

CONFIRMED MINUTES

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

ON MONDAY 1 FEBRUARY 2010 AT 7:50PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Kevin Crameri 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 Kevin Crameri OAM, Councillors Jim Aitken OAM, 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.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 14 December 2009

1 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch that the minutes of the Ordinary Meeting of 14 December 2009 be confirmed.

DECLARATIONS OF INTEREST

Councillor Jim Aitken OAM declared a Pecuniary Interest in Item 17 - *Development Application No. 09/0609 Alterations and Additions to Existing Restaurant at Lot 16 DP 583184 (No. 2/91) Great Western Highway Emu Plains. Applicant: Rob McGuinness; Owner: Jim Aitken, Marlene Aitken, James Aitken and David Reeves DA09/0609* as he is a shareholder of the property.

Councillor Ross Fowler OAM declared a Pecuniary Interest in Item 16 - *Development Application DA09/0901 for the operation of a Red Rooster restaurant at Lot 21 DP 1085064 (No. 21) Lavin Crescent, Werrington County. Applicant: Red Rooster Foods Pty Ltd; Owner: Nicholas Kousparis and Christopher Kousparis DA09/0901* as two of the tenants in the area are clients of his. Councillor Ross Fowler OAM indicated that he would leave the room during discussion of the item.

Councillor Ross Fowler OAM declared a Non-Pecuniary Less than Significant Conflict of Interest in Item 17 - *Development Application No. 09/0609 Alterations and Additions to Existing Restaurant at Lot 16 DP 583184 (No. 2/91) Great Western Highway Emu Plains. Applicant: Rob McGuinness; Owner: Jim Aitken, Marlene Aitken, James Aitken and David Reeves DA09/0609* as one of his staff is an owner of a property adjacent to the property in question.

Councillor Kath Presdee declared a Non-Pecuniary Less than Significant Conflict of Interest in Item 3 - *Development Applications Determined during the Council's 2009-2010 Christmas/New Year Recess* as one of the applicants is a medical practitioner who she was a patient of.

Councillor Kath Presdee declared a Non-Pecuniary Less than Significant Conflict of Interest in Item 13 - *Tender Reference 04-09/10 for the provision of Cleaning Services to Child Care Centres* as she is a member of the Parent Advisory Committee at Werrianda Children's Centre.

Councillor Ben Goldfinch declared a Pecuniary Interest in Item 16 - *Development Application DA09/0901 for the operation of a Red Rooster restaurant at Lot 21 DP 1085064 (No. 21) Lavin Crescent, Werrington County. Applicant: Red Rooster Foods Pty Ltd; Owner: Nicholas Kousparis and Christopher Kousparis DA09/0901* as he exchanged preferences at the last Local Government elections with a tenant of the shopping centre which is in proximity of the development site. Councillor Ben Goldfinch indicated he would leave the room during discussion of the item.

His Worship the Mayor, Councillor Kevin Crameri OAM declared a Non-Pecuniary Less than Significant Conflict of Interest in Item 4 - *Grants approved under the NSW Community Building Partnership Program* as the report makes reference to Llandilo Hall and he is the Public Officer of this Hall. His Worship the Mayor, Councillor Kevin Crameri OAM reserved his right to take part in discussion of this item.

His Worship the Mayor, Councillor Kevin Crameri OAM declared a Pecuniary Interest in Item 15 - *Development Application DA08/1205 Proposed Educational Establishment (School) for 150 Students with Associated Agricultural Studies Area, Landscaping, Car Parking, Sewerage and Demolition of Existing Dwelling at Lot 227, 227A & 228 DP 2147 (No. 227) Seventh Avenue, Llandilo. Applicant: Stephen E Joyce; Owner: Meadowbank Education Incorporated (MET) Kellyville Campus Pty Ltd DA08/1205* as he lives in the Llandilo area.

His Worship the Mayor, Councillor Kevin Crameri OAM declared a Non-Pecuniary Less than Significant Conflict of Interest in Item 16 - *Development Application DA09/0901 for the operation of a Red Rooster restaurant at Lot 21 DP 1085064 (No. 21) Lavin Crescent, Werrington County. Applicant: Red Rooster Foods Pty Ltd; Owner: Nicholas Kousparis and Christopher Kousparis DA09/0901* as he exchanged preferences at the last Local Government elections with a tenant of the shopping centre which is in proximity of the

development site. His Worship the Mayor, Councillor Kevin Crameri OAM reserved his right to take part in discussion of the item.

SUSPENSION OF STANDING ORDERS

2 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Jim Aitken OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:53pm.

Mr John Wakeling

Item 14 - Development Application DA09/0445 - Proposed Subdivision Lot 31 DP 772196 and Lot 1 DP 259360 (No. 102, 114 - 116) Factory Road, Regentville. Applicant: Mr J & Mrs H Wakeling; Owner: Mr J & Mrs H Wakeling DA09/0445

Mr John Wakeling, the applicant spoke in support of the recommendation and stated that the boundary adjustment is vitally important for the continuation of their tourist operation and that the adjustment simply allows more space at the top of the slipway facility for everyday operation and especially in times of emergencies, such as flooding and bushfires.

Ms Barbara Roberts

Item 14 - Development Application DA09/0445 - Proposed Subdivision Lot 31 DP 772196 and Lot 1 DP 259360 (No. 102, 114 - 116) Factory Road, Regentville. Applicant: Mr J & Mrs H Wakeling; Owner: Mr J & Mrs H Wakeling DA09/0445

Ms Barbara Roberts, a neighbour spoke against the recommendation claiming that over the past 37 years of living in the area there have been several issues with the operation and that any further changes by the applicant will change the environment in this rural area. Ms Roberts raised environmental concerns from fumes and increased traffic, and also the potential for the vulnerable foreshores to be damaged by increased operations. Ms Roberts also stated that the road system in the area is not sufficient enough to handle increased traffic from vehicles attending the site. Ms Roberts concluded by asking for the item to be deferred as she believed there was not an appropriate notification period to allow other residents to prepare a submission for tonight's meeting.

Mr Stephen Joyce

Item 15 - Development Application DA08/1205 Proposed Educational Establishment (School) for 150 Students with Associated Agricultural Studies Area, Landscaping, Car Parking, Sewerage and Demolition of Existing Dwelling at Lot 227, 227A & 228 DP 2147 (No. 227) Seventh Avenue, Llandilo. Applicant: Stephen E Joyce; Owner: Meadowbank Education Incorporated (MET) Kellyville Campus Pty Ltd DA08/1205

Mr Stephen Joyce, the applicant spoke in support of the recommendation and highlighted that there is a strong need for this School as currently they are sending many students a long distance each day. Mr Joyce stated that they have undertaken consultation with neighbours and have worked with Council for a good outcome for all stakeholders including designing a development sympathetic to the surrounding area. Mr Joyce concluded by asking Councillors

for their support.

Ms Lisa Xuereb

Item 15 - Development Application DA08/1205 Proposed Educational Establishment (School) for 150 Students with Associated Agricultural Studies Area, Landscaping, Car Parking, Sewerage and Demolition of Existing Dwelling at Lot 227, 227A & 228 DP 2147 (No. 227) Seventh Avenue, Llandilo. Applicant: Stephen E Joyce; Owner: Meadowbank Education Incorporated (MET) Kellyville Campus Pty Ltd DA08/1205.

Ms Lisa Xuereb, affected neighbour, spoke on behalf of the Berkshire Park Community Action Group in opposition to the recommendation stating that the development does not suit the area. Ms Xuereb raised concerns that the School will not integrate into the local community as very few students from Llandilo will actually attend the School. Ms Xuereb also asked that if the school is permitted that the rural zoning should be broadened to allow residents to build two storey sheds on their properties also. Ms Xuereb concluded by asking for the decision to be deferred to allow other residents to obtain more information about the development and further consultation to take place.

RESUMPTION OF STANDING ORDERS

3 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Jim Aitken OAM that Standing Orders be resumed, the time being 8:12pm.

MAYORAL MINUTES

1 2010 Australia Day celebrations

Councillors Ross Fowler OAM, Jim Aitken OAM, Ben Goldfinch, Tanya Davies, Jackie Greenow, Kath Presdee and Karen McKeown congratulated the Council's staff and Volunteers for a successful Australia Day.

4 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM that the Mayoral Minute on 2010 Australia Day celebrations be received.

2 The passing of Peter Goodfellow

Councillors Ross Fowler OAM, Jim Aitken OAM and Karen McKeown responded to the Mayoral Minute.

His Worship the Mayor, Councillor Kevin Crameri OAM then asked that the Meeting observe one minute's silence in memory of Peter Goodfellow.

5 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM that the Mayoral Minute on The passing of Peter Goodfellow be received.

3 Three Bin Waste Service

A number of Councillors took the opportunity to discuss the Three Bin Waste Service

and requested that a number of different options be investigated for discussion at Council's special workshop to be held on the 8th February 2010.

An AMENDMENT was moved by Councillor Greg Davies seconded Councillor Prue Guillaume. His Worship the Mayor ruled that according to Bluett's Guide to Local Government amendments do not need to be accepted and ruled that the amendment not be accepted.

6 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM that the Mayoral Minute on Three Bin Waste Service be received.

Councillor Marko Malkoc left the meeting, the time being 9:19pm.

DELIVERY PROGRAM REPORTS

A LEADING CITY

1 Urban Development Institute of Australia National Congress 2010

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

That:

1. The information contained in the report on Urban Development Institute of Australia National Congress 2010 be received.
2. Councillors Tanya Davies, Ben Goldfinch, Mark Davies, and Jim Aitken OAM be Council's delegates to attend the National Congress of the Urban Development Institute of Australia in Sydney from 8-10 March, 2010 and leave of absence be granted as appropriate.

2 Council Property - Dedication of Roadway and Lot Consolidation Charles Hackett Drive St Marys

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

That:

1. The information contained in the report on Council Property - Dedication of Roadway and Lot Consolidation Charles Hackett Drive St Marys be received.
2. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

3 Development Applications Determined during the Council's 2009-2010 Christmas/New Year Recess

9 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the information contained in the report on Development Applications Determined during the Council's 2009-2010 Christmas/New Year Recess be received.

5 Regional and Local Community Infrastructure Program Round 2 2009-10: Council's Allocation of \$721,000

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

That:

1. The information contained in the report on Regional and Local Community Infrastructure Program Round 2 2009-10: Council's Allocation of \$721,000 be received.
2. Council endorse amendment of the projects for the Regional and Local Community Infrastructure Program Round 2 2009-10 as follows: Berkshire Park Hall Precinct \$184,470; University of the Third Age \$36,530; New and Replacement Park Play Equipment Program \$145,000; Great River Walk Decks \$75,000; Children's Services Playground Upgrades \$140,000; Great River Walk Deck and Steps \$140,000 – totalling \$721,000.

7 Audit Committee

11 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch that the information contained in the report on Audit Committee be received.

9 Pecuniary Interest Returns

12 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch that the information contained in the report on Pecuniary Interest Returns be received.

11 Summary of Investments for the period 1 December to 31 December 2009

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

That:

1. The information contained in the report on Summary of Investments for the period 1 December to 31 December 2009 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 December 2009 to 31 December 2009 be noted and accepted.
3. The graphical investment analysis as at 31 December 2009 be noted.
4. The Agency Collection Methods as at 31 December 2009 be noted.

4 Grants approved under the NSW Community Building Partnership Program

14 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Robert Ardill

That:

1. The information contained in the report on Grants approved under the NSW Community Building Partnership Program be received.
2. The additional matching funding required for the Jamison Park Shared Pathways project be sourced from the District Open Space s94 plan \$35,000, and \$19,700 from the Road Resheeting/Resealing budget.

6 Electricity Update

His Worship the Mayor Councillor Kevin Crameri OAM indicated that he wished to speak during discussion of *Item 6 – Electricity Update* and vacated the Chair, the time being 9:26pm.

Deputy Mayor Councillor Ross Fowler OAM, took the Chair for discussion of the Item, the time being 9:26pm.

Councillor Marko Malkoc returned to the meeting the time being, 9:31pm.

15 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Electricity Update be received.
2. A submission be made to IPART expressing Council's concerns that the tariffs that have been passed on are not fair or justified.
3. A further report be brought back to Council outlining the potential uses of any savings realised from the new proposed electricity tender.

The Deputy Mayor, Councillor Ross Fowler OAM, vacated the Chair the time being 9:51pm.

His Worship the Mayor Councillor Kevin Crameri OAM, returned to the Chair the time being 9:51pm.

8 2010 Local Government Remuneration Tribunal Review

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

That the information contained in the report on 2010 Local Government Remuneration Tribunal Review be received.

10 Australian Local Government Women's Association 2010 NSW State Annual Conference

'17 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies

That:

1. The information contained in the report on Australian Local Government Women's Association 2010 NSW State Annual Conference be received
2. Councillors Karen McKeown, Prue Guillaume, Kath Presdee, Kaylene Allison and Jackie Greenow be Council's delegates to attend ALGWA's 57th Annual NSW State Conference, to be held in Moree from 4 to 6 March 2010, and leave of absence be granted as appropriate.

A CITY OF OPPORTUNITIES

12 Grant Application - Community Builders Funding Program 2009/10

'18 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Grant Application - Community Builders Funding Program 2009/10 be received.
2. Council endorse the grant application for the Penrith Women Community Capacity Building Project for funding under the 2009/10 State Government Community Builders Program.

13 Tender Reference 04-09/10 for the provision of Cleaning Services to Child Care Centres

'19 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Tender Reference 04-09/10 for the provision of Cleaning Services to Child Care Centres be received.
2. A contract for the provision of child care cleaning services for a period of two (2) years with an option to extend the agreement for a further one (1) year period (with provision for rise & fall) subject to satisfactory performance be awarded to Four J's Enterprises Pty Trading as Total Cleaning Services for the annual cost of \$309,265.45.

A GREEN CITY

14 Development Application DA09/0445 - Proposed Subdivision Lot 31 DP 772196 and Lot 1 DP 259360 (No. 102, 114 - 116) Factory Road, Regentville. Applicant: Mr J & Mrs H Wakeling; Owner: Mr J & Mrs

H Wakeling

DA09/0445

**Procedural note: Section 375A of the Local Government Act 1993
requires that a division be called in relation to this matter.**

20 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Development Application DA09/0445 - Proposed Subdivision Lot 31 DP 772196 and Lot 1 DP 259360 (No. 102, 114 - 116) Factory Road, Regentville be received
2. The objection pursuant to State Environmental Planning Policy No. 1 in relation to Clause 11(2)(b) for subdivision within zone 1(b) under the provisions of LEP 201 Rural Lands be supported
3. The subject Development Application be approved, subject to the imposition of the following conditions:

Standard Conditions

- 2.1 A001 – Approved plans that are architecturally drawn
- A015 – Site to be registered allotment
- M008 – Linen plan
- M009 – 88b instrument
- M014 – Surveyor’s Certificate
- Q008 – Subdivision Certificate

Special Conditions

- 2.2 This approval is granted for the subdivision of the land only. Any further development application for Class 1, 2 and 3 buildings as identified by the Building Code of Australia must be subject to separate application under section 79BA of the Environmental Planning and Assessment Act, 1979 and address the requirements of ‘Planning for Bush Fire Protection 2006’
- 2.3 Lot 132 (the lease lot) shall only be used for the purposes of repair, servicing and support of commercial tourist river craft operation. Lot 132 (the lease lot) cannot be used for residential purposes and a dwelling house cannot be erected on the lease lot
- 2.4 A current lease over the slipway located on the adjoining Council land (Lot 1 DP s566392) shall run concurrently with Lot 132 (the lease lot). The linen plan of subdivision shall be supported by an 88B instrument creating a restriction as to user or easement in this regard. Council shall be nominated as the only authority permitted to modify, vary or rescind this restriction as to user
- 2.5 A driveway, with a minimum 3.5m wide and sealed with a 2-coat hot bitumen seal, shall be provided along the access handle along the 5m Right-of-Carriageway and easement for services for the proposed lease lot 132
- 2.6 Prior to the Commencement of Works

Work on the subdivision shall not commence until:

- (a) A Construction Certificate (if required) has been issued, and
- (b) A Principal Certifying Authority has been appointed for the project, and
- (c) Any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with

A Notice of Commencement is to be submitted to Penrith City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision

2.7 Prior to the issue of a Subdivision Certificate, the following service authority clearances, stating that services are available to all development lots, shall be obtained and submitted to Penrith City Council:

- Section 73 Compliance Certificate under the Sydney Water Act 1994 ; and
- Notification of Arrangement from Integral Energy; and
- Provisioning Certificate from the telecommunications service provider

2.8 Prior to the issue of the Subdivision Certificate the original subdivision plan and ten (10) copies shall be submitted to the Principal Certifying Authority

All necessary easements, restrictions and covenants shall be included on the subdivision plan and accompanying 88B Instrument

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

- The location of all buildings and/or other permanent improvements
- The location of all services

2.9 Prior to the issue of a Subdivision Certificate an 88B instrument shall be submitted to the Principal Certifying Authority with the subdivision plan. The 88B instrument shall incorporate but not be limited to the following:

- a) Restriction as to user to the effect that no habitable building will be permitted on proposed lot 132

Details of non standard wording can be obtained from Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works

Council shall be nominated as the only authority permitted to modify,

vary or rescind the above restrictions, covenants and easements

2.10 Prior to the issue of a Subdivision Certificate a Surveyors Certificate shall be submitted certifying that all services (including stormwater) are located wholly within the proposed lots or are within existing easements or proposed easements indicated on the subdivision plan

2.11 The Subdivision Certificate shall not be issued until all conditions of consent except those relating to ongoing operational matters, have been completed

4. The applicant be advised of the issue raised by one of the submitters in relation to boundary fence and it shall be open-style rural nature in accordance with section 4.9 Rural Development Penrith Development Control Plan 2006.

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

For

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

Against

15 Development Application DA08/1205 Proposed Educational Establishment (School) for 150 Students with Associated Agricultural Studies Area, Landscaping, Car Parking, Sewerage and Demolition of Existing Dwelling at Lot 227, 227A & 228 DP 2147 (No. 227) Seventh Avenue, Llandilo. Applicant: Stephen E Joyce; Owner: Meadowbank Education Incorporated (MET) Kellyville Campus Pty Ltd

DA08/1205

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

Having previously declared a Pecuniary Interest in Item 15, His Worship the Mayor, Councillor Kevin Crameri OAM, left the meeting the time being 9:56pm.

The Deputy Mayor Councillor Ross Fowler OAM, took the Chair for

consideration of the Item, the time being 9:57pm.

21 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Development Application DA08/1205 Proposed Educational Establishment (School) for 150 Students with Associated Agricultural Studies Area, Landscaping, Car Parking, Sewerage and Demolition of Existing Dwelling at Lot 227, 227A & 228 DP 2147 (No. 227) Seventh Avenue, Llandilo be received.
2. The item be deferred for consideration at the next Ordinary meeting.

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

For

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

Against

His Worship the Mayor, Councillor Kevin Crameri OAM, returned to the meeting and took the Chair the time being 9:59pm.

The Deputy Mayor Ross Fowler OAM, left the Chair and having previously declared a Pecuniary Interest left the meeting, the time being 10:00pm.

Having previously declared a Pecuniary Interest, Councillor Ben Goldfinch left the meeting, the time being 10:00pm.

16 Development Application DA09/0901 for the operation of a Red Rooster restaurant at Lot 21 DP 1085064 (No. 21) Lavin Crescent, Werrington County. Applicant: Red Rooster Foods Pty Ltd; Owner: Nicholas Kousparis and Christopher Kousparis **DA09/0901**

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

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

That:

1. The information contained in the report on Development Application DA09/0901 for the operation of a Red Rooster restaurant at Lot 21 DP 1085064 (No. 21) Lavin Crescent, Werrington County be received
2. The item be deferred for consideration at a future Ordinary meeting after further consultation is undertaken.
3. An extended notification be given to residents that attend the swim centre at the Werrington Swim School.

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

For

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

Against

Councillor Ben Goldfinch returned to the meeting, the time being 10:03pm.

Having previously declared a Pecuniary Interest in Item 17, Councillor Jim Aitken OAM left the meeting, the time being 10:03pm.

17 Development Application No. 09/0609 Alterations and Additions to Existing Restaurant at Lot 16 DP 583184 (No. 2/91) Great Western Highway Emu Plains. Applicant: Rob McGuinness; Owner: Jim Aitken, Marlene Aitken, James Aitken and David Reeves

DA09/0609

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

23 RESOLVED on the MOTION of Councillor Robert Ardill seconded
Councillor Karen McKeown

That:

1. The information contained in the report on Development Application 05/1320 for alteration and additions to Shop No. 2 at Lot 16 DP 583184 (No. 91) Great Western Highway, Emu Plains be received.
2. Development Application 05/1320 for alterations and additions to Shop No.2 at Lot 16 DP 583184 (No. 91) Great Western Highway, Emu Plains be approved by way of a Deferred Commencement Consent becoming operational subject to the Condition in Schedule A being satisfied and subject to the conditions in Schedule B as follows:

Schedule A

Special Condition

- 2.2 A Draft Voluntary Planning Agreement as requested in the submission from Innovation Planning received by Council 18 November 2009 is to be prepared and notified for 28 days in accordance with Section 93E of the Environmental Planning and Assessment Act, 1979, for the provision of 8 parking spaces within Council's adjoining car park and detailing the cost implications for the developer. The agreement is to be entered into within six (6) months of the date of this consent.

Schedule B

Standard Conditions

- 2.1
- | | |
|------|---|
| A02F | Approved DAs |
| A008 | (first sentence only), Works to BCA requirements |
| A012 | Food Shop |
| A026 | (application for adverting signs), Advertising sign |
| A029 | (Monday to Sunday 11am to 10 pm), Hours of Operation and Delivery Times |
| A039 | Graffiti |
| A046 | Obtain Construction Certificate before commencement of works |
| D001 | Implement approved sediment and erosion control measures |
| D009 | Covering of waste storage areas |
| D014 | Plant and equipment noise |
| E001 | BCA Compliance |
| E002 | BCA Issues to be addressed |
- The external columns that are less than 3 metres from the side boundary should have an Fire Resistance Level as specified in Table 5 of Specification C1.1,
 - Emergency lighting and illuminated exit signs are required in

alfresco dining area in accordance with Clauses E4.2, E4.5 and E4.6;

- Fire Fighting equipment is required in accordance with Part E1; and
- A 1 metre wide clear path of travel is required from the rear exist door of the existing restaurant through the alfresco dining area in accordance with Clause D1.6.

E003	Structural Alterations
E006	(delete “and sanitary facilities”), Disabled access and facilities
H001	Stamped plans & erection of site notice
H002	All forms of construction
H011	Engineering plans and specifications
H022	(damp-proof course level), Survey
H025	Construction of garbage rooms
H041	Hours of work (other devt)
Q01F	Notice of Commencement and appointment of PCA2
Q006	(delete after NSW Fire Brigades). Occupation certificate for class 2-9

Special Conditions

2.2 Refer to Schedule A

- 2.3 The building shall not be occupied until all the conditions of consent DA04/0357 dated 6 September 2004 and all conditions of this consent are satisfied.
- 2.4 Details of lights, alarms and cameras to enable clear and direct movement through the building and monitor unauthorised access to non-public spaces are required to be submitted prior to the issue of the Occupation Certificate.
- 2.5 The applicant shall consult with Council to determine the type of lighting required to illuminate the public car parking area to the rear of the site. All lighting shall be installed at the applicants cost prior to the issue of an Occupation Certificate
- 2.6 Live entertainment is to be restricted to the internal areas of the restaurant
- 2.7 Audio systems are to be monitored externally to maintain noises levels at a maximum of 5 dBA above natural background levels.
- 2.8 The entrance gate must always remain open at all times that the building is occupied to allow unimpeded egress from the building in the event of fire.
- 2.9 The alfresco area is restricted to a maximum of 24 patrons.

2.10 Deleted

- 2.11 The rear gate is to be opened for customer access to the restaurant during operating hours. The entrance is to be sign posted, lit and manned appropriately throughout business.

3. The Draft Voluntary Planning Agreement be subject of a further report to Council.

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

For

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

Against

Councillors Jim Aitken OAM and Ross Fowler OAM returned to the meeting, the time being 10:07pm.

18 Partnership application between Blacktown City Council and Penrith City Council for Managed Aquifer Recharge Project Funding

Councillor Greg Davies left the meeting, the time being 10:08pm.

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

That:

1. The information contained in the report Partnership Application between Blacktown City Council and Penrith City Council for Managed Aquifer Recharge Project Funding be received.
2. Council endorse the submission of the Manager Aquifer Recharge Feasibility funding to the National Water Commission (NWC) for \$60,000 under the MAR in Urban Cities and Towns of Australia program, Stage 2.
3. Council support the submission of the Blacktown City Council and Penrith City Council Managed Aquifer Recharge Project proposal to the Department of Environment, Water, Heritage and the Arts to secure the opportunity for 50% of the \$3.8M Penrith component and a combined total project of \$8.25M.

19 Memorandum of Understanding between the Collaborative Research Centre for Irrigations Futures and Penrith City Council

25 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Karen McKeown

That:

- 1) The information contained in the report on Memorandum of Understanding between the Collaborative Research Centre for Irrigations Futures and Penrith City Council be received.
- 2) Council endorse the Memorandum of Understanding between Cooperative Research Centre for Irrigation Futures (CRC IF) and Penrith City Council.

QUESTIONS WITHOUT NOTICE

QWN 1 My First School Childcare - Requesting Pedestrian Crossings

Councillor Tanya Davies requested Council officers investigate the possibility of installing pedestrian crossings in two locations outside My first School Childcare centre, on Pages Road and Putland Street, as there is a high volume of pedestrian traffic from toddlers, school children and the elderly in the area.

Councillor Greg Davies returned to the meeting, the time being 10:11pm.

QWN 2 Repair of Damaged Green Bin

Councillor Tanya Davies requested Council to investigate why after 5 attempts a resident in St Clair has still not had her green lidded bin repaired, and requested a memo reply to all Councillors on the communication channels and register of complaints with the waste contractor.

QWN 3 Bus Stop - Roper Road and Carlisle Avenue, Colyton

Councillor Tanya Davies requested Council officers investigate the possibility of a bus shelter and appropriate foot paving being constructed in this location as currently a bus stops in this location but it is poorly signed and there is no cement footpath, or safe place to cross to the residential side of the street

QWN 4 Western Sydney Academy of Sport - " A Night with the Stars"

Councillor Robert Ardill requested that an amount of \$1,000 be allocated equally from all 3 wards voted works to pay for the cost of purchasing a table at the WSAS – “ A Night with the Stars” Fund Raiser.

26 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Jim Aitken OAM that the matter be brought forward and dealt with as an urgent matter.

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

27 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Jim

Aitken that an amount of \$1000 be allocated equally from all 3 wards voted works to pay for the cost of purchasing a table at the WSAS – “A Night with the Stars” Fund Raiser.

QWN 5 Penrith Mazda

Councillor Greg Davies requested a report to Council on why approval was granted for an “in only” access to the property on Mulgoa Road, Penrith known as Penrith Mazda.

QWN 6 Penrith Panthers BMX Club - Hosting Regional BMX Event

Councillor Greg Davies requested that an amount of \$5500 be allocated equally from all 3 wards voted works to assist Penrith Panthers BMX Club host a regional BMX event.

28 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that the matter be brought forward and dealt with as an urgent matter.

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

29 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that an amount of \$5500 be allocated equally from all 3 wards voted works to assist Penrith Panthers BMX Club host a regional BMX event.

QWN 7 Penrith Panthers BMX Club - Grant Assistance

Councillor Greg Davies requested Council officers urgently investigate possibilities to assist Penrith Panthers BMX Club with an application for funding to the NSW Sport and Recreation Facility Grant Program for canteen improvements and lighting of the BMX track. Also the possibility of contributory funding opportunities.

QWN 8 Glenmore Park Soccer Club - Canteen

Councillor Prue Guillaume requested a report to Council investigating ways Council can assist Glenmore Park soccer club after their canteen burnt down, including the possibility of providing a mobile canteen unit.

COMMITTEE OF THE WHOLE

30 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Kath Presdee that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:20pm.

1 Presence of the Public

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

A Leading City

2 Commercial Matter - Leasing of Parts of "Community" Land under Council's Plan of Management

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

The meeting resumed at 10:28pm and the General Manager reported that the Committee of the Whole met at 10:20pm on 1 February 2010, the following being present

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Jim Aitken OAM, 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.

CONFIDENTIAL BUSINESS

2 Commercial Matter - Leasing of Parts of "Community" Land under Council's Plan of Management

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

CW2 That:

1. The information contained in the report on Commercial Matter - Leasing of Parts of "Community" Land under Council's Plan of Management be received.
2. Council grant a five (5) year Licence Agreement to Depagi Pty Ltd, trading as Nepean Belle and Penrith Platypus on Open Space land being Part Lot 1, D.P. 566392 off Factory Road, Regentville in accordance with the Licence Fee outlined in the summary of the report for the purposes of a slipway and mooring area.
3. The Property Development Manager be authorised to sign the Licence Agreement on behalf of Council.

ADOPTION OF COMMITTEE OF THE WHOLE

31 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the recommendation contained in the Committee of the Whole and shown as CW1 & CW2 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:30pm.

I certify that these 20 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 1 February 2010.

Chairperson

Date