

CONFIRMED MINUTES

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

ON MONDAY 6 SEPTEMBER 2010 AT 7:34PM

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 the 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, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, Kath Presdee and John Thain.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Karen McKeown for the period 17 August 2010 to 20 September 2010 inclusive.

Leave of Absence was previously granted to Councillor Ross Fowler OAM for the period 3 September 2010 to 21 September 2010 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 16 August 2010

297 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Prue Guillaume that the minutes of the Ordinary Meeting of 16 August 2010 be confirmed.

DECLARATIONS OF INTEREST

Nil.

MAYORAL MINUTES

1 St Marys Children's Centre wins Business Award 2010

298 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Tanya Davies that the Mayoral Minute on St Marys Children's Centre wins Business Award 2010 be received.

2 Ripples St Marys Leisure Centre wins Business Award 2010

299 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Greg Davies that the Mayoral Minute on Ripples St Marys Leisure Centre wins Business Award 2010 be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Waste Services Committee Meeting held on 15 July 2010

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

That

1. The recommendations contained in the Report and Recommendations of the Waste Services Committee meeting held on 15 July, 2010 be adopted.
2. A report be presented to Council on the possibility of collecting electronic waste.

2 Report and Recommendations of the Access Committee Meeting held on 4 August 2010

301 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 4 August, 2010 be adopted.

3 Report and Recommendations of the Policy Review Committee Meeting held on 30 August 2010

302 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ben Goldfinch that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 30 August, 2010 be adopted.

DELIVERY PROGRAM REPORTS

SUSPENSION OF STANDING ORDERS

303 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc that Standing Orders be suspended to allow Council's Auditor to address the meeting, the time being 7:47 pm.

Council's External Auditor, Mr Dennis Banicevic, a Director of PriceWaterhouse Coopers, addressed the meeting and gave a short presentation on Council's 2009-2010 Annual Financial Statements. Mr Banicevic said the Statements show Penrith City Council to be in a sound and stable financial position as at 30 June 2010, that they demonstrate a high standard of financial reporting, and that Council is viable and is in a sustainable position.

RESUMPTION OF STANDING ORDERS

304 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jackie Greenow that Standing Orders be resumed, the time being 7:56 pm.

A LEADING CITY

1 Draft 2009-10 Financial Statements

305 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Draft 2009-10 Financial Statements be received.
2. Pursuant to s413(2)(c) it is the Council's opinion that:
 - a. The financial statements and schedules have been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, the Local Government Australian Infrastructure Management Guidelines, and Australian Accounting Standards. The Code requires a phasing in of the new accounting requirements
 - b. Apart from the non-recognition of land under roads as required by the phasing process, the statements comply with Australian Statements of Accounting Concepts
 - c. The financial statements present fairly the Council's financial position as at 30 June 2010 and the operating result for the year then ended
 - d. The statements are in accord with Council's accounting and other records.
3. Pursuant to clause 215 of the Local Government Financial Management Regulation it is the Council's opinion that:
 - a. The accompanying Special Purpose Financial report has been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, and the requirements of National Competition Policy. The Code requires the inclusion of various charges and subsidies which are not actually paid or payable.
 - b. The report is a special purpose report and is not required to comply with Australian Accounting Standards. The above legislative requirements differ from Australian Accounting Standards and hence the report does not comply with Australian Accounting Standards.
 - c. The financial statements present a modelled scenario for comparative purposes. They do not report an actual result.
4. Council confirms its endorsement of the budget in the knowledge that some of its business activities are not making commercial returns. The existence of notional subsidies represents Council's commitment to its community service obligations.
5. The Statements be forwarded to Council's Auditors.
6. Abandonments for 2010 as detailed be written off.
7. The balance of stores and materials be adjusted in the stores and materials registers in accordance with the various write-offs.

Councillor Jim Aitken OAM left the meeting, the time being 7:58 pm.

2 2010 Local Government Association of NSW Annual Conference

'306 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow

That:

1. The information contained in the report on 2010 Local Government Association of NSW Annual Conference be received.
2. Councillor Kath Presdee replace Councillor Robert Ardill as a voting delegate at the 2010 Local Government Association of NSW Annual Conference.
3. The two late motions on
 - 'Privatisation of electricity providers'; and
 - 'Tendering with respect to elected local government organisations'be submitted for inclusion in the 2010 Local Government Association NSW Conference Business Paper.
4. Council seek the support of Hunters Hill Council in respect to the proposed late motion on 'Tendering with respect to elected local government organisations' if this motion is included on the 2010 Local Government Association Conference agenda.
5. Council note the foundations established for the formation of the One Association for local government arising from the One Association Convention held on 16 August 2010.

A CITY OF OPPORTUNITIES

**3 Community Assistance Program 2010 - Rolling Component Projects
Approved Under Delegated Authority January - June 2010**

'307 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that the information contained in the report on Community Assistance Program 2010 - Rolling Component Projects Approved Under Delegated Authority January - June 2010 be received.

**4 Development Application No. 10/0178 - Proposed detached dual
occupancy at Lot 736 DP 717440 (No.1) Mount Close, Cranebrook .
Applicant: Mr R & Mrs H Davies; Owner: Mr R & Mrs H Davies DA10/0178**

Councillor Jim Aitken OAM returned to the meeting, the time being 8:00pm.

308 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Development Application No. 10/0178 - Proposed detached dual occupancy at Lot 736 DP 717440 (No.1) Mount Close, Cranebrook be received.
2. The submitted SEPP 1 be supported.
3. Development Application No DA10/0178 for the removal of trees, demolition of an existing dwelling and construction of a detached dual occupancy and associated landscaping be approved subject to the following proposed conditions:

Standard Conditions

- 3.1 A001 – Approved plans that are architecturally drawn
- A008 – Works to BCA requirements
- A019 – Occupation Certificate
- A043 - Air conditioner for existing dwelling
- A046 – Issue of Construction Certificate
- B001 - Demolition of existing structures
- B002 - AS for demolition and disposal to approved landfill site
- B003 - Asbestos
- B004 - Dust
- B005 - Mud/Soil
- B006 - Hours of work
- D001 – Sedimentation and Erosion Controls
- D005 - No filling without prior approval
- D006 - No filling without prior approval
- D009 – Covering Waste Storage area
- D014 - Plant and equipment noise
- G003 - Section 73 Certificate
- G004- Integral Energy
- H001 – Stamped plans and erection of site notice
- H002 - All forms of construction
- H010 - Fill details (no cut)
- H022 - Survey
- H036 – Rainwater tank
- H037 – Safe supply from catchment

- H038 – Connection of rainwater tank supply
- H039 – Rainwater tank pumps
- H041 – Hours of work
- L001 – General landscaping
- L002 - Landscape construction
- L003 - Report requirement
- L004 - Bond for landscape works
- L005 - Planting of plant material
- L006 - AS requirements
- L007 - Tree protection measures–no TMP with DA
- L008 – Tree preservation order
- L010 - Retain existing trees (no tree bond required)
- N003 - Section 94 contribution
- N004 - Section 94 contribution
- N005 - Section 94 contribution
- N006 - Section 94 contribution
- Q001F – Notice of Commencement & Appointment of PCA

Special Conditions

- 3.2 Reposition the stormwater line connecting Unit A to the street drainage system to avoid encroachment and damage to the critical root zone of the Poplar tree on the nature strip.
- 3.3 All civil works shall be designed and constructed in accordance with Penrith City Council’s Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.
- 3.4 All drainage works and works in the road reserve required to effect the consented development shall be undertaken at no cost to Penrith City Council.
- 3.5 Retaining walls higher than 900mm shall be designed, the construction supervised and certified by a suitably qualified structural engineer.
- 3.6 Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate plans and details

for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

- 3.7 The stacked carparking space for Unit B shall comply with the Australian Standard (AS2890.1-2004) for longitudinal grade of 5%. Evidence of compliance with AS2890 shall be submitted for approval prior to the issue of a Construction Certificate.
- 3.8 Prior to the issue of a Construction Certificate a Roads Act application, including payment of appropriate application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:
- (a) Provision of 2 vehicular crossings.
 - (b) Provision of private drainage connection to Council's road drainage system.
 - (c) Removal of redundant vehicular crossings and reinstatement of kerb and gutter.
 - (d) Opening the road reserve for the provision of services including stormwater.
 - (e) Placing of hoardings, containers, waste skips, etc. in the road reserve.
 - (f) Replacement of damaged kerb and gutter for the full property frontage.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's **City Works Department** on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

- 3.9 A Construction Certificate shall be issued by a Certifying Authority to include the following civil works.
- (a) Stormwater drainage
 - (b) Sealed pavement for all areas of vehicular access.

Civil design drawings shall be prepared strictly in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.

- 3.10 Stormwater drainage from the site shall be discharged to the street drainage system.

The ground surface in the courtyard of Unit B has a trapped low point in the vicinity of the rear sliding door of Unit B. The ground surface shall be graded to fall to the east and south or shall be drained with pit and pipe so as not to cause ponding.

The proposed stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

- 3.11 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, pedestrian access, carparking (including stacked carparking) and manoeuvring areas associated with the subject development are in accordance with AS 2890.1 and Penrith City Council's Development Control Plan.
- 3.12 The garage for Unit A shall comply with Council's Development Control Plan – 2006 in that the double garage shall have a clear internal dimension free from obstruction of 5.8m.
- 3.13 The garage for Unit B shall comply with Council's Development Control Plan – 2006 in that the single garage shall have a clear internal dimension free from obstruction of 3.2m.
- 3.14 Prior to the commencement of works on site, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 3.15 Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

- 3.16 Prior to the Commencement of Works a dilapidation report of all Council owned infrastructure fronting the development in Waterfall Crescent and Mount Close is to be submitted to Penrith City Council.

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.

- 3.17 Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 3.18 Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Penrith City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.
- 3.19 All filling shall be undertaken in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and AS 3798.
- 3.20 Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.
- 3.21 Prior to the issue of an **Occupation Certificate** any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be restored under the supervision of Penrith City Council. Any rectification works within Waterfall Crescent and Mount Close will require a Roads Act application. The application is to be submitted and approved by Penrith City Council prior to such works commencing.
- 3.22 The footways shall be turfed for the full frontage of the site.

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

For

Against

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

Councillor Kevin Crameri OAM

- 5 Development Application DA09/1122 - Proposed (6) x Attic Style Villas
at Lot 101 DP 243599 (No. 27) Hobart Street, Oxley Park. Applicant:
Ultra Design and Engineering; Owner: Sam Hassan DA09/1122**

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

That:

1. The information contained in the report on Development Application DA09/1122 Proposed a six attic style villas at Lot 101 DP 243599 (No. 27) Hobart Street, Oxley Park be received.
2. The SEPP 1 objection relating to the minimum rear setback be supported.
3. Development Application 09/1122 seeking consent for the construction of a six attic style villas at 27 Hobart Street, Oxley Park be approved subject to the attached conditions:

3.1. Standard Conditions

A001 - Approved Plans
A008 – Works to BCA requirements
A009 – Residential Works DCP
A019 – Occupation Certificate
A046 – Obtain Construction Certificate
A043 – Air Conditioner
B001 – Demolition of Existing dwelling
B002 – Demolition Standards
B003 – Asbestos
B004 – Dust
B005 – Mud/Soil
B006 – Hours of Work
D001 – Sediment and Erosion Control Measures
D002 – Spray Grass
D005 – No Filling without approval
D007 – Filling of Land
D009 – Covering Waste Storage area
D010 – Waste disposal
D014 – Plant and Equipment Noise
E001 – BCA compliance
E005 – Smoke Alarms
F006 – Water Tank
G003 – Section 73 Certificate
G004 – Integral Energy
G005 – Rainwater Tank – Plumbing
H01F – Stamped plans and erection of site notice
H002 - All forms of construction
H011 – Engineering plans and specifications
H013 – Further details of building components
H014 – Slabs/Footings
H015 – Termite protection
H022 – Survey
H024 – Glass Installation
H030 – Roof colours
H034 – Bushfire-Proof Sarking
H036 – Rainwater Tank

H037 – Safe Supply of Water
 H038 – Connection of Rainwater
 H039 – Rainwater Tank Pumps
 H041 – Hours of work
 I003 – Road Act Approval
 K016 – Stormwater
 L001 – Landscaping Requirements
 L002 – Landscaping Construction
 L003 – Landscaping Report
 L005 – Plant Material
 L006 – Landscaping Standards
 L008 - Tree Preservation Order
 N001 – Section 94 Contributions
 P001 – Costs
 P002 – Fees
 Q001 – Notice of commencement and appointment of PCA
 Q005 - Occupation Certificate
 Q010 – Basix Commitments
 Q05f – Occupation Certificate

Special Conditions

- 3.2. Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Acoustic Report prepared by West & Associates Pty Ltd dated 30 July 2007, Issue A and numbered 07160. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application.

A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the relevant Legislation, Guidelines and Australian Standards. This certificate is to be submitted and approved by Council prior to the issue of an Occupation Certificate.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 3.3. Noise during the construction stage of the development is to comply with the relevant provisions of the Department of Environment, Climate Change and Water's Interim Construction Noise Guidelines.
- 3.4. Boundary fencing is to be constructed of *Colorbond* to a height of 1.8 metres in accordance with Part 4.4 Villa Style Development of Penrith Development Control Plan 2006.
- 3.5. Emergency Vehicle access shall be provided to the development in accordance with the NSW Fire Brigades Policy No. 4 – Guidelines for Emergency Vehicle Access. External fire hydrants may also have to be provided within the development to the satisfaction of the NSW Fire

Brigades should the street hydrant coverage be inadequate.

Documentary evidence to indicate compliance with the requirements of the NSE Fire Brigades in regard to emergency vehicle access and hydrant coverage shall be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

- 3.6. All civil works shall be designed and constructed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.
- 3.7. Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate plans and details for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 3.8. **Prior to the issue of a Construction Certificate** a Roads Act application, including payment of appropriate application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:
- (a) Provision of a heavy-duty vehicular crossing.
 - (b) Removal of redundant vehicular crossings and reinstatement of kerb and gutter.
 - (c) Opening the road reserve for the provision of services including stormwater.
 - (d) Placing of hoardings, containers, waste skips, etc. in the road reserve.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's City Works Department on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

- 3.9. A Construction Certificate shall be issued by a Certifying Authority to include the following civil works.
- (a) On-site detention system
 - (b) Stormwater drainage
 - (c) Sealed pavement for all areas of vehicular access.

Civil design drawings shall be prepared strictly in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.

- 3.10. Stormwater drainage from the site shall be discharged to the:
- (a) Street drainage system

The proposed stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

- 3.11. On-site detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Ultra Design & Engineers titled Stormwater Plan & Details, reference AR'084 Stormwater, issue B dated 30/03/2010.

Only one orifice plate is to be provided at the outlet of the on site detention tank.

All internal pits are to have a minimum of 50mm freeboard above the top water level of the emergency overflow from the on site detention tank.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a qualified Hydrologic/Hydraulic Engineer and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

- 3.12. **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that vehicular access, pedestrian access, carparking and manoeuvring areas associated with the subject development are in accordance with AS 2890.1, AS2890.2 and Penrith City Council's Development Control Plan.
- 3.13. **Prior to the commencement of works** on site, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 3.14. **Prior to the Commencement of Works** a dilapidation report of all Council owned infrastructure fronting the development in Hobart is to be submitted to Penrith City Council. 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.
- 3.15. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 3.16. **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all works within the road reserve

have been inspected and approved by Penrith City Council.

- 3.17. After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation / Subdivision Certificate where Council is not the Principal Certifying Authority.

- 3.18. **Prior to the issue of the Occupation Certificate** the Principal Certifying Authority shall ensure that all civil works have been satisfactorily completed in accordance with the Construction Certificate, Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works, and relevant conditions of the development consent.

- 3.19. **Prior to the issue of an Occupation Certificate** the Certifying Authority shall ensure that the on-site detention system:

- Has been constructed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and Construction Certificate conditions of development consent.
- Will operate satisfactorily with regard to any variations or that suitable remedial works have been undertaken.
- Will operate in accordance with the design intent and Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

- 3.20. **Prior to the issue of an Occupation Certificate** a restriction as to user and positive covenant relating to the on-site detention system shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

- 3.21. **Prior to the issue of an Occupation Certificate** any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be restored under the supervision of Penrith City Council. Any rectification works within Hobart Street will require a Roads Act application. The application is to be submitted and approved by Penrith City Council prior to such works commencing.

- 3.22. **Prior to the issue of the Occupation Certificate** street trees are to be planted at a rate of 2 per lot in accordance with Penrith City Council's Development Control Plan.

Prior to planting of street trees, the plant species and location are to be

approved by Penrith City Council. In this regard, please contact Council's **Development Services Unit** on 4732 7777.

- 3.23. **Prior to the issue of an Occupation Certificate** a checklist and supporting documentation shall be submitted to the Principal Certifying Authority demonstrating that each condition of the development consent has been satisfactorily addressed.

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

4. Those making submissions notified of the determination.

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

For

Against

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

A GREEN CITY

6 Western Sydney Regional Illegal Dumping (RID) Squad

310 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Western Sydney Regional Illegal Dumping (RID) Squad be received.
2. The General Manager be authorised to sign an amended Western Sydney Regional Illegal Dumping (RID) Squad Alliance Agreement that includes Parramatta City Council.
3. In accordance with s.381 of the Local Government Act 1993, the General Manager be authorised to approve of the following delegations being made by Parramatta City Council to any Penrith City Council employee appointed as a RID Squad officer:
 - a. Powers of an 'authorised officer' under the Protection of the Environment Operations Act 1997.
 - b. Powers of entry, inspection and application for search warrants under the Environmental Planning and Assessment Act 1979 and Regulations.
 - c. Powers of an 'authorised officer' under the Environmental Planning and Assessment Act 1979 and Regulations.
 - d. Powers of entry and inspection under the Local Government Act 1993 and Regulations.

A LIVEABLE CITY

7 NSW Bike Plan 2010 - Funding Offer from Roads and Traffic Authority

311 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on NSW Bike Plan 2010 - Funding Offer from Roads and Traffic Authority be received.
2. Council accept the funding offer of \$1 million from the Roads and Traffic Authority for the NSW Bike Plan 2010, subject to the following conditions:
 - a) Council's contribution in the Year 1 (2010-11) project is limited to in-kind support through project management (design and construction);
 - b) Council's acceptance of funding is for Year 1 only and any future funding associated agreements are separate and discrete from Year 1 funding; and
 - c) Council's acceptance of the Year 1 project does not bind Council to acceptance of future funding/program agreements.
3. Council write to the Minister for Roads and the Local Members expressing appreciation of the funding offer.
4. A report be presented to Council on what Sydney City Council is doing regarding the provision of bike stations, and the possibility of parking and storage of bicycles in perimeter areas of the City.

8 Local Government Road Safety Program - Roads and Traffic Authority Grant Funding 2010-2011

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

That:

1. The information contained in the report on Local Government Road Safety Program - Roads and Traffic Authority Grant Funding 2010-2011 be received.
2. Council accept the three grants offered by the Roads and Traffic Authority Local Government Road Safety Program, totalling \$10,000.00, as outlined in the report.
3. Council accept the grant offered by the Roads and Traffic Authority NSW Centre for Road Safety for Graduated Licensing Scheme Workshops, totalling \$1,500.00 as outlined in the report.

9 Tender Reference 05-10/11 for the provision of Graffiti Removal Services

313 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Tender Reference 05-10/11 for the provision of Graffiti Removal Services be received.
2. The tender from NT Barnes Pty Ltd (trading as Wundaguard) be accepted for Graffiti Paint Out and Removal Services for a period of one (1) year with an option to extend for a further one (1) year period, allowing for rise and fall provisions.

10 The Driftway, Londonderry - Memorandum of Understanding with Hawkesbury City Council

314 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Robert Ardill

That:

1. The information contained in the report on The Driftway, Londonderry - Memorandum of Understanding with Hawkesbury City Council be received
2. The Memorandum of Understanding between Penrith City Council and Hawkesbury City Council for the maintenance of The Driftway be executed by the City Works Manager.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Wearing of Helmets in Skate Parks

Councillor Jim Aitken OAM requested a report to Council on the possibility of requiring users of Council skateparks to wear protective headgear, the report to also include accident statistics for these areas.

RR 2 Recycling of Printer Cartridges

Councillor John Thain requested a report to Council on the possibility of recycling printer cartridges used in Council offices.

RR 3 Promotion of Local Events

Councillor Greg Davies requested a report to Council detailing Council's current practices in promoting local events, including initiatives to improve awareness of these events in the local community.

RR 4 Lighting at Applegum Reserve, Glenmore Park

Councillor Prue Guillaume requested a memo reply concerning the light at Applegum Reserve, Glenmore Park that is currently not working.

RR 5 Maintenance of Public Area - Youth and Community Centre and Floribunda Community Centre, Glenmore Park

Councillor Prue Guillaume requested a memo reply with regard to the possibility of reviewing the maintenance of the area surrounding the Youth and Community Centre and Floribunda Community Centre at Glenmore Park, undertaken by the Public Domain & Amenity maintenance team.

RR 6 Littering - Boardwalk Arcade, High Street, Penrith

Councillor Prue Guillaume requested a memo reply concerning the state of littering in the Boardwalk Arcade off High Street, Penrith.

RR 7 Development Application - Animal Shelter, Kemps Creek

Councillor Prue Guillaume requested a memo reply to all Councillors when the development application for the Animal Shelter at Kemps Creek has been submitted to Council, and whether the application will be determined by Council or the Joint Regional Development Panel.

RR 8 Alcohol Free Zone - Rance Oval, Werrington

Councillor John Thain requested a memo reply with regard to incidences of the consumption of alcohol in Rance Oval, Werrington and whether this area has been designated as an Alcohol Free Zone.

RR 9 Lighting of Roads in the Penrith City area

Councillor Greg Davies requested an urgent report on the reasons for street lights being turned off at night on sections of major roads, including Banks Drive, St Clair and the Great Western Highway near the University of Western Sydney, within the Penrith City area.

URGENT BUSINESS

UB 1 Fundraising by Leukaemia Foundation

Councillor Jackie Greenow reported on the fundraising efforts of the Leukaemia Foundation over the last 3 years as a result of the Balls held at the St Marys Memorial Hall.

UB 2 Citizen of the Year

Councillor Jackie Greenow announced that the Citizen of the Year, announced at the St Marys Spring Festival this year is Ms Debbie McGann for her services to sustainability in the local area.

COMMITTEE OF THE WHOLE

Councillor Jim Aitken OAM declared a Pecuniary Interest in *Item 2 of Committee of the Whole - Commercial Matter - Council Property - Cranebrook Village Shopping Centre* as he owns a shop in the Centre. Councillor Jim Aitken OAM then left the meeting, the time being 8:30pm.

Councillor Tanya Davies left the meeting, the time being 8:30pm.

315 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:30pm.

1 Presence of the Public

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

A Leading City

2 Commercial Matter - Council Property - Cranebrook Village Shopping Centre

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 8:37pm and the General Manager reported that the Committee of the Whole met at 8:30pm on 6 September 2010, the following being present

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Kaylene Allison, Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, 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 - Council Property - Cranebrook Village Shopping Centre

Councillor Tanya Davies returned to the meeting, the time being 8:33pm.

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Cranebrook Village Shopping Centre be received.
2. The amended provisions within the Contract of Sale be approved as outlined in the report.

ADOPTION OF COMMITTEE OF THE WHOLE

316 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Kath Presdee that the recommendation contained in the Committee of the Whole and shown as CW1 and CW2 be adopted.

Councillor Jim Aitken OAM returned to the meeting, the time being 8:37pm.

There being no further business the Chairperson declared the meeting closed the time being 8:38pm.

I certify that these 21 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 6 September 2010.

Chairperson

Date