



CGM PLANNING

Experienced land use planning specialists
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PENRITH CITY COUNCIL

Public Hearing Report:

Draft Regatta Park Precinct Plan of Management

Local Government Act 1993 Section 40A

Categorisation of Community Land

30 August 2022

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1. INTRODUCTION

1.1 Purpose of this report

This report provides a summary record of the independently chaired Public Hearing held by Penrith City Council via video conference on Tuesday 23 August 2022 between 5.00pm and 5.41pm.

The Public Hearing was held in compliance with Chapter 6, Division 2, Section 40A of the *Local Government Act 1993* (LG Act) and was conducted into the proposed categorisation of community land in Council's Draft Regatta Park Precinct Plan of Management.

1.2 Land covered by this report

The land covered by this report is the Regatta Park Precinct, Emu Plains. The precinct is the subject of Council's Draft Regatta Park Precinct Plan of Management (the draft PoM) and comprises the land in Figure 1.

Figure 1: Land covered by the Draft Regatta Park Precinct Plan of Management



Source: Draft Regatta Park Precinct Plan of Management (Figure 22)

The land in the draft PoM is predominantly Council-owned land, classified as community land under the LG Act.

The draft PoM also includes as part of the PoM, a total of four parcels of land owned by the NSW State Government. There are two Crown land reserves managed as community land by Council as Crown land manager. There is one parcel of land owned by Transport for NSW (RMS) and one parcel owned by the Transport Asset Holding Company both of which Council also manage as community land under the LG Act.

The Regatta Park Precinct community land must have a draft PoM prepared, publicly exhibited and adopted by Council prior to any changes to the nature and use of the land. The PoM defines permitted uses, and authorise and leases, licences and other estates, as well as setting management action plans with details to provide accountability in implementation and measuring success.

The public hearing is required for the Council-owned and the State Government land categorisation. The CLM Regulation 2018 however, was amended in June 2021 by Clause 70A, so that councils are now exempt from Public Hearings under Section 40A of the LG Act where the proposed or draft plan would alter or change the land categories first assigned for Crown reserves.

There are two private land holding within and /or adjacent to the community land. The draft PoM states that these land parcels are not part of the draft PoM as a planning document over the private land holdings.

1.3 Background

Penrith City Council prepared the draft PoM for the Regatta Park Precinct and placed the draft PoM on public exhibition for the mandatory minimum for draft PoM public exhibition of 28 days with submissions to the draft PoM being received for a further 14 days.

The draft PoM on public exhibition can be viewed online on Council's 'Your Say' webpage between 8 August 2022 to 5 September 2022. Submissions of the draft PoM for the Regatta Park Precinct will be accepted until 19th September 2022:

<https://yoursaypenrith.com.au/regatta-park>

2 PLANNING CONTEXT

2.1 Community land

Land owned or controlled by Council is defined in the *Local Government Act 1993* (LG Act) as 'public land', with exceptions such as roads.

All public land is to be classified as either 'community' or 'operational' land (LG Act Chapter 6, Part 2 Division 1).

Classification clearly identifies land which should be kept for use by the general public (community) and that land which need not be kept or may have relatively simple dealings (operational). Classification determines the ease or difficulty with which land may be alienated by sale, leasing or some other means.

Community land must not be sold except in limited circumstances referred to in the LG Act. Community land must not be leased or licensed, generally for up to 21 years, but potentially for 30 years with Minister's consent. Community land may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister's consent is obtained. No such restrictions apply to operational land.

Community land would ordinarily comprise land such as a public park, sportsgrounds, natural areas or community centres. Operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as a works depot or a council garage.

The use and management of community land is to be regulated by a plan of management. Until a plan of management is adopted, the nature and use of the land must not change.

Community land must therefore have community land categories assigned and must have community land plans of management adopted by Council.

2.2 Categories of community land

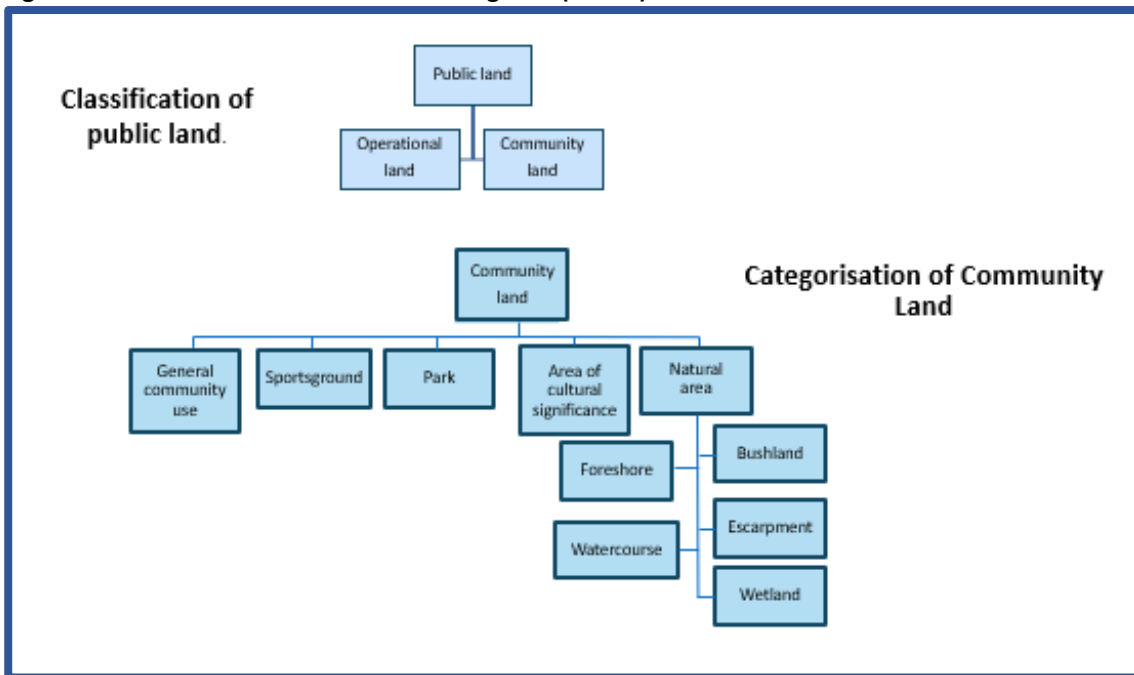
The assignment of the categories is guided by the *Local Government (General) Regulation 2021* (LG Regulation), which provides a description of land and use to guide appropriate assignment of categories to portions of the land.

Community land categories define the core objectives for use, management and development of community land. (LG Act Chapter 6 Part 2 Division 2).

See **Appendix B**: Core Objectives and Guidelines for Community Land Categories.

Figure 2: Classification and Categories shows the classification of public land, and categories of community land.

Figure 2: Public Land Classification and Categories (LG Act)



Source: Office of Local Government plan of management guidelines (2019)

2.3 Community land assignment of categories in the draft PoM

There are three categories assigned in the draft PoM: Park, General Community Use, and Natural Area Watercourse.

The draft PoM uses the same categories as an earlier 2016 plan of management for the precinct but the 2022 draft PoM has altered the size and location of some of the categories as well as assigning categories to land for the first time.

The draft PoM details the community land and proposed categorisation. Figure 3 shows the application of categories at the precinct. **Appendix D**: Public Hearing – Council Presentation details the changes or first application of the community land and categories applied to the land.

Figure 3: Categorisation of land in the Draft Regatta Park Precinct Plan of Management (a)



Source: Draft Regatta Park Precinct Plan of Management (Figure 20)

(a) Private residence is incorrectly coloured and will need to be rectified – see Table 2. Record, page 7.

2.4 Proposed categorisation in the draft PoM

The assignment of community land categories in the draft PoM has been undertaken in accordance with the Local Government (General) Regulation 2005, Part 4 Community Land, Division 1 Guidelines for the categorisation of community land, and is based on Council’s GIS Mapping system data.

The draft PoM either assigns a community land category to the land for the first time, or alters previously assigned categories, and so a public hearing is required under Section 40A of the LG Act.

The NSW Office of Local Government *Practice Note No.1 Public Land Management* states (Page 11):

Guidelines for council to assist in categorisation are provided in the Local Government (General) Regulation (cls.10 - 19). Council must have regard to the guidelines in determining a category (cl.9) but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that council be able to justify any decision.

2.5 Public hearing for categorisation of community land

The LG Act and the LG Reg both set parameters for the holding of Public Hearings. See **Appendix A** for pertinent legislation extracts. Council must hold a public hearing in respect of a proposed PoM if the proposed plan would have the effect of categorising, or altering the categorisation of, community land.

Council must hold a further public hearing in respect of the proposed plan of management if Council decides to amend the proposed plan after a public hearing and the amendment of the plan would have the effect of altering the categorisation of community land from the categorisation of that land in the proposed plan that was considered at the previous public hearing.

It should be noted that the public hearing is held because of a change, amendment, or first application of a community land category. The public hearing is in respect of a proposed plan of management where this categorisation activity is occurring or proposed to occur, not a review of the draft plan of management or a community consultation into a draft plan of management. The public exhibition of a draft plan of management is the forum for detailed community consultation into the content, effect and outcomes of a draft plan of management.

There is no LG Act legislated time period for a public hearing, except that any public hearing report must be considered by Council prior to making any decision with respect to the matter to which it relates. It is lawful to conduct a LG Act Section 40A public hearing during or after the period of public exhibition of a draft plan of management.

3 THE PUBLIC HEARING

3.1 Advertising and notification

Council advertised the Public Hearing through a variety of ways:

- Western Weekender Council information page advertisement - 12 August 2022;
- Council's Have Your Say Page; and
- registrants to the Hearing were supplied with a background letter and a prior delivery of the Hearing presentation.

Appendix C: Public Hearing Notifications shows the notification contents.

3.2 Attendance at the Public Hearing

The Public Hearing was convened and managed by:

- Carl Malmberg, Independent Chair – CGM Planning;
- Colette Goodwin, recording the proceedings - CGM Planning;
- Penrith City Council officers:
 - Alison Randal - Development Manager
 - Karen Luka - Program Manager
 - Chris Lawrence - Acting Program Manager
 - Carolyn Orde - Business Development Lead

There was one member of the public in attendance see Appendix E: Public Hearing Attendees.

3.3 The Public Hearing

The Public Hearing was conducted via teleconference between 5.00pm and 5.41pm on Tuesday 23 August 2022.

The Chair conducted the meeting providing an outline of the need for, and conduct of the public hearing, and Council's presentation was made. The meeting followed the agenda set out in **Table 1**.

Table1: Public Hearing Agenda

Agenda Item	Speaker
1. Public hearings for categorisation of community land	Independent Chair
2. Background	Penrith City Council
3. What is community land?	Penrith City Council
4. What are the categories of community land?	Penrith City Council
5. Proposed categorisation of Regatta Park Precinct	Penrith City Council
6. Questions	Attendee(s)
7. End of Meeting	Chair

Source: Public Hearing Presentation – Council

3.4 Public Hearing Record

Following the opening of the Hearing and an Acknowledgment of Country by the Chair, and introductions by Council officer: Ms Alison Randall, the Independent Chair confirmed that, as required under the *Local Government Act 1993* (the LG Act), neither he nor other CGM Planning Director, Ms Colette Goodwin, were employees of Council nor a Councillor, nor had either Director been a Penrith City Council employee or Councillor during the last five years.

The Chair explained that this Public Hearing was a requirement under Sections 40A and 47G of the LG Act as the draft plan of management was either assigning a community land category to community land for the first time or altering previously assigned categories.

The Chair also confirmed that the Public Hearing was into the assignment and use of community land categories to the land and that a record of the meeting would be taken and provided in the subsequent public hearing report.

The Chair stated the Public Hearing was essentially about one matter which was the use and nature of the category assigned to the community land in the draft PoM, and that the public exhibition of the draft PoM was the most appropriate forum of submissions about the content, nature and management planning in the draft PoM.

The Chair also stated that comments, suggestions and statements about the draft PoM would be recorded but were matters that should also be directed in written submissions to the public exhibition of the draft PoM.

Council presented the community land sites and explained the categorisations and the reasons for assignment - see **Appendix D**: Council presentation.

A record of the public hearing is provided in Table 2 listing discussion points for each site and Council responses or Chair statements.

Table 2: Record of Public Hearing Questions, Comments and Discussion

Statement, Comment or Question	Council answer or response	Chair
Regatta Park Plan of Management		
<p>Council’s presentation was acknowledged as being very helpful in pointing out what was occurring where.</p> <p>Clarification was sought as to the ownership of several blocks of land adjoining the private residence in the area.</p>	<p>These are Council owned land and believe they have been for some time.</p>	<p>The previous Plan of Management indicated that the Office of Strategic Land had holdings in the Regatta Park precinct. These may have had the ownership transferred to Council.</p>
<p>There is a lot of property around the private land. Land immediately adjacent to the access roads - formerly part of a battle axe block, has an enormous mess there.</p> <p>Concern was also raised about potential accidents such as running someone over when exiting their property.</p>	<p>Council is familiar with the requests regarding the surrounding land around the private property and will get back in contact with the private land owner. The adjacent land is part of the precinct and will be cleaned up and improved as part of the development as well as having had recent improvements to vegetation reduction and signage.</p>	
<p>The recently installed signage has made a difference in locating the property but children on bikes cannot or tend not to read signs.</p>	<p>Council will get the right person to come out and cut and clear the vegetation.</p>	
<p>It is very pleasing to know the land is definitely owned and managed by Council as things can now get done.</p>	<p>We recommend you visit the Council HYS website and read the draft PoM which will cover a lot of management uses and controls etc</p>	
<p>Is the only bit that is Natural Area the river bank?</p>	<p>Yes, the area categorised as Natural Area Watercourse has been reduced from 2016 extent in the 2022 draft PoM. A small bit of land previously natural area has been given back to General Community Use, generally up to the existing pathway.</p>	
<p>A parcel of private land is coloured by category map colour.</p>	<p>This is a high level overlay for presentation.</p> <p>The property descriptions in the PoM are clear about what is community land and what is not.</p> <p>The Chair was asked for an opinion.</p>	<p>It appears that there is a need to make an amendment that is not substantial to the diagram in the draft PoM for the purposes of accuracy. This is land that is not community land and cannot be mapped or coloured as a category. It may be possible to make a correction to the draft PoM with an addendum or notice for transparency.</p>

Statement, Comment or Question	Council answer or response	Chair
If you do what the Chair suggests it would be good if there was no documentation that represented the land as other than a private residence (i.e. remove the family name)	Requested the Chair make a note. Council will speak with the Chair after the meeting to get his advice about updating the image and rectifying the mapping error.	Yes, we note that. The private residence is incorrectly coloured. Council may need to think about what they will do during the exhibition period.
I will note the dates of public exhibition and submission.	CGM will provide a summary/Public Hearing report that will be made available. With submissions on the PoM until 19 September 2022. So PoM document only available until 5 September but submissions available until 19 September 2022.	Exhibition is for 28 days with another 14 days for submissions.

The Chair thanked Ms Randall for her presentation and the next steps were outlined by Council and the Chair.

The Chair stated the LG Act requirements that a report of the Public Hearing be provided to Council and that Council must make the report available for public inspection within four days of receipt.

The Chair sought confirmation from Council that any written submissions arising from an inspection of the Hearing report could be received by Council as submissions to exhibition of the draft PoM.

The meeting was closed at approximately 5.41 pm.

4 RECOMMENDATIONS

4.1 Recommendations

This report recommends Council:

1. notes that this Report contains an accurate record (non-verbatim) of the Public Hearing held 23 August 2022;
2. makes this Public Hearing Report available for public inspection as required under the LG Act S.47G;
3. notes that there was no disagreement to categorisation however a mapping error will need rectification;
4. considers the report before making any decision with respect to adoption of the draft PoM and formal assignment of the community land categories in the draft PoM as required under the LG Act S.734 Public hearings by a council; and
5. notes that further amendments to, or application of other community land categories in the draft PoM may require an additional Public Hearing under Section 40A of the LG Act.

APPENDIX A: EXTRACTS OF PERTINENT LEGISLATION

Red text is CGM Planning explanatory notes

What does the LG Act say about this Public Hearing?

The LG Act Section 40 sets out the conditions under which Council may adopt a PoM for community land. One of these conditions is that a PoM may not be adopted until any public hearing that may be required under Section 40A is held.

40A Public hearing in relation to proposed plans of management

- (1) The council must hold a public hearing in respect of a proposed plan of management (including a plan of management that amends another plan of management) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36(4)
[the five major categories set out in Section 36(4): Natural Area, Sportsground, Park, an Area of Cultural Significance, and General Community Use.]
- (2) However, a public hearing is not required if the proposed plan would merely have the effect of altering the categorisation of the land under section 36(5)
[the five natural area sub-categories set out in Section 36(5): Bushland, Wetland, Escarpment, Watercourse, and Foreshore].
- (3) A council must hold a further public hearing in respect of the proposed plan of management if—
 - (a) the council decides to amend the proposed plan after a public hearing has been held in accordance with this section, and
 - (b) the amendment of the plan would have the effect of altering the categorisation of community land under section 36(4) [the five major categories] from the categorisation of that land in the proposed plan that was considered at the previous public hearing.

A public hearing is required to be held in accordance with LG Act Section 47G.

47G Public hearings

- (2) The person presiding at a public hearing must not be—
 - (a) a councillor or employee of the council holding the public hearing, or
 - (b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.
- (3) Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.

Section 734 of the LG Act also applies to this public hearing.

734 Public hearings by a council

- (1) This section applies to a **public hearing** that by this Act (section 29(1) except [where reclassification of community land to operational land under EP&A Act]) is required to be arranged by a council with respect to any matter.
- (2) The **public hearing** is to be conducted in such manner as is determined by the council, subject to this Act and the regulations.
- (3) A report of the **public hearing** must be furnished to the council and the council must make the report public.
- (4) The council must consider the report before making any decision with respect to the matter to which it relates.

What does the LG (General) Reg say about this Public Hearing ?

The LG Reg makes reference to submissions in relation to categorisation in a draft PoM.

114 Adoption of draft plan of management in relation to which certain submissions have been made

- (1) This clause applies if—
 - (a) a council prepares a draft plan of management, and
 - (b) the council receives any submission, made in accordance with the Act, concerning that draft plan that makes any objection to a categorisation of land under the draft plan, and
 - (c) the council adopts the plan of management without amending the categorisation that gave rise to the objection.
- (2) If this clause applies, the resolution by which the council adopts the plan of management must state the council's reasons for categorising the relevant land in the manner that gave rise to the objection.

If Council decides to alter the proposed categorisation of community land from that in the Draft Plan of Management and that considered at the public hearing, Council must hold a further public hearing in respect of the proposed Plan of Management (Section 40A(3) of the *Local Government Act 1993*).

APPENDIX B: CORE OBJECTIVES AND GUIDELINES FOR COMMUNITY LAND CATEGORIES

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
Park	<p>The core objectives for management of community land categorised as a park are:</p> <ul style="list-style-type: none"> a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and b) to provide for passive recreational activities or pastimes and for the casual playing of games, and c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management. 	<p>The land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.</p>
Sportsground	<p>The core objectives for management of community land categorised as a sportsground are:</p> <ul style="list-style-type: none"> a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and b) to ensure that such activities are managed having regard to any adverse impact on nearby residences. 	<p>The land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.</p>
General Community Use	<p>The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <ul style="list-style-type: none"> a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and b) 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). 	<p>The land:</p> <ul style="list-style-type: none"> a) 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 b) is not required to be categorised as a natural area and does not satisfy the guidelines under categorisation as a natural area, a sportsground, a park or an area of cultural significance.
Cultural Significance	<p>The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or</p>	<p>Land should be categorised as an area of cultural significance under section 36(4) of the Act if the land is—</p> <ul style="list-style-type: none"> a) an area of Aboriginal significance, because the land—

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
	<p>research or social significance) for past, present or future generations by the active use of conservation methods. Those conservation methods may include any or all of the following methods—</p> <ol style="list-style-type: none"> a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance, b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material, c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state, d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact), e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land. 	<ul style="list-style-type: none"> • has been declared an Aboriginal place under section 84 of the National Parks and Wildlife Act 1974, or • whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or • is of significance or interest because of Aboriginal associations, or • displays physical evidence of Aboriginal occupation (for example, items or artifacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or • is associated with Aboriginal stories, or • contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or <ol style="list-style-type: none"> b) an area of aesthetic significance, by virtue of— <ul style="list-style-type: none"> • having strong visual or sensory appeal or cohesion, or • including a significant landmark, or • having creative or technical qualities, such as architectural excellence, or c) an area of archaeological significance, because the area contains— <ul style="list-style-type: none"> • evidence of past human activity (for example, below-ground features such as building foundations, occupation deposits, features or artifacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or • any other deposit, object or material that relates to the settlement of the land, or d) an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or e) an area of technical or research significance, because of the area’s contribution to an understanding of Australia’s cultural history or environment, or f) an area of social significance, because of the area’s association with Aboriginal life after 1788 or the area’s association with a contemporary community for social, spiritual or other reasons.
Natural Area	The core objectives for management of community land categorised as a natural area are:	<p>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:</p> <ul style="list-style-type: none"> • bushland,

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
	<p>a) to 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, and</p> <p>b) to maintain the land, or that feature or habitat, in its natural state and setting, and</p> <p>c) to provide for the restoration and regeneration of the land, and</p> <p>d) to 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</p> <p>e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i>.</p>	<ul style="list-style-type: none"> • wetland, • escarpment, • watercourse or • foreshore.
Bushland	<p>The core objectives for management of community land categorised as bushland are—</p> <p>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</p> <p>b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and</p> <p>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</p> <p>d) to restore degraded bushland, and</p> <p>e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and</p>	<p>Land that is categorised as a natural area should be further categorised as bushland under section 36(5) of the Act if the land contains primarily native vegetation and that vegetation—</p> <p>a) is the natural vegetation or a remainder of the natural vegetation of the land, or</p> <p>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.</p> <p>Such land includes—</p> <ul style="list-style-type: none"> • 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 • 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 • 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,

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
	<ul style="list-style-type: none"> 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. 	<p>where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.</p>
Wetland	<p>The core objectives for management of community land categorised as wetland are—</p> <ul style="list-style-type: none"> 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. 	<p>Land that is categorised as a natural area should be further categorised as wetland under section 36(5) of the Act if the land includes marshes, mangroves, backwaters, billabongs, swamps, sedgeland, 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.</p>
Watercourse	<p>The core objectives for management of community land categorised as a watercourse are—</p> <ul style="list-style-type: none"> 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. 	<p>Land that is categorised as a natural area should be further categorised as a watercourse under section 36(5) of the Act if the land includes—</p> <ul style="list-style-type: none"> 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.
Escarpment	<p>The core objectives for management of community land categorised as an escarpment are—</p> <ul style="list-style-type: none"> 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. 	<p>Land that is categorised as a natural area should be further categorised as an escarpment under section 36(5) of the Act if—</p> <ul style="list-style-type: none"> 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.

Category	Objectives (LG Act)	Guidelines for categorisation (LG Regulation)
Foreshore	<p>The core objectives for management of community land categorised as foreshore are—</p> <ul style="list-style-type: none"> 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. 	<p>Land that is categorised as a natural area should be further categorised as foreshore under section 36(5) of the Act if the land is situated on the water’s edge and forms a transition zone between the aquatic and terrestrial environment.</p>

APPENDIX C: PUBLIC HEARING NOTIFICATIONS

Summary

- Western Weekender Council information page advertisement - 12 August 2022;
- Council's Have Your Say Page; and
- registrants to the Hearing were supplied with a background letter and a prior delivery of the Hearing presentation.



NEWS

CONTACT US

ADMINISTRATION

Penrith Office
 Civic Centre, 501 High Street,
 St Marys Office
 505-520 Queen Street,
 200-210 Queen Street,
 Central Centre Office,
 570m-4pm, Mon-Fri,
 P: 4732 7777,
 F: 4732 7658

Write to: PO Box 60,
 Penrith NSW 2150.
 E: council@penrith.nsw.gov.au
 Council's services are
 accessible via the online
 portal at my.penrith.nsw.gov.au

SERVICES

Waste Services: 4732 7777
 Illegal Dumping
 Contact the EPA hotline
 on 131 550 or access the
 RG Social (Regional Illegal
 Dumping Social)
 Quarks Hotline
 Freecall 1800 222 182

MEETING DATE
 22 August - 7pm
 Online via penrith.nsw.gov.au
 (Ordinary Meeting)

penrith.nsw.gov.au
 visitpenrith.com.au



COUNCIL BRIEFS

- Construction will begin this month to upgrade the existing junior playground at Trinity Drive Reserve, Cambridge Gardens, and to build a new mixed recreation space. The new mixed recreation space will be located adjacent to Cambridge Gardens Public School. Both sites will be closed for the duration of this work. This project is being funded by Council and the NSW Government. It was identified through Council's Sport and Recreation Strategy, which is a 15-year road map for the future provision of sport, play, recreation and open space facilities across our City. Find out more at www.penrith.nsw.gov.au/trinityplay
- Council is delivering 32 sport, recreation, play and open space projects between 2022-2026 to ensure our community has access to a diverse range of high quality infrastructure and open space to enjoy. Work is underway to install spectator seating at the Jamison Park synthetic fields, improve seating infrastructure at Queen Street Reserve and Holidays Lake Sportsground, and upgrade amenities buildings at Chest Towns Reserve, Bill Dalrymple Oval and Cloug Reserve Field. These projects were identified through Council's Sport and Recreation Strategy, which is a 15-year road map for the future provision of sport, play, recreation and open space facilities across our City. To find out more visit www.penrith.nsw.gov.au/ripples
- Council's expanded range of online services options allow you to access and manage a wide range of Council services, including paying your rates, tracking a Development Application, and lodging an online application. Or use the Online Services Portal to easily make an enquiry, report concerns, or lodge a request for Council services such as waste collection and road maintenance. All services are tracked so you can keep informed of the progress and you will be notified when the request has been completed. Go to [my.penrith.nsw.gov.au](https://www.penrith.nsw.gov.au)

PUBLIC EXHIBITION

Orchard Hills North - Planning Proposal, draft Development Control Plan, draft Section 7.11 Contributions Plan and draft Voluntary Planning Agreement Letter of Offer

Council invites you to view and provide feedback on proposed changes to the planning controls applying to a 15.1 hectare area of land known as Orchard Hills North (the site), of the regatta park. The proposed changes are described in a Planning Proposal, draft Development Control Plan (draft DCP), draft Section 7.11 Development Contributions Plan (draft 7.11 Plan) and draft Voluntary Planning Agreement Letter of Offer (draft VPA Offer). The proponent for this project is Legacy Property.


The site is located at Caddens Road, Kingswood Road, Progress Road and Cope Road in Orchard Hills and consists of 64 individual lots and parcels. The Planning Proposal seeks to rezone the site under Penrith Local Environmental Plan 2012 (LEP 2012) from R-Ur Priority Production Small Lots to give R1 General Residential, 32 Local Centre.

PUBLIC NOTICES

Proposed Easement on Community Lands

151 Parker Street, South Penrith

Under Section 47 of the Local Government Act 1993 notice is hereby given that Penrith City Council intends to grant an easement located at 151 Parker Street, South Penrith as detailed below.



Applicant: Epsilon Distribution (Metropolitan) Holding Corporation TMS Endeavour Energy

Proposed Use: Easement for a padmount station

Terms: Indefinite


Description of Land: Lot 12 DP22281, 151 Parker Street, South Penrith

All affected parties are hereby invited to make submissions concerning the proposal. Submissions must be received in writing addressed to the General Manager, Penrith City Council to PO Box 60, Penrith NSW 2151 or landinfo@penrith.nsw.gov.au, within 28 days of the date of this notice.

For all enquiries, please contact Tara Strathmore, on 4732 7777 or Tara.Strathmore@penrith.nsw.gov.au

29 Harwood Circuit, Glenmore Park

Under Section 47 of the Local Government Act 1993 notice is hereby given that Penrith City Council intends to grant an easement located at 29 Harwood Circuit, Glenmore Park as detailed below.



Applicant: Jemma Gae Neveola (JGSA) Ltd

Proposed Use: Easement for a gas main

Terms: Indefinite

Description of Land: Lot 2 DP214036, 29 Harwood Circuit, Glenmore Park

All affected parties are hereby invited to make submissions concerning the proposal. Submissions must be received in writing addressed to the General Manager, Penrith City Council to PO Box 60, Penrith NSW 2151 or council@penrith.nsw.gov.au, within 28 days of the date of this notice.

For all enquiries, please contact Tara Strathmore, on 4732 7777 or Tara.Strathmore@penrith.nsw.gov.au

PENRITH CITY COUNCIL

Planning Agreement for 657-769 Marnie Road, Kemps Creek

Penrith City Council is publicly notifying a Voluntary Planning Agreement (VPA) between Council, Alan Peters JV Pty Ltd ATP APET Planning, Design and Site Services Company (Australia) Ltd. The connection with the proposed Marnie Road, Kemps Creek Development Applications 8181 and 8182.

The VPA secures the payment payable to Penrith City Council for provision of new cover to areas reserved for use and pedestrian access and provision of outdoor areas and rest areas.

A copy of the VPA and explanatory notes are available on the Council website at www.penrith.nsw.gov.au

The notification period is to Thursday, 1 September 2022. Please contact Glen Veske 4732 7415 or email glen.veske@penrith.nsw.gov.au

DEVELOPMENT CONSENT/S DETERMINED

Pursuant to Section 439 of the Environmental Planning and Assessment Act 1979, the schedule below lists development consents determined by Council.

Public Meeting - Proposed Categorisation of Community Land in Council's Draft Regatta Park Plan of Management

In accordance with Section 40A of the Local Government Act 1993, public notice is hereby given that an independently chaired public hearing will be conducted in the proposed Categorisation of Community Land in Council's Draft Regatta Park Plan of Management.

The Public Hearing will be held in compliance with Chapter 6, Division 2, Section 40A of the Local Government Act 1993 (LG Act). The Hearing will be independently chaired and hosted by Penrith City Council as an online meeting via Zoom, on Tuesday, 23 August 2022 from 5-6pm.

A report will be provided to Council for public inspection after the public hearing. The Public Hearing Report will be submitted together with the final draft of Plan of Management for Regatta Park, for Council consideration and adoption.

To view the draft Plan of Management for Regatta Park and to make submissions, visit www.penrith.nsw.gov.au/regatta-park

To attend the Public Hearing and register your attendance, visit our website.

PCC 'Have Your Say' Webpage – August 2022



Regatta Park Upgrade
 A \$24-million upgrade is set to transform Regatta Park at the Regatta River into the new focal point for culture, leisure and recreation.

Home - Regatta Park



Work is underway to transform North Regatta Park into a focal point for culture, leisure and recreation in Western Sydney.

The \$24 million project is being jointly funded by the Australian and New South Wales Governments and the Penrith City Council under the Western Sydney City Deal. A key objective of the project is to create a community space that will be a destination for people across the region.

The project will increase the appeal of the park through location by improving access, formalising recreation spaces and creating new opportunities for sports and leisure to experience and enjoy the view.

Stage one will focus on the midblock, from River Road to the river foreshore, and deliver:

- 100 canopy plantings
- an outdoor play space with water activities
- an event amphitheatre
- an accessible pathway to the river foreshore, and
- several outdoor seating platforms.

Stage two, on the western side of River Road, will deliver:

- an outdoor play space
- outdoor exercise facilities
- an accessible
- an accessible
- an accessible
- an accessible

An additional 400 trees are set to be planted throughout the project's business North's green grid, provide natural shade as well as create a shelter for both Penrith City Centre in the Regatta River.

Importantly, the design allows for future development including the adaptive reuse of the Old Public College. Council is working to restore the heritage building and bring it to life with a cafe and restaurant that offers magnificent views of the Regatta River.

Funding for the Regatta Park transformation includes \$8 million from Council and a total of \$16 million from the Australian and NSW Governments.

Find out more at www.penrith.nsw.gov.au

Latest News

31 August 2022 REGGATTA PARK
Minor Works Scheduled: 27-28 August 2022
 As part of the Regatta Park project, some minor works will be carried out between 27th/28th August, Saturday 27 and Sunday 28 August 2022.

31 August 2022 REGGATTA PARK
River Road Temporary Closure
 River Road will be temporarily closed between 8:00am to 5:00pm on Monday 1 August 2022 for the installation of a temporary bridge as part of the Regatta Park project.

15 July 2022 REGGATTA PARK
Western car park to close
 The car park on the western side of River Road is to be closed as construction commences throughout the project.

[View more news](#)

Project Timeline

- 1. Consultation open
- 2. Review of submissions
- 3. Archaeological investigation and assessment
- 4. EIS for public art
- 5. Final design delivered
- 6. Terms referred to Council
- 7. Stage one of upgrade commences August 2022

Draft Plan of Management for Regatta Park Precinct on Public Exhibition

The Draft Plan of Management for Regatta Park Precinct is on Public Exhibition until **5 September 2022**.

This Draft PoM is prepared by Penrith City Council as the next step in the development of the project, to provide direction and inform decisions as to the use and management of Council-owned Community Land and Council-managed Crown reserves, classified as 'Community Land,' in the Regatta Park precinct. The Draft PoM is a requirement of both the Local Government and Crown Land Management Acts.

Comments pertaining specifically to the use and management of the council-owned land and council-managed Crown reserves at Regatta Park Precinct can be submitted below, until **19 September 2022**.

Consultation and feedback for the final designs of Regatta Park Precinct concluded in February 2020 and will not form part of this Public Exhibition.

View The Draft Plan of Management for Regatta Park precinct by clicking the Related Document in the right hand side bar.



Join the conversation today

Create an account or sign in to share your thoughts and ideas.

Sign up

Login

Closed

Register for the Public Hearing

A Public Hearing will be held online via Zoom. To register your attendance please provide your contact details below:

Name Required

Email address Required

Telephone number

Submit

Artist Impressions



Stage one of upgrade complete

End 2022



Stage two of upgrade to commence

Early 2023



Regatta Park to open

Mid 2023

See less

Related Documents



Regatta Park Presentation Plan

PDF (2.87 MB)



Regatta Park Plan of Management

PDF (5.53 MB)

Contact Us

If you have questions or want to learn more about this project, please contact:

✉ Email regattapark@penrith.city

Related Projects



Registrant background letter and Hearing presentation (See Appendix D for presentation)



Our reference: 27072022_20220718 EPPCL Regatta Park PoM Public Exhibition
Communications Assets (1)
Contact: Regatta Park Project
Telephone: 4732 7777

■ August 2022

██████████
EMU PLAINS NSW 2750

Sent by email: ██████████

I
Dear ████████

Public Hearing of proposed Categorisation of Community Land in Council's Draft Regatta Park Precinct Plan of Management

Thank you for registering to attend the Public Hearing of proposed Categorisation of Community Land in Council's Draft Regatta Park Precinct Plan of Management. The Public Hearing will be independently chaired and hosted by Penrith City Council as an online meeting via Zoom, on **Tuesday 23 August 2022**.

The purpose of the Public Hearing is to discuss the proposed changes in categorisation of the land in the draft plan of management (PoM). The agenda for this Public Hearing is below for your information:

- Public hearings for categorisation of community land
- Background
- What is community land?
- What are the categories of community land?
- Proposed categorisation of Regatta Park Precinct
- Questions

The community land categories originally assigned by Council in the 2016 Council adopted PoM were: General Community Use, Park, and Natural Area Watercourse. The draft PoM in 2022 has applied the same three categories but in new locations and these proposed changes require a public hearing.

Any written submissions about the categorisation of the land received after the Public Hearing will be considered as part of the submissions related to the draft PoM public exhibition.

Penrith City Council
PO Box 60, Penrith
NSW 2150 Australia
T 4732 7777
F 4732 7999
penrithcitycouncil.nsw.gov.au

PENRITH
CITY COUNCIL



If you have any concerns regarding the proposed use of the land or the impact the proposed uses within the PoM may have on you as a neighbouring owner, you are required to lodge a submission to the draft PoM public exhibition via our website by the 19 September 2022.

Yours sincerely,
Regatta Park Project Team

Penrith City Council
PO Box 60, Penrith
NSW 2150 Australia
T 4732 7777
F 4732 7999
penrithcitycouncil.nsw.gov.au

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APPENDIX D: COUNCIL PRESENTATION - PUBLIC HEARING

REGATTA PARK PRECINCT
draft Plan of Management

CATEGORISATION OF COMMUNITY LAND

Public Hearing
Local Government Act 1993
(Section 40A)

23 August 2022

PENRITH CITY COUNCIL

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Public Hearing Agenda

▪ Public hearings for categorisation of community land	Independent Chair
▪ Background	Penrith City Council
▪ What is community land?	Penrith City Council
▪ What are the categories of community land?	Penrith City Council
▪ Proposed categorisation of Regatta Park Precinct	Penrith City Council
▪ Questions	

Independent Chair **Carl Malmberg**
Director, CGM Planning and Development P/L

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Process for Plan of Management

- The draft Plan of Management for the Regatta Park Precinct has been placed on public exhibition from 8th August 2022 to 5th September 2022.
- Submissions of the draft PoM for the Regatta Park Precinct will be accepted until 19th September 2022.
- The draft Plan of Management for the Regatta Park Precinct incorporating community submissions will be submitted to Council for adoption following public exhibition.
- Council's 'Have Your Say' website has also advertised that a public hearing will be held on 23rd August 2022 from 5pm to 6pm, to discuss changes in categorisation of the land in the draft PoM.

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What happens after a Public Hearing

- The Independent Chair will provide a report on the Public Hearing to Council.
- Council will make this report available for public inspection within 4 days of receiving.
- The report will be made available with the draft Regatta Park Precinct PoM.
- Any written submissions about the categorisation of the land will be considered as part of the submissions related to the draft PoM public exhibition.

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CITY COUNCIL

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The Regatta Park Precinct

This \$24 million project is being jointly funded by the Australian and New South Wales Governments and the Penrith City Council under the Western Sydney City Deal Liveability Program.

The park will feature:

- a 112-metre pavilion
- undercover play space with water activities
- a new amenities building
- an accessible pathway to the river foreshore, and
- several over-water viewing platforms.
- an adventure play space
- outdoor exercise stations
- a cricket oval
- landscaping,
- a centralised car park, and
- an additional 400 trees

The design allows for further enhancement including the adaptive reuse of the Old Police Cottage and bring it to life with a café and restaurant.



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The Regatta Park Precinct

- Most land parcels in the Regatta Park precinct are parcels owned by Penrith City Council.

- Penrith City Council
- Crown Lands
- Private Business
- Private Residence



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CITY COUNCIL

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What is Community Land

- Community land is land owned or managed by Council and recognised as an important component of the environment.
- Community land provides opportunities for recreation, leisure, community development and services, and contact with the natural environment.
- It may include a wide variety of properties, ranging from small recreation reserves to iconic parks and buildings.
- Community land must be categorised and have Plans of Management adopted by Council.

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Community Land Categorisation

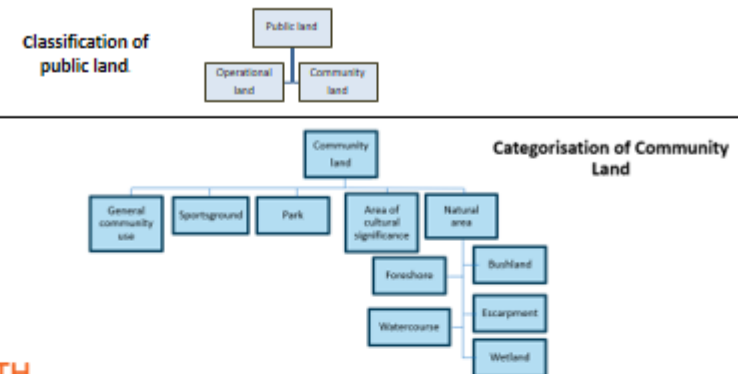
Community Land Categorisation

- *The Local Government Act 1993* (Section 40A) requires an independent chaired public hearing to be conducted for the proposed changes to the community land categories.

Categorisation of Regatta Park Precinct

- The community land categories originally assigned by Council in the 2016 Council adopted PoM were: General Community Use, Park and Natural Area Watercourse.
- The draft PoM has applied the same three categories but in new locations and the change requires a public hearing.

Classification and Categorisation



Initial and Amended Categories

- Council adopted a Regatta and Tench PoM in 2016.
- Council has prepared the 2022 draft PoM to meet the communities expressed needs for a revitalised Regatta Park Precinct with new, updated community facilities and a greater range of recreation, leisure, environmental and community service opportunities.
- The draft PoM categories are in accordance with the Local Government Act, Division 2, Section 36.
- **The draft PoM categories are General Community Use, Park, and Natural Area.**

Category Assignment Guidelines, Use and Management Objectives

GENERAL COMMUNITY USE

- to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public

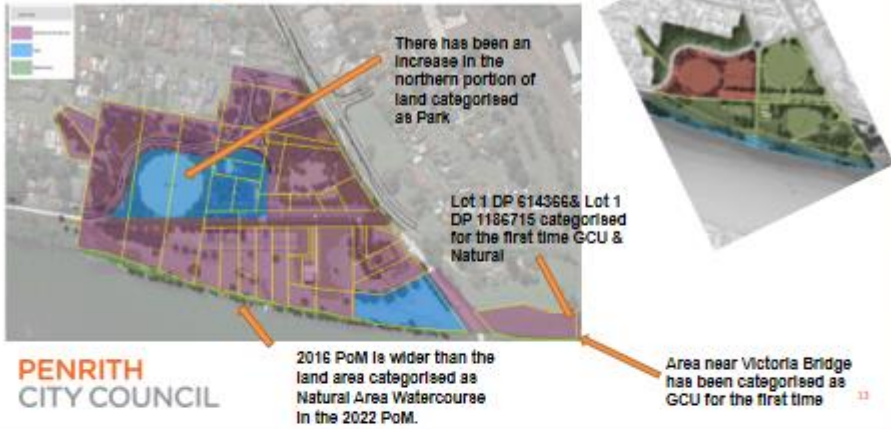
PARK

- to encourage, promote and facilitate recreational, cultural, social, and educational pastimes and activities and provide passive recreational activities or pastimes and the casual games playing

NATURAL AREA – WATERCOURSE

- to manage watercourses to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows
- to manage watercourses to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability
- to restore degraded watercourses and
- to promote community education, and community access to and use of the watercourse

2016/2022 PoM Community Land categories differences



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THANK YOU

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APPENDIX E: PUBLIC HEARING ATTENDEES

Ms M Sherwood.