

CONFIRMED MINUTES
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE
COUNCIL CHAMBERS

ON MONDAY 31 OCTOBER 2005 AT 7:07PM

NATIONAL ANTHEM AND PRAYER

The meeting opened with the National Anthem and Prayer read by Reverend Neil Checkley.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor John Thain read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

PRESENT

His Worship the Mayor Councillor John Thain, Councillors Jim Aitken OAM, Kaylene Allison, Kevin Crameri OAM, Greg Davies, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Pat Sheehy AM, and Steve Simat.

APOLOGIES

517 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jackie Greenow that apologies be received and accepted from Councillor Lexie Cettolin

LEAVE OF ABSENCE

Leave of Absence has been requested by Councillor Bradbury for the period 31 October 2005 to 4 December 2005 inclusive.

518 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Pat Sheehy that leave of absence be granted to Councillor David Bradbury for the period 31 October to 4 December 2005 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 10 October 2005

519 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Greg Davies that the minutes of the Ordinary Meeting of 10 October 2005 be confirmed.

DECLARATIONS OF INTEREST

Councillor Pat Sheehy declared a non-pecuniary interest in Item 6 as he is a Director of the Penrith Regional Gallery and he reserved the right to speak and vote.

Councillor Pat Sheehy declared a non-pecuniary interest in Item 7 as he is a Director of the Joan Sutherland Performing Arts Centre and he reserved the right to speak and vote.

Councillor Karen McKeown declared a non-pecuniary interest in Item 6 as she is a Director of the Penrith Regional Gallery and she reserved the right to speak and vote.

Councillor Karen McKeown declared a non-pecuniary interest in Item 7 as she is a Director of the Joan Sutherland Performing Arts Centre and she reserved the right to speak and vote.

Councillor Karen McKeown declared a non-pecuniary interest in Item 8 as her son is employed by the neighbour of the adjoining property and she reserved the right to speak and vote.

Councillor Susan Page declared a non-pecuniary interest in Item 10 as she is a tenant of one of the businesses affected and she reserved the right to speak and vote.

Councillor Jackie Greenow declared a non-pecuniary interest in Item 6 as she is a Director of the Penrith Regional Gallery and she reserved the right to speak and vote.

SUSPENSION OF STANDING ORDERS

520 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7.11pm

Mr Brian Meigan of Penrith addressed Council on Item 10 Coreen Avenue, Penrith - Proposed Provision of Load Limit Restriction CO/02 Pt4 and spoke for the recommendation. Mr Meigan is concerned with the increase in noise from late at night until the early in the morning. Mr Meigan stated that with the increase in heavy vehicle traffic comes the increase in the noise of exhaust brakes and empty trucks.

Mr Anthony Tunstell of Penrith addressed Council on Item 10 Coreen Avenue, Penrith - Proposed Provision of Load Limit Restriction CO/02 Pt4 and spoke for the recommendation. Mr Tunstell raised concerns regarding significant increase in heavy vehicle traffic and stated that the traffic count was conducted in bad weather and therefore is not a true reflection of collated statistics.

521 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Kevin Cramer that an extension of time be granted, the time being 7.25pm.

Mr Peter Vicary of Penrith addressed Council on Item 10 Coreen Avenue, Penrith - Proposed Provision of Load Limit Restriction CO/02 Pt4 and spoke against the recommendation. Mr Vicary stated that he would like to defer the matter so that he could be involved in the discussions with Council to come to a solution that works for the residents and the local businesses affected by this.

522 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Mark Davies that an extension of time be granted, the time being 7.35pm.

Mr Chris Quinlan of Penrith addressed Council on Item 10 Coreen Avenue, Penrith - Proposed Provision of Load Limit Restriction CO/02 Pt4 and spoke against the recommendation. Mr Quinlan stated that if heavy vehicles were not permitted to use Coreen Ave, the alternative route will cost a lot of time and extra fuel for the operators. Mr Quinlan also believed that if Coreen Ave access is denied then this will put more traffic problems onto Mulgoa Road.

Mr Kevin Woolnough from the Pared Foundation addressed Council on Item 14 Development Application 04/2239 for an Educational Establishment at Part Lot 14 DP 707375 Water Street, Werrington. Applicant: Ingham Planning Pty Limited; Owner: The Pared Foundation DA04/2239 and spoke for the recommendation. Mr Woolnough asked that Council consider the development application submitted by Pared for approval as it is his understanding that there is no significant legal or technical reason that this application should be refused and there is no impediment to the approval in terms of zoning and usage of the land.

Mr Neil Ingham from Ingham Planning Pty Ltd addressed Council on Item 14 Development Application 04/2239 for an Educational Establishment at Part Lot 14 DP 707375 Water Street, Werrington. Applicant: Ingham Planning Pty Limited; Owner: The Pared Foundation DA04/2239 and spoke for the recommendation. Mr Ingham stated that condition 2.12 should be deleted and replaced with a new standard condition as the emergency flood evacuation route should not be a deferred condition of consent.

523 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler that an extension of time be granted, the time being 8.00pm.

Mr Ingham also said that Condition 2.13 should be deleted as the School has legal access to Gipps Street, an existing public road.

RESUMPTION OF STANDING ORDERS

524 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Pat Sheehy that Standing Orders be resumed, the time being 8.02pm.

MAYORAL MINUTES

1 The Passing of Senior Constable Bob Tengdahl 123

525 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies that the information contained in the Mayoral Minute on the passing of Senior Constable Bob Tengdahl be received.

His Worship the Mayor, Councillor John Thain requested that a minutes silence be observed for the passing of Senior Constable Bob Tengdahl.

2 Council Recognised for Excellence in Risk Management 123

526 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler that the information contained in the Mayoral Minute on Council Recognised for Excellence in Risk Management be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting of Penrith City Council held on Monday 10 October 2005.

527 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Garry Rumble that the recommendations contained in the Report and Recommendations of the Local Traffic Committee Meeting of Penrith City Council held on Monday 10 October 2005 be adopted.

2 Report and Recommendations of the Policy Review Committee Meeting held at Penrith City Council on Monday 17 October 2005.

528 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kaylene Allison that the recommendations contained in the Report and Recommendations of the Policy Review Committee Meeting of Penrith City Council held on Monday 17 October 2005 be adopted.

MASTER PROGRAM REPORTS

THE CITY AS A SOCIAL PLACE

1 Life Education NSW 7003/8

529 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Ross Fowler that:

1. The information contained in the report on Life Education NSW be received
2. Council continue its support of Life Education NSW in its provision of preventative drug and alcohol programs to school aged children in the Penrith LGA, as detailed in the report.

4 Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel 6016/1 Pt38

530 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Ross Fowler that the information contained in the report on Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel be received.

6 Alterations and Additions to Penrith Regional Gallery and Lewers Bequest (PRG & LB) 38/143

531 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Ross Fowler that:

1. The information contained in the report on Alterations and Additions to Penrith Regional Gallery and Lewers Bequest (PRG & LB) be received

2. That formal Tenders be invited from;
 - a) Rapid Constructions Pty Ltd
 - b) Brisland Pty Ltd
 - c) A & DR Illes (Sydney) Pty Ltd
 - d) A J Bristow & Sons Pty Ltdfor the alterations and additions to Penrith Regional Gallery & Lewers Bequest
3. A further report be submitted to Council recommending a preferred builder.

9 Funding Grant Offer from the National Motor Vehicle Theft Reduction Council - Operation Bounce Back 05/06 **1027/14 pt 8**

532 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Ross Fowler that:

1. The information contained in the report on the Funding Grant Offer from the National Motor Vehicle Theft Reduction Council - Operation Bounce Back 05/06 be received
2. Council support the claim of up to \$35,000 of grant funding from the National Motor Vehicle Theft Reduction Council to implement the Operation Bounce Back program.

2 Section 96 Modification of Development Consent No. 03/1018 for the parking of a truck at Lot 200 DP 815535 (No. 28) Grays Lane, Cranebrook. Applicant: G & L Cettolin; Owner: G & L Cettolin **DA03/1018**

533 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler that:

1. The information contained in the report on Section 96 Modification of Development Consent No. 03/1018 for the parking of a truck at Lot 200 DP 815535 (No. 28) Grays Lane, Cranebrook be received
2. The modification request be approved by way of:
 - 2.1 deleting Condition 2
 - 2.2 Adding a condition that reads:

The vehicle associated with the business (and not in use) is to be parked on site in the location approved on the submitted plans.

- 3 Development Application 04/0856 for the demolition of an existing hotel and the construction of a new two storey hotel building over basement parking at Part Lot 23 and Part Lot 24, Section 30, DP 1855 and Lot 25 DP 656834 (No. 180) Great Western Highway, Kingswood. Applicant: Valge Architects Pty Ltd; Owner: Kayora Pty Ltd DA04/0856**

RECOMMENDATION

534 A MOTION was moved by Councillor Ross Fowler seconded Councillor Greg Davies that:

1. The information contained in the report on Development Application 04/0856 for the demolition of an existing hotel and the construction of a new two storey hotel building over basement parking at Part Lot 23 and Part Lot 24, Section 30, DP 1855 and Lot 25 DP 656834 (No. 180) Great Western Highway, Kingswood be received
2. The information contained in the report on Development Application 04/0856 for the demolition of an existing hotel and the construction of a new two storey hotel building over basement parking at Part Lot 23 and Part Lot 24, Section 30, DP 1855 and Lot 25 DP 656834 (No. 180) Great Western Highway, Kingswood be approved by granting a Deferred Commencement consent, subject to the conditions in Schedule 1 and Schedule 2 below:

Schedule 1 Conditions

The consent shall not operate until Council is satisfied with the following additional information, which shall be submitted within 6 months of the date of the determination of this consent:

- 2.1 The submission of a satisfactory acoustic report to be approved by Council. The report, prepared by a suitably qualified person, shall address the following matters:
 - a) The likely impacts upon adjacent and surrounding premises from noise associated with the construction of the building
 - b) The likely impacts upon the occupiers of adjacent and surrounding sites from the occupation and operation of the subject building

The report shall make recommendations regarding:

- i) Any appropriate noise controls to apply during construction
- ii) Noise attenuation measures necessary to ensure that the operation and occupation of the hotel, including associated mechanical plant and equipment, do not impact on any affected residential properties

- 2.2 Submission of satisfactory a Construction Management Plan to be approved by Council. The Plan shall detail arrangements for:
- a) Demolition
 - b) Excavation and site works
 - c) Construction
 - d) Employee parking
 - e) Plant/equipment delivery and storage
 - f) Materials delivery and storage
 - g) Traffic and pedestrian management
- 2.3 Submission of a satisfactory schedule of external materials and finishes for consideration and approval by Council
- 2.4 The submission of a satisfactory Security Management Plan to address the effective management of all off-site impacts. The Plan shall include any requirements of the Liquor Administration Board related to security, as well as advice provided by Penrith Police Crime Prevention Unit

Schedule 2 Conditions

Special conditions

- 2.5 All recommendations included in the acoustic report approved to satisfy Schedule 1 of this Notice shall be incorporated into any plans approved with a Construction Certificate
- 2.6 Compliance with Construction Management Plan approved to satisfy Schedule 1 of this Notice
- 2.7 The development shall be completed in accordance with schedule of finishes approved to satisfy Schedule 1 of this Notice
- 2.8 Other than for those times when the basement is being used, the roller shutters to the basement car park shall be closed at all times outside the operating hours of the Hotel
- 2.9 Other than for those times when the loading dock is being used, the roller shutter to the dock shall remain closed
- 2.10 To minimize vandalism, the garden beds shall not contain any material or objects that could be used as projectiles
- 2.11 All areas that are for 'Staff Only' shall be suitably identified by appropriate signage
- 2.12 All car parking and maneuvering must be in accordance with AS 2890 and Council's requirements. Full details must be submitted with the Construction Certificate. Car parking space 14 must be

widened by 0.3m to comply with the Australian Standard

- 2.13 Storm water disposal shall be completed generally in accordance with concept drainage plans prepared by Cardno BLH, Drawing No. N5361-01, Sheet Nos. 100, 200, 201, 202, 203, 204, 500 and 700, Revision 01, dated 25/5/04
- 2.14 The first floor apartment shall only be occupied in conjunction with the operation of the Hotel
- 2.15 A separate development application shall be submitted and approval granted by Penrith City Council prior to the occupation of the ground floor shop
- 2.16 The hours of operation of the Hotel are limited to 5.00am – 3.00am Mondays- Saturdays, and 10.00am – 12 midnight on Sundays. These hours shall not be extended without the prior consent of Council
- 2.17 Compliance with the Security Management Plan approved to satisfy Schedule 1 of this Notice.
- 2.18 Any ATM installed inside the building shall be located in a position, which is readily visible by Hotel staff. Details are to be included on any plans approved with a Construction Certificate
- 2.19 Mirrors shall be installed around the lift foyer in the basement, and within stairwells to improve visibility in these locations. Details are to be included on any plans approved with a Construction Certificate
- 2.20 Suitable measures shall be provided to reduce opportunities for direct access into first floor administration and staff areas, particularly from the adjacent bar area, and outdoor terrace. Details are to be included on any plans approved with a Construction Certificate
- 2.21 Full details of the design and construction of screening around roof top mechanical plant and equipment shall be included on any plans approved with a Construction Certificate
- 2.22 An Occupation Certificate shall not be issued until such time as the Principal Certifying Authority is provided with copies of all necessary licenses or permits from the Liquor Administration Board and any other relevant authority
- 2.23 Street trees along the Great Western Highway shall not be pruned to facilitate the construction of any part of the building without the prior approval of Council

Standard conditions

- 2.24 A001 In this regard, the approved plans shall be further modified as

follows:

- a) The signage panel above the main pedestrian entry from Great Western Highway/Bringelly Road shall be repositioned closer toward the entry awning. This is to ensure the sign does not visually compete with the roof top skylight design feature
- b) Metal louvers along the Bringelly Road and Wainright Lane elevations shall not extend more than 1.5m above ground level
- c) The floorplan of the manager's residence shall be amended to achieve direct access from the living rooms to the rear terrace

(Valge Architects, Drawing Nos. DA-01 – DA-08, Issue D, dated 12/10/05) A011, A014, A19F, A026, A038, A039, A040, A045 (delete last para), B002, B003, B004, B005, B006, D001, D014, D131, D026, E01A, E002 (If it is proposed to license the premises as a Place of Public Entertainment the relevant clauses of the Building Code of Australia shall be addressed), E006, E008, E009, G002, G004, H001, H002 (a, b, c, d), H003, H006, H022, H041, H025, I003 (b, e, g, h), I004, I003(f), K001 (delete first sentence), K003, K025, K027 (36 spaces – 4 spaces, delete last para) L010 (December 2003 prepared by Tree Wise Men), Q001, Q006 (dot points 1, 4,9).

3. Council officers apply a Section 94 Contribution to the Development Application if applicable.

An AMENDMENT was MOVED by Councillor Garry Rumble seconded Councillor Kevin Crameri that the determination of this application be deferred pending a full and detailed submission by a recognised Traffic Consultant based on a similar development setting out the total car parking spaces required by the individual components of the Hotel. The report shall clearly show possible on street locations to meet parking demands required by this development.

On being PUT to the meeting the AMENDMENT was LOST.

On being PUT to the meeting the MOTION was CARRIED.

5 Castlereagh Crematorium and Cemetery Business Plan

1008/2

535 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Kevin Crameri that:

1. The information contained in the report on Castlereagh Crematorium and Cemetery Business Plan be received
2. Council re-affirm its 'in principle' support for the development of this land as a Crematoria and Cemetery
3. A Working Party comprising North Ward and other available Councillors and relevant Council officers be formed

4. The Terms of Reference of the Working Party be: *“To develop and report back to Council on a plan for the development of the Castlereagh Cemetery and Crematorium, and to oversee implementation of the plan, as adopted by Council”*.

7 Joan Sutherland Performing Arts Centre (JSPAC) Extensions Project 961/19

536 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Karen McKeown that:

1. The information contained in the report on Joan Sutherland Performing Arts Centre (JSPAC) Extensions Project be received
2. Council endorse the budget variations as outlined in this report
3. The Section 94 Cultural Facilities Plan be amended to reflect the actual Extensions Project costs and re-exhibited
4. Council approve the amended Constitution of the Penrith Bicentennial Performing Arts Centre Limited
5. All Council staff involved in the Joan Sutherland Performing Arts Centre Extensions Project be congratulated
6. The Mayor write to all external members of the Project Definition and Change Management Committees thanking them for their involvement.

8 Section 96 Modification to Development Application 03/2954 for a proposed Rumpus Room at Lot 5 DP 235175 (No. 145-175) Fairlight Road, Mulgoa. Applicant: Andrew Soane and Heather Soane; Owner: Andrew Soane and Heather Soane DA03/2954

537 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Ross Fowler that:

1. The information contained in the report on Section 96 Modification to Development Application 03/2954 for a proposed Rumpus Room at Lot 5 DP 235175 (No. 145-175) Fairlight Road, Mulgoa be received
2. The application for Section 96 Modification to Development Application 03/2954 for a proposed Rumpus Room at Lot 5 DP 235175 (No. 145 – 175) Fairlight Road, Mulgoa be approved subject to the original conditions and the following additional conditions:
 - 2.1 Additional landscaping is to be provided to the northern boundary of the site over the length of the subject building. The landscaping is to be comprised of indigenous species, native to the local area, as specified in the Design and Management Guidelines and capable of reaching a height of at least 5m on maturity. Details of the proposed landscaping are to be submitted to Council for consideration and approval prior to implementation of the plan
 - 2.2 Permanent privacy screening is to be provided to the clear glazed windows on the northern elevation of the building, in accordance with that indicated on the approved plans

- 2.3 The door, doorway and landing in the northern elevations and the highlight window in the northern and western elevations be removed from the plans prior to the issue of the Construction Certificate for this modification. Windows and doorways must comply with the modified Construction Certificate prior to the issue of Occupation Certificate
3. The adjoining property owners and the Mulgoa Progress Association be advised, in writing of Council's decision

14 Development Application 04/2239 for an Educational Establishment at Part Lot 14 DP 707375 Water Street, Werrington. Applicant: Ingham Planning Pty Limited; Owner: The Pared Foundation DA04/2239

538 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jim Aitken that:

1. The information contained in the report on Development Application 04/2239 for an Educational Establishment at Part Lot 14 DP 707375 Water Street, Werrington be received
2. The Development Application be approved by granting a Deferred Commencement consent, subject to the conditions in Schedule 1 below:

Schedule 1

- 2.1 The consent shall not operate until the following additional information is submitted to and approved by the Building Approvals & Environment Protection Manager within three months of the date of the determination of this consent:

- 2.1.1 A Preliminary Investigation as described in the Penrith City Council Contaminated Land Development Control Plan 1999 is to be prepared for the site.

If the Preliminary Investigation indicates that contamination of the site has occurred or has potentially occurred then a Detailed Investigation is to be prepared to determine the nature and extent of the contamination.

If these investigations reveal that the site requires remediation, then separate approval must be obtained for remediation works and the remediation works must be completed.

The investigations referred to in this condition must be prepared in accordance with the Penrith City Council Contaminated Land Development Control Plan 1999 by an appropriately qualified person and to the satisfaction of Council. All investigation reports are to be submitted to Council for consideration. The Preliminary Investigation report is to be submitted within 90 days from the date of this deferred consent notice.

{Note: Penrith City Council Contaminated Land Development Control Plan defines an appropriately qualified person as "a

person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance

Schedule 2

Standard Conditions

- 2.2 A001, A011, A19F, A026, A038, A039, B001 (outbuildings), B002, B003, B004, B005, B006, B007, D001, D002, D009, D010, E001, E006, E008, G002, G004, H003, H01F, H041, H011, H022, H024, H030, I003, I004 (Roads Act engineering provision of kerb and gutter, drainage and full width road pavement construction in Gipps Street. From Werrington Road to the entrance of the school. Provision of an Austroads Type C intersection at the intersection of Gipps Street and Werrington Road), P002, K001, K002, K003, K004, K011 (Flooding RL 26.4m AHD), K013 (Flooding survey RL 26.4m AHD), K016, K025 (Access concrete/bitumen), L001, L002, L003, Q001, Q006 (Class 9 (b))

Special Conditions

- 2.3 Entrances/exits to all buildings, walkways, car park and the main entry/exit to the school complex shall be well lit during the night time
- 2.4 Vegetation that hinders sightlines to car parks, walkways, playgrounds and playing fields shall not be planted
- 2.5 Vegetation that provides scope for places of concealment shall not be planted
- 2.6 The school complex shall be so designed that teaching staff have clear vision to the entry of all classrooms and the office staff has clear vision to the school entrance and car park areas
- 2.7 Administration office of the school shall be clearly signposted for easy identification of visitors
- 2.8 Entrances to all students/adults toilet blocks shall be clear of all screening to allow surveillance by students and staff
- 2.9 All property fencing shall be of a material that is easy to see through (eg. Dark coloured metal fencing) to promote surveillance and secure the school after hours. Details to be provided prior to release of a Construction Certificate
- 2.10 After hours random security patrols shall be conducted on a regular basis. Additional patrols shall be provided during school holiday periods

- 2.11 All waste shall be secured within the property boundaries. Bins shall be stored in a secure position to avoid vandalism
- 2.12 An Austroads Type C or RTA Type CHR intersection shall be constructed at the intersection of Gipps Street with Werrington Road engineering plans shall be submitted and approved by Council prior to the issue of a Construction Certificate
- 2.13 A master plan shall be submitted within 12 months of the date of consent outlining the following:
 - a) Position of approved buildings and conceptual location of future buildings and works
 - b) Sporting fields and other recreation areas
- 2.14 Detailed plans indicating space and aisle dimensions of the proposed car park complying with AS 2890.1.2004 shall be submitted to and approved by Council prior to the issue of a Construction Certificate. The plans should also include turning paths of buses within the car park area
- 2.15 A schedule of external finishes, materials and colour scheme shall be submitted to and approved by Council prior to the issue of a Construction Certificate
- 2.16 An emergency response plan shall be implemented prior to the occupation of the buildings in accordance with the recommendations set out in the Patterson Britton & Partners Pty Ltd letter to Ingham Planning Pty Ltd lodged with Council and dated 26th August 2005
- 2.17 An emergency flood evacuation route shall be provided to the intersection of Rance Street and Werrington Road through Pared Limited owned land. The route is to be generally 3.0 m wide and be constructed of crushed sandstone or gravel surface for all weather conditions. At Werrington Road the gate is to be a minimum of 2.5 metres in width.

THE CITY IN ITS ENVIRONMENT

15 Grant funding for the use of recycled organics on sporting fields. 3000/39

539 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jim Aitken that:

1. The information contained in the report on Grant funding for the use of recycled organics on sporting fields be received
2. Council accept the grant funding of \$33,000 for the recycled organic material to be used at the 3 locations noted in the report
3. A letter be forwarded to the Department of Environment and Conservation conveying Council's appreciation for the grant funding.

THE CITY SUPPORTED BY INFRASTRUCTURE

10 Coreen Avenue, Penrith - Proposed Provision of Load Limit Restriction CO/02 Pt4

540 A MOTION was MOVED by Councillor Pat Sheehy seconded Councillor Karen McKeown that:

1. The information contained in the report on Coreen Avenue, Penrith - Proposed Provision of Load Limit Restriction be received
2. A 5-tonne load limit be imposed under Rule 104 of the Australian Road Rules on Coreen Avenue, Penrith from Parker Street to 20m west of the Bel-Air Road roundabout
3. Appropriate regulatory and advance warning signposting be erected advising heavy vehicle operators of the restrictions.

An AMENDMENT was moved by Councillor Jim Aitken seconded Councillor Jackie Greenow that:

1. The matter be deferred and a further report be brought back to Council with information on the traffic report and the police report to be provided
2. Truck drivers attend a meeting to discuss the issues.

Councillor Ross Fowler FORESHADOWED a further AMENDMENT that:

1. The information contained in the report on Coreen Avenue, Penrith - Proposed Provision of Load Limit Restriction be received
2. A 5-tonne load limit be imposed under Rule 104 of the Australian Road Rules on Coreen Avenue, Penrith from Parker Street to 20m west of the Bel-Air Road roundabout between the hours of 6pm to 6am for a trial period period of 6 months
3. A further report be brought back to Council on the results of the trial
4. A policing regime be carried out to ensure compliance

The AMENDMENT was WITHDRAWN by Councillor Jim Aitken in favour of the FORESHADOWED AMENDMENT.

The further AMENDMENT, as foreshadowed, was MOVED by Councillor Ross Fowler seconded Councillor Jim Aitken

On being PUT to the meeting the AMENDMENT was LOST.

On being PUT to the meeting the MOTION was CARRIED.

LEADERSHIP AND ORGANISATION

11 Summary of Investments & Banking for the period 31 August 2005 to 27 September 2005 **6031/4**

541 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken that:

1. The information contained in the report on Summary of Investments & Banking for the period 31 August 2005 to 27 September 2005 be received
2. The Certificate of the Responsible Accounting Officer, Statement of General Fund Bank Balances as at 27 September 2005 and the Summary of Investments for the period 31 August 2005 to 27 September 2005 be noted and accepted
3. The graphical investment analysis as at 27 September 2005 be noted
4. The Agency Collection Fees information be noted.

12 2004-2005 Corporate Annual Report **10/46**

542 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken that:

1. The information contained in the report on 2004-2005 Corporate Annual Report be received
2. The draft Corporate Annual Report be endorsed and forwarded to the Minister for Local Government via the Department of Local Government.

Councillor Jim Aitken left the meeting the time being 9.26pm.

Councillor Jim Aitken returned to the meeting the time being 9.29pm

13 City Operations Directorate Report to end of September 2005 **153/2**

543 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Greg Davies that:

1. The information contained in the report on City Operations Directorate Report to end of September 2005 be received
2. A report be brought back to Council on innovations to encourage the community of Penrith to use compost bins and worm farms.

QUESTIONS WITHOUT NOTICE

QWN 1 Pavement at Ninth Avenue and Northern Road, Llandilo. N1/01 Pt2

Councillor Kevin Crameri requested that the pavement at Ninth Avenue and Northern Road, Llandilo be fixed.

QWN 2 Jane St Drainage 5005/15 Pt8

Councillor Kevin Crameri requested a memo reply on why the left turn from Jane St into the Plaza was under water on Sunday afternoon when the drainage has just been upgraded.

QWN 3 Myna Bird Traps 7028/4

Councillor Kevin Crameri requested that Myna bird traps be purchased for the Penrith community in light of the motion passed at the recent LGA Conference.

QWN 4 Council Officers representation on Committees of Council 3/15

Councillor Kevin Crameri requested a list of Committees that Council Officers represent Council on.

QWN 5 ADI Industrial Development Application 4130/2 Pt66

Councillor Kevin Crameri requested, via memo, an update on the ADI Industrial Development Application. Councillor Crameri requested a memo reply to all Councillors.

QWN 6 Water Testing for South Creek 5012/10 Pt7

Councillor Kevin Crameri requested a report on the water tests for South Creek that Sydney Water were going to provide.

QWN 7 ADI email 4130/2 Pt66

Councillor Kevin Crameri requested a response to the ADI email that the Mayor and all North Ward Councillors received, especially the issue raised on the drainage basin on Pasturegate Rd, Werrington Downs – is it necessary? Councillor Crameri also enquired if the Penrith Local Environment Plan flora and fauna apply to ADI?

QWN 8 Weed in Nepean River 5013/6 Pt4

Councillor Garry Rumble requested a report to Council on the weed in the Nepean River affecting the rowing course.

Councillor Garry Rumble returned to the meeting the time being 9.50pm.

QWN 16 Bus stop - Farmview Drive, Mt Pleasant 9001/8 Pt19

Councillor Ross Fowler requested a memo reply to the review of the location of the bus stop at Farmview Drive, Mt Pleasant. Councillor Fowler has received complaints regarding anti-social behaviour and damage to premises.

QWN 17 DA 05/1371 DA05/1371

Councillor Ross Fowler requested a report to Council regarding DA 05/1371 and questioned if the development is applicable given usage and closeness to residential (established) development.

QWN 18 Planning for Penrith Lakes 4116/29 Pt3

Councillor Ross Fowler requested a report to Council on the planning for Penrith Lakes in regards to flood free access, urban design and future management of park/recreation/lakes area.

QWN 19 Development Committees – Twin Creeks DA03/1795 Pt4

Councillor Greg Davies requested a report to Council regarding the effect that “Development Committees” will have on Council.

COMMITTEE OF THE WHOLE

544 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9.57pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Greg Davies seconded Councillor Ross Fowler that the press and public be excluded from Committee of the Whole to deal with the following matters:

Leadership and Organisation

2 **Property Matter - Council Property - Lease of Shop 2, Gaymark Lane, 134-138 Henry Street, Penrith 319961 LE2**

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion

of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 10.03pm and the General Manager reported that the Committee of the Whole met at 9.57pm on Monday 31 October 2005, the following being present

His Worship the Mayor Councillor John Thain, Councillors Jim Aitken OAM, Kaylene Allison, Kevin Crameri OAM, Greg Davies, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Pat Sheehy AM, and Steve Simat.

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

CONFIDENTIAL BUSINESS

2 Property Matter - Council Property - Lease of Shop 2, Gaymark Lane, 134-138 Henry Street, Penrith 319961 LE2

CW2 That:

1. The information contained in the report on Property Matter - Council Property - Lease of Shop 2, Gaymark Lane, 134-138 Henry Street, Penrith be received
2. Council grant a three (3) year Lease with a three (3) year option to the new tenant CND Australia Pty Ltd in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

ADOPTION OF COMMITTEE OF THE WHOLE

545 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler that the recommendation contained in the Committee of the Whole and shown as CW1 to CW2 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10.04pm.

I certify that these 19 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 31 October 2005.

Chairperson

Date