Primary Production Small Lots	1.618ha	Vacant land
4	Lot 21 Sec D DP 25020	26-32 The Driftway, Londonderry	RU4 Primary Production Small Lots	1.618ha	Residential Dwelling
5	Lot 20 Sec D DP 25020	34-40 The Driftway, Londonderry	RU4 Primary Production Small Lots	1.618ha	Vacant land
6	Lot 19 Sec D DP 25020	42-48 The Driftway, Londonderry	RU4 Primary Production Small Lots	1.618ha	Vacant land
7	Lot 18 Sec D DP 25020	50-56 The Driftway, Londonderry	RU4 Primary Production Small Lots	1.618ha	Residential Dwelling

Figure 2 – Current Zoning Map (extract from Planning Portal website)




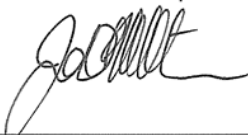


Penrith Local Planning Panel Advice

22 May 2019

**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, subject to further information referred to in this report being received from the proponent.
2. That appropriate mechanisms, if necessary, be considered to ensure the proposal does not facilitate operation of the waste facility closer to residential neighbours.

Jason Perica - Chair Person 	John Brunton - Expert 
Geoff Martin - Community Representative 	Chris Hallam - Expert 

### **OUTCOME 3 - WE CAN GET AROUND THE CITY**

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



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**OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES**

<b>Item</b>	<b>Page</b>
2 <a href="#">Managing Abandoned Shopping Trolleys - Draft Policy</a>	15





## 2 Managing Abandoned Shopping Trolleys - Draft Policy

**Compiled by:** Greg McCarthy , Environmental Health and Compliance Manager

**Authorised by:** Wayne Mitchell, Director - Development and Regulatory Services

**Requested By:** Councillor Bernard Bratusa

<b>Outcome</b>	<i>We have safe, vibrant places</i>
<b>Strategy</b>	<i>Make our public places safe and attractive</i>
<b>Service Activity</b>	<i>Help make our public spaces and community facilities safe and pleasant places to be</i>

### Executive Summary

Abandoned and/or unattended shopping trolleys may have an adverse effect upon community amenity and the environment. Trolleys when left unattended may become a hazard to both pedestrians and motorists or may find their way into our creeks, waterways and bushland environments.

A Managing Abandoned Shopping Trolleys Policy has been developed and has been prepared following consultation with Legal and Governance and Council staff. It is recommended the attached policy be adopted by Council.

### Background

Throughout the Penrith City Council Local Government Area, the abandonment and/or careless placement of shopping trolleys in public places has increased over the last few years. Abandoned shopping trolleys significantly reduce the amenity of Penrith City Council neighbourhoods. They create hazards and obstructions to pedestrians and motorists, cause visual pollution, public nuisance and may have environmental impacts.

In October 2019, Liverpool City Council led a coalition of councils including Penrith City Council, Fairfield Council and Cumberland Council in the region in a one-day trolley round-up to raise awareness of the issue and emphasise the need for new regulations with teeth to solve it.

Councils are limited in enforcing this issue, as they can only fine customers who are caught abandoning trolleys in public places, which is impractical and almost impossible to enforce.

Local Government NSW has recently called on the state government to introduce tougher laws to allow councils to impound trolleys and charge punitive fees to owners of abandoned trolleys. At the LGNSW conference in October 2019, councils reiterated previous conference decisions to push the state government to change the laws so shopping trolleys were recognised as property of individual supermarkets, and abandoned trolleys defined as litter.

In 2013, Queensland's Ipswich Council was able to introduce fines of up to \$5,500 for supermarkets with 20 or more trolleys that failed to install a wheel lock containment system that activated if their trolley left the shopping precinct.

## Current Situation

Penrith City Council has never had a coordinated, retail level policy to manage abandoned and or unattended shopping trolleys. In the past, Rangers would rely heavily on the Trolley Tracker notification service to alert Woolworths Ltd retailers about located shopping trolleys. City Presentation field staff would directly call retrieval contractors for Coles St Mary's, Woolworths Penrith and Big W Penrith to arrange shopping trolley pickups. Whilst this methodology evolved over time, the management of shopping trolleys from smaller, less numerous retail outlets such as Kmart, Aldi, Office Works & Target were overlooked, and the overall combined efforts of Council resources not maximised.

## Enforcement and Cost Recovery

Councils Regulatory Services and City Presentation staff will utilise the relevant provisions under the Impounding Act 1993 ("the Act") to assist in the regulation of abandoned shopping trolleys.

Based upon best practise from other jurisdictions, this policy is designed to make retailers more proactive in searching for and retrieving abandoned/unattended shopping trolleys in public spaces. Before the policy was created, each retailer was consulted and asked to nominate a group or identity responsible for retrieving shopping trolleys within the Penrith LGA. Incorporating this information, the policy will operate in the following way:

- Ranger/City Presentation staff will locate the abandoned/unattended shopping trolley and if a Retailer is identified, they will be contacted and advised.
- The shopping trolley will be tagged with a unique identification number and the Retailer will be given 24 hours to remove shopping trolley or risk impoundment.
- Rangers will check on the shopping trolley after 24 hours and if the shopping trolley is not removed, it will be impounded.
- If the shopping trolley is impounded, the nominated owner will be informed by written notice and issued with a sundry debtor invoice for costs incurred during impounding and storage (as per Council fees and charges policy).
- The trolley can be returned to the retailer upon payment of fees and charges.
- If the trolley is not released within statutory period, Penrith City Council may dispose of the trolley in accordance with Impounding Act 1993 and pursue cost recovery with the retailer.

## Conclusion

The purpose of the draft Managing Abandoned Shopping Trolleys is to guide Council Officers responsible for dealing with abandoned or unattended shopping trolleys in public places in a manner that is accountable and transparent, consistent, and timely.

## RECOMMENDATION

That:

1. The information contained in the report on Managing Abandoned Shopping Trolleys - Draft Policy be received

2. Council adopt the attached draft Managing Abandoned Shopping Trolleys - Draft Policy

**ATTACHMENTS/APPENDICES**

1. Managing Abandoned Shopping Trolleys Policy 4 Pages Appendix
2. Abandoned Shopping Trolleys Procedure 13 Pages Appendix

**PENRITH**  
CITY COUNCIL

**POLICY DOCUMENT**

**POLICY NAME**

Managing Abandoned Shopping Trolleys Policy

**POLICY NUMBER**

[Click here to enter text.](#)

**DATE ADOPTED**

[Click here to enter a date.](#)

**COUNCIL MINUTE NUMBER**

[Click here to enter text.](#)

**ECM NUMBER**

[Click here to enter text.](#)

**POLICY TYPE**

Council

**REVIEW DATE**

December 2021

**RESPONSIBLE DEPARTMENT**

Environmental Health and Compliance

**RELATED DOCUMENTS**

[Compliance and Enforcement Policy](#)

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## 1. PURPOSE

This policy provides a guide to Penrith City Council staff to effectively address the ongoing amenity and safety issues related to shopping trolleys being continually abandoned or otherwise left unattended in public places and provides the community with an understanding of Council's role and expectations in relation to this matter

## 2. OBJECTIVE

To mitigate the safety risks associated with the abandonment and/or careless placement of shopping trolleys in public places and to preserve the visual amenity of the Penrith City Council Local Government Area.

## 3. INTRODUCTION

Unattended and or abandoned shopping trolleys may have an adverse effect upon community amenity and the environment. Trolleys when left unattended may become a hazard to both pedestrians and motorists or may find their way into our creeks, waterways and bushland environments.

Council's powers to impound trolleys are contained in the *Impounding Act 1993* (the Act).

## 4. SCOPE

### 4.1. In scope

Public places and places owned or under the control of public authorities within the Penrith Local Government Area.

### 4.2 Out of scope

Private property, strata unit blocks, commercial premises within the Penrith City Council Local Government Area.

## 5. DEFINITIONS

Abandoned means having been deserted or left.

Unattended means not noticed or dealt with.

Public Authority means a public or local authority constituted by or under an Act and includes:

- a) A government department
- b) A statutory body representing the Crown, a state owner corporation or a local Council
- c) A member of staff or other person who exercises functions on behalf of a public authority.

## **6. ENFORCEMENT AND IMPOUNDING**

Council may undertake reactive or proactive enforcement as per the Abandoned Shopping Trolleys – Operating Procedures in Attachment 1.

All reports of abandoned and/or unattended shopping trolleys will be assessed and actioned by Council's City Presentation and Ranger Service staff.

Where Council's staff identify a public safety concern, priority will be given to mitigate the safety concern, thereby allowing the subsequent follow up procedure to be implemented within a reasonable timeframe or impounding the shopping trolley if mitigation is not possible.

If the shopping trolley is impounded, the nominated owner will be informed by written notice and issued with a sundry debtor invoice for costs incurred during impounding and storage (as per Council fees and charges policy).

The trolley can be returned to the retailer upon payment of fees and charges.

If the trolley is not released within statutory period, Penrith City Council may dispose of the trolley in accordance with Impounding Act 1993 and pursue cost recovery with the retailer.

## **7. RESPONSIBILITIES**

Council staff delegations for taking action under this policy are included in Council's Delegation Register.

**PENRITH**  
CITY COUNCIL

<b>PROCEDURE NAME:</b>	<b>Abandoned Shopping Trolleys Procedure</b>
<b>DATE ADOPTED:</b>	
<b>ECM NUMBER:</b>	
<b>REVIEW DATE:</b>	<b>December 2021</b>
<b>RESPONSIBLE DEPARTMENT:</b>	<b>Environmental Health and Compliance</b>
<b>RELATED DOCUMENTS:</b>	<b>Managing Abandoned Shopping Trolleys Policy Compliance and Enforcement Policy</b>

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## 1. PURPOSE

This procedure is to guide Council Officers responsible for dealing with abandoned or unattended shopping trolleys in public places in a manner that is accountable and transparent, consistent and timely.

## 2. OBJECTIVE

Refer to the Managing Abandoned Shopping Trolleys Policy

## 3. SCOPE

Refer to the Managing Abandoned Shopping Trolleys Policy

## 4. INVESTIGATION - RANGER

The Investigating Ranger will attend the location and perform the following tasks:

- Apply trolley identification sticker (unique number).
- Contact retailer call centre by phone (record time/date and who spoken to) **ANNEXURE B**.
- Complete trolley identification docket book.
- Complete trolley identification excel spreadsheet (EH&C\Rangers).
- Complete trolley identification excel spreadsheet (referral from City Presentation).

## 5. NOTIFICATION – CITY PRESENTATION

If City Presentation Crews locate an unattended and or abandoned shopping trolley, they will perform the following tasks:

- Apply trolley identification sticker (unique number).
- Contact retailer call centre by phone (record time/date and who spoken to) **ANNEXURE C (1)**.
- Complete trolley identification docket book **ANNEXURE B**.
- Scan and email original trolley identification docket to Council Records (for allocation to Rangers)

## 6. IMPOUNDING

The Investigating Ranger is to return to the trolley location after 24 hours. If the trolley has not been removed, it is to be deemed abandoned and impounded. The Investigating Ranger will contact City Presentation – Bulk Litter crew and request the abandoned trolley be impounded as soon as possible.

Shopping Trolleys that have been observed in locations that present a safety risk to the public will be removed immediately or the location made safe by Council Officers.

The City Presentation – Bulk Litter crew will pick up the abandoned trolley and convey it to a Penrith City Council Pound. Once the abandoned trolley has been removed, the City Presentation – Bulk Litter crew will notify the Investigating Ranger by email. From this point forward, all records and associated documents will be uploaded against a unique ECM entry.

## 7. RECOVERY OF SHOPPING TROLLEYS FROM REMOTE LOCATIONS - SPECIALISED HANDLING

Trolleys that are abandoned or discarded in remote or inaccessible locations such as bush land escarpments, creeks, rivers, stormwater mitigation canals and other water bodies, may cause environmental harm and be deemed too hazardous for manual removal by the trolley owner or by the Investigating Ranger.

Where a risk assessment of the trolley's location is deemed unacceptable for safe manual handling/removal, the Investigating Ranger will make arrangements for the trolley's recovery through the Coordinator – City Presentation. This process will be deemed '**Specialised Handling**' recovery.

The Investigating Ranger will be present on the day of recovery to photograph the trolleys in situ and identify the trolley owner. Cost recovery for trolleys impounded by 'Special Handling' will be determined by the following rates:

1. Plant and equipment
2. Labour cost
3. Impound fee.

## 8. COST RECOVERY

Section 20 (3) of the Act provides that if the impounding authority knows or finds out the name and address of the owner, the authority must cause notice of the impounding to be given to the owner of an impounded item as soon as practicable after becoming aware of the name or address.

A notice under Section 20 must be in writing addressed to the person to be given the notice. In this case, the owner of the trolley is the organisation itself at its registered office. The written notice must clearly indicate that the item has been impounded and will be sold or otherwise disposed of. Investigating Rangers will:

- Prepare a written notice to the owner using the standardised template **ANNEXURE D**.
- Prepare a Sundry Debtor Notice Invoice to the owner (shopping trolley - fees and charges policy)
- Post the notice and sundry debtor invoice to the owner (registered/nominated address).
- Email a copy of the notice and sundry debtor invoice (nominated business email address).

## 9. TROLLEY RELEASE

Section 23 of the Act provides that an application may be made to an impounding authority for the release of an impounded item. The application may be made at any time before the item is sold or disposed of.

The impounding authority must release the item to the applicant if:

- (a) The authority is satisfied on reasonable grounds that the applicant is the owner of the item, is authorised to claim the item on the owner's behalf or is otherwise entitled to lawful possession of the item.
- (b) All fees and charges payable in respect of the impounding and holding of the item are paid to the impounding authority.
- (c) The authority is satisfied that all penalties imposed in connection with the event that gave rise to the impounding (including any collection or recovery costs) have been paid.

- (d) The applicant signs a receipt for the release of the item.

Payment of fees can be made by any of the methods stipulated on the Sundry Debtor Invoice prior to release/collection of the impounded trolley. Receipt of payment must be sighted by the Works Depot representative before releasing the trolley. The Works Depot representative will inform the Investigating Ranger by email if a trolley has been released. The Investigating Ranger will then update the excel trolley identification spreadsheet and relevant ECM entry.

#### 10. UNCOLLECTED TROLLEYS - DISPOSAL

Section 24 (1) of the Act provides that an impounding authority must cause an impounded item to be offered for sale if the item is not released. The sale is to be by public auction or public tender.

Section 24 (2) also provides the item may be disposed of otherwise than by sale if the impounding authority believes on reasonable grounds that the item has no monetary value or that the proceeds of sale would be unlikely to exceed the costs of sale.

If an impounded item offered for sale is not sold, the impounding authority may dispose of the item otherwise than by sale.

Section 27(1) of the Act provides that an impounding authority may recover the fees and charges payable in respect of the impounding, holding and disposing of the item as a debt from the person responsible for the impounded item.

Amounts recoverable under Section 27 can be recovered only if they have not already been paid or deducted from proceeds of sale. Such amount may be recovered from the owner or persons responsible as a debt in a court of competent jurisdiction.

In the event of a trolley is not collected by the owner within the required time period and is to be disposed of, the Investigating Ranger will:

- Update the excel trolley identification spreadsheet.
- Update the relevant ECM entry.
- Inform finance for consideration of debt recovery from the owner.

Trolleys not collected by the owner may be disposed by Council Works Depot in accordance with routine practise. If trolleys are disposed of in this fashion, the Investigating Ranger is to be informed and records updated accordingly.

#### 11. TROLLEYS CONSIDERED TO BE WASTE - DISPOSAL

Where shopping trolleys are found damaged beyond serviceable use, they may fall into the category of waste. Provisions are available under the *Protection of the Environment Operations Act 1997* (POEO) in situations where a dumped shopping trolley is, or is likely to cause an adverse effect on the environment, for the taking of clean-up action by a public authority (Council) without prior notification:

Section 92 (2) of the Act provides that if a public authority reasonably suspects that a pollution incident has occurred or is occurring, the public authority may take such clean-up action as it considers necessary and recover costs from the responsible party.

Section 105 allows the regulatory authority or public authority (Council) to recover any unpaid amounts specified in a compliance cost notice as a debt in a court of competent jurisdiction.

In determining recovery costs for the recovery of trolleys as waste, refer to the process for Special Handling recovery (section 5).

## **12. WORK HEALTH & SAFETY REQUIREMENTS**

In accordance with Council's WH&S Policy all officers will adhere to WH&S requirements.

In addition to the above, investigating officer is to observe the following:

- i) Park their vehicle in a safe location and in a manner that does not obstruct pedestrians and/or other motorists.
- ii) Activate vehicle hazard and roof warning lights so to be visible to both pedestrians and motorists.
- iii) If alone and in an isolated off-road location, contact base station or alternatively another officer and inform them of location and your movements.
- iv) Always consider the safety of officers a priority. In the event of an imminent hostile threat, the officer is to remove themselves/s from the situation and **MUST report** the incident to the Coordinator or Senior Ranger immediately thereafter and Police (if required).
- v) Utilise safe manual handling techniques when handling trolleys.
- vi) Wear a safety vest when working at roadside locations.

WH&S equipment to be used includes:

- Safety Vest.
- Gloves.
- Hat.
- Wet Weather Gear.
- Mobile Phone.
- First Aid Kit.

## **13. RESPONSIBILITY**

### **RANGER**

- to effectively participate in procedure training.
- to follow procedures outlined.
- to report any barriers or concerns relating to procedure implementation to the Coordinator without undue delay.
- to effectively participate in document review.

### **SUPERVISOR**

- to effectively train guide and monitor staff in procedure implementation.
- to effectively respond to reported concerns or barriers to procedure implementation.
- be an active advocate for procedure implementation.



- to effectively participate in procedure review.

**COORDINATOR**

- to effectively train, guide and monitor staff in procedure implementation.
- to effectively respond to reported concern or barriers to procedure implementation.
- effectively coordinate and participate in procedure review.
- ensure procedure requirements remain consistent with Council Policy and Organisational Objectives.

**MANAGER**

- to effectively respond to reported concern or barriers to policy implementation.
- be an active advocate for policy implementation.
- effectively coordinate and participate in any policy review to ensure requirements remain consistent with Council Policy and Organisational objectives.

**14. TRAINING AND COMPETENCE**

Council is committed to staff receiving training relevant to the tasks/activities undertaken in this policy. Training requirements will be reviewed annually and recorded. All training will be evaluated to ensure continuous improvement.

Competence of employees, including any contractors, labour hire employees or volunteers, will be assessed prior to being expected to carry out the tasks associated with this policy.

## ANNEXURE A

### LEGISLATIVE REQUIREMENTS

#### [Impounding Act 1993](#)

Council's powers to impound trolleys are derived from the Impounding Act 1993 (the Act). The Act provides that an impounding officer may impound an article deemed to be abandoned or left unattended and must;

#### IMPOUNDING AUTHORITY TO NOTIFY OWNER

- (a) An impounding authority must make all reasonable inquiries in an effort to find out the name and address of the owner of an impounded item and;

The inquiries and search must be made as soon as practicable after the item is delivered to the authority's pound or (in the case of an article that is impounded without being delivered to a pound) as soon as practicable after the article is impounded.

- (b) If the impounding authority knows or finds out the name and address of the owner, the authority must cause notice of the impounding to be given to the owner of an impounded item as soon as practicable after becoming aware of the name or address.

#### IMPOUNDED ITEM TO BE SOLD IF NOT CLAIMED

- (a) An impounding authority must cause an impounded item to be offered for sale if the item is not released before the deadline for release (subsection (5)). The sale is to be by public auction or public tender.
- (b) The item may be disposed of otherwise than by sale if the impounding authority believes on reasonable grounds that the item has no monetary value or that the proceeds of sale would be unlikely to exceed the costs of sale.

#### GENERAL RIGHT TO RECOVER IMPOUNDING FEES AND CHARGES AND DAMAGES

- (a) An impounding authority may recover the following amounts as a debt from the person responsible for an impounded item:
- the fees and charges payable in respect of the impounding, holding and disposing of the item.

<https://www.legislation.nsw.gov.au/#/view/act/1993/31>

**Note:** The [Local Government Act 1993](#) gives a council power to order the removal of an object or matter that is causing or likely to cause an obstruction

**ANNEXURE B**

**DEFINITIONS**

**Abandoned** means having been deserted or left.

**Unattended** means not notices or dealt with.

**Public authority** means a public or local authority constituted by or under an Act and includes:

- a) A government department
- b) A statutory body representing the Crown, a state owner corporation or a local Council
- c) A member of staff or other person who exercises functions on behalf of a public authority.

ANNEXURE C

# ABANDONED SHOPPING TROLLEY IDENTIFICATION

Time	Date
<input type="text"/>	<input type="text"/>
<b>Operator</b>	
Ranger	Depot
<input type="text"/>	<input type="text"/>
Location	
<input type="text"/>	
Suburb	Landmark
<input type="text"/>	<input type="text"/>
Serviceable	<input type="checkbox"/> Yes <input type="checkbox"/> No
Owner	
<input type="text"/>	
<b>Notified</b>	
Time	Date
<input type="text"/>	<input type="text"/>
<b>Scanned/Sent</b>	
Time	Date
<input type="text"/>	<input type="text"/>
Impounded	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>PENRITH</b> CITY COUNCIL	
<input type="text"/>	









## CONTACT US

Penrith City Council  
601 High Street  
PENRITH NSW 2750



PO Box 60  
PENRITH NSW 2751

**PHONE:** (02) 4732 7777  
**FAX:** (02) 4732 7958  
**EMAIL:** council@penrith.city  
**WEB:** penrith.city

**ANNEXURE C (1) - Shopping Trolley Contacts/Section 20 Notices**

<b>Bunnings</b>	<b>1300 554 777</b>
	Bunnings Operations Level 8, No.5 Rider Boulevard Rhodes, NSW, 2138 <a href="mailto:customerfeedback@bunnings.com.au">customerfeedback@bunnings.com.au</a>
<b>Officeworks</b>	<b>1300 633 423</b>
	National Facilities Manager 87 – 93 Main North Road Prospect, SA, 5082 <a href="mailto:mchamberlain@officeworks.com.au">mchamberlain@officeworks.com.au</a>
<b>Aldi</b>	<b>13 25 34</b>
	Aldi Stores Locked Bag 56 St Mary's, NSW, 2760 <a href="mailto:customerservice@aldi.com.au">customerservice@aldi.com.au</a>
<b>Target</b>	<b>1800 163 900</b>
	Target Pty Ltd 2 Kendall Street Williams Landing, VIC, 3027 <a href="mailto:customersupport@target.com.au">customersupport@target.com.au</a>
<b>Woolworths &amp; Big W</b>	<b>1800 641 497 (Trolley Tracker)</b>
	Services Specialist Trolleys Facilities Management Format Development Woolworths Food Group PO Box 8000 Baulkham Hills, NSW, 2153 <a href="mailto:lmcnish@woolworths.com.au">lmcnish@woolworths.com.au</a>
<b>Coles</b>	<b>1800 876 553 (UTC)</b>
	Coles Group Ltd Level 6, M1, 800 Toorak Road Hawthorn East, VIC, 3123 <a href="mailto:compliance.support@coles.com.au">compliance.support@coles.com.au</a>
<b>Kmart</b>	<b>1800 876 553 (UTC)</b>
	Kmart Nepean Village 144 Station Street Penrith, NSW, 2750 <a href="mailto:K1097LM01@kmart.com.au">K1097LM01@kmart.com.au</a>
<b>Trim's Fresh</b>	<b>0427 169 169 (Trolley Solutions Australia)</b>
	Trolley Solutions Australia 1 Mozart Place Cranebrook, NSW 2749 <a href="mailto:info@trimsfresh.com.au">info@trimsfresh.com.au</a>
<b>Local Contractors</b>	
<b>Contractor (Coles)</b>	0405 301 296 (St Marys only)
<b>Contractor (Woolworths)</b>	0421 034 078 (Penrith only)
<b>Contractor (Big W)</b>	0406 103 984

ANNEXURE C (2) Sundry Debtor/Registered Business Address

Bunnings	
	Wesfarmers Limited Level 14, Brookfield Place Tower 2 123 St Georges Terrace Perth, WA 6000 <a href="mailto:info@wesfarmers.com.au">info@wesfarmers.com.au</a>
Officeworks	
	Wesfarmers Limited Level 14, Brookfield Place Tower 2 123 St Georges Terrace Perth, WA 6000 <a href="mailto:info@wesfarmers.com.au">info@wesfarmers.com.au</a>
Aldi	
	Aldi Stores Locked Bag 56 St Mary's, NSW, 2760 <a href="mailto:customerservice@aldi.com.au">customerservice@aldi.com.au</a>
Target	
	Wesfarmers Limited Level 14, Brookfield Place Tower 2 123 St Georges Terrace Perth, WA 6000 <a href="mailto:info@wesfarmers.com.au">info@wesfarmers.com.au</a>
Woolworths & Big W	
	Woolworths Group Ltd PO Box 800 Baulkham Hills, NSW 2153 <a href="mailto:legalnotices@woolworths.com.au">legalnotices@woolworths.com.au</a>
Coles	
	Coles Group Ltd 800 Toorak Road Hawthorn East, VIC, 3123 <a href="mailto:compliance.support@coles.com.au">compliance.support@coles.com.au</a>
Kmart	
	Wesfarmers Limited Level 14, Brookfield Place Tower 2 123 St Georges Terrace Perth, WA 6000 <a href="mailto:info@wesfarmers.com.au">info@wesfarmers.com.au</a>
Trim's Fresh	
	Trolley Solutions Australia 1 Mozart Place Cranebrook, NSW 2749 <a href="mailto:info@trimsfresh.com.au">info@trimsfresh.com.au</a>

**ANNEXURE D SHOPPING TROLLEY NOTICE**

Our reference: Insert ECM

Contact: Insert Name

Telephone: 4732 Insert Ext

Insert date

Insert Name

Insert House & Street

Insert Suburb & Postcode

Dear Insert Name

**Impounded Shopping Trolley – NOTICE TO OWNER**

On Insert date Penrith City Council identified an apparent abandoned or unattended shopping trolley belonging to your organisation.

Council notified your call centre on Insert Date of the shopping trolley's location and requested it be removed within 48 hours or the shopping trolley could be impounded in accordance with Section 15 of the *Impounding Act 1993*.

By Insert Time on Insert date your shopping trolley had not been removed and as a result was impounded. In accordance with section 17 of the *Impounding Act 1993*, your shopping trolley will now be held at a council pound for a period of not less than 28 days. That period expires on the Insert date.

The fixed fee that is to be paid in respect of the impounding and holding your abandoned/unattended shopping trolley is \$103.00.

Attached is an invoice for costs incurred by Council for impounding and holding your shopping trolley. This invoice must be paid before the shopping trolley can be released. Methods of payment are detailed on this document.

Once payment is made, you will be directed to the relevant Council pound where Council will retrieve your shopping trolley upon proof of payment. Penrith City Council takes no responsibility for the condition of the shopping trolley upon release.

If the shopping trolley is not claimed before the expiry date and the appropriate impounding fees and charges not paid, Penrith City Council are entitled to sell or dispose of the shopping trolley.

If the fixed fee is not paid and the shopping trolley subsequently disposed of, Council may act to recover impounding fees and charges in line with our Cost Recovery Policy and Section 27 of the *Impounding Act 1993*.

If you require any further information about the process, don't hesitate to contact Council on (02) 4732 7777.

Yours faithfully

Insert Name

**Ranger**

**OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT**

**Item**

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3 [Local Government NSW Recycling Initiative](#)

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### 3 Local Government NSW Recycling Initiative

**Compiled by:** Carla Nelmes, Resource Recovery Education Officer

**Authorised by:** Tracy Chalk, Waste and Resource Recovery Manager

<b>Outcome</b>	<i>We care for our environment</i>
<b>Strategy</b>	<i>Support our community to use resources wisely</i>
<b>Service Activity</b>	<i>Help our community understand how they can increase resource recovery and reduce waste</i>

#### Executive Summary

Local Government NSW (LGNSW) is advocating State Government for a plan to “Save Our Recycling” making use of the Waste Levy Revenue (Section 88).

Councils across NSW have been developing recycling programs for many years and local communities have responded positively, resulting in increased resource recovery and reduction of waste to landfill. With restrictions placed on the quality of recyclable items accepted in overseas markets and growing pressure on local markets to process recyclable items, there is need to move to a circular economy. This report seeks Council’s endorsement to a number of recommendations provided in conjunction with NSW Government’s position.

#### Background

Penrith Council is considered a leader in resource recovery and waste management and residents across Penrith have been successfully sorting their waste for over a decade as part of our 3-bin Food and Garden Organic (FOGO) service. In July 2019, the 3-bin FOGO service was introduced to the rural areas of Penrith, which shows Council’s dedication to reducing organic material to landfill and also utilising our valuable resources back into our community. There are visible benefits of turning our FOGO waste into compost such as improving the quality of our soils, contributing to closed loop practice and the base of circular economy practice. Understanding what happens to the waste collected is a significant motivator to recycling.

Residents are becoming aware of the uncertainties surrounding recyclable items and whether they are actually being re-used, this ambiguity discourages recycling efforts in sorting waste; therefore, leading to more valuable resources in landfill. Whilst Penrith residents may have taken up sustainable waste messaging, this is not consistent across all local government areas. Councils need to educate all residents that waste should be viewed as a product not a problem.

#### Current Situation

LGNSW has released a paper “At the crossroads – The state of waste and recycling in NSW” which outlines steps to improve recycling in NSW. These three steps are: Educate, Innovate and Invest.

##### *Educate*

The paper proposes the funding of a large-scale, state-wide education campaign to support recycling, as there are genuine uncertainties as to what is considered a reusable resource.

Penrith City Council recognises that if contamination rates are reduced it becomes much easier to recover more waste for reuse.

The LGNSW is looking to establish large scale, state-wide, strategic and long-term campaigns with consistent education to work with all local councils, to play a key role in making this education campaign a success.

Alongside educating communities about best recycling practices, the public needs to understand how the products are reused, which is a huge contributor in encouraging better recycling practices.

#### *Innovate*

LGNSW believe state and federal governments should lead and use more recycled content through market creation and innovative regulation.

As identified in Penrith's Waste and Resource Recovery Strategy, waste needs to be viewed as a beneficial product that can be processed, recycled, reused or recovered, rather than a problem that needs to be disposed of. There are many opportunities to reuse recyclable items; for example, to reinvigorate the use of crushed glass in government construction projects, this will lead to new markets and jobs and from there investment will follow. Penrith City Council has already invested in crushed glass in road making and is supportive of circular economies.

Emphasis is on NSW's government leading on regulation; for example, state-wide guidelines need to encourage adequate space for bins or recycling systems for multi-unit complexes to assist residents to improve recycling and lower contamination.

#### *Invest*

The investment of the waste levy revenue in council-led regional waste and recycling strategies and funding to councils to deliver the identified priority infrastructure and projects in our cities and regions. The cost of creating a circular economy is exponential, infrastructure is necessary to develop new products and the reuse of waste in innovative and productive ways.

### **Conclusion**

To move from the perception that waste is a problem to waste is a product requires state-wide education with consistent messaging, working alongside local councils. New South Wales government has potential to be innovative and create markets to reuse products in construction. The Save Our Recycling paper proposes a substantial amount of investment for identified infrastructure and projects with local councils. The suggested changes could result in diverting valuable resources going to landfill and utilising recyclable products to their full potential.

Due to restrictions placed on the quality of recyclable items accepted in overseas markets, and the growing pressure on local markets to process recyclable items, it is suggested that Penrith City Council support the Save Our Recycling campaign and the need to progress to a Circular Economy through investment from the Waste Levy Revenue.

### **RECOMMENDATION**

That:

1. The information contained in the report on Local Government NSW Recycling

Initiative be received.

2. Council acknowledges the growing imperative to manage waste and recycling within NSW and calls for urgent action from the State Government to help build a circular economy in NSW.
3. Council endorses Local Government NSW's sector-wide 'Save Our Recycling' Campaign, and asks the State Government to reinvest the Waste Levy in:
  - a) Funding councils to collaboratively develop regional –scale plans for the future of waste and recycling in their regions
  - b) The delivery of the priority infrastructure and other local government projects needed to deliver regional-scale plans, particularly where a market failure has been identified
  - c) Support for the purchase of recycled content by all levels of government to help create new markets
  - d) Funding and delivery of a state-wide education campaign on the importance of recycling, including the right way to recycle, the purchase of products with recycled content and the importance of waste avoidance
4. Council continues to recognise initiatives and projects taken within the Penrith City local government area contributing to a circular economy, including; crushed glass in road making and compost made from reprocessed organic waste in parks and gardens.
5. Council writes to the local State Member Stuart Ayres MP, Minister for Energy and Environment the Hon Matthew Kean MP, Local Government Minister the Hon Shelley Hancock MP, NSW Treasurer the Hon Dominic Perrotter MP, Premier the Hon Gladys Berejiklian MP, Opposition Leader Jodi Mckay MP, Shadow Minister for Local Government Greg Warren MP to confirm their support for recycling and outline the urgent need to educate, innovate and invest in local waste and recycling services via the Waste Levy.
6. Council advises Local Government NSW President Linda Scott of the outcome of this report.

#### **ATTACHMENTS/APPENDICES**

There are no attachments for this report.

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**OUTCOME 6 - WE ARE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT**

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4 <a href="#">Penrith Whitewater Annual Report 2018-2019</a>	43





#### 4 Penrith Whitewater Annual Report 2018-2019

**Compiled by:** Jack Hodge, Venue Manager - Penrith Whitewater Stadium

**Authorised by:** Brian Steffen, Director - City Services

<b>Outcome</b>	<i>We are healthy and share strong community spirit</i>
<b>Strategy</b>	<i>Provide opportunities for our community to be healthy and active</i>
<b>Service Activity</b>	<i>Plan for the provision of and facilitate the delivery of community, sport and recreation facilities</i>

#### Executive Summary

Each year, following the Annual General Meeting of the Company, a report is presented to the Council on the year's activities of the Penrith Whitewater Stadium (PWS), including the financial performance.

The reports from both the Chairman and the Stadium Manager highlight the major activities of the Stadium over the last year. The venue has continued throughout the year to attract professional athletes, sporting championships and casual users, the participation rates in each activity are detailed in the report.

#### Annual Report

The Twenty First Annual General Meeting of the Company was held on 26<sup>th</sup> September 2019 for the period ended 30<sup>th</sup> June 2019.

The Chairman of the Board and Stadium Manager will be in attendance tonight to make a short presentation which will focus on:

- The Past year – highlights, financial position and issues arising; and
- The Year ahead.

Following are their reports that have been extracted from the Annual Report of Penrith Whitewater Stadium Limited (PWS).

#### Chairman's Report

It gives me much pleasure to present the Chairman's Report to the 21st Annual General Meeting of Penrith Whitewater Stadium Limited.

Patronage for whitewater rafting and canoeing based activities remains healthy, despite challenging economic conditions. Revenue for the year was \$1,063,442 which is 7% less than \$1,445,350 for 2018. The financial outcome for the year ended 30 June 2019 resulted in a deficit before other income, depreciation, amortisation and interest of \$55,930, a decrease of \$76,467 when compared to the deficit achieved in 2018 of \$132,397. During the year some \$10,512 was spent on capital improvements.

The Stadium continues to contribute to the overall Penrith economy and to the advancement of the sport of canoe slalom both locally and internationally. It is pleasing to note the continuing national and international success of paddlers based in Penrith, particularly Jessica Fox.



Penrith Whitewater Stadium continues to generate a great deal of publicity both nationally and internationally, adding to its reputation as one of the world's premier sporting facilities. The venue continues to successfully host local, national and international competitions and attract a significant number of international athletes who see the Stadium as their preferred off-season training venue.

I would like to take this opportunity to thank Venue Manager, Jack Hodge and his management team (Simonetta, Jeff, and Morgen) for leading the organization throughout the year. Penrith Whitewater staff continues to show great dedication and commitment to the business. The underlying enthusiasm and commitment of staff is fundamental to the venue's continuing success.

I would also like to thank my fellow Directors for their continuing commitment and input to the operations of Penrith Whitewater Stadium. 2018-19 saw the reappointment of Pat Sheehy and Cr Ross Fowler and the resignation of Cr Bernard Bratusa. I would like to wish Bernard all the very best for the future.

Finally, I would like to take the opportunity to congratulate the members of the Australian Canoe Slalom Team and coaches on their results throughout the year.

### **Stadium Manager's Report**

Overall participation in the activities offered by PWS decreased in 2018-19. Rafting decreased by 29%, Canoe/Kayak increased by 55% and Swiftwater Rescue courses decreased by 21%.

Whitewater rafting remains the most popular activity and the highest revenue earner for PWS. Rafting participation decreased from 6,651 to 5,426. Total revenue for rafting decreased by 16% from \$515,039 to \$430,739

Total PWS income decreased by 7% from \$1,144,509 in 2018-19 to \$1,062,513. Total expenses decreased by 12% from \$1,390,651 to \$1,230,915 resulting in a decrease in operating deficit of \$77,629 from -\$246,142 to -\$168,402.

PWS maintained its strong support for the sport of canoeing throughout the year. In 2018 - 19 PWS was the host of the Oceania Canoe Slalom, Australian Open International, the, NSW State and Southern Zone Canoe Slalom Championships, Oceania Canoe Polo, Australian Canoe Polo, Canoe Polo Summer Series Championships, Oceania and Australian Canoe Freestyle Championships. PWS facilitated over 630 hours of slalom training and competitions for Australian and International paddlers. This included 231 hours for the Australian team as part of the Canoe Slalom National Centre of Excellence (NCE) Agreement between PWS, the Australian Institute of Sport (AIS), the New South Wales Institute of Sport (NSWIS) and Paddle Australian. The value of PWS's contribution to the agreement was approximately \$108,000

PWS continued its support of various charitable and community organisations. This included hosting the annual Rotary Club Duck Race and the donation of 233 gift certificates to the value of \$21,902.

Thanks to all PWS staff for their assistance during the year. Thanks also to the PWS Board of Directors for their ongoing dedication and support. The successful operation of PWS relies upon the support of the general public and a network of companies and organisations. PWS would like to thank the general public, suppliers, venue stakeholders and neighbouring

organisations for their support and looks forward to working together more closely in the future to maximise the ongoing success of PWS and Penrith Lakes.

### Board of Directors

The Constitution of the Company provides, in part, that:

1. To provide continuity the members of the Board shall resign on a rotating basis. At the First Annual General Meeting, three (3) Directors (including one (1) Councillor) shall resign. At the Second Annual General Meeting, three (3) members shall resign (including one (1) Councillor). Thereafter, the members of the Board, except the Council Officer, shall resign after they have served on the Board for three (3) years after appointment or re-appointment to the Board.
2. All retiring Directors shall be eligible for re-appointment.

Council should note that the positions of Chairman, Deputy Chairman were declared vacant. Elections were held for the vacant positions at the twenty First Annual General Meeting.

Councillor Ross Fowler OAM was re-appointed to the position of Chairman, Helen Brownlee OAM was re-appointed to the position of Deputy Chair.

It was resolved that Penrith City Council be requested to endorse the appointment of Councillor Brian Cartwright as a Director, the reappointment of Geoffery Hunter as continuing Director of Penrith Whitewater Stadium Ltd and the resignation of Councillor Bernard Bratusa.

### Business Support Accountant

Penrith Whitewater Stadium Limited reported a net deficit for the 2018/19 Financial Year of \$158,765 in their Financial Statements. This is a decrease of \$1,057,079 from their reported 2017-18 surplus of \$898,314. However there was a one-off adjustment in the 2017-18 financial year due to writing off an internal loan from Council to the value of \$1,142,217, which was reported as an Other Revenue contribution and reduced their Financial Position Liabilities. The table below shows the impact of the Operating Profit with Other Revenue excluded, the Operating Profit is actually a \$244,970 deficit in 2017-18 to a \$159,284 deficit in 2018-19.

Penrith Whitewater Stadium Operating Income decreased by 7% from \$1,145,350 to \$1,063,442. Total Expenses also decreased by 12% from \$1,390,320 to \$1,222,726. Income from rafting remains the highest revenue earner, however decreased by \$84,300 (16%) from 2017-18.

	2019 \$	2018 \$	Variance \$	Variance %
Operating Revenue	1,063,442	1,145,350	-81,908	-7%
Other Revenue	519	1,143,284	-1,142,765	-100%
<b>Total Revenue</b>	<b>1,063,961</b>	<b>2,288,634</b>		
Expenses	1,222,726	1,390,320	-167,954	-12%
Reported Operating Profit/(Deficit)	(158,765)	898,314	-1,057,079	-118%
<b>Operating Profit (excluding Other Revenue)</b>	<b>(159,284)</b>	<b>(244,970)</b>	<b>85,686</b>	<b>35%</b>

**RECOMMENDATION**

That:

1. The information contained in the report on Penrith Whitewater Annual Report 2018-2019 be received
2. Council agree to underwrite the operation of the Penrith Whitewater Stadium Limited until the presentation to Council of the Penrith Whitewater Stadium Limited Annual Report for 2020-21.
3. Council note and support the appointment and re-appointment of the persons named in the report to the Board of Directors of Penrith Whitewater Stadium Ltd.

**ATTACHMENTS/APPENDICES**

There are no attachments for this report.

## **OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL**

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