

14 September 2011

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and the Regulations thereunder, notice is hereby given that an **ORDINARY MEETING** of Penrith City Council is to be held in the Council Chambers, Civic Centre, 601 High Street, Penrith on Monday 19 September 2011 at 7:00PM.

Attention is directed to the statement accompanying this notice of the business proposed to be transacted at the meeting.

Yours faithfully

Alan Stoneham
General Manager

BUSINESS

- 1. LEAVE OF ABSENCE**
- 2. APOLOGIES**
- 3. CONFIRMATION OF MINUTES**
Ordinary Meeting - 5 September 2011.
- 4. DECLARATIONS OF INTEREST**
Pecuniary Interest (The Act requires Councillors who declare a pecuniary interest in an item to leave the meeting during discussion of that item)
Non-Pecuniary Conflict of Interest – Significant and Less than Significant (The Code of Conduct requires Councillors who declare a significant non-pecuniary conflict of interest in an item to leave the meeting during discussion of that item)
- 5. ADDRESSING COUNCIL**
- 6. MAYORAL MINUTES**
- 7. NOTICES OF MOTION TO RESCIND A RESOLUTION**
- 8. NOTICES OF MOTION AND QUESTIONS ON NOTICE**
- 9. ADOPTION OF REPORTS AND RECOMMENDATION OF COMMITTEES**
Local Traffic Committee Meeting - 5 September 2011.
- 10. DELIVERY PROGRAM REPORTS**
Election of Mayor; Election of Deputy Mayor; Councillor Fees
- 11. REQUESTS FOR REPORTS AND MEMORANDUMS**
- 12. URGENT BUSINESS**
- 13. COMMITTEE OF THE WHOLE**

ORDINARY MEETING
MONDAY 19 SEPTEMBER 2011
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ADVANCE AUSTRALIA FAIR

**Australians all let us rejoice,
For we are young and free;
We've golden soil and wealth for toil;
Our home is girt by sea;
Our land abounds in nature's gifts
Of beauty rich and rare;
In history's page, let every stage
Advance Australia Fair.**

**In joyful strains then let us sing,
Advance Australia Fair.**

**Beneath our radiant Southern Cross
We'll toil with hearts and hands;
To make this Commonwealth of ours
Renowned of all the lands;
For those who've come across the seas
We've boundless plains to share;
With courage let us all combine
To Advance Australia Fair.**

**In joyful strains then let us sing,
Advance Australia Fair.**

Statement of Recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage

Council values the unique status of Aboriginal people as the original owners and custodians of lands and waters, including the land and waters of Penrith City.

Council values the unique status of Torres Strait Islander people as the original owners and custodians of the Torres Strait Islands and surrounding waters.

We work together for a united Australia and City that respects this land of ours, that values the diversity of Aboriginal and Torres Strait Islander cultural heritage, and provides justice and equity for all.



PRAYER

“Sovereign God, tonight as we gather together as a Council we affirm that you are the giver and sustainer of life. We come together as representatives of our community to make decisions that will benefit this city and the people within it.

We come not in a spirit of competition, not as adversaries, but as colleagues. Help us to treat each other with respect, with dignity, with interest and with honesty. Help us not just to hear the words we say, but also to hear each others hearts. We seek to be wise in all that we say and do.

As we meet, our concern is for this city. Grant us wisdom, courage and strength.

Lord, help us. We pray this in the name of Jesus Christ our Lord. Amen.”



Council Chambers Seating Arrangements

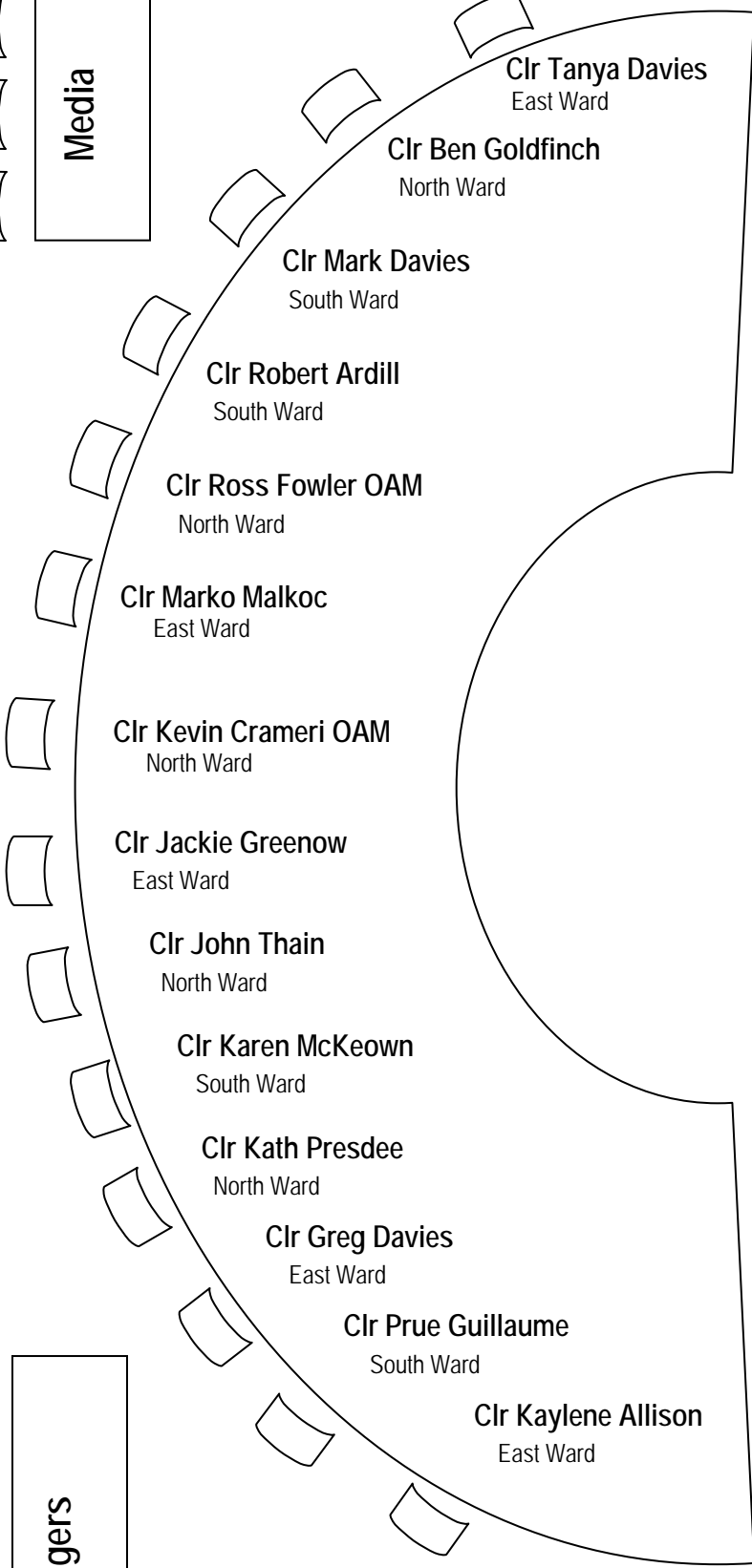
For members of the public addressing the meeting

Lectern

Group Managers

Media

Public Gallery



Managers

Director
Craig Butler

Director
Barry Husking

General
Manager
Alan Stoneham

Deputy
Mayor
Councillor
Jim Aitken OAM
South Ward

Senior
Governance
Officer
Glenn Schuil

Minute Clerk

Group Managers

2011 MEETING CALENDAR

January 2011 - December 2011

(adopted by Council on 29 November 2010, amended by Council on 28 February 2011, revised March 2011)

	TIME	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
		Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon	Mon
Ordinary Council Meeting	7.30pm		7 28#@	21	11❖	2 30#*	27	18	15#@	5✓ 19^ (7.00pm)	10∞	7 21#	12 (7.00pm)
Policy Review Committee	7.30pm	31	21	14	4	9	6	4	1 22	26	31	14	5
Operational Plan Public Forum	6.00pm					Wed 4							

- ❖ Meeting at which the Draft Operational Plan for 2011-2012 is adopted for exhibition
- * Meeting at which the Operational Plan for 2011-2012 is adopted
- # Meetings at which the Operational Plan quarterly reviews are presented
- @ Delivery Program progress reports
- ^ Election of Mayor/Deputy Mayor
- ✓ Meeting at which the 2010-2011 Annual Statements are presented
- ∞ Meeting at which any comments on the 2010-2011 Annual Statements are presented

- Extraordinary Meetings are held as required.
- Members of the public are invited to observe meetings of the Council (Ordinary and Policy Review Committee). Should you wish to address Council, please contact the Senior Governance Officer, Glenn Schuil.

UNCONFIRMED MINUTES

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

ON MONDAY 5 SEPTEMBER 2011 AT 7:35PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

Deputy 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

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

APOLOGIES

220 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Ben Goldfinch that the apology from Councillor Mark Davies be accepted.

CONFIRMATION OF MINUTES - Ordinary Meeting - 15 August 2011

221 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ross Fowler OAM that the minutes of the Ordinary Meeting of 15 August 2011 be confirmed.

DECLARATIONS OF INTEREST

Councillor Robert Ardill declared a Non Pecuniary Conflict of Interest – Less than Significant in *Item 14 – The Provision of Batting Cages and Pitching Cages at Andrews Road Baseball Facility* as he is an active member of the Club that is the subject of the report. Councillor Ardill stated that he would take no part in the debate and would leave the Chamber during consideration of the item.

SUSPENSION OF STANDING ORDERS

222 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:41 pm.

Mr Robert McCallum

Item 10 – DA11/0415 Proposed secondary dwelling at Lot 511 DP 248181 (No. 14) Reindeer Place, Werrington

Mr McCallum, the applicant, spoke in support of the recommendation and briefly outlined his proposal for the development on his property in Werrington. Mr McCallum then went on to ask Councillors if they had any questions about the proposed development.

Ms Darani Lewers

Item 16 – Penrith Regional Gallery and The Lewers Bequest – Heritage Status

Ms Lewers, an affected person, spoke against the recommendation, and expressed her support for the nomination for inclusion of the Gallery on the State Heritage Register, as she considered this would ensure the heritage significance of the Gallery is preserved. Ms Lewers stated that this would attract more visitors to the local area, and would greatly assist Penrith in becoming the cultural capital of Western Sydney. Ms Lewers also stated that if the Gallery is heritage listed it would be in a better position to attract funding from the NSW Heritage Council and other sources.

Mr Darrel Conybeare

Item 16 – Penrith Regional Gallery and The Lewers Bequest – Heritage Status

Mr Conybeare, an interested citizen, spoke in opposition to the recommendation to reject the heritage listing. Mr Conybeare stated that the Gallery is an integral part of the City's cultural capital and that the listing would automatically attract economic benefits, opening up access to government grants at State and Federal levels. Mr Conybeare further stated that in his view there were no disadvantages to the proposed State Heritage Listing.

RESUMPTION OF STANDING ORDERS

223 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that Standing Orders be resumed, the time being 7:55 pm.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Access Committee Meeting held on 3 August 2011](#)

224 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 3 August, 2011 be adopted.

2 [Report and Recommendations of the Policy Review Committee meeting held on 22 August 2011](#)

225 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 22 August, 2011 be adopted.

Procedural Motion

226 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that Items 10 and 16 be considered before any other business and that Item 12 be considered after Committee of the Whole has concluded.

DELIVERY PROGRAM REPORTS

A CITY OF OPPORTUNITIES

10 [Development Application DA11/0415 Proposed secondary dwelling at Lot 511 DP 248181 \(No. 14\) Reindeer Place, Werrington](#) Applicant: Robert & Michelle McCallum; Owner: Robert & Michelle McCallum DA11/0415

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

That:

1. The information contained in the report on Development Application DA11/0415 Proposed secondary dwelling at Lot 511 DP 248181 (No. 14) Reindeer Place, Werrington be received.
2. The submitted SEPP 1 be supported.
3. Development Application No DA11/0415 for the installation of a relocatable building for the purposes of a secondary dwelling 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
- D001 Implement approved sediment & erosion control measures
- D002 Spraygrass
- D003 Fencing protection to part of site or adjoining property
- D005 No filling without prior approval
- D009 Covering of waste storage area
- D010 Appropriate disposal of excavated or other waste

- E001 BCA compliance
- G002 Section 73 (not for single dwellings)
- G004 Integral Energy (prior to Occupation Certificate)
- H001 Stamped plans & erection of site notice 1 (Class 2-9)
- H022 Survey
- H041 Hours of Work
- N009 Penrith City Council's Section 94 Contributions Plan for Cultural Facilities, District Open Space and Local Open Space apply to the site. The applicant is liable to pay a contribution of \$3,567.00 (herein called "the Contribution").

If however the secondary dwelling is occupied by a relative (along with other occupants) of one of the persons occupying the primary dwelling on the land and the occupant who is the relative is over the age of 55 years then the contribution does not have to be paid. If the occupant of the secondary dwelling is not a relative then the Contribution must be paid (as adjusted by the current CPI) within 28 days of any such occupation.

Special Conditions

- 3.2 The secondary dwelling shall be provided with the following facilities:
 - (a) a 2m wide clothes drying area.
 - (b) a minimum of 30cu.m. of storage space additional to the wardrobe either within the secondary dwelling or in the carport or in a weatherproof locker.
- 3.3 24 hours notice shall be given to Penrith City Council to enable inspections of:
 - (a) Footing excavation prior to the placement of concrete
 - (b) Drainage lines prior to back filling of trenches
 - (c) Completion of the secondary dwelling prior to occupation.
- 3.3 The secondary dwelling approved herein shall not be occupied until Penrith City Council has issued an Occupation Certificate.
- 3.4 The hot water system for the secondary dwelling approved herein shall have a minimum rating of 3.5 stars. The installer of the hot water system shall submit written documentation to Council confirming compliance with this condition prior to issue of the Occupation Certificate.
- 3.5 Ceiling insulation to an equivalent thermal rating of at least R 3.0 and

wall insulation to an equivalent thermal rating of at least R1.5 shall be installed. Written documentary evidence of compliance with this condition must be submitted to Penrith City Council prior to issue of the Occupation Certificate.

- 3.6 Drainage of the secondary dwelling is to be connected to the existing stormwater drainage system.

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 Karen McKeown
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Kevin Crameri OAM
Councillor Marko Malkoc
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Jim Aitken OAM

A VIBRANT CITY

16 [Penrith Regional Gallery and The Lewers Bequest - Heritage Status](#)

228 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Penrith Regional Gallery and The Lewers Bequest - Heritage Status be received.
2. Council formally advise the NSW Heritage Office that it does not support the PRG&TLB listing on the State Heritage Register.

Councillors Robert Ardill and Kevin Crameri OAM requested that their names be recorded as having voted AGAINST the motion.

A LEADING CITY

Councillor Prue Guillaume left the meeting, the time being 8:17 pm.

Councillor Robert Ardill left the meeting, the time being 8:17 pm.

Councillor Robert Ardill returned to the meeting, the time being 8:18 pm.

Councillor Prue Guillaume returned to the meeting, the time being 8:19 pm.

1 [Delivery Program Six Month Progress Report ~ January 2011 - June 2011](#)

229 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Delivery Program Six Month Progress Report ~ January 2011 - June 2011 be received.
2. Council note the proposed changes to the Delivery Program 2009-2013 and the Operational Plan 2011-2012, as outlined in this report.

2 [Audit Committee](#)

230 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Ben Goldfinch that the information contained in the report on Audit Committee be received.

SUSPENSION OF STANDING ORDERS

231 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Karen McKeown that Standing Orders be suspended to allow Council's Auditor to address the meeting, the time being 8:24 pm.

Council's External Auditor, Mr Dennis Banicevic, a Director of PriceWaterhouse Coopers, addressed the meeting and gave a short presentation on Council's 2010-2011 Financial Statements. Mr Banicevic said that the Statements show Penrith City Council to be in a very sound and stable financial position as at 30 June 2011, and they also demonstrate a high standard of financial reporting and that Council is viable and in a sustainable position.

RESUMPTION OF STANDING ORDERS

232 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ben Goldfinch that Standing Orders be resumed, the time being 8:38 pm.

3 2010-11 Draft Financial Statements

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

That:

1. The information contained in the report on 2010-11 Draft 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. The statements comply with Australian Statements of Accounting Concepts
 - c. The financial statements present fairly the Council's financial position as at 30 June 2011 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 the Local Government Code of Accounting Practice and Financial Reporting and section 215 of the Local Government (General) Regulation 2005 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 2011 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.

8. Council acknowledge the efforts of Finance staff in preparing the Financial Statements, in particular Vicki O'Kelly, Andrew Moore and Brett Richardson.

4 2011-2012 Financial Assistance Grant

234 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Robert Ardill

That:

1. The information contained in the report on 2011-2012 Financial Assistance Grant be received.
2. Council increase the Financial Assistance Grant roads component budget by \$6,968 to match the actual Financial Assistance Grant roads component received.

5 Impact of Carbon Tax on Council and Penrith LGA

235 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Robert Ardill that consideration of this matter be deferred to the Ordinary Meeting of 10 October 2011.

6 Council receives awards recognising successful partnerships

236 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marko Malkoc that the information contained in the report on Council receives awards recognising successful partnerships be received.

7 Workplace English Language and Literacy (WELL) Program 2011

237 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Workplace English Language and Literacy (WELL) Program 2011 be received.
2. Council endorse the funding contribution of \$17,700 from the Salary System Training and Development Reserve.

8 Council Property - Dedication of the Extension of Laycock Street to Andrews Road, Cranebrook

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

That:

1. The information contained in the report on Council Property - Dedication of the Extension of Laycock Street to Andrews Road, Cranebrook be received.
2. The extension of Laycock Street and the widening of Greygums Road be dedicated as road, with the existing eleven lots consolidated into three as indicated in the report.
3. The Common Seal of the Council of the City of Penrith be affixed to all necessary documentation including the Plan of Subdivision.

A CITY OF OPPORTUNITIES

9 Development Application DA11/0373 Proposed Multi Unit Housing comprising 24 Units at Lots 31, 32 and 33 in DP 32844 (Nos.15 - 19) Rodley Avenue, Penrith Applicant: Byronville Pty Ltd; Owner: Byronville Pty Ltd

239 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Greg Davies

That:

1. The information contained in the report on Development Application 11/0373 proposing a multi unit housing development comprising twenty four units at Lots 31, 32 and 33 in DP 32844 (Nos. 15 – 19) Rodley Avenue, Penrith be received.
2. Development Application 11/0373 seeking consent for the construction of twenty four units at Lots 31, 32 and 33 in DP 32844 (Nos. 15 – 19) Rodley Avenue be approved subject to the attached conditions:
 - 2.1. **Standard Conditions**
 - A001 - Approved Plans
 - A008 – Works to BCA requirements
 - A009 – Residential Works DCP
 - A014 - Lot Consolidation
 - A019 – Occupation Certificate
 - A038 – Lighting Locations
 - A039 - Graffiti
 - 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
D007 – Filling of Land
D009 – Covering Waste Storage area
D010 – Waste disposal
D014 – Plant and Equipment Noise
E002 – BCA Issues to be addressed
E008 – Fire Safety List
E009 – Annual Fire Safety Statement
E01A – BCA compliance
E005 – Smoke Alarms
F006 – Water Tank
G003 – Section 73 Certificate
G004 – Integral Energy
G005 – Rainwater Tank - Plumbing
H001 – Stamped plans and erection of site notice
H002 - All forms of construction
H015 – Termite protection
H024 – Glass Installation
H030 – Roof colours
H036 – Rainwater Tank
H037 – Safe Supply of Water
H038 – Connection of Rainwater
H039 – Rainwater Tank Pumps
H041 – Hours of work
K016 – Stormwater
K202 – Roads Act
K210 - On Site Detention

K211 – Stormwater Discharge

K220 – Overland Flow

K222 - Access Car Parking

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:

- a) All car parking and manoeuvring must be in accordance with AS2890.1-2004; AS2890.6-2009 and Council's requirements.
- b) Sight Distance at the street frontage has been provided in accordance with AS 2890.1. The required sight lines around the driveway entrance are not to be compromised by street trees, landscaping or fencing.
- c) All cars are to enter and exit the site in a forward direction
- d) The stacked spaces are to be nominated and signposted to a single unit.
- e) Signage indicating location of visitor and accessible parking is required at the driveway entrance.

Any temporary loading zones required during construction will be the subject of a separate application to the Local Traffic Committee and payment of the appropriate fees.

K402 – Flooding

K403 – Flood Proofing

K501 – Roads Authority Clearance

K502 – Works as Executed

K503 – Stormwater Compliance

K504 – Restriction as to User

L001 – Landscaping Requirements

L002 – Landscaping Construction

L003 – Landscaping Report

L005 – Plant Material

L006 – Landscaping Standards

L008 - Tree Preservation Order

P001 – Costs

P002 - Fees

Q001 – Notice of commencement and appointment of PCA

Q010 – Basix Commitments

Special Conditions

- 2.2. Boundary fencing is to be constructed of *Colorbond* to a height of 1.8 metres In accordance with Part 4.6 Apartment Development of Penrith Development Control Plan 2006 the following is to be provided prior to the issue of Occupation Certificate:
- Privacy screens to the bedroom windows for units 2, 7, 9, 20 and 21;
 - Privacy screens to the western balconies to units 6 and 3;
 - Boundary fencing is to be constructed of *Colorbond* to a height of 1.8 metres; and
 - Storage facilities are provided and signposted for each unit as either a garden shed for ground floor units, enclosed storage areas within the basement or for the attic apartments within the roof space.
- 2.3. Intercom, code or card locks or similar should be installed at the car park entry and exit and at the main entrance to the communal area.
- An intercom system is to be provided at the entrance to the basement car park linked to individual units to allow access to the visitor car parking spaces.
- 2.4. Unit numbers should be clearly provided on each level and each building entry should clearly state the unit numbers accessed from that entry.
- 2.5. The applicant shall make the following provisions to the garbage storage rooms in the basement level:
- Doors leading out of the garbage rooms shall be fitted with a device to hold the doors in a fully open position
 - Security locks fitted to the doors of the garbage rooms shall be the Abloy Locking System used by Council for multi-unit dwelling garbage rooms. The cost of the system (supply, installation and keys) is the responsibility of the applicant
- 2.6. All surfaces within the car park should be painted in light coloured paint or finished in light grey concrete to reflect as much light as possible.
- 2.7. The car park (including entrances to stairwells) shall be well lit, and all potential entrapment points avoided. Mirrors should be used when certain design features are unavoidable.
- 2.8. Landscaping shall be maintained:
- in accordance with the approved plan, and
 - in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation, which died or was removed.

2.9. The use of low hedges and shrubs or high canopied vegetation is recommended to aid in surveillance, provide clear lines of sight and avoid any potential concealment areas. The landscaping in the communal area is to be appropriately balanced with lighting requirements.

2.10. 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.**

2.11. **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.

2.12. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

2.13. **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.

2.14. This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for City Wide - Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$5,589.00 is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for City Wide - Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 2.15. This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for City Wide - District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$64,281.00 is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for City Wide - District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 2.16. This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for City Wide - Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$23,259 is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for City Wide - Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

3. 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 Karen McKeown
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Kevin Crameri OAM
Councillor Marko Malkoc
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Jim Aitken OAM

At 8.54 pm, Deputy Mayor, Councillor Jim Aitken OAM, declared a Pecuniary Interest in *Item 17 – DA 11/0139 (2011SYW035) Staged subdivision of Caddens Release Area stages 1-7 into 346 residential lots, 1 residual lot, construction of the western linear park, western hilltop park and works in the riparian corridor Applicant: Landcom; Owner: Landcom*, as he owns property in the area the subject of the report.

Procedural Motion

240 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that Councillor John Thain take the Chair for consideration of Item 17.

The Deputy Mayor, Councillor Jim Aitken OAM then vacated the Chair and left the meeting, the time being 8:55 pm.

Councillor John Thain then took the Chair for consideration of Item 17.

17 [DA11/0139 \(2011SYW035\) Staged subdivision of Caddens Release Area stages 1-7 into 346 residential lots, 1 residual lot, construction of the western linear park, western hilltop park and works in the riparian corridor](#) Applicant: Landcom; Owner: Landcom

241 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc

That:

1. The information contained in the report on DA11/0139 (2011SYW035) Staged subdivision of Caddens Release Area stages 1-7 into 346 residential lots, 1 residual lot, construction of the western linear park, western hilltop park and works in the riparian corridor be received.

2. Council endorse the proposed approach outlined in the report in respect of the infrastructure delivery arrangements negotiated with Landcom and the proposed condition No. 2.78 relating to the future transfer of open space land.

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 Karen McKeown
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Kevin Crameri OAM
Councillor Marko Malkoc
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Ben Goldfinch
Councillor Tanya Davies

The Deputy Mayor, Councillor Jim Aitken OAM, returned to the meeting and the Chair, the time being 9:06 pm.

A GREEN CITY

18 [Council wins 2011 Compost Leadership Awards](#)

242 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Greg Davies that the information contained in the report on Council wins 2011 Compost Leadership Awards be received.

A LIVEABLE CITY

11 [Pathway construction along Barber Avenue, Penrith](#)

243 A MOTION was moved by Councillor Kevin Crameri OAM seconded Councillor Robert Ardill

That:

1. The information contained in the report on Pathway construction along Barber Avenue, Penrith be received.
2. An amount of \$44,000 be allocated equally from each Ward's voted works to provide pathway construction along Barber Avenue, Penrith.

An AMENDMENT was moved by Councillor Greg Davies seconded Councillor John Thain

that pathway construction along Barber Avenue, Penrith be included in the 2011-12 Path Paving Program, with a lesser priority to be removed from the Program.

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

Councillor Kevin Crameri OAM requested that his name be recorded as having voted AGAINST the motion.

13 Roads to Recovery Program

244 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Roads to Recovery Program be received.
2. Council call on the Federal Government to:
 - recognise the successful delivery of the Roads to Recovery Program by local government since 2000.
 - continue the Roads to Recovery Program on a permanent basis to assist local government to meet its responsibilities of providing access for its communities.
 - continue the Roads to Recovery Program with the current administrative arrangements.
 - provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.

Having previously declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 14, Councillor Robert Ardill left the meeting, the time being 9:16 pm.

14 The Provision of Batting Cages and Pitching Cages at Andrews Road Baseball Facility

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

That:

1. The information contained in the report on The Provision of Batting Cages and Pitching Cages at Andrews Road Baseball Facility be received.
2. Council allocate \$5,000 from each Ward's voted works and an interest free loan of \$14,000, repayable over 5 years, be provided to the Club.

Councillor Robert Ardill returned to the meeting, the time being 9:17 pm.

A VIBRANT CITY

15 [Aboriginal Intergenerational Arts Project](#)

246 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Aboriginal Intergenerational Arts Project be received.
2. Council endorse the expression of interest and the receipt of \$20,000 for the project.
3. Council write to the Minister for Family and Community Services Ageing Disability and Home Care expressing Council's appreciation for the grant.

Councillor Jackie Greenow left the meeting, the time being 9:19 pm.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 **Copper Thefts from Glenmore Park Housing Estate**

Councillor Ben Goldfinch requested a memo reply concerning thefts of copper piping and electrical cabling from new housing being constructed in Glenmore Park, including the possibility of using 'data dot' technology to track the tubing being sold to scrap metal yards. In addition, Councillor Goldfinch requested that warnings of this practice be issued when development applications are approved.

Councillor Jackie Greenow returned to the meeting, the time being 9:21 pm.

RR 2 **Lachlan Partnership**

Councillor Ross Fowler OAM requested a report to Council outlining the economic, social and cultural benefits of Penrith Council's partnership with Lachlan, from the perspectives of both Councils.

RR 3 **Penrith BMX Club Event - Saturday 3 September 2011**

Councillor Marko Malkoc requested that Council write a letter to the President of the Penrith BMX Club for the event held on Saturday 3 September 2011, after the St Marys Spring Festival, thanking the Board of Directors of the Club for their tireless support of the sport and the co-operation between the BMX Club and Council.

RR 4 **Passing of William (Bill Dunn)**

Councillor Kevin Cramer OAM informed Council of the death of Mr William (Bill) Dunn, a former Council employee who was a Dog Catcher and Poundkeeper, and noting that Bill was a well known resident of Penrith and active in the Lions Club and other organisations in the area.

RR 5 Castlereagh Road

Councillor Kevin Crameri OAM requested a memo reply to all Councillors advising what action is being taken about mud being deposited on Castlereagh Road as a result of development in the area.

**RR 6 Cap on Section 94 Contributions – Landcom Subdivision –
Caddens Release Area**

Councillor Kevin Crameri OAM requested that Council write to our Local Members again, regarding this matter and to ascertain what actions have been taken to secure an exemption for the WELL Precinct Section 94 contributions plan from the \$30,000 cap.

RR 7 Atchison Street, St Marys

Councillor Jackie Greenow requested that the matter of traffic flow in Atchison Street, St Marys, between Wilson and Hall Streets, be investigated by the Local Traffic Committee, as the street is now being used by heavy vehicles as a major bypass to Mamre Road. Councillor Greenow also requested that officers investigate the right turn closure at Lonsdale Street.

RR 8 St Marys Spring Festival 2011

Councillor Jackie Greenow requested that Council write a letter to the development committee of St Marys Spring Festival, thanking them for their efforts in making this year's Festival such a success.

RR 9 St Marys Spring Festival 2011

Councillor Greg Davies requested a report to Council on the future logistics of providing staff to assist with organising the St Marys Spring Festival.

RR 10 Birds of the Waters Exhibition

Councillor Jackie Greenow congratulated the artist and organisers who provided the Birds of the Waters exhibition which is currently located in Penrith Library for their time and effort involved in providing this exhibit.

RR 11 Ched Towns Reserve, Glenmore Park

Councillor Prue Guillaume requested a report to Council on the funding shortfall in costs associated with the project to fence and light the rugby league fields at Ched Towns Reserve, Glenmore Park.

RR 12 Subsidised Access to Penrith Memorial Swimming Pool

Councillor Prue Guillaume requested a memo reply concerning the possibility of providing subsidised access for veterans to the Penrith Memorial Swimming Pool.

URGENT BUSINESS

UB 1 Leave of Absence

Councillor Kaylene Allison requested Leave of Absence from 6 September 2011 to 18 September 2011 inclusive.

247 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kath Presdee that Councillor Kaylene Allison be granted Leave of Absence from 6 September 2011 to 18 September 2011 inclusive.

COMMITTEE OF THE WHOLE

248 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kaylene Allison that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:40 pm.

Councillor Ben Goldfinch left the meeting, the time being 9:40 pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Kevin Crameri OAM 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 - Leasing of Shop 2 at Gaymark Place 134-138 Henry Street, Penrith](#)

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 - Council Property - Leasing of Part Unused Road Cnr of Henry & Kendall Streets, Penrith to Red Rooster Foods Pty Limited](#)

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.

A Liveable City

4 [The Provision of Concrete Works - Footpath and Kerb & Gutter \(restoration and maintenance works\)](#)

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 9:50 pm and the General Manager reported that the Committee of the Whole met at 9:40 pm on 5 September 2011, the following being present

Deputy Mayor Councillor Jim Aitken OAM, Councillors Kaylene Allison, Robert Ardill, Kevin Crameri OAM, Greg 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 - Council Property - Leasing of Shop 2 at Gaymark Place 134-138 Henry Street, Penrith](#)

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 - Leasing of Shop 2 at Gaymark Place 134-138 Henry Street, Penrith be received.
2. Council grant a Two (2) year lease with a Three (3) year option to Veronica Rillo in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

3 [Commercial Matter - Council Property - Leasing of Part Unused Road Cnr of Henry & Kendall Streets, Penrith to Red Rooster Foods Pty Limited](#)

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Ross Fowler OAM

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Part Unused Road Cnr of Henry & Kendall Streets, Penrith to Red Rooster Foods Pty Limited be received.
2. Council grant a new 5 year Licence Agreement to Red Rooster Foods Pty Limited in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

Councillor Ben Goldfinch returned to the meeting, the time being 9:44 pm.

4 [The Provision of Concrete Works - Footpath and Kerb & Gutter \(restoration and maintenance works\)](#)

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc

CW4 That the information contained in the report on The Provision of Concrete Works - Footpath and Kerb & Gutter (restoration and maintenance works) be received.

ADOPTION OF COMMITTEE OF THE WHOLE

249 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

12 [Provision of Concrete Works - Footpath and Kerb & Gutter \(restoration and maintenance works\)](#)

250 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Provision of Concrete Works - Footpath and Kerb & Gutter (restoration and maintenance works) be received.
2. Del Rocchio Concreting Pty Ltd be appointed as the preferred contractor for the provision of Concrete Works – Footpath and Kerb & Gutter for a period of two (2) years with the option to extend for a further two (2) x one (1) year periods subject to satisfactory performance, allowing for rise and fall provisions.

3. Devcon Civil Pty Ltd be appointed as the secondary contractor and to be engaged in the event the highest ranked contractor is unable to provide the service.

There being no further business the Chairperson declared the meeting closed the time being 9:51 pm.

PENRITH CITY COUNCIL

Procedure for Addressing Meetings

Anyone can request permission to address a meeting, providing that the number of speakers is limited to three in support of any proposal and three against.

Any request about an issue or matter on the Agenda for the meeting can be lodged with the General Manager or Public Officer up until 12 noon on the day of the meeting.

Prior to the meeting the person who has requested permission to address the meeting will need to provide the Public Officer with a written statement of the points to be covered during the address in sufficient detail so as to inform the Councillors of the substance of the address and a written copy of any questions to be asked of the Council in order that responses to those questions can be provided in due course.

In addition, prior to addressing the meeting a person addressing Council or Committee will be informed that they do not enjoy any privilege and that permission to speak may be withdrawn should they make inappropriate comments.

It should be noted that persons who wish to address the Council are addressing a formal part of the Council Meeting. All persons addressing the Meeting should give consideration to their dress attire. Smart casual is a minimum that is thought to be appropriate when addressing such a forum.

It should be noted that speakers at meetings of the Council or Committee do not have absolute privilege (parliamentary privilege). A speaker who makes any potentially offensive or defamatory remarks about any other person may render themselves open to legal action.

Prior to addressing the meeting the person will be required to sign the following statement:

“I (name) understand that the meeting I intend to address on (date) is a public meeting. I also understand that should I say or present any material that is inappropriate, I may be subject to legal action. I also acknowledge that I have been informed to obtain my own legal advice about the appropriateness of the material that I intend to present at the above mentioned meeting”.

Should a person fail to sign the above statement then permission to address either the Council or Committee will not be granted.

The Public Officer or Minute Clerk will speak to those people who have requested permission to address the meeting, prior to the meeting at 7.15pm.

It is up to the Council or Committee to decide if the request to address the meeting will be granted.

Where permission is to be granted the Council or Committee, at the appropriate time, will suspend only so much of the Standing Orders to allow the address to occur.

The Chairperson will then call the person up to the lectern or speaking area.

The person addressing the meeting needs to clearly indicate:

- Their name;
- Organisation or group they are representing (if applicable);
- Details of the issue to be addressed and the item number of the report in the Business Paper;
- Whether they are opposing or supporting the issue or matter (if applicable) and the action they would like the meeting to take;
- The interest of the speaker (e.g. affected person, neighbour, applicant, applicants spokesperson, interested citizen etc).

Each person then has five minutes to make their address. Those addressing Council will be required to speak to the written statement they have submitted. Permission to address Council is not to be taken as an opportunity to refute or otherwise the points made by previous speakers on the same issue.

The Council or Committee can extend this time if they consider it appropriate, however, everyone needs to work on the basis that the address will be for five minutes only.

Councillors may have questions about the address so people are asked to remain at the lectern or in the speaking area until the Chairperson has thanked them.

When this occurs, they should then return to their seat.

Glenn McCarthy
Public Officer
02 4732 7649

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REPORTS OF COMMITTEES

Item		Page
1	Report and Recommendations of the Local Traffic Committee Meeting held on 5 September 2011	1



**REPORT AND RECOMMENDATIONS OF THE
LOCAL TRAFFIC COMMITTEE MEETING
HELD ON 5 SEPTEMBER, 2011**

PRESENT

Michael Alderton - Road Network Services Engineer (Chairperson), Wayne Mitchell – Group Manager - City Infrastructure, Adam Wilkinson – Engineering Services Manager, David Lance - Roads and Traffic Authority, Constable Bill Pearson – Penrith Police, Senior Constable Mark Elliott – St Marys Police, Stuart Ayres MP – Member for Penrith, Mark Holmes – Representative for the Member for Mulgoa, Daniel Davidson – Road Safety Co-ordinator, David Drozd – Senior Traffic Engineer, Ruth Byrnes - Senior Traffic Officer.

IN ATTENDANCE

Noel Fuller – Co-ordinator Ranger Services, Phil Davies – Westbus.

APOLOGIES

Apologies were accepted from Councillor Jackie Greenow, Councillor Karen McKeown, Jacob Strong – Trainee Engineer.

CONFIRMATION OF MINUTES - Local Traffic Committee Meeting - 1 August 2011

The minutes of the Local Traffic Committee Meeting of 1 August 2011 were confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

DELIVERY PROGRAM REPORTS

A LIVEABLE CITY

1 [Penrith City Centre Association - Penrith's Festival of Christmas](#)

LTC Comment

The Westbus representative advised that during the event the preference is for bus drivers to access Penrith Railway Station by using Ransley Street, Mulgoa Road and Jane Street. This route was adopted successfully during last year's event and is preferred over using Union Road during the event.

The Committee raised no objections to this request.

RECOMMENDED

That:

1. The information contained in the report on Penrith City Centre Association - Penrith's Festival of Christmas be received.
2. The event applicant be advised that this is a Class 2 Event under the Roads and Traffic Authority's (RTA) "*Guide to Traffic and Transport Management*

for Special Events”, and that all conditions and requirements specified in the Guide must be complied with prior to the event. In addition, the applicant be advised that this is not an approval of the event and is a consideration of the traffic management arrangements for the event only. Separate approvals from other Council departments through separate application may be required.

3. The Transport Management Plan (TMP) submitted by the event applicant detailing the proposed temporary road closures for the event to be held on Sunday, 4 December 2011 be endorsed.
4. Approval be given for the temporary closure of:
 - a. High Street between Station Street and Castlereagh Streets
 - b. Woodriff Street between High and Tindale Streets
 - c. Union Lane between Station and Woodriff Streetsfrom 7:00am to 5:00pm Sunday, 4 December 2011 for the duration of the event.
5. Approval be given for the temporary closure of:
 - a. High Street between Castlereagh Street and Lawson Street
 - b. Castlereagh Street between High Street and Tindale Street
 - c. Union Road/Station Street roundabout to Union Road car park entrance
 - d. Station Street between Henry Street and Union Roadfrom 12:15pm to 1:30pm on Sunday, 4 December 2011 for the duration of the parade.
6. A TMP including a Risk Management Plan be lodged by the event applicant with the RTA for approval prior to the event. A copy of the RTA approval must be submitted to Council prior to the event.
7. The event applicant obtain separate approval from the NSW Police and submit a Schedule 1 Form under the Summary Offences Act to the NSW Police prior to the event. A copy of the NSW Police approval must be submitted to Council prior to the event.
8. The event applicant submit to Council a copy of Public Liability Insurance (usually a Certificate of Currency) of minimum \$10 million. In addition, the event applicant indemnify Council in writing against all claims for damage and injury which may result from the proposed event.
9. A detailed Traffic Control Plan shall be prepared by a qualified and certified professional and submitted to Council, the RTA and NSW Police prior to the event. The Traffic Control Plan shall detail how a minimum 4.0m emergency lane is maintained at all times during the event.
10. The event applicant arrange to place barricades and provide RTA accredited Traffic Controllers where required by the approved TMP. Where the TMP and Traffic Control Plans indicate Traffic Controllers are to be used, all Traffic Controllers must have current RTA certification.
11. The event applicant provide advice to Council prior to the event that the event complies with the NSW Occupational Health & Safety Act 2000 and the NSW Occupational Health & Safety Regulations 2001.

12. The event applicant advertise the proposed temporary road closures in local newspapers a minimum of two weeks prior to the event, and provide variable message signs (VMS) in appropriate locations a minimum of one week prior to the event, with the locations of the VMS boards submitted to Council for endorsement prior to their erection. VMS boards should be located in accordance with the RTA's Technical Direction TDT2002/11c.
13. The event applicant deliver an information letterbox drop and personal communication to all business proprietors, property owners/tenants, residents and other occupants in the affected streets two weeks prior to the event. Any concerns or requirements be resolved by the applicant or referred back to Council for consideration.
14. The event organiser notify the Ambulance Service of NSW, Fire Brigade (NSW Fire Brigade and RFS) and State Emergency Services (SES) for the proposed event and submit a copy of the notification to Council prior to the event.
15. The event applicant notify private bus companies of the proposed event and submit a copy of the notification to Council prior to the event. Bus companies shall be requested to advertise the changed route for affected buses at least one week prior to, and during, the event.
16. Should the consultation process resolve to temporarily relocate bus stops or bus routes that were not indicated in the original TMP, a further report will be required to be submitted to the next available Local Traffic Committee meeting.
17. The event applicant ensure that noise control measures are in place as required by the protection of the Environment Operations (Noise Control) Regulation 2000.
18. The event applicant ensure that competitors obey road rules and Police directions during the event.
19. All works as part of this approval are conducted at no cost to Council.
20. The applicant be advised of Council's resolution.

2 [Penrith City Centre Association - Santa's Charity Run for Fun](#)

RECOMMENDED

That:

1. The information contained in the report on Penrith City Centre Association - Santa's Charity Run for Fun be received.
2. The event applicant be advised that this is a Class 4 Event under the Roads and Traffic Authority's (RTA) "*Guide to Traffic and Transport Management for Special Events*", and that all conditions and requirements specified in the Guide must be complied with prior to the event.
3. The Traffic Management Plan (TMP) for the Class 4 event submitted by the Penrith City Centre Association detailing the proposed temporary road closures for the Christmas Santa Fun Run to be held on Sunday, 4 December

2011 be endorsed.

4. Approval be given for the temporary closure of:
 - a. Woodriff Street between Judges Place car park entry and Lethbridge Street
 - b. Lethbridge Street between Woodriff Street and Evan Street
 - c. Evan Street between Lethbridge Street and High Street
 - d. High Street between Evan Street and Castlereagh Streetfrom 10:00am to 11:15am on Sunday, 4 December 2011 for the duration of the event.
5. The event applicant submit to Council a copy of Public Liability Insurance (usually a Certificate of Currency) of minimum \$10 million, prior to the event. In addition, the event applicant indemnify Council in writing against all claims for damage and injury which may result from the proposed event.
6. The event applicant obtain separate approval from the NSW Police and submit a Schedule 1 Form under the Summary Offences Act to the NSW Police prior to the event. A copy of the NSW Police approval must be submitted to Council prior to the event.
7. The event be run under the direct supervision of NSW Police. The event organiser make initial contact with Police on the day of the event, be in attendance at the event and remain on-site for the duration of the event.
8. The event organiser notify the Ambulance Service of NSW, Fire Brigade (NSW Fire Brigade and RFS) and State Emergency Services (SES) for the proposed event and submit a copy of the notification to Council prior to the event.
9. The event applicant notify private bus companies of the proposed event and submit a copy of the notification to Council prior to the event. Bus companies shall be requested to advertise the changed route for affected buses at least one week prior to, and during, the event.
10. Should the consultation process resolve to temporarily relocate bus stops or bus routes that were not indicated in the original TMP, a further report will be required to be submitted to the next available Local Traffic Committee meeting.
11. The event applicant ensure that noise control measures are in place as required by the protection of the Environment Operations (Noise Control) Regulation 2000.
12. The event applicant ensure that competitors obey road rules and Police directions during the event.
13. All works as part of this approval be conducted at no cost to Council.
14. The event organiser advertise the proposed temporary road closures in local newspapers a minimum of two weeks prior to the event, and provide variable message signs (VMS) in appropriate locations a minimum of one week prior to the event, with the locations of the VMS boards submitted to Council for endorsement prior to their erection.
15. Where required, a detailed Traffic Control Plan be prepared by a qualified

and certified professional and submitted to Council, the RTA and NSW Police prior to the event. The Traffic Control Plan shall detail how a minimum 4m emergency lane is maintained at all times during the event.

16. The event applicant arrange to place barricades and provide RTA accredited Traffic Controllers where required by the approved TMP. Where the TMP and Traffic Control Plan indicate Traffic Controllers are to be used, all Traffic Controllers must have current RTA certification.
17. The event applicant provide advice to Council prior to the event that the event complies with the NSW Occupational Health & Safety Act 2000 and the NSW Occupational Health & Safety Regulations 2001.
18. Penrith City Centre Association be advised of Council's resolution.

3 Removal of Redundant Bus Stops - Kingswood

RECOMMENDED

That:

1. The information contained in the report on Removal of Redundant Bus Stops - Kingswood be received.
2. The unused "Bus Zones" and "Bus Stop" signage located on Somerset Street (western side), Kingswood near Orth Street, Bringelly Road (western side) Kingswood near Rodgers Street, and Bringelly Road (western side), Kingswood near Stafford Street be removed.
3. The existing "Transit Stops" listed as follows no longer be considered approved "Bus Stops" and be removed from the Department of Transport's Transit Stop Register:

<i>TSN</i>	<i>Address</i>
2747-70	Somerset St, near Derby St (western side)
2747-71	Somerset St, near Derby St (eastern side)
2747-106	Somerset St, near Orth St (western side)
2747-107	Rodgers St, near Somerset St (northern side)
2747-108	Rodgers St, midway along its length (northern side)
2747-109	Rodgers St, near Bringelly Rd (northern side)
2747-110	Bringelly Rd, near Derby St (eastern side)
2747-114	Bringelly Rd, near Jamison Rd (eastern side)
2747-134	Bringelly Rd, near Stafford St (western side)
2747-135	Bringelly Rd, near Derby St (western side)
2747-136	Rodgers St, near Bringelly Rd (southern side)
2747-137	Rodgers St, midway along its length (southern side)
2747-138	Somerset St, near Orth St (eastern side)
2747-257	Bringelly Rd, near Rodgers St (western side)

4. Westbus and the Department of Transport be advised of Council's resolution.

4 Removal of Redundant Bus Stops - Cambridge Park

RECOMMENDED

That:

1. The information contained in the report on Removal of Redundant Bus Stops - Cambridge Park be received.
2. The unused “Bus Stop” signage located on Cam Street (western side), Cambridge Park, near Cambridge Street, be removed.
3. The unused “Bus Stop” signage listed as follows be removed, subject to Westbus approval:

<i>TSN</i>	<i>Address</i>
2747-171	Richmond Road, near Gascoigne Street (western side)
2747-173	Cambridge Street, near Cam Street (northern side)
2747-182	Cambridge Street, near Cam Street (southern side)
2747-183	Cam Street, near Richmond Road (eastern side)
2747-184	Richmond Road, near Gascoigne Street (eastern side)
2747-235	Cambridge Street, near College Street (southern side)

4. The existing “Transit Stops” listed as follows no longer be considered approved “Bus Stops” and be removed from the Department of Transport’s “Transit Stop Register”:

<i>TSN</i>	<i>Address</i>
2747-171	Richmond Road, near Gascoigne Street (western side)
2747-172	Cam Street, near Cambridge Street (western side)
2747-173	Cambridge Street, near Cam Street (northern side)
2747-174	Cambridge Street, near Barry Street (northern side)
2747-179	Herbert Street, near Weatherby Avenue (northern side)
2747-182	Cambridge Street, near Cam Street (southern side)
2747-183	Cam Street, near Richmond Road (eastern side)
2747-184	Richmond Road, near Gascoigne Street (eastern side)
2747-230	Herbert Street, near Weatherby Avenue (southern side)
2747-235	Cambridge Street, near College Street (southern side)
2747-297	Cam Street, near Eton Road (eastern side)

5. Westbus and the Department of Transport be advised of Council’s resolution.

5 [Nepean Triathlon - Sunday, 13 November 2011](#)

RECOMMENDED

That:

1. The information contained in the report on Nepean Triathlon - Sunday, 13 November 2011 be received.
2. The applicant consult in person with all affected residents and businesses regarding the proposed closure with a list of all businesses and comments referred to Council for consideration. Any objections be referred back to the Local Traffic Committee prior to the event.
3. Subject to no objections from affected businesses, approval be given for the temporary closure of Old Castlereagh Road, from just west of the Andrews Road/Cranebrook Road roundabout to near its termination, Leland Street, Gordon Street, Camden Street, Lugard Street, Borec Road, Cassola Place, Lemko Place and Jack Williams Drive west of Borec Road from 6:55am to 10.30am on Sunday, 13 November 2011, for the cycle leg of the Nepean Triathlon, subject to the following conditions:
 - a. The event applicant be advised that this is a Class 2 Event under the Roads and Traffic Authority's (RTA) "*Guide to Traffic and Transport Management for Special Events*", and that all conditions and requirements specified in the Guide must be complied with prior to the event.
 - b. A Transport Management Plan (TMP) including a Risk Management Plan be lodged by the event applicant with the Roads and Traffic Authority (RTA) for approval prior to the event. A copy of the RTA approval must be submitted to Council prior to the event.
 - c. The event applicant obtain separate approval from the NSW Police and submit a Schedule 1 Form under the Summary Offences Act to the NSW Police prior to the event. A copy of the NSW Police approval must be submitted to Council prior to the event.
 - d. The event applicant submit to Council a copy of Public Liability Insurance (usually a Certificate of Currency) of minimum \$10 million, 30 days prior to the event. In addition, the event applicant indemnify Council in writing against all claims for damage and injury which may result from the proposed event.
 - e. A detailed Traffic Control Plan shall be prepared by a qualified and certified professional and submitted to Council, the RTA and NSW Police prior to the event. The Traffic Control Plan shall detail how a minimum 4.0m emergency lane is maintained at all times during the event.
 - f. The event applicant arrange to place barricades and provide RTA accredited Traffic Controllers where required by the approved TMP. Where the TMP and Traffic Control Plan indicate Traffic Controllers are to be used, all Traffic Controllers must have current RTA certification.
 - g. The event applicant must provide advice to Council prior to the event that the event complies with the NSW Occupational Health & Safety Act 2000

and the NSW Occupational Health & Safety Regulations 2001.

- h. The event applicant advertise the proposed temporary road closures in local newspapers a minimum of two weeks prior to the event, and provide variable message signs (VMS) in appropriate locations a minimum of one week prior to the event, with the locations of the VMS boards submitted to Council for endorsement prior to their erection. VMS boards should be located in accordance with the RTA's Technical Direction TDT2002/11c.
 - i. The event organiser notify the Ambulance Service of NSW, Fire Brigade (NSW Fire Brigade and RFS) and State Emergency Services (SES) of the proposed event and submit a copy of the notification to Council prior to the event.
 - j. The event applicant notify private bus companies for the proposed event and submit a copy of the notification to Council prior to the event. Bus companies shall be requested to advertise the changed route for affected buses at least one week prior to, and during, the event.
 - k. Should the consultation process resolve to temporarily relocate bus stops or bus routes that were not indicated in the original TMP, a further report will be required to be submitted to the next available Local Traffic Committee meeting.
 - l. The event applicant shall ensure that noise control measures are in place as required by the protection of the Environment Operations (Noise Control) Regulation 2000.
 - m. The event applicant is to ensure that competitors obey road rules and Police directions during the event.
4. All works as part of this approval be conducted at no cost to Council.
 5. The applicant be advised of Council's resolution.

6 Luddenham Road, Luddenham - Provision of Bridge Load Limit

RECOMMENDED

That:

1. The information contained in the report on Luddenham Road, Luddenham - Provision of Bridge Load Limit be received.
2. A Transport Management Plan be submitted to the Roads and Traffic Authority for approval.
3. A Bridge Load Limit of 33t Gross be applied to the bridge on Luddenham Road, over South Creek near Mamre Road. Appropriate signage including advance warning signs be implemented, subject to Roads and Traffic Authority approval of the Transport Management Plan.
4. The proposal be advertised in local newspapers and the Government Gazette for two weeks.

7 Penrith City Centre Association - Temporary Christmas Shuttle Bus

RECOMMENDED

That:

1. The information contained in the report on Penrith City Centre Association - Temporary Christmas Shuttle Bus be received.
2. The route for the temporary shuttle bus service for the period from 28 November to 24 December 2011 inclusive, be noted.
3. The Penrith City Centre Association consult with the Department of Transport seeking approval for the operation and associated route of the temporary Penrith City Centre Shuttle Bus Service for the period inclusive of 28 November to 24 December 2011.
4. Subject to the written approval of the Department of Transport:
 - a. Temporary “Bus Zone” restrictions replace the existing “No Parking” area directly opposite the Nepean Centro driveway in Reserve Street (north side) for the period inclusive of 28 November to 24 December 2011.
 - b. Temporary “Bus Zone” restrictions be installed to supplement the existing “Taxi Stand” adjacent to the Australia Post collection box in High Street (north side) immediately east of Woodriff Street, for the period inclusive of 28 November to 24 December 2011.
 - c. Temporary “Bus Zone” restrictions replace the existing “No Parking” area on the western side of Riley Street outside number 21 for the period inclusive of 28 November to 24 December 2011.
5. The Taxi Council and Premier Cabs be consulted by the Penrith City Centre Association regarding the temporary “Bus Zone” restrictions supplementing the existing “Taxi Stand” adjacent the Australia Post collection box in High Street, east of Woodriff Street.
6. The applicant be advised of Council’s resolution.

8 New “Bus Stop” Signage - Penrith Local Government Area

RECOMMENDED

That:

1. The information contained in the report on New “Bus Stop” Signage - Penrith Local Government Area be received.
2. The Department of Transport be requested to advise bus operators to cease the installation of new “Bus Stop” signage in the Penrith Local Government Area, pending advice from the Department of Transport in regard to Disability Discrimination Act compliance. In addition, the Department of Transport be requested to provide advice on the installation of the new “Bus Stop” signage in regard to signage layout and installation in accordance with both the Roads Act and the Disability Discrimination Act.

3. A further report be submitted to the Local Traffic Committee advising of the Department of Transport's advice.

9 Regulus Street, Erskine Park - Road Safety & Speeding Concerns

RECOMMENDED

That:

1. The information contained in the report on Regulus Street, Erskine Park - Road Safety and Speeding Concerns be received.
2. Community consultation be conducted regarding the proposed linemarking scheme and associated loss of parking.
3. Subject to no substantial objections, double-barrier linemarking and associated RRPMS be provided in Regulus Street, Erskine Park between Dunstaffnage Place and number 54 Regulus Street, for a distance of 150m.
4. A curve advisory sign be installed immediately opposite Tucana Street.
5. A lighting assessment for the subject section of Regulus Street be undertaken.
6. Councillor Malkoc and the resident at 54 Regulus Street, Erskine Park be advised of Council's resolution.

10 Major Traffic Facilities Program 2011/2012 Amendments

RECOMMENDED

That:

1. The information contained in the report on Major Traffic Facilities Program 2011/2012 Amendments be received.
2. The Northern Road/Andromeda Drive, Cranebrook – median island be removed from the Traffic Facilities Prioritisation list and Council's construction program and referred directly to the Roads and Traffic Authority for their implementation as the proposed works are within the boundaries of the State Road network. A copy of the letter be sent to the Member for Londonderry for information.
3. York Road/Preston Street, Penrith – splitter islands be removed from the Traffic Facilities Prioritisation list and Council's construction program as turning restrictions have been implemented at the intersection that addressed the current accident history.
4. Brisbane Street, Oxley Park – traffic calming be added to the Major Traffic Facilities Program for construction in 2011/2012 and the design be referred back to the Committee for endorsement prior to construction.

GENERAL BUSINESS

GB 1 Installation of School Zone Flashing Lights – Various Sites across Penrith Local Government Area (*Raised Council*)

By letter dated 25 August 2011, the Roads and Traffic Authority (RTA) advised that eight schools in the Penrith Local Government Area (LGA) are to receive “School Zone” flashing lights. The RTA advised that the installation of flashing lights at these eight locations is the first inclusion of Penrith LGA schools in the current round of a state-wide roll out. The nominated locations are:

- Grays Lane, Cranebrook at Samuel Terry Public School
- Glenmore Parkway, Glenmore Park at Glenmore Park High School
- Thurwood Avenue, Jamisontown at Jamisontown Public School
- Smith Street, Kingswood at Kingswood South Public School and Kingswood High School
- Banks Drive, St Clair at Banks Public School
- The Lakes Drive, Glenmore Park at Glenmore Park Public School and Caroline Chisholm College.

It is expected that the installation of the flashing lights at the above “School Zone” sites will be completed by November 2011.

RECOMMENDED

That:

1. Council note the information.
2. Council contact the Principal of Jamison Public School and the Roads and Traffic Authority with regard to their preferred location for provision of the flashing “School Zone” signs, ie, Thurwood Road or Ikin Street, Penrith.
3. The Principals of Samuel Terry Public School, Glenmore Park High School, Jamisontown Public School, Kingswood South Public School, Kingswood High School, Banks Public School, Glenmore Park Public School and Caroline Chisholm College be advised of the proposed installation of the flashing lights in the School Zones.
4. Council write to the Local Members thanking them for their continued support towards improving road safety around schools.

GB 2 Emu Plains Primary Main Extension (*Raised Council*)

Jemena Gas Network (Jemena) is the network operator for gas in NSW as defined in the Gas Supply Act 1996. Jemena has engaged Codmah Pty Ltd to construct the Emu Plains Primary Gas Main Extension which runs from Penrith to Emu Plains. Jemena Gas Network is a major gas provider to over 1 million homes in NSW.

Jemena have identified the need to improve the existing gas distribution supply network, to cater for the expected residential and industrial growth in the Penrith and Blue Mountains region. To ensure this distribution and supply, Jemena propose to construct, by horizontal directional drill, a 200mm primary gas main from Woodriff Gardens in Penrith, that crosses under the Nepean River, and extends to the recently constructed Pressure Reduction Station

on Old Bathurst Road, Emu Plains near Russell Street.

The following works have been identified:

- extension starts at the Penrith Pressure Reduction Station in Woodriff Gardens, Penrith
- bored crossing under Peachtree Creek
- trenching through grass verge to Bruce Neale Drive
- directional drill under Nepean River
- trenching in Avoca Reserve and pipe jacking under the Main Western Railway
- trenching in Mackellar Street, Emu Plains
- trenching in Old Bathurst Road, Emu Plains
- connection to new Pressure Reduction Station on Old Bathurst Road, Emu Plains near Russell Street.

In addressing the traffic management arrangements for this project, Codmah have separated the project into eight components. In addition, Codmah have advised that they will have two construction crews undertaking work on the project. One crew will be undertaking day works and the other night works. Table 1, below, describes each stage, the proposed construction phase and the proposed hours of construction.

TABLE 1
Description of Staged Works

<i>Stage</i>	<i>Primary Road affected</i>	<i>Description</i>	<i>Proposed Working Hours</i>
1	Old Bathurst Road, western end	Under boring and trenching in the road carriageway	Day works September 2011, 7:00am–6:00pm
2	Mackellar Street	Trenching in road reserve	Day works September–October 2011, 7:00am–6:00pm
3	Smith Street and Lee Street, Emu Plains	Trenching in road verge and pavement	Night works, October–November 2011, 7:00pm–5:00am
4	Old Bathurst Road, David Road to Smith Street	Trenching in road pavement	Night works, October–December 2011, 7:00pm–5:00am
5	Old Bathurst Road, west of David Road	Trenching in road pavement	Night works, October–December 2011, 7:00pm–5:00am
6	Great Western Highway, Woodriff Gardens	Closure of parking bay and trenching in reserve	Day works September 2011–March 2012, 7:00am–6:00pm
7	Avoca Avenue, Emu Plains	Trenching and pipe jacking	Day works September 2011–March 2012, 7:00am–6:00pm
8	Mackellar St, east	Trenching in road reserve	Day works September 2011–March 2012, 7:00am–6:00pm

Old Bathurst Road is a Regional Road and a major link for traffic between Penrith and the Blue Mountains. The submitted Traffic Management Plans (TMPs) have been prepared to minimise the impact on traffic flow, particularly on Old Bathurst Road, with the majority of work being undertaken as night works. Night works will be conducted in the westbound lane and the road will be reduced to one lane under traffic control. Any works undertaken on Old Bathurst Road during the day will ensure that two lanes (one in each direction) will be in operation at all times. This may require the road alignment to be modified and eastbound traffic using the sealed shoulder. The management arrangements for this have been addressed in the TMP.

Final investigations on locations of existing services are being undertaken by Codmah that may allow for the proposed main to be provided in the grassed verge rather than the road pavement in some areas. This report recommends that Council's Road Network Services Engineer be granted delegated authority to endorse amendments to the TMP as required.

Codmah have commenced a wide community advertisement of the construction works, with variable message signs being installed for both directions on Old Bathurst Road near the Great Western Highway and Russell Street intersections, together with advertisements in local papers and letterbox drops and discussions with affected businesses. In addition, Codmah have a 24-hour community contact line accessible to the public for information or complaints regarding the project.

This report considers the traffic management arrangements for the works only. Council's Restoration and Maintenance Engineer is working with Codmah regarding other approvals required. Discussions have been undertaken with Codmah to minimise the impact of the proposal on traffic, with the majority of works on main roads being conducted as night works.

LTC Comment

Mr Stuart Ayres MP, Member for Penrith, suggested that information fliers be handed out to commuters at Emu Plains Railway Station prior to works being undertaken.

RECOMMENDED

That:

1. The following Traffic Management Plans prepared by Codmah Pty Ltd be endorsed:
 - COD-TMPR-EPPME-001A dated 25/8/11
 - COD-TMPR-EPPME-003 dated 25/8/11
 - COD-TMPR-EPPME-002 dated 25/8/11
 - COD-TMPR-EPPME-001C dated 25/8/11
 - COD-TMPR-EPPME-001B dated 25/8/11
 - COD-TMPR-EPPME-005 dated 27/7/11
 - COD-TMPR-EPPME-006 dated 27/7/11
 - COD-TMPR-EPPME-004 dated 25/8/11.

2. The Transport Management Plan (TMP) be lodged by the applicant with the Roads and Traffic Authority (RTA) for approval or concurrence as required. A copy of the RTA approval or concurrence must be submitted to Council prior to works commencing.
3. Council's Road Network Services Engineer be granted delegated authority to endorse amendments to the TMP for works affecting the Local and Regional Road network.
4. The applicant advise NSW Police of the proposed works prior to commencement.
5. The applicant arrange to place barricades and provide RTA accredited Traffic Controllers where required by the TMP. Where the TMP and Traffic Control Plan indicate Traffic Controllers are to be used, all Traffic Controllers must have current RTA certification.
6. The applicant advertise the proposed works in local newspapers a minimum of two weeks prior to commencement, and provide variable message signs (VMS) in appropriate locations a minimum of three weeks prior to commencement. VMS boards should be located in accordance with the RTA's Technical Direction TDT2010/07.
7. The applicant deliver an information letterbox drop and personal communication to all business proprietors, property owners/tenants, residents and other occupants in the affected streets two weeks prior to commencement. Any concerns or requirements must be resolved by the applicant or referred back to Council for consideration. Should a matter not be able to be resolved, the TMP may require amendment.
8. The applicant distribute information fliers to commuters at Emu Plains Railway Station two weeks prior to commencement of the works.
9. The applicant advise with NovoRail regarding timing of the works in regard to NovoRail's proposed works at Emu Plains Stabling Yards.
10. The applicant notify the Ambulance Service of NSW, fire brigades (NSW Fire Brigade and RFS) and Blue Mountains City Council of the proposed works.
11. The applicant notify private bus companies and coach organisations and taxi companies of the proposed works.
12. All works as part of these conditions be conducted at no cost to Council.
13. The applicant be advised of Council's resolution.
14. Council reserves the right to review the endorsement of the TMP at any time and request amendments as required.
15. The applicant must gain separate approval/concurrence for the works to be conducted in the public road or public reserves from Council's Restoration and Maintenance Engineer.

GB 3 Colless Street & Lethbridge Street, Penrith – 2011/12 Nation Building Black Spot Road Safety Improvements (Raised Council)

Colless Street and Lethbridge Street, Penrith was one of five projects nominated under the 2011/2012 Nation Building Black Spot Program. The nomination for the location proved to be successful and subsequently Council, at its Ordinary Meeting on 18 July 2011, accepted the Federal Government's funding offer of \$55,000 for safety improvements to this intersection. The improvements have been designed in particular to address cross street accident types, as vehicles currently fail to stop and give way to opposing movements.

Council's Design Section has provided design plans for improvements to the intersection of Colless Street and Lethbridge Street, Penrith.

This report seeks to endorse the signs and lines plan, and proposed devices as per Plan No. AL 137. The current proposal, with accompanying plan, shows a Median Island Stop Treatment (MIST) in Colless Street allowing the predominant movement in Lethbridge Street, with median islands provided in Lethbridge Street. Council's Design Section has advised that allowance has been made for bus swept paths and all associated signage and linemarking is in accordance with relevant Austroads and Roads and Traffic Authority Technical Directions.

The project is funded as a Black Spot under the 2011/2012 Nation Building Black Spot Program, with construction required to be completed by 30 June 2012. The proposal, together with the subject signs and linemarking plan, is submitted to the Committee for endorsement.

RECOMMENDED

That:

1. Improvements to the Colless Street and Lethbridge Street, Penrith intersection, including all associated linemarking and signage as per Plan No. AL 137 be finalised and endorsed, with funding available under the 2011/12 Nation Building Black Spot Program.
2. Regulatory "No Stopping" signage to be installed in accordance with Australian Standards and Roads and Traffic Authority Technical Directions.
3. Residents affected by the loss of on-street parking as a result of "No Stopping" requirements associated with the device be advised.

GB 4 Reserve Street & Station Street, Penrith – 2011/12 Nation Building Black Spot Road Safety Improvements (Raised Council)

Reserve Street and Station Street, Penrith was one of five projects nominated under the 2011/2012 Nation Building Black Spot Program. The nomination for the location proved to be successful and subsequently Council, at its Ordinary Meeting of 18 July 2011, accepted the Federal Government's funding offer of \$35,000 for safety improvements to this intersection. The improvements have been designed in particular to address cross street accident types as vehicles currently fail to stop and give way to opposing movements.

Council's Design Section has provided design plans for improvements to the intersection of Reserve Street and Station Street, Penrith.

This report seeks to endorse the signs and lines plan, and proposed devices as per Plan No. AR162. The current proposal, with accompanying plan, shows a Median Island Stop Treatment (MIST) in Reserve Street, allowing the predominant movement in Station Street. Council's Design Section has advised that allowance has been made for bus swept paths and all associated signage and linemarking is in accordance with relevant Austroads and Roads and Traffic Authority Technical Directions.

The project is funded as a Black Spot under the 2011/2012 Nation Building Black Spot Program, with construction required to be completed by 30 June 2012. The proposal, together with the subject signs and linemarking plan, is submitted to the Committee for endorsement.

RECOMMENDED

That:

1. Improvements to the Reserve Street and Station Street, Penrith intersection, including all associated linemarking and signage as per Plan No. AR 162 be finalised and endorsed, with funding available under the 2011/12 Nation Building Black Spot Program.
2. Regulatory "No Stopping" signage to be installed in accordance with Australian Standards and Roads and Traffic Authority Technical Directions.
3. Properties affected by the loss of on-street parking as a result of "No Stopping" requirements associated with the device be advised.

GB 5 Bus Information Plinths – Penrith Local Government Area (Raised Council)

APP Corporation, on behalf of the Department of Transport (DoT), has recently begun a major program of installing bus stop information 'plinths' (or totems) at bus stops on strategic bus corridors across the Sydney Metropolitan area. The DoT advised that these strategic corridors are designed to deliver faster, more frequent and direct bus services as part of an overhaul of the state's bus network, and are an important deliverable of the bus reform program. The plinths have been designed to assist passengers to identify these corridors and provide timetable and route location information at the bus stops on the route. The plinths replace the strip and flag "Bus Stop" signage that has been used to identify a stop in the past.

In an email sent to Council officers on 31 August 2011 from APP Corporation, the DoT has identified two strategic bus corridors that pass through the Penrith Council Local Government Area. These corridors exist along the following route services:

- Route 780 - Penrith to Mount Druitt via Ropes Crossing
- Route 775/776 - Penrith to Mount Druitt via St Clair.

APP Corporation has provided Council officers with a list of bus stops where the information plinths will be installed. An assessment of these stops is currently being undertaken by Council officers, with initial investigations determining that a thorough assessment of locations selected for the installation of the signs is required. Further, the installation of this signage raises similar issues to those which have been addressed in an earlier report titled "New 'Bus Stop' Signage – Penrith Local Government Area", considered at the Local Traffic

Committee on 5 September 2011. The issues that have thus far been raised are listed as follows:

- A large number of the proposed information plinth locations occur in residential areas, in particular directly in front of residences, where the installation of an information plinth may not fit in with the streetscape or necessarily be required. Community consultation should be undertaken where these instances occur.
- Some of the locations proposed are currently not signposted “Bus Stops”. They are listed on the DoT’s Transit Stop Register (TSR) which is not an updated list of current approved “Bus Stops”. In addition, there are other approved “Bus Stops” on the route and not listed on the TSR, that are not proposed for installation of plinths.
- In some cases, proposed information plinth sites occur as little as 100m apart. The distances between the proposed information plinths should be discussed and maximised in order to reduce the amount of signage.
- The installation of the information plinths should be subject to consultation with other Council departments and considered by the Local Traffic Committee.
- Other issues, such as Disability Discrimination Act (DDA) compliance, as discussed in an earlier report titled “*New ‘Bus Stop’ Signage – Penrith Local Government Area*”, considered at the Local Traffic Committee on 5 September 2011, must be considered.

The DoT has also advised that work on these routes is limited to the replacement of the bus signage only (on behalf of bus operators in the region), and does not extend to any other construction work on the stops (such as installing tactile strips or other DDA infrastructure). The DoT also stated in their email that “*in replacing the bus stop signage on these routes, we are aware that the position of the new plinth needs to fit into any plans for bus stop DDA compliance that will be undertaken by council at each stop.*” The statement suggests that the DoT may consider it Council’s responsibility for providing infrastructure at bus stops. A previous letter sent by Council officers to the DoT requested formal advice in regard to who is responsible for providing infrastructure at bus stops under the DDA. To date, a formal response that addresses the question has not been received.

RECOMMENDED

That:

1. The Department of Transport be requested to defer the installation of bus information plinths in the Penrith Local Government Area, pending further investigation by Council and advice from the Department of Transport in regard to the locations proposed and Disability Discrimination Act compliance.
2. A further report be submitted to the Local Traffic Committee advising of the outcomes of Council’s investigations and Department of Transport advice.

GB 6 Mulgoa Road, Regentville – Traffic Safety (*Raised Representative for the Member for Mulgoa*)

The representative for the Member for Mulgoa raised concerns from a resident regarding traffic safety near numbers 388 to 396 Mulgoa Road, Regentville. The representative advised that a vehicle has crashed through the resident’s front fence twice recently, and accidents also occur when drivers are unaware of the road narrowing on approach to the roundabout.

RECOMMENDED that Council investigate the matter.

GB 7 Desborough Road, St Marys – Obstructed “End of School Zone” Sign *(Raised Representative for the Member for Mulgoa)*

The representative for the Member for Mulgoa advised that the “End of School Zone” sign eastbound on Desborough Road, St Marys, is obstructed by trees.

RECOMMENDED that Council investigate the matter.

GB 8 Denver Road, St Clair – Request for Provision of Linemarking *(Raised St Marys Police)*

The St Marys Police representative requested provision of double-barrier lines to stop drivers parking on the corner of Denver Road near Kalindi Place, St Clair, at the rear of Clairgate Public School.

RECOMMENDED that Council investigate the matter.

GB 9 Moolana Parade, South Penrith & Tukara Road, South Penrith – Speeding Vehicles *(Raised Councillor McKeown)*

The Road Network Services Engineer raised an item on behalf of Councillor McKeown concerning vehicles speeding on Moolana Parade and Tukara Road, South Penrith.

Residents have advised that recently a parked vehicle was hit outside 6 Moolana Parade, and a vehicle crashed onto the front lawn of 4 Moolana Parade some months ago.

RECOMMENDED that Council investigate the matter.

There being no further business the Chairperson declared the meeting closed, the time being 11.15am.

RECOMMENDATION

That the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 5 September, 2011 be adopted.

DELIVERY PROGRAM REPORTS

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1 Election of Mayor

Compiled by: **Harold Dulay, Policy & Council Support Officer**

Authorised by: **Adam Beggs, Acting Senior Governance Officer**

Objective	<i>We demonstrate accountability, transparency and ethical conduct</i>
Community Outcome	<i>A Council that behaves responsibly and ethically (5)</i>
Strategic Response	<i>Champion accountability and transparency, and responsible and ethical behaviour (5.1)</i>

Executive Summary

Councillors are required by the Local Government Act 1993 to elect a Mayor during the month of September. Under the Act, the General Manager (Returning Officer) receives written nominations for the Office of Mayor up until the time the election is conducted.

In the event that more than one nomination is received for the Office of Mayor, an election is to be held and Council is to determine the method of voting – either ‘open voting’, ‘ordinary ballot’ or ‘preferential ballot’. The General Manager (Returning Officer) must declare the result of the election at this meeting.

Background

Section 290 of the Local Government Act, 1993 requires councils to elect a Mayor, if it is not the first election after an ordinary election of Councillors, during the month of September.

Returning Officer

The Local Government (General) Regulation 2005 – Schedule 7 provides that the General Manager (or a person appointed by the General Manager) is the Returning Officer for the election of a Mayor by the Councillors.

Nominations for Mayor

The Local Government (General) Regulation 2005 (the Regulation) provides for a Councillor to be nominated without notice for election as Mayor. However, the nomination must be in writing by two or more Councillors, one of whom can be the nominee. The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer (General Manager). The nomination form can be delivered or sent to the Returning Officer up until the time of the election is being conducted.

Nomination forms have been sent to all Councillors prior to this meeting. Nomination forms will also be available at the meeting if required.

The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

Term of Office of Mayor

The term of office of the Mayor will be until the next Mayoral Election to be held in September 2012.

Ballot

If only one Councillor is nominated, that Councillor is elected as Mayor. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by way of open voting, ordinary ballot or preferential ballot. The election is to be held at the Council meeting at which the Council resolves on the method of voting.

In the Regulation the term “open voting” means voting by a show of hands or similar means, and “ballot” has its normal meaning of secret ballot. In other words, the ordinary and preferential ballots are to be secret ballots.

Ordinary Ballot or Open Voting

If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot-papers. The Formality of a ballot-paper under this Part is to be determined in accordance with clause 345 of the Regulation.

Count in the case of 2 candidates

1. If there are only 2 candidates, the candidate with the higher number of votes is elected.
2. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

Count in the case of there being 3 or more candidates

1. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
2. If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
3. If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
4. A further vote is to be taken of the 2 remaining candidates.
5. The candidate with the higher number of votes is elected.
6. If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Preferential Ballot

1. The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
2. The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 of the Regulation.
3. If a candidate has an absolute majority of first preference votes, that candidate is elected.
4. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
5. A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
6. An "absolute majority", in relation to votes, means a number which is more than one-half of the number of unexhausted formal ballot-papers.

Tied Candidates

1. If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
2. If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Choosing by Lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer. The slips are folded by the Returning Officer so as to prevent the names being seen. The slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.

Result

Under Schedule 7 of the Local Government (General) Regulation 2005 the result of the election (including the name of the candidate elected as Mayor) is:

1. to be declared to the Councillors at the Council meeting at which the election is held by the Returning Officer, and

to be delivered or sent to the Chief Executive, Local Government (a Division of the Department of Premier and Cabinet) and to the Secretary of the Local Government and Shires Associations of New South Wales.

RECOMMENDATION

That:

1. The information contained in the report on Election of Mayor be received.
2. In the event of more than one Councillor being nominated, Council determine the method of election for the Office of Mayor.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

2 Election of Deputy Mayor

Compiled by: **Harold Dulay, Policy & Council Support Officer**

Authorised by: **Adam Beggs, Acting Senior Governance Officer**

Objective	<i>We demonstrate accountability, transparency and ethical conduct</i>
Community Outcome	<i>A Council that behaves responsibly and ethically (5)</i>
Strategic Response	<i>Champion accountability and transparency, and responsible and ethical behaviour (5.1)</i>

Executive Summary

The purpose of this report is to report to Council the procedure and method for the election of a Deputy Mayor by the Councillors. The report recommends that Council consider the election of a Deputy Mayor and determine the method for the election and term of office of the Deputy Mayor.

Background

Section 231 of the Local Government Act 1993 makes the following provision for the election of a Deputy Mayor:

- (1) The Councillors may elect a person from among their number to be the Deputy Mayor.
- (2) The person may be elected for the Mayoral term or a shorter term.
- (3) The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.
- (4) The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.

The election of a Deputy Mayor is not required by the Act but is for each Council to determine.

The balance of this report assumes the continuation of Council's tradition and practice of electing a Deputy Mayor.

Nominations for Deputy Mayor

The Local Government (General) Regulation 2005 (the Regulation) provides for a Councillor to be nominated without notice for election as Deputy Mayor. However, the nomination must be in writing by two or more Councillors, one of whom can be the nominee. The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer (General Manager). The nomination form can be delivered or sent to the Returning Officer up until the time of the election being conducted.

Nomination forms have been sent to all Councillors prior to this meeting. Nomination forms will also be available at the meeting if required.

The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.

Term of Office of Deputy Mayor

Where a Council does elect a Deputy Mayor, the term can be for the Mayoral term or a shorter term at the Council's discretion.

In accordance with Council's practice, it is recommended that the term of office of the Deputy Mayor be the same as the term of office of the Mayor (until the next Mayoral election to be held in September 2012).

Method of Voting

Council could resolve to use a different method of voting for the Deputy Mayor (as outlined in the report on the Election of Mayor), however it has been Council's practice to use the same method of voting for the election of both the Mayor and Deputy Mayor.

RECOMMENDATION

That:

1. The information contained in the report on Election of Deputy Mayor be received.
2. Council consider the Election of a Deputy Mayor.
3. In the event of more than one Councillor being nominated, Council determine the method of election for the Office of Deputy Mayor.
4. In accordance with Section 231 (2) of the *Local Government Act 1993 (NSW)*, the term of the Office of Deputy Mayor for the 2011/2012 period be the same as the term of Office of the Mayor (until the next Mayoral election to be held in September 2012).

ATTACHMENTS/APPENDICES

There are no attachments for this report.

3 Councillor Fees

Compiled by: **Harold Dulay, Policy & Council Support Officer**

Authorised by: **Adam Beggs, Acting Senior Governance Officer**

Objective	<i>We demonstrate accountability, transparency and ethical conduct</i>
Community Outcome	<i>A Council that behaves responsibly and ethically (5)</i>
Strategic Response	<i>Champion accountability and transparency, and responsible and ethical behaviour (5.1)</i>

Executive Summary

Council is required by the Local Government Act 1993 to pay an annual fee to the Mayor, Deputy Mayor and other Councillors.

The Local Government Remuneration Tribunal fixes minimum and maximum fees each year for the Mayor and Councillors. Council is required to determine a fee within this range, otherwise the minimum fee must be paid.

Council resolved on 18 July 2011 to set the fees payable to the Mayor and Councillors for 2011/2012 at the maximum level permitted.

Background

Section 248 of the Local Government Act 1993 requires that a Council must pay each Councillor an annual fee. A Council can either fix this fee itself (in which case it must be fixed in accordance with the appropriate determination of the Local Government Remuneration Tribunal), or if it doesn't, it must pay the appropriate minimum fee determined by the Tribunal.

Section 249 of the Local Government Act 1993 requires that a Council must pay the Mayor an annual fee, which is paid in addition to the fee paid to the Mayor as a Councillor. A Council can either fix this fee itself (in which case it must be fixed in accordance with the appropriate determination of the Local Government Remuneration Tribunal), or if it doesn't, it must pay the appropriate minimum fee determined by the Tribunal.

Section 249 of the Local Government Act 1993 gives discretion to a Council to pay a fee to the Deputy Mayor acting in the office of Mayor and the amount of the fee so paid must be deducted from the Mayor's annual fee.

Local Government Remuneration Tribunal

The Local Government Remuneration Tribunal was established under the Local Government Act, 1993. Its main function is to:

- a) determine categories for Councils and Mayoral offices;

- b) place each Council and Mayoral office into one of the categories it has determined;
- c) determine the minimum and maximum amounts of fees to be paid to Mayors and Councillors in each of the categories.

Fees Payable from 1 July 2011

In a report presented to Council on 18 July 2011, it was advised that the Tribunal had made its determinations of annual fees payable from 1 July 2011 to Mayors and Councillors.

Penrith City Council is categorised as a 'Metropolitan Major' Council and fees for this category were to be set within the range of:

	Councillor -Annual Fee	Mayor-Additional Fee
Metropolitan Major	\$15,110 - \$24,960	\$32,140 - \$72,710

Council has previously resolved as a matter of policy, that the maximum of the range be paid. The fees that apply for 2011/2012 are as follows:

1. Councillor Annual Fee \$24,960
2. Mayor - Additional Fee \$58,168
being 80% of the maximum Mayoral fee
3. Deputy Mayor – Additional Fee \$14,542
being 20% of the maximum Mayoral fee

The fee for the Mayor and Deputy Mayor is in addition to the annual Councillor fee, so the total fee paid to the Mayor and Deputy Mayor for 2011/2012 is as follows:

1. Mayor - \$83,128
2. Deputy Mayor - \$39,502

Under Council's Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors, the fees are paid to the Mayor, Deputy Mayor and Councillors monthly in arrears.

RECOMMENDATION

The information contained in the report on Councillor Fees be received..

ATTACHMENTS/APPENDICES

There are no attachments for this report.

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