

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

ON MONDAY 25 NOVEMBER 2013 AT 7:34PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

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

PRAYER

The Council Prayer was read by Rev Neil Checkley.

PRESENT

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Jim Aitken OAM and Councillors Bernard Bratusa, Prue Car, Kevin Crameri OAM, Marcus Cornish, Greg Davies, Mark Davies, Maurice Giroto, Ben Goldfinch, Jackie Greenow OAM, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 21 October 2013

297 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies that the minutes of the Ordinary Meeting of 21 October 2013 be confirmed.

DECLARATIONS OF INTEREST

Councillor Jim Aitken OAM declared a Pecuniary Interest in *Item 1 - Planning Proposal for Penrith Local Environmental Plan - Outcomes of Public Exhibition (Chapter B1 – E4 Rural Lands, Castlereagh and Cranebrook)* as he owns 3 properties in the area which are subject to the proposed zoning changes. Councillor Jim Aitken OAM indicated he would leave the room for discussion on the matter.

Councillor Mark Davies declared a Pecuniary Interest in *Item 2 of Committee of the Whole – Legal Expenses* as he is subject to the matter of the report.

Councillor Mark Davies declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 16 – Youth Week 2014 Program* as he attends the church which may receive financial assistance.

His Worship the Mayor, Councillor Ross Fowler OAM read the following statement:

In accordance with Section 451 of the Local Government Act, 1993 Special Disclosure of Pecuniary Interest Forms were received and tabled for the purposes of the meeting by:

- Councillor Michelle Tormey in respect of 62 Joseph Street, Kingswood.
- Councillor Marcus Cornish in respect of 13/21 Haynes Street, Penrith.
- Councillor Jackie Greenow OAM in respect of 16,18 & 20 Pages Road, St Marys.
- Councillor Maurice Giroto in respect of 92 Victoria Street, Werrington.
- Councillor Kevin Crameri OAM in respect of 16 Christie Street, Penrith, Unit 6, 5 Stanley Crescent, Kingswood and Unit 8, 16 Thurston Street, Penrith.
- Councillor Karen McKeown in respect of Unit 3, 57 Regentville Road, Jamisontown.
- Councillor Mark Davies in respect of Unit 2/155-157 Derby Street, Penrith.
- And I have also submitted a Form in respect of my properties and associations as detailed in my pecuniary interest form, for the period ending 30 June 2013.

SUSPENSION OF STANDING ORDERS

298 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Karen McKeown that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:42pm.

Patrick Hurley

*Item 4 – DA 13/0009 Proposed Child Care Centre at Lot 1 DP 1047731 (No. 9-11)
Glenbrook Street, Jamisontown*

Mr Hurley, the applicant, spoke in support of the recommendation and requested that Council support the recommendation.

Lou Vella

Reports and Recommendation of the Policy Review Committee Meeting held on 11 November 2013 (Item 1 – Planning Proposal for Penrith LEP – Outcomes of Public Exhibition)

Mr Vella, an affected person, spoke in support of the recommendation and indicated that he believed there were a number of residents who also support the RU4 zone. Mr Vella stated that the current rural zoning of 1a/1b is consistent with the proposed RU4 meaning that the zoning the properties were purchased under remain the same. Mr Vella concluded by saying that he believes the RU4 zone protects rural land rights and lifestyle and urged Council to zone the area as RU4.

Mary Vella

Reports and Recommendation of the Policy Review Committee Meeting held on 11 November 2013 (Item 1 – Planning Proposal for Penrith LEP – Outcomes of Public Exhibition)

Ms Vella, an affected person, spoke in support of the recommendation and believes the RU4 zone is the most appropriate zone for the area as it is consistent with the current zoning and consistent with other Local Government Areas who have transferred 1a and 1b zones to RU4.

299 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown that an extension of time be granted to enable the speaker to complete her address, the time being 7:53 pm.

Ms Vella concluded by saying the E4 zone is suitable for the Castlecrest Estate but the remainder of the area should be zoned RU4.

Councillor Mark Davies left the meeting, the time being 7:53pm.

Alan Eagle

Reports and Recommendation of the Policy Review Committee Meeting held on 11 November 2013 (Item 1 – Planning Proposal for Penrith LEP – Outcomes of Public Exhibition)

Mr Eagle, an interested citizen, spoke in support of the recommendation and spoke of the importance of agriculture to the area. Mr Eagle spoke of the Council's continued support for the Rural Lands Strategy and encouraged Council to maintain this support suggesting that land use complexities need to be reduced.

Councillor Ben Goldfinch left the meeting, the time being 7:55pm.

Stephen Abbott

Reports and Recommendation of the Policy Review Committee Meeting held on 11 November 2013 (Item 1 – Planning Proposal for Penrith LEP – Outcomes of Public Exhibition)

Mr Abbott, an affected person, spoke in opposition to the recommendation and stated he believes that the western end of Hinxman Road should be zoned E4 as the land is not suitable for agriculture and that the proposed RU4 zoning will discourage executive style living. Mr Abbott also stated that the majority of residents were opposed to the RU4 zone in the western end of Hinxman Road.

Councillors Ben Goldfinch and Mark Davies returned to the meeting, the time being 7:59pm.

300 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Jackie Greenow OAM that an extension of time be granted to enable the speaker to complete his address, the time being 8:04pm.

Mr Abbott concluded by requesting Councillors amend the proposal to zone the western area of Hinxman Road to E4 or to defer the decision to discuss the matter further.

Ian Smith

Reports and Recommendation of the Policy Review Committee Meeting held on 11 November 2013 (Item 1 – Planning Proposal for Penrith LEP – Outcomes of Public Exhibition)

Mr Smith, an affected person, spoke in opposition to the recommendation and requested that for the integrity of the Lemongrove Heritage Conservation Area a medium density zoning would be more appropriate for this area and requested Councillors to zone the area in accordance with option OB5(b) as detailed in Chapter B5 – Hemmings Street Heritage Conservation Area, of Attachment 5 to the Business Paper for the Policy Review Committee Meeting of 11 November 2013.

Max Fragar

Item 6 – Planning Proposal for Penrith Local Environmental Plan – Chapter C37 – Castle Street, Castlereagh

Mr Fragar, an applicant's spokesperson, spoke in opposition to the recommendation and highlighted that the zoning for this area had been exhibited for 3 weeks incorrectly, however there had been no submissions received on this proposal as exhibited and called for Council to zone the land as originally exhibited. Mr Fragar suggested that the zoning should be consistent with option OC37(b) (and dwellings should be allowed), as detailed in Chapter C37 – Castle Street, Castlereagh.

Dani Robinson

Reports and Recommendation of the Policy Review Committee Meeting held on 11 November 2013 (Item 1 – Planning Proposal for Penrith LEP – Outcomes of Public Exhibition)

Ms Robinson, representing Penrith Lakes Development Corporation, spoke in support of the Interim Development Order as the most appropriate planning instrument for the Lakes Scheme. Ms Robinson concluded by stating that the Lakes Scheme should be excluded from the LEP until the masterplan is completed.

RESUMPTION OF STANDING ORDERS

301 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Karen McKeown that Standing Orders be resumed, the time being 8:22pm.

MAYORAL MINUTES

1 [The passing of Warren Pinfold](#)

The Deputy Mayor, Councillor Jim Aitken OAM and Councillor Jackie Greenow OAM spoke in support of the Mayoral Minute.

302 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on The passing of Warren Pinfold be received.

The meeting observed a minute's silence at 8:28pm.

2 [Typhoon Haiyan assistance](#)

303 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on Typhoon Haiyan assistance be received.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Access Committee Meeting held on 9 October 2013](#)

304 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 9 October, 2013 be adopted.

2 [Report and Recommendations of the Local Traffic Committee Meeting held on 4 November 2013](#)

305 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marcus Cornish that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 4 November, 2013 be adopted.

4 [Report and Recommendations of the Policy Review Committee Meeting held on 18 November 2013](#)

306 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Maurice Giroto that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 18 November, 2013 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

1 [Penrith Business Alliance \(PBA\) 2012-13 Financial Report](#)

307 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ben Goldfinch that the information contained in the report on Penrith Business Alliance (PBA) 2012-13 Financial Report be received.

2 [Tender Reference 13/14-01 Provision of Ground and Lawn Maintenance Services](#)

308 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Tender Reference 13/14-01

Provision of Ground and Lawn Maintenance Services be received.

2. The matter be deferred for further discussion and a further report be brought back to the next Ordinary Council meeting.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

3 Heritage Assistance Fund 2013 – 2014

309 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Michelle Tormey

That:

1. The information contained in the report on Heritage Assistance Fund 2013 – 2014 be received.
2. The successful applicants for the 2013/2014 Heritage Assistance Fund outlined be endorsed by Council and advised accordingly.
3. The unsuccessful applicants for the 2013/2014 Heritage Assistance Fund outlined be advised accordingly.

4 Development Application DA13/0009 Proposed Child Care Centre at Lot 1 DP 1047731 (No. 9-11) Glenbrook Street, Jamisontown

310 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Development Application DA13/0009 Proposed Child Care Centre at Lot 1 DP 1047731 (No. 9-11) Glenbrook Street, Jamisontown be received.
2. Development Application No. 13/0009 for a proposed child care centre at Lot 1 DP 1047731 Glenbrook Street, Jamisontown be approved subject to the following conditions:

Standard Conditions

- 3.1 A001 - Approved plans that are architecturally drawn
- A012 – Food Premises
- A019 – Occupation Certificate
- A021 – Business Registration
- A026 – Advertising Sign
- A038 – Lighting Locations
- A039 – Graffiti
- A046 – Construction Certificate

B002 – Demolition Disposal
B003 – Asbestos
B005 – Mud/soil
B006 – Hours of Work
D001 – Sediment & Erosion Control
D005 – No fill
D06A - Earthworks
D009 – Covering Waste Storage Area
D010 – Disposal of Waste
D014 –
E01A – BCA Compliance
E006 – Disabled Access & Facilities
E008 – Fire Safety List
E009 – Annual Fire Safety Statement
F001 – Food Premises Construction & Plans
G002 – Section 73 Certificate
G004 – Integral Energy
H001 – Stamped Plans & Site Notice
H002 – Construction
H005 – Revised Waste Management Plan
H019 – Old Materials
H024 – Glass Installations
H032 – Painting
H041 –
L001 – General Landscaping
L002 – Landscape Construction
L003 – Category 2 Landscape Report
L005 – Planting of Plant Material
L006 – Australian Standard Landscape Standard
L008 – Tree Preservation Order
Q001 – Notice of Commencement & Appointment of PCA
Q006 – Occupation Certificate

Special Conditions

Existing Signage

- 3.2 The existing signage located along the western elevation of the building is to be removed as a part of the alterations to the building.

Dust

- 3.3 Dust suppression techniques are to be employed during demolition and construction to reduce any potential nuisances to surrounding properties.

Food Premises

- 3.4 Prior to the operation of the food business the business must notify the NSW Food Authority of their details including:

- a) Contact details for the food business, including the name and address of the business and the proprietor of the business.
- b) The nature of the food business.
- c) The location of any other food premises associated with the food business, within the jurisdiction of NSW Food Authority.

Should these details change during the operation of the business the business operator must provide the NSW Food Authority with an update of these details.

Notification can be completed free of charge on the NSW Food Authority's Food Notify website at www.foodnotify.nsw.gov.au.

- 3.5 A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the business prior to commencement of the business.
- 3.6 The proprietor of the food business shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2010 and the Australian and New Zealand Food Standards Code are met at all times.
- 3.7 A satisfactory inspection from Council's Environmental Health Department will be required prior to the issuing of the Occupation Certificate and operation of the business. The occupier is to contact the department to organise an appointment.

Noise

- 3.8 The use of the Childcare Centre is permitted to operate Monday to Friday 7:00am and 7:00pm. The centre is not to operate on weekends or public holidays. Staff are not to generate noise that can be heard from an adjacent premises before 7:00am. Deliveries, waste removal and cleaning is to occur between 7:00am and 7:00pm Monday to Friday, excluding public holidays.

- 3.9 A maximum of one hundred and eight (108) children are permitted in the centre at any one time.
- 3.10 The use of the outdoor play areas associated with the Childcare Centre are permitted to be used for a maximum period of 2 hours per day between the hours of 7am and 6pm.

A maximum of:

- Thirty eight (38) children aged between 0-2 years are allowed to play outside in the play area adjoining residences facing Kay Close.
- Seventy (70) children aged between 2-5 years are allowed to play outside in the play area adjacent to Glenbrook Street.

The use of a PA system or amplified music is not permitted to be used in the outdoor play areas. The use of amplified music within the building shall not be audible from residential boundaries.

Prior to the issue of Construction Certificate, a Management Plan is to be submitted for Council's consideration outlining the hours of use of the outdoor play areas.

- 3.11 The windows and doors of the indoor play rooms are to be kept closed when children are playing indoors.
- 3.12 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Acoustic Report prepared by Rodney Stevens Acoustics (ref 13012 dated Feb 2013). The recommendations provided in the above-mentioned documents are to be implemented and incorporated into the design and construction of the development, and shall be **shown on plans accompanying the Construction Certificate application.**

A report is to be obtained from a qualified acoustic consultant certifying that the development meets the relevant noise criteria and conditions of this consent. This report is to be submitted to the Principal Certifying Authority and Council **prior to the issue of an Occupation Certificate.**

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

- 3.13 A noise barrier is to be provided along boundaries as recommended in the acoustic report entitled Acoustic Report prepared by Rodney Stevens Acoustics (ref 13012 dated Feb 2013).

Detailed plans and specifications of the sound barrier walls are to be submitted to Council **prior to the issue of a Construction**

Certificate. The walls are to be satisfactorily completed **prior to the issue of an Occupation Certificate.**

- 3.14 The finishes and colours of the acoustic fence are to complement those of the building and adjoining development. Details are to be included with the plans and specifications submitted **prior to the issue of a Construction Certificate.**
- 3.15 The setback of the acoustic fence from the property boundaries to be increased so as to provide for additional screen landscaping forward of the acoustic fence. A minimum 500mm setback, with 1.5metre insets, is to be provided along the Glenbrook Street frontage of the site. A minimum 500mm setback is to be provided along the western boundary (adjoining the Red Rooster site).

A revised landscape plan is to be submitted to Council in this regard detailing the location, type and number of proposed plantings between the acoustic fence and the property boundaries, and including details of landscape maintenance. The revised acoustic fence details, together with the revised landscape plan, is to be submitted to Council for approval **prior to the issue of a Construction Certificate.**

- 3.16 A Noise Management Plan (NMP) is to be prepared and submitted to Penrith City Council for consideration and approval **prior to the issue of an Occupation Certificate.** The NMP may need to be amended to include the any comments provided by Council. The NMP is to:
- address all noise related aspects of the development's operational phases, including:
 - how the restriction on the number of children playing outside will be managed
 - a schedule describing the times of outdoor play for each group of children; and
 - address the relevant conditions of this consent; and
 - recommend any systems/controls to be implemented to minimise the potential for any adverse noise impact(s); and
 - incorporate a program for ongoing monitoring and review to ensure that the NMP remains contemporary with relevant environmental standards.
 - The approved Noise Management Plan is to be implemented and complied with at all times.
- 3.17 A public contact number is to be displayed on the childcare centre signage and this phone line must be operational during business hours. A complaint register is to be maintained and must include complaint details and any actions taken to address those complaints. A copy of the complaint register is to be provided to Council upon request.

- 3.18 In the event of ongoing noise complaints relating to the development being received by Council, the owner and/or occupier of the development maybe required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.

The noise impact assessment report is to be prepared and provided to Council within 45 days of being requested. The assessment report is to be approved by Council, with any recommendations being implemented in accordance with the approved assessment report.

- 3.19 Appropriate signage is to be provided to the carpark and entrance of the centre requesting patrons to minimise noise and protect the amenity of the surrounding neighbourhood.
- **Prior to the issuing of the Occupation Certificate** a suitable signage plan is to be submitted to Council for approval.
 - The signage plan is to provide details on the location, sizing and wording of the proposed signs.
 - The signs are to be constructed prior to the issuing of the occupation certificate.
- 3.20 **Prior to the issuing of a Construction Certificate**, details of measures to screen the existing roof top air-conditioning units located within the building from the adjoining properties within Kay Street are to be submitted to Penrith City Council for approval.

Signage

- 3.21 Appropriate signage is to be provided to the carpark and entrance of the centre requesting patrons to minimise noise and protect the amenity of the surrounding neighbourhood.
- **Prior to the issuing of the Occupation Certificate** a suitable signage plan is to be submitted to Council for approval.
 - The signage plan is to provide details on the location, sizing and wording of the proposed signs.
 - The signs are to be constructed prior to the issuing of the occupation certificate.

Traffic

- 3.22 A total of 36 car parking spaces on site are to be dedicated to the child care centre. These spaces are to be appropriately marked **prior to the issue of the Occupation Certificate**.
- 3.23 All car parking and manoeuvring must be in accordance with AS2890.1:2004 and AS2890.6:2009 and Council's requirements.
- 3.24 No vehicular or pedestrian access is permitted via Glenbrook Street or any adjoining site.

3.25 The gates to the car parking area at the rear of Toys R Us are to remain open during business hours.

* **Prior to the issue of an Occupation Certificate**, the extension of the “No Stopping” zone across the Glenbrook Street frontage of the site is to be implemented. The approval of Council’s Local Traffic Committee is required prior to the installation of signage. All signage costs are to be borne by the applicant.

* **Prior to the issue of an Occupation Certificate**, a sign is to be erected within the car park, near the location of the new circulation aisle, indicating the location of the car parking area for the child care centre.

Fit out General

3.26 The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fit out of Food Premises*.

3.27 Details of the kitchen, and any food preparation and storage areas must be prepared by a suitably qualified person and certified in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code and AS 4674-2004 *Design, Construction and Fitout of Food Premises* to the satisfaction of the Certifying Authority prior to a Construction Certificate being issued.

Hand basins

3.28 Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are installed the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

Staff toilets

3.29 Staff toilets must be provided on the premises. Where a toilet adjoins a food preparation area it must be separated by an air lock and its doors must be fitted with self closing devices. Toilets intended for customer use must not be accessed through areas where open food is handled, displayed or stored.

3.30 A hand basin must be located within the toilet cubicle. Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are used the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

Hot water service

3.31 Hot water services must be positioned at least 75mm clear of the adjacent wall surfaces, and mounted at a minimum 150mm above the

floor level on a non-corrosive metal stand. The hot water system must be sized to meet the demands of the food business during peak operating and cleaning periods and be able to provide sufficient hot water throughout the working day. Discharge from the hot water system must enter the sewer through a tongue dish in accordance with Sydney Water's requirements.

Mechanical ventilation

- 3.32 Cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2.

Detailed plans together with calculations for the system must be provided as part of the development application or as part of the Construction Certificate application.

The exhaust hood must completely cover the equipment to be ventilation and extended at least 200mm beyond the perimeter of the equipment. The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. Where abutting walls are located the hood must be constructed so as to finish flat against the wall surface.

The low edge of a canopy type exhaust hood must be at least 2000 mm above floor level.

- 3.33 Prior to the issuing of an Occupational Certificate, and operation of the business, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority.

Floor and floor wastes

- 3.34 The floor of the food premises must be finished in an approved non absorbent material, evenly laid, or graded and drained to a trapped floor waste. All floor wastes in the food preparation, service and scullery area must be fitted with a sump removable basket and grate, a minimum 200mm in diameter, and finished in all stainless steel.

Coving

- 3.35 Approved, recessed coving must be provided at all intersections of the floor with the walls within all food preparation, service, storage and scullery areas. All coving must have a minimum concave radius of 25mm and be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface.

Walls

- 3.36 The walls of the food preparation area must be of solid construction

and finished with glazed ceramic tiles or other approved material to a height of 2 metres. The intersection of tiles and render must have a flush finish, or be splayed at a 45 degree angle to eliminate a ledge that would allow dust and grease to accumulate.

- 3.37 The walls at the rear of cooking appliances must be surfaced with an impervious material, such as stainless steel, which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material must be lapped over the top edge of the appliance to provide a grease and vermin proof seal. Cooking appliances must only be sealed to walls made of a non-combustible material.

Ceilings

- 3.38 The ceiling in the preparation, service and scullery areas must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight jointed, sealed and dust proofed. Drop-in panel style ceilings are not permitted.

Service pipes

- 3.39 Service pipes, electrical conduits, refrigeration condensate pipes shall be enclosed or chased into walls, floors or plinths. Where it can be demonstrated that this is not feasible pipes and conduits fixed on brackets, providing a minimum of 25 mm clearance from the adjacent wall and 100 mm from the floor or adjacent horizontal surface, can be used. All openings in walls, floors and ceilings, through which service pipes and conduits pass, must be vermin proof.

Temperature control

- 3.40 Appliances used to store potentially hazardous food must have a capacity to keep foods hotter than 60°C, refrigerated foods less than 5°C, and frozen foods less than 18°C and be provided with a digital thermometer, accurate to 1°C that can be easily observed from outside the appliance.

Window sills

- 3.41 Any window sill within a food preparation area, service or scullery area must be located 450mm above the top of any bench/sink and tiled at a splayed angle of 45 degrees.

Flyscreens

- 3.42 Flyscreens or other approved means of excluding flies must be provided to all window and door openings.

Meter box

- 3.43 The meter box must be provided with an approved non-absorbent, smooth faced cover. The cover is to be splayed at an angle of 45 degrees to the wall at the top and made tight fitting to the wall surfaces

Dishwasher

- 3.44 Details of the dishwashing/glass washing machines must be submitted to Council and approved prior to installation. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80°C for 2 minutes or 75°C for 10 minutes.

Wash and food preparation sinks

- 3.45 All wash sinks and food preparation sinks must be serviced with hot and cold water through a single outlet. Wash sinks must be supplied with water at a temperature of not less than 54 °C for washing.
- 3.46 The double bowl sink must be constructed of stainless steel, have a minimum bowl size of 450mm x 300mm x 300mm to enable cleaning of large pots and equipment, be fitted with a draining area at each end, and have a splashback as part of the unit at least 300mm up the wall.
- 3.47 The food preparation sink must be separated from all other sinks by a minimum distance of 2 metres or have an approved form of physical barrier that separates the sink.

Cleaners sink

- 3.48 The cleaners sink must be serviced with hot and cold water through taps fitted with hose connectors. Cleaner's sinks must be located outside of areas where open food is handled.

Fixture and fittings

- 3.49 All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning.
- 3.50 All fittings and fixtures must be built into the wall and floor so as to be free from joint, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following:
- a. Plinths – plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.
 - b. Wheels or castors – fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.
 - c. Legs – fittings and fixtures can be supported on legs but must be constructed of a non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 200 mm.

NOTE: False bottoms under fittings are not permitted (AS4674-

2004 – Section 4.2 and 4.3).

- 3.51 All food preparation benches must be constructed in stainless steel or finished in a smooth and non-absorbent approved material that is free of joints.
- 3.52 All storage cabinets (internal and external surfaces) must be finished in a smooth and non-absorbent approved material that is free of joints.
- 3.53 Light bulbs or tubes are to be shatterproof or fitted with approved light diffusers (covers or shields) to prevent contamination of food by glass from a broken light globe or tube. Light fittings must be free from any feature that would collect dirt or dust, harbour insects or make the fitting difficult to clean. Light fittings must be recessed into ceilings or equipment where possible. Heat lamps must be protected against breakage by a shield extending beyond the bulb.
- 3.54 Shelves must be smooth and impervious; free from joints, cracks and crevices; and able to be easily cleaned. The lowest shelf must be at least 200mm off the floor to allow easy cleaning underneath. Approved materials must be used, such as galvanised piping, stainless steel or laminated plastic. Shelves are to be sealed to the wall or kept clear of walls to allow easy access for cleaning (>40 mm).

Lockers

- 3.55 Sufficient lockers must be provided in the food preparation area or store room specifically for the storage of cleaning materials, employees' clothing and personal belongings.

Storeroom

- 3.56 The storeroom must be constructed in accordance with AS4674-2004 by providing the following:
 - A smooth, even, non-slip floor surface.
 - Coving at all intersections of the floor and walls with approved, recessed coving to a minimum concave radius of 25mm, so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface. "Feather edge skirting" and non-rebated coving are not permitted.
 - Walls must be provided with a smooth even surface and painted with a light coloured washable paint to enable easy cleaning.
 - The ceiling must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersections of the walls and ceiling must be tight-jointed, sealed and dustproof. Drop in panel style ceilings are not permitted.
 - Shelving or storage racks must be designed and constructed to enable easy cleaning.

Waste storage areas and rubbish bins

3.57 All garbage must be stored in accordance with the requirements of the Food Safety Standards of the Australian and New Zealand Food Standards Code and the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours.

3.58 Smooth and impervious surfaces (walls and floors) must be provided to all waste storage areas and rooms. Floor areas must be graded and drained to a floor waste gully connected to the sewer. Open waste storage areas must be appropriately covered and bunded to avoid stormwater entering the sewer. Waste storage rooms must be adequately ventilated and proofed against pests. The area or room must be provided with water service hose connectors to enable easy cleaning.

Rubbish bins must be cleaned regularly to remove the food scraps stuck on the bin surface and to minimise the emission of odour that attracts insects and vermin. Bins may be cleaned either by the rubbish collecting contractors or inside a rubbish room constructed to the above specifications.

Bins, hoppers and other containers used for storing garbage or recyclable material shall be:

- constructed of impervious material such as metal or plastic; and
- have tight fitting lids
- bins that cannot be lifted for draining after cleaning shall have drainage bungs at the base

Access Report

3.59 Prior to the issuing of a Construction Certificate, an Accessibility Report shall be submitted to and approved by Penrith City Council. The report shall detail the development's compliance with the Building Code of Australia, Disability (Access to Premises - Buildings) Standards 2010, AS 1428 and AS 4299.

The architectural plans, including car parking layout shall be amended to reflect any works required as a result of compliance with the above standards and any recommendations of the Accessibility Report.

Outdoor Shading

3.60 The outdoor shading area is to be provided as required by DCP 2010 and a written statement is to be provided to the Principal Certifying authority of compliance **prior to the issue of Occupation Certificate.**

4. Those who have made submissions will be advised of the determination.

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

For

Councillor Prue Car

Against

Councillor Michelle Tormey

Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Ross Fowler OAM

5 [Development Application DA13/1033 Proposed First Floor Addition to Existing Residence at Lot 142 DP 238553 \(No. 4\) Wiles Place, Cambridge Park](#)

311 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Development Application DA13/1033 Proposed First Floor Addition to Existing Residence at Lot 142 DP 238553 (No. 4) Wiles Place, Cambridge Park be received.
2. The SEPP 1 objection be supported to vary the minimum rear setback requirement.
3. The application be approved subject to the following conditions.
 - 3.1 A001 Approved plans that are architecturally drawn
 - A008 Works to BCA requirements
 - A019 Occupation Certificate
 - A046 Obtain a Construction Certificate
 - D001 Implement approved sediment & erosion control measures
 - D009 Covering of waste storage area
 - D010 Appropriate disposal of excavated or other waste
 - E001 BCA compliance
 - ESPECIAL Smoke detector
 - H001 Stamped plans
 - H009 Cut/fill details
 - H017 Loads on existing buildings
 - H030 Roof finishes
 - H041 Hours of Work
 - J004 Pool fencing

K016 Stormwater

K041 Bond

L008 Tree Preservation Order

P002 Fees associated with Council land

Q01F Notice of Commencement of Appointment of PCA

Q05F Occupation/Compliance Certificate

Special Conditions

3.2 All windows on the rear elevation of the first floor addition shall be provided with obscure glazing to prevent viewing into adjoining properties when in the closed position. Details to be provided prior to the issue of a Construction Certificate.

4. Those who made submissions be advised of Council's decision.

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

For

Against

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Ross Fowler OAM

6 [Planning Proposal for Penrith Local Environmental Plan - Chapter C37 - Castle Street, Castlereagh](#)

Having previously declared a Pecuniary Interest, Councillor Jim Aitken OAM left the meeting, the time being 8:46pm.

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

That:

1. The information contained in the report on Planning Proposal for Penrith

Local Environmental Plan - Chapter C37 - Castle Street, Castlereagh be received.

2. Council endorse the Planning Proposal for Penrith Local Environmental Plan (provided separately to Councillors and available on Council's website), amended in accordance with recommendation RC37 as appearing in Attachment 1 relating to Castle Street, Castlereagh.
3. Where there is an inconsistency between the earlier recommendations related to this matter and the resolution to this report, the resolution to this report prevails for the purpose of amending the Planning Proposal.
4. The General Manager be granted delegation to make any necessary minor changes required to the Planning Proposal for Penrith Local Environmental Plan before submitting it to the Minister for Planning and Infrastructure.
5. Council endorse the Planning Proposal for Penrith Local Environmental Plan to be forwarded to the Minister for Planning and Infrastructure with a request that the Minister consider the changes made to the Planning Proposal in response to the public exhibition, and make a determination as to whether the Planning Proposal is to be re-exhibited in accordance with s58 of the Environmental Planning and Assessment Act 1979.
6. The Minister be requested to make the plan in accordance with the Environmental Planning and Assessment Act 1979, should he determine that re-exhibition is not required.

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

For

Against

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Ross Fowler OAM

Councillor Marcus Cornish

Councillor Jim Aitken OAM returned to the meeting, the time being 8:55pm.

7 [Planning Proposal for Penrith Local Environmental Plan - Chapter C43 - Werrington Signals Site, Corner Great Western Highway and French Street, Werrington](#)

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

That:

1. The information contained in the report on Planning Proposal for Penrith Local Environmental Plan - Chapter C43 - Werrington Signals Site, Corner Great Western Highway and French Street, Werrington be received
2. Council endorse the Planning Proposal for Penrith Local Environmental Plan (provided separately to Councillors and available on Council's website), amended in accordance with recommendation RC43A and RC43B as appearing in Attachment 1 relating to Werrington Signals Site, Corner Great Western Highway and French Street, Werrington.
3. Council delay a decision on the land within the Penrith Health and Education Precinct proposed to be zoned B7 Business Park.
4. Council not forward the Planning Proposal delivering Stage 2 of the City-wide Local Environmental Plan to the Minister for Planning and Infrastructure until after its February 2014 Ordinary Meeting in order to analyse the outstanding matters relating to the zone proposed for this land.
5. Council organise a stakeholder meeting involving Councillors, Council officers, relevant land holders, the Penrith Business Alliance and representatives of the Department of Planning and Infrastructure to investigate and test an alternative selection of appropriate land use zones.
6. Where there is an inconsistency between the earlier recommendations related to this matter and the resolution to this report, the resolution to this report prevails for the purpose of amending the Planning Proposal.

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

For	Against
Councillor Prue Car	Councillor Kevin Crameri OAM
Councillor Greg Davies	Councillor Bernard Bratusa
Councillor John Thain	
Councillor Karen McKeown	
Councillor Michelle Tormey	
Councillor Jackie Greenow OAM	
Councillor Maurice Giroto	
Councillor Jim Aitken OAM	
Councillor Mark Davies	
Councillor Ben Goldfinch	
Councillor Tricia Hitchen	
Councillor Marcus Cornish	

Councillor Ross Fowler OAM

REPORTS OF COMMITTEES

3 [Report and Recommendations of the Policy Review Committee Meeting held on 11 November 2013](#)

314 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 11 November, 2013 be adopted with the following Divisions and amendments:

PRC 79- Report and Recommendations of the Policy Review Committee Meeting held on 11 November 2013 – Chapters A1-A4

315 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the recommendations relating to PRC 79 - Chapters A1-A4 as detailed in Attachment 5 be endorsed

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

For

Against

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Kevin Crameri OAM
Councillor Bernard Bratusa
Councillor Ross Fowler OAM
Councillor Marcus Cornish

PRC 80- Report and Recommendations of the Policy Review Committee Meeting held on 11 November 2013 – Chapter B1

Having previously declared a Pecuniary Interest, Councillor Jim Aitken OAM left the room, the time being 9:11pm.

316 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the recommendation relating to PRC 80 - Chapter B1 as detailed in Attachment 5 be endorsed.

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

For	Against
Councillor Prue Car	Councillor Bernard Bratusa
Councillor Greg Davies	Councillor Tricia Hitchen
Councillor John Thain	
Councillor Karen McKeown	
Councillor Michelle Tormey	
Councillor Jackie Greenow OAM	
Councillor Maurice Giroto	
Councillor Mark Davies	
Councillor Ben Goldfinch	
Councillor Kevin Crameri OAM	
Councillor Ross Fowler OAM	
Councillor Marcus Cornish	

Councillor Jim Aitken OAM returned to the meeting, the time being 9:25pm

PRC 81- Report and Recommendations of the Policy Review Committee Meeting held on 11 November 2013 – Chapter B2

317 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri OAM that the recommendation relating to PRC 81 - Chapter B2 as detailed in Attachment 5 be amended to read that:

- a. Amend the zone boundaries of Glossop Street Precinct to limit the area to be zoned R4 High Density Residential to the west of Glossop Street and to the north of Chapel Street.
- b. That the land to the east of Glossop Street and south of Chapel Street be zoned R3 Medium Density Residential with a maximum building height of 8.5 metres.

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

For	Against
Councillor Prue Car	
Councillor Greg Davies	
Councillor John Thain	
Councillor Karen McKeown	
Councillor Michelle Tormey	
Councillor Jackie Greenow OAM	
Councillor Maurice Giroto	
Councillor Jim Aitken OAM	
Councillor Mark Davies	
Councillor Ben Goldfinch	
Councillor Tricia Hitchen	
Councillor Kevin Crameri OAM	
Councillor Bernard Bratusa	

Councillor Ross Fowler OAM
Councillor Marcus Cornish

PRC 82- Report and Recommendations of the Policy Review Committee Meeting held on 11 November 2013 – Chapter B3,B4 & B5

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

That:

1. The recommendations relating to PRC 82 Chapter B3 as detailed in Attachment 5 be endorsed.
2. The recommendations relating to PRC 82 Chapter B4 as detailed in Attachment 5 be endorsed with the exception of RB4(a) being delayed for further consideration.
3. The recommendations relating to PRC 82 Chapter B5 be amended as detailed in Attachment 5 Option OB5(b) to now read :

That the publicly exhibited R4 High Density Residential zone applied to the properties on the western half of Blaxland Avenue be amended to the R3 Medium Density Residential zone along with an amended development standard setting the maximum height of buildings at 8.5metres.

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

For

Against

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Kevin Crameri OAM
Councillor Bernard Bratusa
Councillor Ross Fowler OAM
Councillor Marcus Cornish

****PRC 83- Report and Recommendations of the Policy Review Committee Meeting held on 11 November 2013 – Chapter C37***

*This matter was dealt with previously in these minutes at Item 6.

PRC 84- Report and Recommendations of the Policy Review Committee Meeting held on 11 November 2013 – Chapter C39

319 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch that the recommendation relating to PRC 84 being the B2 Local Centre zone be applied to Lot 2 Dunheved Road, Werrington County (Lot 2 DP 616032) and the RE1 Public Recreation zone be applied to 2 John Oxley Avenue, Werrington County (Lot 141 DP 245373 and Lot 10 DP 778605).

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

For	Against
Councillor Prue Car	
Councillor Greg Davies	
Councillor John Thain	
Councillor Karen McKeown	
Councillor Michelle Tormey	
Councillor Jackie Greenow OAM	
Councillor Maurice Giroto	
Councillor Jim Aitken OAM	
Councillor Mark Davies	
Councillor Ben Goldfinch	
Councillor Tricia Hitchen	
Councillor Kevin Crameri OAM	
Councillor Bernard Bratusa	
Councillor Ross Fowler OAM	
Councillor Marcus Cornish	

****PRC 85- Report and Recommendations of the Policy Review Committee Meeting held on 11 November 2013 – Chapter C43***

*This matter was dealt with previously in these minutes at Item 7.

PRC 86 - Report and Recommendations of the Policy Review Committee Meeting held on 11 November 2013 - Chapters C1- C48 (Excluding Chapters C37, C39 and C43)

320 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marcus Cornish that the recommendations relating to PRC 86 Chapters C1- C48 (Excluding Chapters C37, C39 and C43) as detailed in Attachment 5 be endorsed.

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

For	Against
Councillor Prue Car	
Councillor Greg Davies	
Councillor John Thain	
Councillor Karen McKeown	
Councillor Michelle Tormey	

Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Kevin Crameri OAM
Councillor Bernard Bratusa
Councillor Ross Fowler OAM
Councillor Marcus Cornish

PRC 87 - Report and Recommendations of the Policy Review Committee Meeting held on 11 November 2013 - Chapters D1-D34

321 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Maurice Giroto that the recommendations relating to PRC 87 Chapters D1-D34 as detailed in Attachment 5 be endorsed.

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

For

Against

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Kevin Crameri OAM
Councillor Bernard Bratusa
Councillor Ross Fowler OAM
Councillor Marcus Cornish

PRC 88 - Report and Recommendations of the Policy Review Committee Meeting held on 11 November 2013 – Item 1 - Planning Proposal for Penrith Local Environmental Plan - Outcomes of Public Exhibition

322 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the recommendations relating to PRC 88 Item 1 - Planning Proposal for Penrith Local Environmental Plan - Outcomes of Public Exhibition be endorsed subject to the amendments made to PRC recommendations 79-87 in the Report and Recommendations of the Policy Review Committee Meeting held on 11 November 2013 in addition to Items 6 & 7 in these minutes.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

8 Tender Reference 13/14-03, Provision of Quarry Products, Top Soil, Turf, Softfall & Synthetic Turf

323 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Tender Reference 13/14-03, Provision of Quarry Products, Top Soil, Turf, Softfall & Synthetic Turf be received.
2. A new 3 year contract with the option to extend for a further two (2) x one (1) year periods (subject to satisfactory performance) be awarded to the following companies for the specified services in accordance with the terms and conditions of the Tender:
 - a. Provision of Quarry Products (New) be awarded to Boral Resources (NSW) Pty Limited as the primary contractor and Hi Quality Waste Management Pty Ltd as the secondary contractor
 - b. Provision of Quarry Products (Recycled) be awarded to Hi Quality Waste Management Pty Ltd as the primary contractor and Boral Resources (NSW) Pty Limited as the secondary contractor
 - c. Provision of Top Soil be awarded to Hi Quality Waste Management Pty Ltd as the primary contractor and Australian Native Landscape Pty Ltd as the secondary contractor
 - d. Provision of Turf be awarded to A&J Patten Turf as the primary contractor and Manoeuvre Mow Pty Limited t/as Sustainable Turf Renovations & Equipment as the secondary contractor
 - e. Provision of softfall be awarded to Astec Mulch Pty Ltd as the primary contractor and Australian Native Landscape Pty Ltd as the secondary contractor
 - f. Provision of Synthetic Turf (adjacent to paths) be awarded to Creative Recreation Solutions Pty Ltd
 - g. Provision of Synthetic Turf (cricket pitches and long jump run-ups) be awarded to Synthetic Grass and Rubber Surfaces Australia Pty Ltd.

10 Great River Walk Stage 7b grant

324 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Great River Walk Stage 7b grant be received.
2. Council accept the grant offer of \$270,000 under the Metropolitan Greenspace Program 2012 and confirm the reallocation of Council's

matching contribution as detailed in the report.

3. Letters of thanks and notification be sent to the Department of Planning and Infrastructure, and project supporters Great River Walk Inc. and Hawkesbury City Council.

9 [Tender Reference 13/14-05 Path Construction and Associated Works of River Road, Emu Plains](#)

325 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Tender Reference 13/14-05 Path Construction and Associated Works of River Road, Emu Plains be received.
2. Statewide Civil Pty Ltd be awarded the contract for Path Construction and Associated Works of River Road, Emu Plains from Dewdney Road to M4 overpass for the amount of \$1,223,438 (excluding GST).
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

11 [WSROC Tender WR02-12/13, Handling and Treatment of Hazardous Waste including Asbestos](#)

Councillor Greg Davies left the meeting, the time being 9:39pm.

326 RESOLVED on the MOTION of Councillor Kevin Cramer OAM seconded Councillor Marcus Cornish

That:

1. The information contained in the report on WSROC Tender WR02-12/13, Handling and Treatment of Hazardous Waste including Asbestos be received.
2. A three (3) year contract, for the provision of Handling and Treatment of Hazardous Waste including Asbestos, with an option to extend for a further two (2) x one (1) year periods, subject to satisfactory performance and with provision for rise and fall, be awarded:
 - a. **for the Asbestos Handling Services:** RMA Contracting Pty Ltd t/a RMA Group as the primary contractor and Affective Services Australia Pty Limited as the secondary contractor, Dolomatrix Trading as Toxfree Pty Ltd as the third ranked contractor.
 - b. **for the Chemical Handling services:** Affective Services Australia Pty Limited.

12 Complaint process and the regulations relating to uncovered loads of heavy vehicles travelling within the Penrith Local Government Area

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

That:

1. The information contained in the report on Complaint process and the regulations relating to uncovered loads of heavy vehicles travelling within the Penrith Local Government Area be received.
2. Council write to the Roads and Maritime Services (RMS) and the Transport Workers Union (TWU) and any other relevant associations expressing concerns with uncovered vehicle loads in the Penrith LGA and requesting enforcement of the rules and regulations.

Councillor Greg Davies returned to the meeting, the time being 9:44pm.

13 Penrith City Council Floodplain Management Framework

328 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain

That:

1. The information contained in the report on Penrith City Council Floodplain Management Framework be received.
2. An internal Floodplain Management Working Party be established to oversee the management and delivery of a contemporary floodplain management framework.
3. Council nominate Councillors Greg Davies, Kevin Crameri OAM, Jim Aitken OAM and Jackie Greenow OAM to be members of the Floodplain Management Working Party, with all Councillors invited to attend.
4. Council adopt the Draft Terms of Reference for the Floodplain Management Working Party.

OUTCOME 6 - WE'RE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT

Councillor John Thain left the meeting, the time being 9:46pm.

14 Sports Donations and Travel Assistance Grants

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

That:

1. The information contained in the report on Sports Donations and Travel Assistance Grants be received.
2. \$4,000 from each Ward's Voted Works be allocated equally to the budget for

the travel assistance policy for the remainder of the 2013-14 financial year.

3. A review and history of the Sports Donations and Travel Assistance Grants be carried out and reported back to Council to allow for future budgeting processes.

15 2014 Seniors Week Grants Program

330 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on 2014 Seniors Week Grants Program be received.
2. Council approve grants to eight (8) local community organisations for nine (9) projects to the value of \$6,054 to celebrate Seniors Week 2014 as listed in Table 1 of this report.

Councillor John Thain returned to the meeting, the time being 9:49pm.

16 Youth Week 2014 Program

331 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Youth Week 2014 Program be received.
2. Council endorse the four recommended projects and funding amounts to the total value of \$6,150 as outlined in Table 1 of this report.
3. Council allocate the additional funding requested of \$2,945 for the four projects equally from all Wards' Voted Works.
4. A review and history of the Youth Week Funding Program be carried out and reported back to Council to allow for future budgeting processes.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

17 Organisational Performance Report - September 2013

332 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Organisational Performance Report - September 2013 be received.
2. The *Organisational Performance Report - September 2013* as at 30 September 2013, including the revised estimates outlined in this report and detailed in *Attachment 1 – Organisational Performance Report – Quarterly*

Review September 2013 be adopted.

3. Council revoke the works as detailed in the Recommended Revoted Works Lists, detailed in *Attachment 1* for inclusion in the 2014-15 Operational Plan.

19 [Council Meeting Calendar for 2014](#)

333 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Council Meeting Calendar for 2014 be received
2. The draft Meeting Calender for 2014 be adopted.

20 [Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors](#)

334 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors be received
2. Council adopt the Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors.
3. Council forward a copy of the Council's adopted Policy on the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors to the DLG.

21 [2013 Local Government NSW Annual Conference](#)

335 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa that the information contained in the report on 2013 Local Government NSW Annual Conference be received.

22 [Code of Conduct - Report on complaints statistics](#)

336 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Code of Conduct - Report on complaints statistics be received
2. A copy of the this report along with the complaints statistics provided in accordance with 12.1 of the Model Code Procedures be forwarded to the Division of Local Government prior to 31 December 2013.

23 Penrith Commuter Carpark - Dedication of Roads and Creation of Easements

337 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Penrith Commuter Carpark - Dedication of Roads and Creation of Easements be received.
2. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

24 Council Property - Leasing of parts of "Community" land under Council's Plan of Management to Scouts Australia NSW

338 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Council Property - Leasing of parts of "Community" land under Council's Plan of Management to Scouts Australia NSW be received.
2. Council grant Scouts Australia NSW 5 year License Agreements over the three sites in accordance with the conditions set out in the report.
3. The Common Seal of the Council of Penrith be placed on all necessary documentation.

25 Summary of Investments & Banking for the period of 1 October to 31 October 2013

339 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Summary of Investments & Banking for the period of 1 October to 31 October 2013 be received
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 October 2013 to 31 October 2013 be noted and accepted.
3. The graphical investment analysis as at 31 October 2013 be noted.

Councillor Jackie Greenow OAM and Councillor Kevin Crameri left the meeting, the time being 9:59pm.

18 [The Annual Report for 2012-13](#)

Councillor Mark Davies spoke to the report and highlighted a number of achievements which are outlined in the report including significant achievements in managing the budget, recreation, childcare, development, asset and road maintenance, sustainability and the reduction of workplace injuries.

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

That:

1. The information contained in the report on The Annual Report for 2012-13 be received.
2. The Annual Report be forwarded to the Division of Local Government by 30 November 2013.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Bus Shelter Request

Councillor Marcus Cornish requested a memo reply investigating the installation of a bus shelter on the northern side of the Great Western Highway for elderly residents from the premises of Bell Trees accommodation.

Councillors Jackie Greenow OAM and Councillor Kevin Cramer OAM returned to the meeting, the time being 10:01pm.

RR 2 Higgins Street, Penrith - Green Seepage

Councillor Bernard Bratusa requested that the green seepage emanating from the footpath nearest to the parking lot at the above location be investigated as soon as possible.

RR 3 Carbon Tax

Councillor Bernard Bratusa requested a report to Council on the direct savings to Penrith City Council when the carbon tax is repealed.

RR 4 Bill Posters Policy

Councillor Tricia Hitchen requested a memo reply to all Councillors in relation to Council's policy on Bill Posters which are appearing all over South Penrith investigating the possibility of a fine or fee structure for every poster requiring removal.

Councillor Greg Davies returned to the meeting, the time being 10:03pm.

RR 5 WSROC Tendering

Councillor Mark Davies requested an update on the tendering process of WSROC

Councillor Marcus Cornish returned to the meeting, the time being 10:04pm.

RR 6 Update on Physillid Effects

Councillor Michelle Tormey requested a memo reply to all Councillors which provides an update on the effects of physillid on grey box gums in the Penrith LGA and the research that has been carried out by UWS. Also included should be options on how Council can further support the research program.

RR 7 Public Sentiment on Proposed Western Sydney Airport

Councillor Greg Davies requested a report to a Policy Review Committee meeting detailing what can be done to engage the community in order to get a gauge on public sentiment to the proposed Western Sydney Airport.

RR 8 ADI Site/Proposed Wianamatta Regional Park - Management of Feral Animal Programs

Councillor Michelle Tormey requested an urgent report to Council on the Management of Feral Animal Programs at the above site detailing a number of matters including the historic evidence of wild or uncontrolled dogs, numbers, risk, actions and copies of relevant documents.

RR 9 Retirement of Esme Evans

Councillor Karen McKeown requested Council write to Esme Evans congratulating her on her outstanding service to local government, retiring after 34 years service.

Councillor Greg Davies left the meeting and did not return, the time being 10:13pm.

RR 10 New 25 year Grave Laws

Councillor Karen McKeown requested a report to Council detailing the impact of the new 25 year grave laws and the implications for our Council.

RR 11 St Marys Station - Graffiti

Councillor Prue Car requested that Council contact the NSW Government about cleaning the graffiti in the rail lifts at St Marys train station with a memo reply being provided to all Councillors.

RR 12 Traffic Calming - Oxley Park

Councillor Prue Car requested a memo to all Councillors providing information on the traffic calming work being undertaken on the corner of Canberra and Sydney Streets, Oxley Park.

RR 13 Waste Transfer Update

Councillor Prue Car requested an update by way of memo to all Councillors from the NSW Department of Planning in relation to the application to transfer waste from Nelson Parade, Hunters Hill to the SITA facility at Kemps Creek.

URGENT BUSINESS

UB 1 Badgerys Creek Airport

Councillor Kevin Crameri OAM requested that Council urgently before the next Ordinary Council meeting contact State and Federal Members seeking whether they support or oppose the Badgerys Creek Airport proposal and provide a report to Council.

341 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Maurice Giroto that the matter be brought forward and dealt with as a matter of urgency.

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

342 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Maurice Giroto that Council urgently before the next Ordinary Council meeting contact State and Federal Members seeking whether they support or oppose the Badgerys Creek Airport proposal and provide a report to Council.

COMMITTEE OF THE WHOLE

343 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Jackie Greenow OAM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:17pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that the press and public be excluded from Committee of the Whole to deal with the following matters:

Outcome 7

2 Legal expenses

This item has been referred to Committee of the Whole as the report refers to alleged contraventions of any code of conduct requirements applicable under section 440 and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

3 Commercial Matter - Council Property - Easement for Underground Gas Main over Part of Woodriff Gardens High Street Penrith by Jemena Gas Networks (NSW) Ltd

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.

4 Commercial Matter - Nos. 141 - 151 High 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.

5 Commercial Matter - Council Property - Request for Lease Assignment of Shop 1 at 144 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.

The meeting resumed at 10:22.pm and the Acting General Manager reported that the Committee of the Whole met at 10:17pm on 25 November 2013, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Jim Aitken OAM and Councillors Bernard Bratusa, Prue Car, Kevin Crameri OAM, Marcus Cornish, Mark Davies, Maurice Giroto, Ben Goldfinch, Jackie Greenow OAM, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

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

Having previously declared a Pecuniary Interest in the matter, Councillor Mark Davies left the meeting, the time being 10:18pm.

2 Legal expenses

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM and seconded Councillor Marcus Cornish

CW2 That:

1. The information contained in the report on Legal expenses be received.
2. The Council agree to reimburse Councillor Mark Davies an amount of \$1,188 (in accordance with Council's 252 Policy) relating to legal expenses incurred about a code of conduct allegation relating to Fernhill.

Councillor Mark Davies returned to the meeting, the time being 10:20pm.

3 Commercial Matter - Council Property - Easement for Underground Gas Main over Part of Woodriff Gardens High Street Penrith by Jemena Gas Networks (NSW) Ltd

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM and seconded Councillor John Thain

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Easement for Underground Gas Main over Part of Woodriff Gardens High Street Penrith by Jemena Gas Networks (NSW) Ltd be received.
2. Council grant Jemena Gas Networks (NSW) Ltd an easement for Underground Gas Main 3 metres wide over Lot 3 in DP 1051278, High Street, Penrith in accordance with the figure outlined in the report.
3. Jemena Gas Networks (NSW) Ltd bear all reasonable costs associated with the granting of the easements.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documents.

4 Commercial Matter - Nos. 141 - 151 High Street, Penrith

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM and seconded Councillor Marcus Cornish

CW4 That:

1. The information contained in the report on Commercial Matter - Nos. 141 - 151 High Street, Penrith be received.
2. The recommendations as proposed in the summary of the report on Commercial Matter - Nos. 141 - 151 High Street, Penrith be adopted.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

5 Commercial Matter - Council Property - Request for Lease Assignment of Shop 1 at 144 Henry Street, Penrith

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM and seconded Councillor Karen McKeown

CW5 That:

1. The information contained in the report on Commercial Matter - Council Property - Request for Lease Assignment of Shop 1 at 144 Henry Street, Penrith be received.
2. Council grant Elfick Pty Ltd the right to assign the existing Lease to Penrith Skin Cancer Foundation Pty Ltd over Shop 1 at 144 Henry Street, Penrith 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.

ADOPTION OF COMMITTEE OF THE WHOLE

344 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Karen McKeown that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:25pm.

I certify that these 38 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 25 November 2013.

Chairperson

Date