

## **CONFIRMED MINUTES**

### **OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS**

**ON MONDAY 15 DECEMBER 2008 AT 7:06PM**

#### **NATIONAL ANTHEM**

The meeting opened with the National Anthem.

#### **STATEMENT OF RECOGNITION**

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

#### **PRAYER**

The Council Prayer was read by Rev Neil Checkley

#### **PRESENT**

His Worship the Mayor Councillor Jim Aitken OAM, Councillors Kaylene Allison, Robert Ardill, Kevin Crameri OAM, Greg Davies, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee, and John Thain.

#### **APOLOGIES**

There were no apologies.

#### **CONFIRMATION OF MINUTES - Ordinary Meeting - 1 December 2008**

463 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jackie Greenow that the minutes of the Ordinary Meeting of 1 December 2008 be confirmed, with the deletion of the words " the Arms of Australia Inn" from Item 3, recommendation no. 4 on page 9.

#### **DECLARATIONS OF INTEREST**

Councillor John Thain declared a non pecuniary interest in *Item 4 – Penrith Valley Regional Sports Centre - Facility Development* as he is Council's representative on the board of the Penrith Valley Regional Sports Centre.

Councillor Kevin Crameri OAM declared a non pecuniary interest in *Item 7 – St Marys Release Area Planning Agreement*, as he owns property in close proximity to the area referred to in the report. Councillor Crameri stated that he reserved his right to speak and vote on the matter.

Councillor Ross Fowler OAM declared a pecuniary interest in *Item 4 – Penrith Valley Regional Sports Centre – Facility Development* as he is the auditor of the Penrith Valley Regional Sports Centre.

Councillor Ross Fowler OAM declared a Pecuniary Interest in *Item 8 - Proposed Mixed Use Development over Three Stages at Lot 1, DP 884193, No 83-85 Union Road and 614-632 High Street, Penrith. Applicant: Cityscape Planning and Projects; Owner: J Cowan, D Crossman, Coffey Engineering Group Pty Ltd DA07/1570* as he is an associate of a director of one of the companies involved in the proposed development.

### **SUSPENSION OF STANDING ORDERS**

464 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Mark Davies that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:13pm.

#### **Mr Arthur Ilias**

##### *Item 7 – St Marys Release Area Planning Agreement*

Mr Arthur Ilias, representing Delfin Lend Lease, spoke in support of the recommendation and highlighted that the St Marys Release Area has undergone a comprehensive and thorough environmental and planning assessment over the past 15 years. Mr Ilias stated the development is sustainable and delivers strong social, economic and environmental outcomes.

#### **Mr Geoff Brown**

##### *Item 7 – St Marys Release Area Planning Agreement*

Mr Geoff Brown, representing ADI RAG & Western Sydney Conservation Alliance, spoke in opposition to the recommendation. Mr Brown asked Council to defer the decision on the St Marys Release Area Planning Agreement until it has considered the Precinct Plan.

465 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kaylene Allison that an extension of time be granted to Mr Geoff Brown, the time being 7:23 pm.

Mr Brown stated that the current plan encroaches on the planned Green Belt and Cumberland Conservation Corridor. Mr Brown requested that Council reject the application and support preservation and seek permission from the Minister for Planning to amend the Regional Environmental Plan.

#### **Ms Suzie Wright**

##### *Item 7 – St Marys Release Area Planning Agreement*

Ms Suzie Wright, representing Nepean Greens, spoke in opposition to the recommendation. Ms Wright spoke about the history of the ADI site and the strong resistance to the development and that this resistance will continue into the future. Ms Wright commented on the damage already done to the fauna and flora at the site and that Council has a responsibility to protect these.

Ms Wright stated that Council must consider the main issues, including; biodiversity, extreme

weather events, status of site as critically endangered, and the loss of species.

466 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that an extension of time be granted to Ms Wright, the time being 7:39pm.

Ms Wright concluded by requesting Council to formally reject the recommendation.

### **Mr Jon Lindsay**

*Item 9 - Masterplan Application DA08/0652 for mixed use development and 6 lot subdivision - Lot 12 DP234581 (No. 164) Station Street, Penrith. Applicant: Davids Group; Owner: Parkview Penrith Pty Limited DA08/0652*

Mr Lindsay thanked Council staff for their cooperation throughout the duration of this project. Mr Lindsay highlighted the resources and commitment that Parkview has invested into this site and into Penrith and the benefits of this proposal. Mr Lindsay reiterated the applicant's future commitment to the site.

### **RESUMPTION OF STANDING ORDERS**

467 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that Standing Orders be resumed, the time being 7:44pm.

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### **MAYORAL MINUTES**

#### **1 Great River Walk wins Greenspace Award**

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468 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the Mayoral Minute on Great River Walk wins Greenspace Award be received.

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### **REPORTS OF COMMITTEES**

#### **1 Report and Recommendations of the Local Traffic Committee Meeting held on 1 December 2008**

469 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 1 December, 2008 be adopted, it being noted that in relation to *General Business Item 2 – St Marys – Existing Pedestrian Blister Islands* an education program is to be undertaken in addition to the installation of the 'Pedestrian Give Way to Vehicles' signs.

#### **2 Report and Recommendation of the Access Committee Meeting held on 3 December 2008**

470 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Prue Guillaume that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 3 December, 2008 be adopted.

## **MASTER PROGRAM REPORTS**

### **THE CITY AS A SOCIAL PLACE**

#### **1 Seniors Week 2009**

471 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Seniors Week 2009 be received.
2. Council provide Seniors Week Grants to the value of \$6,000 to ten local community organisations to celebrate Seniors Week 2009, as outlined in the report.

#### **6 Establishment of Alcohol Free Zones and Alcohol Free Areas**

472 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Establishment of Alcohol Free Zones and Alcohol Free Areas be received.
2. Council approve the establishment and re-establishment of Alcohol Free Zones and the establishment of Alcohol Free Areas at the locations identified in this report.

#### **2 Submission to the Review by the NSW State Government Department of Community Services (DoCS) of the NSW Children's Services Regulation**

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

That:

1. The information contained in the report on Submission to the Review by the NSW State Government Department of Community Services (DoCS) of the NSW Children's Services Regulation be received.
2. The response to the Discussion Paper on the review of the Children's Services Regulation Act 2004, as appended to the report, be endorsed.
3. Write to the Minister for Community Services seeking clarification on the sizing of Child Care Centres and in light of the current economic crisis, that a review be undertaken of current licensing fees.

**3 Turf Cricket Wicket Construction at Jamison Park Field No. 5 and Dukes Oval practice wickets.**

474 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. The information regarding the development of a new turf wicket at Jamison Park No.5 and practice wickets at Dukes Oval be received.
2. The proposal be accepted in principal with the shortfall in funding of \$66,000.00 being the subject of a further report to Council.
3. A letter be sent to the Nepean District Cricket Association advising of the Council's decision
4. Mr Trevor Wholohan be congratulated for his efforts on this project.

**5 Western Sydney International Hockey Centre, University of Western Sydney**

A MOTION was MOVED by Councillor Greg Davies seconded Councillor John Thain

That:

1. The information contained in the report on Western Sydney International Hockey Centre, University of Western Sydney be received.
2. Further discussions continue with UWS and the NSW Department of Sport and Recreation, concerning the future of the hockey facility.
3. Council commence discussions with UWS with a further report to be presented to Council concerning the possibility of a long term lease arrangement of the Hockey Centre.

475 An AMENDMENT was MOVED by Councillor Ross Fowler OAM seconded Councillor Robert Ardill

That:

1. The information contained in the report on Western Sydney International Hockey Centre, University of Western Sydney be received.
2. The \$200,000 reserved as part of the Regional and Local Community Infrastructure Program for the Hockey Facility be considered for reallocation to:

- Yoorami CCC building upgrade	\$30,000
- Strauss Road CCC building upgrade	\$30,000
- Roller door upgrades at various CCCs	\$40,000
- External accessible toilet at PVCP	\$50,000
- Victoria Park Stage 3 (additional)	\$30,000
- Woodriff Lane (additional)	\$20,000.
3. Further discussions continue with UWS and the NSW Department of Sport and Recreation, concerning the future management of the hockey facility, and investigations be carried out in relation to a business plan and financial model for the Hockey Centre with a further report on the possibility of Council taking over the management and/or ownership of the facility or entering into a long term lease.

On being PUT to the meeting, the AMENDMENT was CARRIED and on becoming the MOTION was also carried.

His Worship the Mayor, Councillor Jim Aitken OAM called for a DIVISION.

<b>For</b>	<b>Against</b>
Councillor Jim Aitken OAM	Councillor Kaylene Allison
Councillor Robert Ardill	Councillor Greg Davies
Councillor Kevin Crameri OAM	Councillor Prue Guillaume
Councillor Mark Davies	Councillor Karen McKeown
Councillor Tanya Davies	Councillor Kath Presdee
Councillor Ross Fowler OAM	Councillor John Thain

Councillor Ben Goldfinch  
Councillor Jackie Greenow  
Councillor Marko Malkoc

## **7 St Marys Release Area Planning Agreement**

476 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on St Marys Release Area Planning Agreement be received.
2. Council endorse the finalisation, public notification and signing of the St Marys Penrith Planning Agreement and related Deed of Variation with Delfin Lend Lease as outlined in the report.
3. The St Marys Penrith Planning Agreement and related Deed of Variation take effect from the date of adoption of the Precinct Plans for the Central and Western Precincts.
4. The Common Seal of the Council of the City of Penrith be affixed to the documents.
5. Council write to the Minister for Planning requesting confirmation of any proposed amendment to Sydney Regional Environmental Plan (SREP) 30.

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

**For**  
Councillor Jim Aitken OAM  
Councillor Kaylene Allison  
Councillor Robert Ardill  
Councillor Greg Davies  
Councillor Mark Davies  
Councillor Tanya Davies  
Councillor Ross Fowler OAM  
Councillor Ben Goldfinch  
Councillor Jackie Greenow  
Councillor Prue Guillaume  
Councillor Marko Malkoc  
Councillor Karen McKeown  
Councillor Kath Presdee  
Councillor John Thain

**Against**  
Councillor Kevin Crameri OAM

- 9 Masterplan Application DA08/0652 for mixed use development and 6 lot subdivision - Lot 12 DP234581 (No. 164) Station Street, Penrith. Applicant: Davids Group; Owner: Parkview Penrith Pty Limited DA08/0652**

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477 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Masterplan Application DA08/0652 for mixed use development and 6 lot subdivision - Lot 12 DP234581 (No. 164) Station Street, Penrith be received.
2. Masterplan Application DA08/0652 for mixed use development and 6 lot subdivision - Lot 12 DP234581 (No. 164) Station Street, Penrith be GRANTED 5 YEAR CONSENT (in accordance with S95(2) of Environmental Planning and Assessment Act 1979) subject to the following conditions in Schedules A and B for Stages 1 and 2. Schedule A is for the Masterplan and Schedule B is for subdivision of the site into 6 lots:

**SCHEDULE A – Masterplan**

**General**

2.1 Approved Plans

**Plans – Turner & Associates**

DA11	-	Version C dated 10/11/08
DA12	-	Version C dated 10/11/08
DA13	-	Version C dated 10/11/08
DA14	-	Version E dated 10/11/08
DA20	-	Version B dated 10/11/08
DA21	-	Version A dated 10/11/08
DA22	-	Version A (Revision C) dated 21/11/08
DA23	-	Version A (Revision C) dated 21/11/08
DA24	-	Version A (Revision C) dated 21/11/08
DA25	-	Version A (Revision C) dated 21/11/08
DA26	-	Version A (Revision C) dated 21/11/08
DA27	-	Version A (Revision C) dated 21/11/08
DA28	-	Version A (Revision C) dated 21/11/08
DA29	-	Version A (Revision C) dated 21/11/08
DA30	-	Version A (Revision C) dated 21/11/08
DA31	-	Version B dated 10/11/08
DA32	-	Version B dated 10/11/08

DA000 – DA005 - Version A dated 13/6/08

DA00	-	Version C dated 10/11/08
DA01	-	Version E dated 10/11/08
DA02	-	Version C dated 10/11/08
DA03	-	Version C dated 10/11/08
DA04	-	Version C dated 10/11/08

**Landscape – Aspect Studios**

Drawing 28024

SK01 -	Revision E dated November 2008
SK02 -	Revision D dated November 2008



SK03-	Revision E dated November 2008
SK04-	Revision F dated November 2008
SK05-	Revision A dated November 2008
SK06-	Revision F dated November 2008
SK07-	Revision E dated November 2008
SK08-	Revision E dated November 2008
SK09-	Revision E dated November 2008
SK10-	Revision E dated November 2008
SK11-	Revision B dated November 2008
SK12-	Revision C dated November 2008
SK13-	Revision E dated November 2008
SK14-	Revision D dated November 2008
SK15-	Revision D dated November 2008
SK16-	Revision E dated November 2008
SK17-	Revision E dated November 2008
SK18-	Revision E dated November 2008
SK19-	Revision E dated November 2008
SK20-	Revision B dated November 2008
SK21-	Revision B dated November 2008

The development consent is based on the assessment of the above plans together with all accompanying documentation that supported the Statement of Environmental Effects provided by Don Fox Planning Consultants dated 24/6/08.

- 2.2 This Development Consent relates to Stage 1 of the development only and has been issued under S80(4) of the EP&A Act. Separate development applications shall be submitted for the future stages of the development.

Stage 1 of the Consent approves in principle the following aspects of the Masterplan:

- Gross Floor Area
- Land Uses
- Building Heights and Envelopes
- Road Hierarchy and Access Points
- Open Space Network
- Development Staging

Subject to the completion of the Design Excellence process and as modified by the conditions of this Consent.

### **Key Principles**

- 2.3 The following key principles are to be incorporated in the preparation of Stage 2 development applications for the site:
- Consistency with Penrith City Council's "Sustainability Blueprint for Urban Release Areas"

- An economic impact assessment be submitted with all Stage 2 development applications to determine the public benefit of the proposal
- 3% of future residential development on each allotment approved by this consent is provided as affordable housing for very low to low income households
- A Security Management Plan must be submitted for the development applications that include the hotel and/or tavern facilities
- All ground level public frontages to buildings are to be activated and provide a transition between public and private domain.
- At least 80% of the local park (civic park) must receive winter sun between 9am and 4pm
- The open space associated with the proposed childcare facility should be reorientated to the north to achieve more winter sun.
- Buildings are designed for energy efficiency and green house gas reduction.

#### **Design Outcome**

- 2.4 The proponent is to establish in consultation with Council and the Department of Planning a Panel of 5 recognised architectural firms to assess and provide urban design and architectural review for each stage of the development. This Panel shall be established prior to the submission of the first Stage 2 DA.
- 2.5 Blocks A and C which incorporate the two iconic buildings within the Masterplan will be subject to an architectural design competition in accordance with the Director General's Design Excellence Guidelines. Council is willing to consider a building height of 8 – 14 storeys for Block A and 8 – 16 Storeys for Block C. The specific height will be subject to achieving Design Excellence as demonstrated by the Director General's Design Competition process and compliance with Clause 26 of the LEP.

#### **Infrastructure Delivery**

- 2.6 Additional traffic modelling being undertaken in consultation with Council and the RTA with respect to the following:
- Expected weekend traffic generation
  - Woodriff/Jamison and Station/Jamison roundabouts with a ten year growth under existing and signalised conditions
  - Potential upgrades to Ransley Street and Mulgoa Road intersection to maintain existing intersection efficiency

The outcomes of that modelling are to inform the preparation of the Infrastructure Delivery Plan, Planning Agreement and the

agreement with the RTA required by this consent.

- 2.7 An Infrastructure Delivery Plan (IDP) is to be submitted to and approved by Council prior to the issue of a subdivision certificate or commencement of development on the site.

The IDP is to be prepared in accordance with and address the requirements of Council's "Sustainability Blueprint for Urban Release Areas". It is to identify all infrastructure, including roads, drainage, overland flow paths and other civil works, utility services, community, social, cultural and recreational facilities required to service the development.

The IDP is to provide an accurate costing of all necessary infrastructure and establish a delivery program that aligns and apportions the cost of required infrastructure with the staging of development.

The IDP will form the basis for development of a Planning Agreement to identify and fund the timely provision of necessary infrastructure.

- 2.8 A Public Domain Strategy (PDS) is to be submitted to and approved by Council prior to the issue of a subdivision certificate or commencement of development on the site.

The PDS is to be prepared in accordance with and address the requirements of Council's "Sustainability Blueprint for Urban Release Areas". It will define the look and character of the public domain.

The PDS is to incorporate design and management requirements for all streets, open spaces and parks. It is to include aims/objectives, design and character statements, a schedule of works including a Public Arts Program, delivery timeframes and the maintenance requirements for each element.

The PDS will inform the preparation of a Planning Agreement to identify and fund the timely provision of necessary infrastructure.

- 2.9 The applicant, or any person entitled to act on this consent is to enter into a Planning Agreement with Council pursuant with Section 93F of the Environmental Planning and Assessment Act, 1979. The Planning Agreement is to be consistent with the offer from Parkview Penrith Pty Limited dated 4 December 2008, to make development contributions towards the provision of public amenities and services identified by the applicant's offer and the Infrastructure Delivery Plan, Public Domain Strategy and Affordable Housing requirements of this consent. The Planning Agreement is to be entered into prior to the issue of a subdivision certificate or commencement of development on the site.

- 2.10 Documentary evidence being submitted to Council, prior to the issue of a subdivision certificate or commencement of development on the site, to the effect that satisfactory arrangements have been made with

the RTA and relevant Service Authorities for the delivery of road improvements, traffic management facilities, utilities and services generated by the Masterplan.

### **Community Safety**

- 2.11 A Community Safety and Crime Prevention Strategy (CS&CPS) is to be submitted to and approved by Council prior to the issue of a subdivision certificate or commencement of development on the site. The strategy is to define a physical environment that enhances and improves community safety within the locality.

The CS&CPS is to be prepared in accordance with and address the requirements of Council's Sustainability Blueprint for Urban Release Areas. The strategy is to clearly identify how the principles of crime prevention through environmental design will be employed in the planning, design and development of the site, particularly in terms of:

- Providing opportunities for effective surveillance;
  - The use of physical and symbolic barriers to attract, channel or restrict the movement of people through and around the site;
  - Encourage community ownership of public spaces; and
  - Space management of public places
- 2.12 A Social Impact Statement is to be submitted with each Stage 2 development application indicating how the specific development proposal has addressed the approved Community Safety and Crime Prevention Strategy.

### **Heritage**

- 2.13 Evidence shall be provided that the Heritage Office has approved an exemption to the provisions of the Heritage Act for the excavation works. This shall be provided to Council prior to commencement of site works.
- 2.14 That a programme of archaeological test excavations be undertaken prior to site works commencing and after demolition of existing buildings to determine the likelihood of Aboriginal Archaeological deposits. The results of the program are to be submitted to Council and to inform the preparation of future Stage 2 Development Applications. Methods to manage findings such as the establishment of keeping places or interpretation plans are to be submitted with respective Stage 2 Development Applications.

### **Specific Requirements**

- 2.15 A 3.6m landscaped setback shall be provided adjacent to the west of block F to enhance the urban design of the main north-south boulevard.
- 2.16 Dedication of appropriate splay corners at the intersection of Jamison Road & Station Street and at the intersection of Jamison Road & Woodriff Street will be required. Vehicle sight distances at

- intersections to comply with RTA requirements. The splay corners will impact on the proposed development.
- 2.17 All proposed public footpaths are to be contained within the public road reserve.
- 2.18 The existing aerial power lines in Jamison Road are to be relocated underground.
- 2.19 Shared cycle way/footpaths are to be provided in Station Street, Jamison Road and Woodriff Street and all public facilities are to be on public land.
- 2.20 The alignment of the Boulevard is to be widened to allow for a 3.5m wide carriageway where no kerbside parking is proposed and to enable access by service vehicles.
- 2.21 All off street car parking requirements shall comply with Council's Development Control Plan(s) applying to the site and AS2890. The development is to include the provision of suitable bicycle parking at safe and convenient locations within the site.
- 2.22 An overland flow flood study that addresses the 1 in 100 year storm event for the local catchment is to be submitted to Council for approval. The findings of that flood study are to inform the preparation of the required Infrastructure Delivery Plan and future Stage 2 development applications in relation to specific development proposals.

**SCHEDULE B – Subdivision**

- 2.23 Subdivision of the site is to be substantially in accordance with Plan Reference No. 15666 dated 18/6/2008 prepared by Dunlop Thorpe and Company Pty Ltd submitted with the development application.
- 2.24 The plan of subdivision shall include a Restriction as to User in accordance with Section 88B of the Conveyancing Act over proposed Lot 6 prohibiting direct access to Jamison Road or Woodriff Street. The restriction as to user is to be created at no cost to Council. The restriction as to user shall nominate Council as the authority to release, vary or modify the restriction.
- 2.25 An easement for access is to be created over the proposed road through lot 6 in favour of proposed lot 5 in accordance with Section 88B of the Conveyancing Act. The easement is required to ensure safe and efficient access to proposed lot 5 in the event the Masterplan does not proceed.
- The easement is to be created at no cost to Council. Council is to be the nominated authority to release, vary or modify the easement.
- The easement will be extinguished upon dedication of the access arrangements as public road.
- 2.26 A splay corner at the intersection of Jamison Road and Station

Street is to be dedicated to Penrith City Council, at no cost to Council. The width of the splay corner is to accommodate future pathways and cycles ways and is to be designed in accordance with Austroads Guidelines with regard to intersection site distances.

- 2.27 A splay corner at the intersection of Jamison Road and Woodriff Street is to be dedicated to Penrith City Council, at no cost to Council. The width of the splay corner is to accommodate future pathways and cycle ways and is to be designed in accordance with Austroads Guidelines with regard to intersection site distances.
- 2.28 All proposed public footpaths and cycle ways are to be contained within the public road reserve. If required, land is to be dedicated to Penrith City Council, at no cost to Council, to accommodate the proposed footpath/cycle ways and verge areas in Station Street, Jamison Road and Woodriff Street.
- 2.29 All services (water, sewer, electricity, telephone and gas) including the provision of service conduits and stub mains are to be installed within the proposed public roads before final inspection of the engineering works.

Prior to the release of the linen plan, the following service authority clearances shall be obtained:

- a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. This is required prior to the issue of the Subdivision Certificate and
- a letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

These clearances are to be submitted to the Principal Certifying Authority.

- 2.30 Submission of the original Linen Plan and ten (10) copies.

All drainage easements, rights of way, restrictions and covenants are to be included on the linen plan.

All dedications of roads/drainage are to be undertaken at no cost to Penrith City Council.

The following information is to be shown on one (1) copy of the plan.

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary

clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.

- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.
- 2.31 A Surveyors Certificate is to be lodged with the application for a Subdivision Certificate that certifies that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
- 2.32 A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. The Subdivision Certificate will not be issued if any of the conditions in this consent are outstanding.
- 2.33 The Planning Agreement required by Schedule A of this Consent is to be entered into prior to the issue of a Subdivision Certificate.
3. Those persons who lodged a submission and the Regional Development Advisory Committee of the RTA be notified of Council's decision.

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

**For**

Councillor Jim Aitken OAM  
Councillor Kaylene Allison  
Councillor Robert Ardill  
Councillor Kevin Cramer OAM  
Councillor Greg Davies  
Councillor Mark Davies  
Councillor Tanya Davies  
Councillor Ross Fowler OAM  
Councillor Ben Goldfinch  
Councillor Jackie Greenow  
Councillor Prue Guillaume  
Councillor Marko Malkoc  
Councillor Karen McKeown  
Councillor Kath Presdee  
Councillor John Thain

**Against**

Having previously declared a pecuniary interest in Items 4 and 8, Councillor Ross Fowler OAM left the meeting, the time being 8:38pm.

#### **4 Penrith Valley Regional Sports Centre - Facility Development**

478 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies

That:

1. The information contained in the report on Penrith Valley Regional Sports Centre - Facility Development be received.
2. Council allocate \$850,000 from the 2009-2010 Building Asset Renewal Program to PVRSC subject to a funding agreement being signed with PVRSC.
3. Council's Recreation Manager, in consultation with Council's Legal and Governance Manager, be authorised to enter into the funding agreement with PVRSC.

**8 Proposed Mixed Use Development over Three Stages at Lot 1, DP 884193, No 83-85 Union Road and 614-632 High Street, Penrith.  
Applicant: Cityscape Planning and Projects; Owner: J Cowan, D Crossman, Coffey Engineering Group Pty Ltd DA07/1570**



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479 RESOLVED on the MOTION of Councillor John Thain seconded  
Councillor Kath Presdee

That:

1. The information contained in the report on Proposed Mixed Use Development over Three Stages at Lot 1, DP 884193, No 83-85 Union Road and 614-632 High Street, Penrith be received
2. Council award the bonus floor space available to the proposal via Clause 26(6) of *Penrith City Centre LEP 2008*
3. Council accept the applicant's submission to vary Clause 21 Height of Buildings of *Penrith City Centre LEP 2008*, as strict compliance with the standard is unreasonable and unnecessary in the circumstances
4. Development Application DA07/1570 for Staged Development for Mixed Used Buildings consisting of Stage 1 – construction of 8 storey mixed use building with basement car parking; Stage 2 – construction of 8 storey mixed use building with basement car parking; and Stage 3 - concept for 2 x 6 storey mixed use buildings with basement car parking; and associated works at Lot 1, DP 884193, 614-632 High Street, and 83-85 Union Road, Penrith be GRANTED 5 YEAR CONSENT (in accordance with S95(2) of Environmental Planning and Assessment Act 1979) subject to the following standard and special conditions and advisory notes, in two schedules A and B for Stages 1/2 and Stage 3 respectively:

SCHEDULE A – Stages 1 and 2

Standard Conditions (amended where necessary to reflect Stage number)

- 4.1 A001 approved plans – architectural plans prepared by Watermark Architecture and Interiors Pty Ltd, dated 29 August 2008, and numbered 0656 Issue 1; A001, A098, A099, A100, A101, A102, A103, A104, A105, A106, A500, A501, A502, A600; landscape plans prepared by Site Image Landscape Architects, dated 12 October, 2007, numbered Z1667, L01, Issue G, and L02, Issue F; hydraulic plans prepared by Steve Paul and Partners, numbered SY070033-SW-001-PR-01, dated 4 September, 2008.

- A006 Separate DA for future development stages
- A011 DCP Construction
- A012 Food shop
- A017 DA for use
- A026 Advertising sign
- A039 Graffiti
- B004 Dust (referring to excavation and basement construction)
- B005 Mud/soil
- D001 Sediment and erosion control measures
- D009 Covered waste storage area
- D010 Disposal of excavated waste
- D014 Plant and equipment noise

- E01A BCA compliance for Class 2-9
- E002 BCA issues to be addressed (the entrance doorway of the apartments should not be more than 6 metres from an exit and the exit travel distances from the gym must comply with Clause D1.4 of the Building Code of Australia (Volume 1);
- E006 Disabled access and facilities
- E008 Fire safety list
- F006 Water tank and nuisance
- G002 Section 73
- G004 Integral Energy
- H001 Stamped plans and erection of site notice
- H002 Site requirements for construction
- H003 Traffic management
- H033 Clothes lines
- H041 Hours of work
- H011 Structural engineering plans and specifications
- H025 Construction of garbage rooms
- I003 Roads Act Approval 1
- I004 Roads Act engineering
- J003 Pool fence - commercial
- J010 Pool board/sign
- K002 Works As Executed
- K025 Pavement seal
- K028 Car park staging strategy – Stage 1 - 127 spaces commercial and retail; 20 spaces residential; Stage 2 – 92 spaces commercial and retail; 24 spaces residential; (Stage 3 – 5 spaces retail; 77 spaces residential). Should residential spaces be reallocated from commercial/retail spaces, a contribution for car parking will be applied as per the applicable rate in the Civic Improvements Plan 2008, unless otherwise approved by Council.
- K031 IN/OUT Separation
- K036 Maintenance Bond
- K037 Performance Bond
- L001 General landscaping (prepared by Site Image Landscape Architects, dated 12 October, 2007, numbered Z1667, L01, Issue G, and L02)
- L002 Landscape construction
- L003 Report requirement (i, ii, iv)
- N001 S94 CIP 2008 Multiple Dwelling Stage 1 \$202,384.00
- N001 S94 CIP 2008 Commercial office use Stage 1 \$767,350.00
- N001 S94 CIP 2008 Retail use Stage 1 \$106,554.00
- N001 S94 District Open Space Stage 1 \$75,697.00
- N001 S94 Cultural Facilities Stage 1 \$5,970.00
- N001 S94 Library Facilities Stage 1 \$17,107.00
- N001 S94 CIP 2008 Multiple Dwelling Stage 2 \$179,032.00
- N001 S94 CIP 2008 Commercial office use Stage 2 \$389,486.00
- N001 S94 CIP 2008 Retail use Stage 2 \$123,926.00
- N001 S94 District Open Space Stage 2 \$71,208.00
- N001 S94 Cultural Facilities Stage 2 \$5,520.00

N001	S94 Library Facilities Stage 2	\$15,898.00
P001	Applicants cost	
P002	Council Fees - Amended	
Q001	Notice of commencement	
Q006	Occupation Certificate for Class 2-9	
Q010	BASIX Certificate	

Special Conditions

- 4.2 Prior to the issue of a Construction Certificate for Stage 2, the balcony to the northeast corner unit to Stage 2 on levels 4, 5 and 6 shall be increased to achieve a minimum dimension of 2 metres.
- 4.3 Prior to the issue of a Construction Certificate for Stage 2, a sample of the material and colour of the roofing material is to be provided to Council to confirm the roof is non reflective and appropriately coloured, especially when viewed from the Blue Mountains escarpment.
- 4.4 The pedestrian 'through site' link and other common property is to be in the care, control and management of the owner and/or body corporate for the complex.
- 4.5 Prior to the issue of an Occupation Certificate for Stage 1, signals shall be installed on the car park and loading dock entries in Union lane to alert pedestrians that cars and trucks are about to cross the footpath.
- 4.6 Subleasing of car parking spaces is not permitted by this Consent.
- 4.7 Prior to the issue of an Occupation Certificate for Stages 1 and 2, signage, maintenance issues and waste management are to comply with the requirements of the *State Environmental Planning Policy No 65 – Residential Flat Design Code* Better Design Practice statements.
- 4.8 Prior to the issue of an Occupation Certificate for Stages 1 and 2, a Security Management Plan is to be provided detailing the management of the building(s) and strategies to promote safety and deter crime and antisocial behaviour. This includes use of security personnel, CCTV, access control measures (eg swipe cards), building alarms and use of intercoms for apartment buildings. This Plan shall also include measures to provide security to lifts and the through site pedestrian link after retail and commercial operating hours to maintain the safety and security of residents.
- 4.9 Full time 'No Stopping' restrictions are to be introduced on both sides of Union Lane adjacent and opposite the proposed access driveways to facilitate heavy vehicle movements.
- 4.10 Full time "No Stopping" restrictions must be provided 10 metres

either side of the access driveway to the temporary at grade car park (and Stage 3 development) in Union Road, with the installation of signage at no cost to the RTA or Council.

- 4.11 Prior to the issue of a Construction Certificate for Stages 1 and 2, appropriate documentation is to be submitted to demonstrate the following:
- At a minimum, 10% of all residential units (5 units) are to be designed according to the adaptable housing code (AS4299). These residential units are to be provided with accessible parking in accordance with AS4299. Should the provision of these spaces reduce the overall number of car parking spaces for the development as a whole, then the suitable modifications of consent will need to be made.
  - Provide a minimum of 2% of all retail parking bays to be designated as accessible. Provide a minimum of 1% of all commercial parking bays designated as accessible parking. According to the AS4299, a 3.8 metre wide car bay shall be provided for every adaptable unit.
- 4.12 Access for elderly people and people with disabilities for entry/exit to/from the swimming pool on the podium level is to be provided. Details are to be submitted with the Construction Certificate application for Stage 1.
- 4.13 Prior to the issue of an Occupation Certificate for Stages 1 and 2, the development shall be provided with lighting in the following manner:
- Lighting shall be 'vandal resistant' to limit breakage and vandalism;
  - Lighting shall take into account all vegetation and landscaping, and pedestrian pathways;
  - Lighting shall be designed in accordance with Australian Standards;
  - All loading docks shall be well lit;
  - All entries/exits to complex shall be well lit;
  - Lighting shall be consistent in order to reduce the contrast between shadows and illuminated areas;
  - Lighting shall be contained within the property boundary and no light shall be projected upwards (uplighting of landscaping shall be restricted to tree canopy only).
  - No lighting shall be projected in such a manner that it would create glare issues for vehicles or pedestrians.
  - Pedestrian access routes shall be well lit and identifiable
  - Adequate illumination shall be provided for directional signage and building identification.
  - All street awnings shall be fitted with under awning lighting.
- 4.14 Prior to the Occupation Certificate for Stage 1 and 2, the basement car park shall be treated in the following manner:

- Clear signage is to be provided to identify the entrance/exit to the basement car park for tenants/residents/business operators and their authorised guests.
  - Vehicle access to both levels of the basement car park shall be accessible by tenants/residents/business operators of the building and their authorised guests only. A security gate system shall be installed on the building entry/exit point, eg for use with swipe card security system.
  - A security system shall be installed on the pedestrian entry/exit points to the basement, including lifts and internal/external stair wells, eg use with swipe card or appropriate security system.
  - All surfaces shall be painted in light coloured paint or finished in light grey concrete to reflect as much light as possible.
  - All potential entrapment points shall be avoided, eg under stairs, blind corners and wide columns. Adequate lighting and mirrors should be used when certain design features are unavoidable.
  - An intercom security system shall be installed in all levels of the car park.
  - Consideration should also be given to emergency phone/help points in all levels of the basement.
  - Commercial and residential car parking shall be separated to allow increased safety and security for residential tenants.
- 4.15 Prior to the Occupation Certificate for Stages 1 and 2, the building shall be clearly identified with street numbers visible to assist visitors and emergency services.
- 4.16 A dilapidation report of all adjoining buildings and Council owned infrastructure fronting the development in High Street and Union Lane is to be submitted to Council prior to the commencement of construction of Stages 1 and 2. The report is to include, but not limited to, footpaths, kerb and gutter, pavement and street trees and is to extend 10m either side of the development.
- 4.17 Basement entry levels are to be designed so that overland flow does not reach the basement. Details are to be provided to Council for consideration and approval prior to the commencement of works.
- 4.18 The layout of the car parking areas associated with the subject development including driveways, access ramp grades, circulating roadways, turn paths, sight distance requirements, overhead clearances for people with a disability, aisle widths and parking bay dimensions (allowing for full door opening) shall be in accordance with AS 2890.1- 2004 and Council's requirements. Full details demonstrating compliance must be submitted with the Construction Certificate for Stages 1 and 2.
- 4.19 Prior to the issue of an Occupation Certificate for Stages 1 and 2, a

parking management plan to control the use of the spaces between the tenancies, and the proposed stacked parking and visitor/tenant parking arrangements is to be submitted to Council.

- 4.20 All vehicles are to enter and exit the development in a forward direction.
- 4.21 All construction vehicles and activities must be fully contained within the site. No vehicles associated with the construction or demolition activities are to stand on High Street.
- 4.22 All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads and Traffic Authority or Council.
- 4.23 The recommendations of the geotechnical report prepared by Geotechnique Pty Ltd are to be adopted in site works and construction design.
- 4.24 Prior to the issue of a Construction Certificate, item (i) as outlined below must be approved by Council. The remaining items (ii) to (viii) will be completed in the following manner, prior to an Occupation Certificate for Stages 1 and 2 being issued:
- (i) Garbage truck travel and collection heights must be considered in the design of the loading dock in order for services to be provided. Design details are to be provided to Council which demonstrate the loading heights can accommodate the necessary truck movements.
  - (ii) Design of the loading dock drive, turntable and associated infrastructure must cater for fully laden garbage trucks (21 tonnes).
  - (iii) The proposed access door and roller shutters to the loading dock are to be provided with an ABLOY locking system to be installed by Council at the developer's expense. Council and/or collection contractors will hold the master key.
  - (iv) A dedicated storage area for commercial garbage and recycling bins (that does not conflict with loading access) measuring a minimum of 7.5m x 2.5m must be provided and be separate to domestic waste storage areas.
  - (v) Basement waste storage rooms are to be provided with 1.2m wide access doors to cater for future bin sizes if necessary.
  - (vi) The residential garbage and recycling bins must be separated for access by the two collection contractors within the loading dock area.
  - (vii) All waste/recycling storage rooms, collection points and garbage chutes are to be clearly signed.
  - (viii) Sufficient space must be provided in each commercial space for the interim storage of garbage and recyclables.
- 4.25 After occupation, waste storage and servicing will ensure the

following operations:

- Right of access onto the site by Council's waste collection contractors is to be provided and Council and its contractors must be indemnified against any property damage or personal injury.
- The loading dock must be clear of vehicles in order for bins to be collected.
- Transportation of bins to the loading dock area is to be performed using motorised carts/vehicles and not lifts.
- Bins are not to be placed on the street for collection.
- Waste bins and waste collection areas are not to be accessible to the public or left unsupervised for collection.

4.26 Prior to the Occupation Certificate for Stages 1 and 2, landscaping is to be completed in the following manner:

- Retaining walls shall be designed with adjacent furnishings so they are not skateable. When this is not possible, anti-skate devices shall be robustly incorporated.
- Public art shall be incorporated into the landscape design. The applicant is to liaise with Council's Cultural Development Officer in this regard.
- An uncoloured broom finish concrete is to be provided on footpaths at the High Street, Union Road and Union Lane frontages with appropriate joining between slabs. The extent shall interface with a "private property" paving type at an appropriate point.
- Bike racks are not to be provided on the footpath, but should be visible from the footpath.
- Placement of street trees is to consider street lighting and major street signs.
- Underground electrical wiring to permit street trees to mature and provide character for the urban/residential interface is encouraged.
- Substations are to be appropriately screened to improve amenity and safety.

4.27 Prior to the Construction Certificate for Stages 1 and 2, to ensure early order of stock, the applicant is to liaise with Council's Landscape and Urban Design Supervisor regarding the street tree species and street furnishings to be nominated

4.28 The design of the building shall achieve a ABGR rating of 4.5 stars (Australian Building Greenhouse Rating). Documentary evidence is to be provided prior to the issue of an Occupation Certificate.

#### Advices

- A The additional vehicular access to the temporary car parking area and the permanent Stage 3 development in Union Road relieves the requirement for

modifications or bans to turning movements at surrounding intersections. However, Council will reserve the right to review this situation after occupation.

- B In accordance with the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
- C Any temporary loading zones required during construction will be the subject of a separate application to the Local Traffic Committee and payment of the appropriate fees.

SCHEDULE B – Stage 3

The applicant shall have regard to the following matters in the detail design and development application of the Stage 3 buildings:

- (i) The Stage 3 development must be implemented substantially in accordance with the architectural plans prepared by Watermark Architecture and Interiors Pty Ltd, dated 29 August 2008, and numbered 0656 Issue 1; A001, A098, A099, A100, A101, A102, A500, A501, A502, A600; landscape plans prepared by Site Image Landscape Architects, dated 12 October, 2007, numbered Z1667, L01, Issue G.
- (ii) A separate development application shall be submitted to Penrith City Council for Stage 3 of the development.
- (iii) The two buildings are to be 6 storeys in height and contain a mix of residential and retail/commercial land uses.
- (iv) Vehicular access to two levels of basement car parking is to be provided via Union Street as well as the Stage 1 and 2 basement levels.
- (v) To allow vehicular access at basement levels, the subsurface road closure of Union Lane is to occur.
- (vi) Car parking spaces are to be provided and allocated to Stage 3 as follows: 5 spaces for retail floor space and 77 spaces for residential floor space.  
  
Should residential spaces be reallocated from commercial/retail spaces, a contribution for car parking will be applied as per the applicable rate at the time, unless otherwise approved by Council. The parking space dimensions and manoeuvring areas are to comply with AS2890.1, the Building Code of Australia and the Commonwealth Disability Discrimination Act, or the applicable standards at that time.
- (vii) To maintain pedestrian connectivity and casual surveillance, the through site pedestrian link from High Street, between the Stage 1 and 2 buildings, is to continue through Stage 3 to Union Road.
- (viii) To maintain residential amenity, apartments are to satisfy the design quality



principles of *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings* and guidelines within *The Orange Book*.

- (ix) Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 “Design for Access and Mobility”, or the relevant codes at that time. At a minimum, 10% of all residential units (3 units) are to be designed according to the adaptable housing code (AS4299), or the relevant code at that time.
- (x) To ensure an ecological sustainable outcome, the buildings are to be provided with a green roof and more than satisfy contemporary standards applicable of the time.
- (xi) To maintain water quality for the precinct and Nepean River, the site is to be adequately drained of stormwater.
- (xii) To maintain amenity of tenants and residents, waste disposal is to be appropriately serviced and managed.
- (xiii) All monetary contributions applicable at the time of issue of Construction Certificates are to be made.

5. Those persons who lodged submissions be notified of Council’s decision.

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

<b>For</b>	<b>Against</b>
Councillor Jim Aitken OAM	
Councillor Kaylene Allison	
Councillor Robert Ardill	
Councillor Kevin Crameri OAM	
Councillor Greg Davies	
Councillor Mark Davies	
Councillor Tanya Davies	
Councillor Ross Fowler OAM	
Councillor Ben Goldfinch	
Councillor Jackie Greenow	
Councillor Prue Guillaume	
Councillor Marko Malkoc	
Councillor Karen McKeown	
Councillor Kath Presdee	
Councillor John Thain	

Councillor Ross Fowler OAM returned to the meeting, the time being 8:40pm

## **THE CITY AS AN ECONOMY**

### **10 Membership of the New Economic Development entity**

480 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Tanya Davies

That:

1. The information contained in the report on Membership of the New Economic Development entity be received.
2. Mr Craig Butler's nomination as the General Manager's representative on the Board of the new economic development entity be approved.

## **THE CITY SUPPORTED BY INFRASTRUCTURE**

### **11 Proposed Commuter Carpark - St Marys**

481 A MOTION was MOVED by Councillor Jackie Greenow seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Proposed Commuter Carpark - St Marys be received.
2. Council gives in-principle support to the proposed commuter carpark at St Marys.
3. Further discussions be held with RailCorp regarding the ownership /management model as indicated in this report.

An AMENDMENT was MOVED by Councillor Mark Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Proposed Commuter Carpark - St Marys be received.
2. Council gives in-principle support to the proposed commuter carpark at St Marys.
3. Further discussions be held with RailCorp regarding the ownership/management model as indicated in this report.
4. Council write to the Minister for Transport thanking them for providing a commuter carparking facility in St Marys and also enquiring as to the intention of the car park to charge users a fee for usage.

On being PUT to the meeting, the AMENDMENT was LOST.

On being PUT to the meeting the MOTION was CARRIED.

### **12 Funding Offer from the Roads and Traffic Authority for Implementation of a 40km/h High Pedestrian Activity Area Scheme in Penrith CBD**

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

That:

1. The information contained in the report on Funding Offer from the Roads and Traffic Authority for Implementation of a 40km/h High Pedestrian Activity Area Scheme in Penrith CBD be received.
2. Council accept the RTA's offer of \$220,000 to commence detailed design and estimates of traffic calming devices associated with a 40km/h High Pedestrian Activity Scheme.
3. Subject to confirmation of additional RTA funding, up to a total of \$300,000, a 40km/h High Pedestrian Activity scheme be implemented in the Penrith CBD as detailed in the report.
4. Council's component being up to \$150,000 be funded from Traffic Facilities budget and salary savings.
5. Consultation with affected stakeholders be carried out prior to the implementation of traffic calming devices within the City Centre.

Councillor Jackie Greenow requested her name be recorded as having voted against motion.

### **13 Transport Conference - Urban Transport World Australia 2009**

483 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Transport Conference - Urban Transport World Australia 2009 be received.
2. Council nominate Councillors to attend the conference on 24 and 25 February 2009.
3. Councillors Jim Aitken OAM, Greg Davies and Ben Goldfinch to attend the conference.

## **LEADERSHIP AND ORGANISATION**

### **14 Decision Making Arrangements During the Council Recess**

484 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Decision Making Arrangements During the Council Recess be received.
2. Development Applications which would normally warrant reporting to Council between 16 December 2008 and 1 February 2009 inclusive be determined under the General Manager's delegation by the General Manager, after consultation with the Mayor, including DA08/1082 – 601 High Street – Civic Space – Operation of a Farmer's Market.
3. A report be presented to the Ordinary Council Meeting to be held on 2 February 2009 relating to the operations of the organisation during this period.
4. Development Application DA07/0494 – ADI Site (Penrith) 1070-1274 The Northern Road, Llandilo – Modify Fill Details, be reported to Council for determination.

#### **16 Summary of Investments & Banking for the period 1 November 2008 to 30 November 2008**

485 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 November 2008 to 30 November 2008 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 November 2008 to 30 November 2008 be noted and accepted.
3. The graphical investment analysis as at 30 November 2008 be noted.

#### **QUESTIONS WITHOUT NOTICE**

##### **QWN 1 Penrith LGA Backyard Swimming Pool Register**

Councillor Robert Ardill requested a memo reply to all Councillors regarding the existence of a register of backyard swimming pools and associated inspection programs for pool fence compliance.

##### **QWN 2 2009 History Conference**

Councillor Ross Fowler OAM requested that an amount of \$3,000 divided equally from all 3 Wards Voted Works be allocated to assist fund the 2009 History Conference.

486 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Jim Aitken OAM, ruled that the matter was urgent and should be dealt with at the meeting.

487 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch that \$3,000 divided equally from all 3 Wards Voted Works be allocated to assist fund the 2009 History Conference.

**QWN 3 Council Property - Electricity Easements at Wallacia Bushfire Brigade, Lot 422 DP 706223, Park Road, Wallacia**

Councillor Karen McKeown left the meeting, the time being 9:02pm.

Councillor Kevin Crameri OAM requested a report to Council investigating whether 25% of the total compensation received by Council from Sydney Water could be returned to the Wallacia Bushfire Brigade.

**QWN 4 Region 1 Proposed Bus Network Review – Bus Route 782**

Councillor Karen McKeown returned to the meeting, the time being 9:03pm.

Councillor Kevin Crameri OAM requested a memo reply to all Councillors on Council's position regarding bus route 782.

**QWN 5 Local Environment Plan Matters**

Councillor Kevin Crameri OAM requested a urgent memo reply on the matters raised by residents in relation to the E4 zoning under the proposed Penrith LEP 2008.

**QWN 6 Work carried out on Fairlight Road, Mulgoa**

Councillor Kevin Crameri OAM requested a memo reply to all Councillors detailing the work carried out on Fairlight Road, Mulgoa and also information on the history of the site and whether or not it has a Development Application and Council's involvement in this.

**QWN 7 Proposed School - Seventh Avenue, Llandilo**

Councillor John Thain requested on behalf of the Berkshire/Shanes Park Residents Action Group an extension of the exhibition period until the end of January for the proposed school at Seventh Avenue, Llandilo

**QWN 8 Penrith Soup Kitchen**

Councillor John Thain requested that an amount up to \$2,400 be divided equally from all 3 Wards Voted Works be allocated to purchase a commercial dishwasher.

488 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Jim Aitken OAM, ruled that the matter was urgent and should be dealt with at the meeting.

489 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies that the amount of up to \$2,400 be divided equally from all 3 Wards of Voted Works be allocated to purchase a commercial dishwasher.

## **COMMITTEE OF THE WHOLE**

490 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Prue Guillaume the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:12pm.

Councillor Kevin Cramer OAM left the meeting, the time being 9:14pm.

### **1 Presence of the Public**

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

#### *City In Its Environment*

### **2 Commercial Matter - Additional Project for Regional & Local Community Infrastructure Program**

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

The meeting resumed at 9:17pm and the General Manager reported that the Committee of the Whole met at 9:12pm on 15 December 2008, the following being present

His Worship the Mayor Councillor Jim Aitken OAM, Councillors Kaylene Allison, Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee, and John Thain

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

Councillor Kevin Crameri OAM returned to the meeting, the time being 9:18pm.

**CONFIDENTIAL BUSINESS**

**2 Commercial Matter - Additional Project for Regional & Local Community Infrastructure Program**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Kaylene Allison

CW2 That:

1. The information contained in the report on Commercial Matter - Additional Project for Regional & Local Community Infrastructure Program be received.
2. An application be made to the Strategic Projects component of the RLCIP as indicated in this report.
3. Design costs for the project be advanced from the Design Reserve (RA40081) as indicated in this report.

**ADOPTION OF COMMITTEE OF THE WHOLE**

491 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown the recommendation contained in the Committee of the Whole and shown as CW2 be adopted.

**MASTER PROGRAM REPORTS**

**LEADERSHIP AND ORGANISATION**

**15 Regional & Local Community Infrastructure Program**

492 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Robert Ardill

That the information contained in the report on Regional & Local Community Infrastructure Program be received.

There being no further business the Chairperson declared the meeting closed the time being 9:21pm.

I certify that these 30 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 15 December 2008..

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

