

CONFIRMED MINUTES

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

ON MONDAY 25 MAY 2009 AT 7:33PM

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 the 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 - 4 May 2009

115 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that the minutes of the Ordinary Meeting of 4 May 2009 be confirmed.

DECLARATIONS OF INTEREST

Nil.

SUSPENSION OF STANDING ORDERS

116 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kath Presdee that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:37 pm.

Mr Trevor George Robey

Item 11 – Development Application DA08/1275 Torrens Title Subdivision of two lots into five lots at Lot 100 DP591759 and Lot 98 DP 238269 (No 27 & 45) Greenhaven Drive Emu Plains

Mr Trevor Robey, an interested citizen, spoke in support of the recommendation to refuse the subdivision and noted Council's commitment to sustainability and protection of the natural heritage of the area, including the habitat of several endangered and threatened species. Mr Robey also encouraged Council to move quickly with the adoption of the Draft LEP 2008 to ensure that E2 zoning will apply to the land, thereby preserving, unspoilt, the escarpment for future generations.

Ms Kristina McColl

Item 11 – Development Application DA08/1275 Torrens Title Subdivision of two lots into five lots at Lot 100 DP591759 and Lot 98 DP 238269 (No 27 & 45) Greenhaven Drive Emu Plains

Ms McColl, representing the Emu Heights Escarpment Protection Group, spoke in support of the recommendation to refuse the subdivision. Ms McColl thanked local residents for their support, noting the impacts that the proposed subdivision would have had on the street and also the local area as a whole. Ms McColl also thanked Council staff for their attention to detail in reporting this matter, and noted the environmental significance of the Blue Mountains escarpment and why it is important to preserve. Ms McColl requested more information electronically to assist the public in viewing information on development applications. The Council's Development Services Manager stated that his Department was attending to this but it required a software upgrade that was planned in the future.

Mr Vince Hardy

Item 12 - Development Application DA08/1333 for Demolition of a Service Station and Erection of a Nine (9) Storey Mixed Use Development on Part Lots 21 & 22, Sec 30, DP 1855 and Part Lot 46B DP 411863 (No. 182-190) Great Western Highway, Kingswood

Mr Hardy, the applicant, spoke in support of the proposed development and briefly outlined the context and strategic background to the application. Mr Hardy noted the advantages of locating this development in the commercial centre of Kingswood, close to the university and town centre, and provided a description of the architectural and design intent of the proposal.

Mr Daniel Szwaj

Item 12 - Development Application DA08/1333 for Demolition of a Service Station and Erection of a Nine (9) Storey Mixed Use Development on Part Lots 21 & 22, Sec 30, DP 1855 and Part Lot 46B DP 411863 (No. 182-190) Great Western Highway, Kingswood

Mr Szwaj, architect for the proposed development, spoke in support of the development, outlining the architectural merits of the proposal. Mr Szwaj noted that the development has a traditional design which responds to the existing streetscape and is well suited to a mixed use of commercial and residential use in Kingswood. Mr Szwaj concluded by explaining various architectural features of the proposal in detail.

Councillor Mark Davies left the meeting, the time being 7:58 pm.

Councillor Mark Davies returned to the meeting, the time being 8:00 pm.

RESUMPTION OF STANDING ORDERS

117 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Karen McKeown that Standing Orders be resumed, the time being 8:02 pm.

MAYORAL MINUTES

1 Local Government and Shires Associations Cultural Awards 2009

118 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor John Thain that the Mayoral Minute on Local Government and Shires Associations Cultural Awards 2009 be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 4 May 2009

119 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 4 May, 2009 be adopted.

2 Report and Recommendations of the Policy Review Committee Meeting, held on 18 May 2009

120 RESOLVED on the MOTION of Councillor Prue Guillaume seconded Councillor Ben Goldfinch that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 18 May, 2009 be adopted.

MASTER PROGRAM REPORTS

Procedural Motion

121 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor John Thain that Council consider Items 11 and 12 on the agenda before consideration of any other item of business. Councillor John Thain also indicated that as Item 10 related to an issue within the confidential section of the Committee of the Whole, the item should be considered upon conclusion of the Committee of the Whole.

THE CITY AS A SOCIAL PLACE

- 11 Development Application DA08/1275 Torrens Title Subdivision of two lots into five lots at Lot 100 DP591759 and Lot 98 DP 238269 (No 27 & 45) Greenhaven Drive Emu Plains . Applicant: Kevin Smith, Werrington Unit Trust; Owner: Tresaire Pty Ltd** **DA08/1275**

122 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Development Application DA08/1275 Torrens Title Subdivision of two lots into five lots at Lot 100 DP591759 and Lot 98 DP 238269 (No 27 & 45) Greenhaven Drive Emu Plains be received
2. Development Application DA08/1275 Torrens Title Subdivision of two lots into five lots at Lot 100 DP591759 and Lot 98 DP 238269 (No 27 & 45) Greenhaven Drive Emu Plains be refused for the following reasons:

Reasons of Refusal

- 2.1 Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 the proposed development does not satisfy the objectives of the 7(e) Environmental Protection Zone and is not permitted under Clause 12 of Penrith Local Environmental Plan 226.
- 2.2 Pursuant to Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act, 1979 the proposed development is inconsistent with the minimum lot size proposed under Draft Penrith Local Environmental Plan 2008.
- 2.3 Pursuant to Section 79C(1)(a)(iii) the proposed development is inconsistent with Penrith DCP 2006 Part 6.8 Blue Mountains Eastern Escarpment Siting Design and Management.
- 2.4 Pursuant to Section 91A of the Environmental Planning and Assessment Act, 1979 the Rural Fire Service has not issued a Bush Fire Safety authority under Section 100B of the Rural Fires Act 1997 and as such Council cannot grant consent under Section 91 of the Environmental Planning and Assessment Act, 1979.
- 2.5 Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979 the proposal is not in the public interest due to matters raised in submissions.

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 Crameri OAM
Councillor Greg Davies
Councillor Mark Davies
Councillor Tanya Davies
Councillor Ross Fowler OAM
Councillor Ben Goldfinch

Against

Councillor Jackie Greenow
Councillor Prue Guillaume
Councillor Marko Malkoc
Councillor Karen McKeown
Councillor Kath Presdee
Councillor John Thain

- 12 Development Application DA08/1333 for Demolition of a Service Station and Erection of a Nine (9) Storey Mixed Use Development on Part Lots 21 & 22, Sec 30, DP 1855 and Part Lot 46B DP 411863 (No. 182-190) Great Western Highway, Kingswood. Applicant: Cityscape Planning & Projects; Owner: Mr W. S. Quirk**

DA08/1333

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

That:

1. The information contained in the report on Development Application DA08/1333 for Demolition of a Service Station and Erection of a Nine (9) Storey Mixed Use Development on Part Lots 21 & 22, Sec 30, DP 1855 and Part Lot 46B DP 411863 (No. 182-190) Great Western Highway, Kingswood be received
2. Development Application DA08/1333 for Demolition of a Service Station and Erection of a Nine (9) Storey Mixed Use Development on Part Lots 21 & 22, Sec 30, DP 1855 and Part Lot 46B DP 411863 (No. 182-190) Great Western Highway, Kingswood be GRANTED A 3 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:

Standard Conditions

- 2.1 A001 approved plans – architectural plans prepared by Turner & Associates, (Job No. 08040) in accordance with the following schedule:

Drawing Title	Drawing No	Issue	Prepared	Dated
Cover page, Location Plan & Drawing Schedule	DA00	F	Turner & Associates	13-03-09
Site Analysis	DA01	B	Turner & Associates	17-12-08
Site Plan / Roof Plan	DA02	C	Turner & Associates	13-03-09
Basement Parking Level 3 & Level 4	DA20	G	Turner & Associates	17-12-08
Basement Parking Level 1 & Level 2	DA21	J	Turner & Associates	16-02-09
Ground & Level 1	DA22	J	Turner & Associates	18-02-09
Level 2 & Levels 3-6	DA23	G	Turner & Associates	13-03-09
Levels 7 & 8	DA24	G	Turner & Associates	13-03-09
Sections	DA31	F	Turner & Associates	13-03-09
North Elevation	DA41	F	Turner & Associates	13-03-09
West & East Elevation	DA42	G	Turner & Associates	13-03-09
South Elevation	DA43	G	Turner & Associates	13-03-09
Shadow Diagrams	DA70		Turner & Associates	17-12-08

- A011 - DCP Construction
- A017- Separate DA for Commercial Uses
- A019 - Compliance Certificate
- A026 - Advertising sign
- A039 - Graffiti
- A046 - Construction certificate
- B002 - Demolition Works
- B004 - Dust (referring to demolition and excavation and construction of basement)
- B005 - Mud/soil
- D001 - Sediment and erosion control measures
- D009 - Covered waste storage area
- D010 - Disposal of excavated waste
- E01A - BCA compliance for Class 2-9
- E002 - BCA issues to be addressed (two (2) fire isolated stairs and travel distances from some residential units to the stair);
- E006 - Disabled access and facilities (compliance report)
- E009 - Fire safety statement
- F006 - Water tank and nuisance
- G002 - Section 73 (Sydney Water)
- G004 - Integral Energy
- H001 - Stamped plans and erection of site notice
- H002 - Site requirements for construction
- H003 - Traffic management and pedestrian management
- H011 - Structural engineering plans and specifications
- H025 - Construction of garbage rooms
- H033 - Clothes lines
- H041 - Hours of work
- I003 - Roads Act Approval
- K002 - Works As Executed
- K019 - Connection to Council's drainage system
- K025 - Pavement seal
- K027 - Car parking (118 car parking spaces)
- K031 - IN/OUT Separation
- K036 - Maintenance Bond
- K037 - Performance Bond
- N001-6 - Section 94 Contributions

Cultural Facilities	\$14,152
District Open Space	\$177,390
Footpaths	\$10,168
Library Facilities	\$40,258
Local Open Space	\$64,127
Kingswood Neighbourhood Centre	\$17,038
Total	\$323,133

- P001 - Applicants cost
- P002 - Council Fees - Amended
- Q001 - Notice of commencement
- Q006 - Occupation Certificate for Class 2-9

Special Conditions

Construction

- 2.2 Suitable shoring practices are to be completed to protect any adjoining property from collapse. Details of shoring practices shall be certified by a Professional Engineer and submitted to Council prior to commencement of work.
- 2.3 A suitable hoarding is to be provided to protect the public during the construction phase. Details of the proposed hoarding are to be submitted to the council with the Construction Certificate.
- 2.4 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 the Great Western Highway.

Engineering

- 2.5 A Roads Act approval under Section 138 of the Roads Act is to be obtained from the Roads and Traffic Authority for any works within the Great Western Highway road reserve. In this regard the Roads Act approval from the Roads and Traffic Authority is to be gained prior to the issue of the Construction Certificate for the development and prior to the separate Roads Act approval being granted by Council for the driveway and footpath works.
- 2.6 A dilapidation report of all Council owned infrastructure fronting the development in the Great Western Highway and in Wainwright Lane is to be submitted to Council prior to the commencement of construction. 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.
- 2.7 An Engineering Construction Certificate for the provision of engineering works in the road reserves is to be approved by the Certifying Authority. Engineering design drawings are to be prepared strictly in accordance with Penrith Development Control Plan 2006 Part 2.3 Engineering Works and the Guidelines for Engineering Works for Subdivisions and Developments Part 1 – Design.
- 2.8 Basement entry levels are to be designed so that overland water flow does not reach the basement. Details are to be provided to Council for consideration and approval prior to the commencement of works.
- 2.9 Pits in driveways and parking aisles shall be installed with medium duty grates.

- 2.10 New heavy duty double width kerb and footway crossing shall be provided in Wainwright Lane.
- 2.11 Any redundant gutter crossings shall be reinstated with kerb and gutter to Council's satisfaction.
- 2.12 Damaged kerb and gutter shall be reinstated for the full frontage of the site in Great Western Hwy and in Wainwright Lane to Council's satisfaction.
- 2.13 The concrete footpath along the full frontage of the site in Wainwright Lane and the Great Western Highway shall be constructed to Council's requirements.
- 2.14 Prior to issue of the construction certificate, the stormwater connection from the site to Council's stormwater system in the locality shall be designed to Council's satisfaction.

Noise

- 2.15 Compliance with the recommendations contained in the Updated Acoustic Report (Report No. 20C-08-0227-TRP-451121-4) prepared by Vipac Engineers & Scientists Ltd., 13th March 2009).

Traffic

- 2.16 Full time 'No Stopping' restrictions are to be provided 10 metres either side of and opposite the access driveway on Wainwright Lane to facilitate heavy vehicle movements, with the installation of signage at no cost to the RTA or Council.
- 2.17 Loading and unloading of vehicles associated the development shall not occur on Great Western Highway.
- 2.18 Appropriate sight lines must be maintained form the proposed driveway fronting Wainwright lane in accordance with AS 2890.1 (2004).
- 2.19 All vehicles are to enter and exit the development in a forward direction.

Adaptability

- 2.20 Prior to the issue of a Construction Certificate appropriate documentation is to be submitted to demonstrate that at a minimum, 10% of all residential units (6 units) are to be designed according to the adaptable housing code (AS4299). Also these residential units are to be provided with accessible parking in accordance with AS4299.

SEPP 65

- 2.21 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.

Security Management Plan

- 2.22 Prior to the issue of an Occupation Certificate 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 the site's pedestrian link after retail and commercial operating hours to maintain the safety and security of residents.

Lighting

- 2.23 Prior to the issue of an Occupation Certificate, the development shall be provided with lighting in the following manner:
- a) Under awning lighting shall be provided along the Great Western Highway building frontage and Wainright Lane frontage, to clearly illuminate pedestrian walkways and entry/exit points.
 - b) All entrances/exits shall be well lit to clearly illuminate these areas where people are most vulnerable.
 - c) All lighting shall be vandal proof.
 - d) Lighting shall be contained within the property boundary and no lights shall be projected upwards (uplighting of landscaping shall be restricted to tree canopy only).
 - e) No lighting shall be projected in such a manner that it would create glare issues for vehicles or pedestrians.
 - f) All street awnings attached to the development should be fitted with under awning lighting.

Car Parking

- 2.24 Prior to the Occupation Certificate the basement car park shall be treated in the following manner:
- a) Vehicle access to all levels of the basement car park shall be accessible by tenants/residents/business operators of the building and their authorised guests only. Access to the car parking area

from Wainwright Lane shall be controlled by an automatic roller shutter with residents and retail patrons having access control devices. This would minimise/prevent vandalism, theft and crime to vehicles and graffiti vandals from entering the basement areas. In addition, the safety of persons would be greatly increased.

- b) A security system shall be installed on the pedestrian entry/exit points to the basement, including lifts and internal/external stair wells.
- c) All surfaces shall be painted in light coloured paint or finished in light grey concrete to reflect as much light as possible.
- d) All potential entrapment points shall be avoided, eg. under stairs, blind corners and wide columns. Adequate lighting and mirrors shall be used when certain design features are unavoidable.
- e) An intercom security system and emergency help points shall be installed in all levels of the car park.
- f) The lifts shall have restricted access to tenants/residents/business operators and be fitted with emergency alarms/phones.
- g) Colour-coded lettering or similar shall be used to identify sections of the car park and assist way-finding in the car park.
- h) Access to waste rooms and storage areas shall be restricted to authorised persons only, with access restricted through the use of a security wipe card system or similar.

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 & 2, (2004). Full details demonstrating compliance must be submitted with the Construction Certificate.

Subleasing of car parking spaces is not permitted by this Consent.

Street Numbering

2.25 Prior to the Occupation Certificate, the building shall be clearly identified with street numbers visible to assist visitors and emergency services.

Waste Management

2.26 Prior to the issue of an Occupation Certificate the development shall provide for waste management in the following manner:

- a) The garbage chute system is to comply with the Building Code of Australia.
- b) The recycling rooms at each residential level shall be of sufficient size to house 2 x 240 litre mobile bins.
- c) The recycling bin rooms, garbage chutes and residential and commercial waste rooms are to be suitably signposted.
- d) The gradient of the ramp leading from the garbage rooms to the exit door at Wainwright Lane shall not be steeper than 1 in 14.
- e) 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.
- f) Sufficient space must be provided at the Wainwright Lane level for the storage of bulky goods/furniture prior to its removal.
- g) 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.
 - 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.
- h) Council is to be given waste dockets to verify the amount and location of the excavated material taken to land fill sites prior to the construction of any building works.

Waste management shall comply with the Waste Management Plan prepared by Cityscape Planning & Projects dated December 2008.

Landscaping

2.27 Prior to the Occupation Certificate, landscaping is to be completed in the following manner:

- a) External walls shall be designed with adjacent furnishings so they are not skateable. When this is not possible, anti-skate devices shall be robustly incorporated.
- b) Public art shall be incorporated into the landscape design. The applicant is to liaise with Council's Cultural Development Officer

- in this regard.
- c) An uncoloured broom finish concrete is to be provided on footpaths at the Great Western Highway and Wainwright Lane frontages with appropriate joining between slabs. The extent of the paving shall interface with a “private property” paving type at an appropriate point.
 - d) Placement of street trees is to consider street lighting and major street signs.
 - e) Underground electrical wiring to permit street trees to mature and provide character for the urban/residential interface is encouraged.

Prior to the issue of the Construction Certificate and 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.

Architectural

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

A 20,000 litre water tank shall be provided in the basement for rainwater re-use.

An additional car wash bay shall be provided adjacent to bay shown on the plans.

The colonnade shall incorporate surveillance security cameras and additional lighting to minimise vandalism, theft and crime as this area would be “out of sight” from other more public areas fronting the Great Western Highway and Wainwright Lane.

The following main bathrooms’ layout and door should be mirror reversed so that toilet pans and basins are not seen when entering the apartment – all 201 and 210 apartments on Levels 2-6, A701, A717, A801 and A804.

2.29 All disabled car parking spaces proposed within the development are to be located adjoining the lifts. Details are to be issued prior to the issue of a construction certificate.

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

Against

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

LEADERSHIP AND ORGANISATION

Councillor Greg Davies left the meeting, the time being 8:27 pm.

1 2008-2009 Management Plan Review as at 31 March 2009

124 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Tanya Davies

That:

1. The information contained in the report on 2008-2009 Management Plan Review as at 31 March 2009 be received.
2. The 2008-2009 Management Plan Review as at 31 March 2009, including revised estimates identified in the recommended budget, be adopted.
3. The proposed budget reallocations and amendments to tasks detailed in the report be adopted.

THE CITY IN ITS BROADER CONTEXT

Councillor John Thain left the meeting, the time being 8:33 pm.

Councillor John Thain returned to the meeting, the time being 8:34 pm.

Councillor Greg Davies returned to the meeting, the time being 8:35 pm.

2 Finalise Master Plan and Implementation Strategy for the Penrith Civic

Arts Space between the JSPAC, Civic Centre and Westfield

'125 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Finalise Master Plan and Implementation Strategy for the Penrith Civic Arts Space between the JSPAC, Civic Centre and Westfield be received
2. Council endorse the Landscape Master Plan
3. The Memorandum of Understanding to be signed by all parties
4. A further urgent report be brought back to Council exploring funding strategies to implement the entire scheme and including a timeframe for completion.

THE CITY AS A SOCIAL PLACE

3 NSW Attorney General's Department Crime Prevention funding

'126 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Marko Malkoc

That:

1. The information contained in the report on NSW Attorney General's Department Crime Prevention funding be received.
2. The grant for the Plate Safe Program in the amount of \$19,445 be accepted.
3. The grant for the Jane Street CPTED Project in the amount of \$64,000 be accepted.
4. Council write a letter thanking the NSW Attorney General for the grant funding for these two projects.

4 Grant Funding Allocation - Department of Ageing, Disability and Home Care

'127 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Grant Funding Allocation - Department of Ageing, Disability and Home Care be received.
2. Council endorse receipt of the recurrent grant of \$25,000 per annum from the Department of Ageing, Disability and Home Care to provide additional resourcing that will focus on disability services support and co-ordination in the City.
3. Letters acknowledging this important funding contribution from the NSW Government be forwarded to the Hon Paul Lynch MP, Minister for Ageing and Minister for Disability Services as well as local State Members.

5 Healthy Eating at Active Penrith Events

'128 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on Healthy Eating at Active Penrith Events be received.
2. Council endorse the implementation of Active Penrith Month.
3. Entry to Council owned facilities, Penrith Pool, St Clair Leisure Centre, and the tennis courts be free on the dates specified for the purpose of open days.
4. Council accept the grants provided by NSW Cancer Council and NSW Department of Sport and Recreation and authorise Council Officers to enter into funding agreements for these grants.
5. Council approve \$12,000 be allocated from the Recreation Reserve for the purpose of seed funding the 2009 Event.

6 Penrith Schools' Boatshed Management Committee

129 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on Penrith Schools' Boatshed Management Committee be received.
2. Council under Section 355 of the Local Government Act approve the following persons to comprise the Management Committee for the Penrith Schools' Boatshed:
 - Ian McRae – President (Penrith Rowing Club)
 - Ray Green OAM – Vice President (McCarthy High School)
 - Stephen Taite – Treasurer and Pro Tem Secretary (Penrith Rowing Club)
 - Greg Corner – Boatshed Captain (Penrith Kayak Club)
 - Jeff Seers – General Committee (Blaxland High School).

7 Aquatic and Recreation Institute Conference, and the Parks and Leisure Association Annual National Conference

130 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Aquatic and Recreation Institute Conference, and the Parks and Leisure Association Annual National Conference be received.
2. Council nominate Councillor Greg Davies to attend the Aquatic and Recreation Institute Conference.
3. A further report be brought back to Council in June 2009 on the Parks and Leisure Association Annual National Conference.

8 St Marys Tennis Centre

'131 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on St Marys Tennis Centre be received.
2. Council allocate \$64,766 from the Recreation Reserve for the purpose of replacing and repairing the floodlights at St Marys Tennis Courts, including the associated repair and maintenance of the courts and fence.

9 Sportsground Management Strategy

'132 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Prue Guillaume

That:

1. The information contained in the report on Sportsground Management Strategy be received.
2. Council approve the development of a Sportsground Management Strategy.
3. @Leisure be appointed as the consultants to complete the Sportsground Management Strategy.
4. \$71,310 be allocated from Council's Recreation Reserve for the purpose of completing the Sportsground Management Strategy.
5. The Draft Sportsground Management Strategy to be the subject of a report to Council at a future Policy Review meeting.

23 Appointment of Council Representatives to Joint Regional Planning Panel

'133 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Appointment of Council Representatives to Joint Regional Planning Panel be received.
2. The Council authorise the General Manager to nominate an appropriate Senior staff representative and staff alternate to the Joint Regional Planning Panel.
3. Council nominate Councillors Jim Aitken OAM, Greg Davies and Ross Fowler OAM as Council's alternate representatives to the Joint Regional Planning Panel.
4. Council make formal representations to the Department of Planning outlining its concerns in relation to the Joint Regional Planning Panel process.

THE CITY SUPPORTED BY INFRASTRUCTURE

13 Tender Number 12-08/09 Provision of Tip Truck Hire

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

That:

1. The information contained in the report on Tender Number 12-08/09 Provision of Tip Truck Hire be received.
2. The tenders received from A T Johnson Pty Ltd, C & C Cremona P/L, Earth Civil (NSW) P/L, EDSOG P/L, G & F Plant Hire, J & J Dimech P/L, J Fairhall Earthmoving P/L, Jeffsan Excavations P/L, Lion Earthworks P/L, N & M Bray, P & D Mizzi P/L, Premier Plant Hire, R & K Deguara & Raygal Pty Ltd. (Fleet Owners) be accepted and included in the relevant Truck Hire listing for a period of twenty-four (24) months with an option to extend the arrangements for a further twelve (12) month period with provision for rise & fall.
3. The tenders received from A & L Excavation & Haulage, A1 Bobcat & Tipper Service, Davinya Pty Ltd, J Fairhall Earthmoving Pty Ltd, JP & J Refalo, LGS Plant Hire, LRA Transport, Michael Collins, P & R Xiberras P/L, Phil Little, Ronald J Roser Tipper Hire & Supreme Earthmoving P/L (Owner/Operators) be accepted and included in the relevant Truck Hire listing for a period of twenty-four (24) months with an option to extend the arrangements for a further twelve (12) month period with provision for rate adjustments in accordance with the TWU Transport Industry – Excavated Materials Contract Determination IRC No. 4900.

14 Tender No 10-08/09 Provision of Locksmith Services

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

That:

1. The information contained in the report on Tender No 10-08/09 Provision of Locksmith Services be received.
2. Neverest Securities Pty Ltd Trading as Mul-T-Security be awarded the contract for the provision of Locksmith Services for a period of 3 years with an option to extend the agreement for a further 2x1 year periods (with provision for rise & fall) subject to satisfactory performance.

LEADERSHIP AND ORGANISATION

Councillor Mark Davies left the meeting, the time being 8:51 pm.

Councillor Mark Davies returned to the meeting, the time being 8:52 pm.

His Worship the Mayor, Councillor Jim Aitken OAM, and the Deputy Mayor, Councillor Ross Fowler OAM, declared a pecuniary interest in *Item 24 - Result of the Request for*

Quotation for Council's Advertising Services, as they are Directors of a newspaper circulating in the Council's area.

Councillor Jim Aitken OAM and Councillor Ross Fowler OAM stated that they would leave the Chamber during consideration of this matter.

18 Samuel Marsden Road Riding Facility Committee - Appointment of Committee Members

136 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Samuel Marsden Road Riding Facility Committee - Appointment of Committee Members be received.
2. Council, under Section 355 of the Local Government Act, approve the following persons to comprise the Samuel Marsden Road Riding Facility Committee:
 - Stewart Chapman (RDA)
 - Stephanie Kaye-Smith (RDA)
 - David Gibson (RDA)
 - Sandra Himsley (Pony Club)
 - Don Swanston (Pony Club)
 - Rhonda Batten (Pony Club).
3. The General Manager's nominee on the Samuel Marsden Road Riding Facility Committee be Council's Recreation Manager.

19 2008-09 Borrowing Program

'137 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on 2008-09 Borrowing Program be received.
2. Council borrow the 2008-09 Borrowing Program, in line with the adopted Management Plan, on 5, 10 or 15 year repayment schedules.
3. Council's General Manager be authorised to negotiate appropriate loan terms in accordance with this report and resolution.
4. The Council seal be affixed to those documents that are necessary to finalise these borrowings
5. The final terms and conditions of the borrowings be reported to Council upon completion of the contracts.

20 Annual GST Compliance Certificate

'138 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Annual GST Compliance Certificate be received.
2. The Mayor, Deputy Mayor, General Manager and Group Manager - Finance sign the 2009 GST Compliance Certificate.

21 2009 Local Government Remuneration Tribunal Determination

'139 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on 2009 Local Government Remuneration Tribunal Determination be received
2. The fees payable to the Mayor and Councillors for 2009/2010 be set at the maximum level permitted.

22 Summary of Investments & Banking for the period 1 April 2009 to 30 April 2009

'140 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 April 2009 to 30 April 2009 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 April 2009 to 30 April 2009 be noted and accepted.
3. The graphical investment analysis as at 30 April 2009 be noted.

15 Bestowing the Civic Recognition of Honoured Citizen of the City of Penrith upon Freda Whitlam, AM

'141 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Bestowing the Civic Recognition of Honoured Citizen of the City of Penrith upon Freda Whitlam, AM be received.
2. Council bestow the Civic recognition of Honoured Citizen of the City of Penrith upon Freda Whitlam AM, at a Civic Reception, to be held at a mutually convenient time.

16 Annual Insurance Renewals - Liability & Industrial Special Risk

'142 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Annual Insurance Renewals - Liability & Industrial Special Risk be received.
2. Council retain its \$100,000 claims excess for Public Liability and agree to pay a contribution of \$1,078,000 to Westpool for liability cover.
3. Council retain its \$20,000 claims excess for Industrial Special Risk and General Property cover and agree to pay a contribution of \$371,000 to United Independent Pools.

17 Councillor Representation on an External Organisation

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

That:

1. The information contained in the report on Councillor Representation on an External Organisation be received.
2. Council appoint Councillor Robert Ardill as its representative to the Western Sydney Academy of Sport Advisory Forum.

Procedural Motion

144 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that Councillor John Thain take the Chair for consideration of *Item 24 – Result of the Request for Quotation for Council's Advertising Service*.

Having previously declared a pecuniary interest in Item 24, His Worship the Mayor, Councillor Jim Aitken OAM and the Deputy Mayor, Councillor Ross Fowler OAM left the meeting, the time being 8:58 pm.

Councillor John Thain then took the Chair for consideration of *Item 24 – Result of the Request for Quotation for Council's Advertising Service*.

24 Result of the Request for Quotation for Council's Advertising Services

145 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on Result of the Request for Quotation for Council's Advertising Services be received.
2. Council reappoint Leonard Holt Robb for a period of two years with a two year option.
3. The terms of reference of the Advertising Working Party be expanded as discussed in the report.

His Worship the Mayor, Councillor Jim Aitken OAM and the Deputy Mayor, Councillor Ross Fowler OAM returned to the meeting, and the Mayor took the Chair, the time being 8:59 pm.

QUESTIONS WITHOUT NOTICE

QWN 1 Provision of Lighting - Basketball Courts, opposite Werrington Railway Station

Councillor Ben Goldfinch requested a memo reply to all Councillors concerning the possibility of providing lighting at the basketball courts located opposite Werrington Railway Station.

QWN 2 Bus Services to Panthers Club

Councillor Ben Goldfinch requested a memo reply to all Councillors concerning the provision of bus services available to the Penrith Panthers complex, in view of recent renovations and expected increase in patronage.

QWN 3 M4 Toll Issues

Councillor Mark Davies requested a report to Council concerning the removal of the M4 toll and the possible continuation of the M4 toll cashback.

QWN 4 Erskine Park Employment Area

Councillor Ross Fowler OAM requested a report to Council on the development of the Erskine Park Employment Area and the impact of this development on the biodiversity corridor.

QWN 5 Health and Wellbeing Community Forum

Councillor Kevin Crameri OAM requested that an amount of up to \$2,000 divided equally from all 3 Wards' Voted Works be allocated to Rotary to fund the holding of the Health and Wellbeing Community Forum.

146 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain 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.

147 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain that an amount of \$2,000 divided equally from all 3 Wards' Voted Works be allocated to Rotary to fund the holding of the Health and Wellbeing Community Forum.

QWN 6 Matter concerning Electricity and Water Charges

Councillor Kevin Crameri OAM requested a memo reply to all Councillors concerning a report he had previously requested concerning representations to IPART on the increase in electricity and water charges.

QWN 7 Traffic Matters - St Marys

Councillor Jackie Greenow requested that the following matters be referred to the Local Traffic Committee for investigation: 1) the intersection of Marsden Road, Great Western Highway and Sydney Street in St Marys – visibility issues; 2) the intersection of Mamre, Lonsdale and Wilson Roads in St Marys – possibility of installing a median strip to prevent right hand turns; and 3) problems associated with widened Mamre Road bridge, causing increase in traffic at the intersection of Mamre Road and the Great Western Highway.

QWN 8 Leukaemia Foundation Fundraising

Councillor Jackie Greenow requested that an amount equal to the hall hire cost of Harold Corr Community Hall be allocated from East and North Ward voted works to the Leukaemia Foundation to cover the cost of hiring the hall for a fundraising dance.

148 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Cramer OAM 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.

149 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Cramer OAM that an amount equal to the hall hire cost of Harold Corr Community Hall be allocated from East and North Ward voted works to the Leukaemia Foundation to cover the cost of hiring the hall for a fundraising dance.

QWN 9 Donation for a local Baseball Player to travel overseas

Councillor Jackie Greenow requested that an amount of \$3,950 from East Ward voted works be allocated to offset the cost of travel for Joshua Atkinson to St Louis, Missouri, USA to play in an International Baseball Tournament.

His Worship the Mayor, Councillor Jim Aitken OAM, advised that Council had a policy and procedure in place to deal with requests for donations and that this request should be dealt with in the same manner.

QWN 10 Traffic Issues – Shepherd Street, Colyton

Councillor Greg Davies requested that the Local Traffic Committee investigate the provision of traffic calming devices in Shepherd Street, Colyton on the section towards Roper Road.

QWN 11 Road Surface - Irrabella Place, Erskine Park

Councillor Greg Davies requested a memo reply to all Councillors concerning the deteriorating road surface in Irrabella Place, Erskine Park, including damage to kerbing and guttering in the cul de sac.

QWN 12 Donation to 'Great Walk'

Councillor Greg Davies requested that an amount of \$1,500 (\$500 from each Ward's voted works) be allocated to the 'Great Walk' fundraising activity.

150 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc 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.

151 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that an amount of \$1,500 (\$500 from each Ward's voted works) be allocated to the 'Great Walk' fundraising activity.

QWN 13 New bridge on Mamre Road

Councillor Greg Davies requested a report to Council on the naming of the new bridge on Mamre Road, and suggesting that it be named the 'Samuel Marsden Bridge', reflecting the early history of the location.

QWN 14 Mark Leece Oval

Councillor Greg Davies requested a memo reply to all Councillors concerning the fencing of the Mark Leece Oval and requested that quotations be sought for the installation of post and rail fencing to protect these grounds.

QWN 15 Provision of footpaving and associated kerb ramps - Banderra Road and Butler Crescent, South Penrith

Councillor Karen McKeown requested that an amount of \$37,800 be allocated from South Ward voted works, to the provision of footpaving and associated kerb ramps in Banderra Road and Butler Crescent, South Penrith as outlined in the memo of 20 May 2009, with this amount to be reimbursed to South Ward voted works when funds become available.

152 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Mark 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.

153 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Mark Davies that an amount of \$37,800 be allocated from South Ward voted works, to the provision of footpaving and associated kerb ramps in Banderra Road and Butler Crescent, South Penrith as outlined in the memo of 20 May 2009 (from the City Works Manager), with this amount to be reimbursed to South Ward voted works when funds become available.

QWN 16 Provision of Path Paving - Jacka Street, St Marys

Councillor Greg Davies requested that an amount of \$29,700 be allocated from East Ward voted works, to the provision of footpaving in Jacka Street, St Marys, with this amount to be reimbursed to East Ward voted works when funds become available.

154 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow 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.

155 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that an amount of \$29,700 be allocated from East Ward voted works, to the provision of footpaving in Jacka Street, St Marys, with this amount to be reimbursed to East Ward voted works when funds become available.

COMMITTEE OF THE WHOLE

156 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:24 pm.

Councillors Ben Goldfinch and John Thain left the meeting, the time being 9:25 pm

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Marko Malkoc seconded Councillor Kath Presdee that the press and public be excluded from Committee of the Whole to deal with the following matters:

City as a Social Place

2 Commercial Matter - Use of CUA Stadium by Penrith Nepean United to Play Sydney FC

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.

3 Commercial Matter - Tender No 06-08/09 Provision of Security Services

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.

Leadership and Organisation

4 Personnel Matter - Work Carried out on Dharug Close/Donohoes Road, Mulgoa

This item has been referred to Committee of the Whole as the report refers to matters affecting the security of the Council, Councillors, Council staff or Council property and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Councillors John Thain and Ben Goldfinch returned to the meeting, the time being 9:27 pm.

The meeting resumed at 9:29 pm and the General Manager reported that the Committee of the Whole met at 9:24 pm on 25 May 2009, the following being 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

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 Commercial Matter - Use of CUA Stadium by Penrith Nepean United to Play Sydney FC

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Robert Ardill

CW2 That:

1. The information contained in the report on Commercial Matter - Use of CUA Stadium by Penrith Nepean United to Play Sydney FC be received.
2. Council allocate \$10,000 from the Panthers Precinct Reserve to assist with the stadium and marketing expenses associated with Penrith Nepean United hosting a game against Sydney FC at CUA Stadium.

3 Commercial Matter - Tender No 06-08/09 Provision of Security Services

RECOMMENDED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM

CW3 That the information contained in the report on Commercial Matter - Tender No 06-08/09 Provision of Security Services be received.

4 Personnel Matter - Work Carried out on Dharug Close/Donohoes Road, Mulgoa

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Robert Ardill

CW4 That the information contained in the report on Personnel Matter - Work Carried out on Dharug Close/Donohoes Road, Mulgoa be received.

ADOPTION OF COMMITTEE OF THE WHOLE

157 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Marko Malkoc that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

THE CITY AS A SOCIAL PLACE

10 Tender No 06-08/09 Provision of Security Services

158 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on Tender No 06-08/09 Provision of Security Services be received.
2. Nepean Regional Security Pty Ltd be awarded the contract for the Provision of Security Services for a period of 1 year with an option to extend the agreement for a further 2x1 year periods (with provision for rise & fall) subject to satisfactory performance.
3. The common seal of the Council be affixed to any necessary documentation.

There being no further business the Chairperson declared the meeting closed the time being 9:30 pm.

I certify that these 28 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 25 May 2009.

Chairperson

Date