

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

ON MONDAY 28 SEPTEMBER 2015 AT 7:34PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

Her Worship the Mayor, Councillor Karen McKeown 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

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

LEAVE OF ABSENCE

273 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jackie Greenow that Leave of Absence be granted to Councillor Mark Davies from 28 September 2015 to 3 October 2015 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 21 September 2015

274 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor John Thain that the minutes of the Ordinary Meeting of 21 September 2015 be confirmed.

DECLARATIONS OF INTEREST

Councillor John Thain declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 1 – Tender Reference 14/15-26 Weekly Council News Page & Quarterly Community Newsletter* as his son is a journalist working for another newspaper, which did not submit a tender.

Councillor Kevin Crameri OA declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 6 – Development Application DA14/1550.01 Section 96 Application for Modifications to the Subdivision Layout (Village 6), Jordan Springs Lot 1125 DP1158660 Ninth Avenue, Jordan Springs Applicant: Maryland Development Company Pty Ltd; Owner: ~St Marys Land Limited* as he is a resident of Llandilo.

Councillor Greg Davies declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 1 – Tender Reference 14/15-26 Weekly Council News Page & Quarterly Community Newsletter* as his wife is the owner of another newspaper which circulates in the area.

Councillor Ross Fowler OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 1 – Tender Reference 14/15-26 Weekly Council News Page & Quarterly Community Newsletter* as he was a former Director and Secretary of one of the tenderers.

Her Worship the Mayor, Councillor Karen McKeown declared a Non-Pecuniary Conflict of Interest – Significant in *Item 7 - Development Application DA14/0622.02 Section 96 Modification to Approved Earthworks, Shed and Truck Parking Including Amendment of the Approved Shed Location, Shed Design, Operational Conditions of Consent and Lighting at Lot 122 DP709303 (No. 41-47) Jolly Street, Castlereagh Applicant: Ty Gosling; Owner: ~Ty and Deanne Gosling*, as her son was employed by a company owned by the applicants for the development. Councillor McKeown stated that she would not participate in any debate of these matters and she would leave the meeting during consideration of these items.

Her Worship the Mayor, Councillor Karen McKeown declared a Non-Pecuniary Conflict of Interest – Significant in *Item 5 - Report and Recommendations of the Policy Review Committee Meeting held on 14 September 2015 (Item 1 – Rezoning Application (RZ15/0001) - 88-89 Nepean Gorge Drive, Mulgoa (Owner) Angas Securities Limited)* as her husband owns a printing business and one of the persons addressing the meeting tonight, Dr Adrian Sheen, is a customer of her husband. Councillor McKeown indicated that she would leave the meeting during consideration of this item.

Councillor Ben Goldfinch declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 5 - Report and Recommendations of the Policy Review Committee Meeting held on 14 September 2015 (Item 1 – Rezoning Application (RZ15/0001) – 88-89 Nepean Gorge Drive, Mulgoa)* as he is a resident of Mulgoa.

Councillor Tricia Hitchen declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 11 - Tender Reference RFT 15/16-03 Concrete Maintenance Works: Footpath and Kerb and Gutter* as two of the tenderers are friends of hers. Councillor Hitchen indicated she would leave the meeting during consideration of this item.

SUSPENSION OF STANDING ORDERS

275 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Maurice Giroto that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:47 pm.

Mr Adrian Sheen

Item 5 - Report and Recommendations of the Policy Review Committee Meeting held on 14 September 2015 (Item 1 – Rezoning Application (RX15/0001) – 88-89 Nepean Gorge Drive, Mulgoa (Owner) Angas Securities Limited (as Mortgagee in Possession)

Mr Sheen, a concerned neighbour, spoke in opposition to the recommendation. Mr Sheen outlined his concerns regarding the subdivision, including the loss of critically endangered shale transitional forest and the clearance of the land associated with the proposed subdivision. Mr Sheen also raised a concern regarding a possible non-adherence with Penrith LEP 2010.

Mr Peter Harvey

Item 5 - Report and Recommendations of the Policy Review Committee Meeting held on 14 September 2015 (Item 1 – Rezoning Application (RX15/0001) – 88-89 Nepean Gorge Drive, Mulgoa (Owner) Angas Securities Limited (as Mortgagee in Possession)

Mr Harvey, President of the Mulgoa Progress Association, spoke in opposition to the recommendation. Mr Harvey stated the spot rezoning should not be supported and that it should only be supported if the Council can guarantee that it will not create a precedent for Mulgoa. Mr Harvey then stated that, given that Council cannot guarantee that it will not create a precedent, the planning proposal should not be supported. Mr Harvey reiterated his points of address from the Policy Review Committee Meeting on 14 September 2015, in particular his concerns that important natural habitats will be affected by the proposed rezoning.

Arthur Ilias

Item 6 – DA 15/1550.01 Section 96 Application for Modifications to the Subdivision Layout (Village 6), Jordan Springs Lot 1125 DP1158660 Ninth Avenue, Jordan Springs

Mr Ilias, spokesperson for the applicant, spoke in support of the recommendation. Mr Ilias reconfirmed Lendlease's ongoing work with Penrith City Council and key stakeholders to resolve any issues raised during the approval process and that they have responded to community concerns by increasing the conservation corridor. Mr Ilias noted that discussions are continuing at a senior level between Council and Lendlease to resolve a number of strategic issues. Mr Ilias concluded by stating that the opportunity exists to take an holistic approach to find a suitable outcome for Council, Lendlease and the broader community relating to community amenity and conservation outcomes.

Mr Wayne Olling

Item 6 – DA 15/1550.01 Section 96 Application for Modifications to the Subdivision Layout (Village 6), Jordan Springs Lot 1125 DP1158660 Ninth Avenue, Jordan Springs

Mr Olling, Secretary of Cumberland Conservation Network, spoke in opposition to the recommendation. Mr Olling stated that while the Conservation Network seeks conservation of the whole 23 ha of Cumberland Plain Woodland affected by the proposed development, they recognise the constraints that Penrith City Council is working within. Mr Olling expressed the Network's appreciation of Council's efforts in this regard, but also asked for some improvement on what has been recommended in order to achieve a viable conservation outcome.

RESUMPTION OF STANDING ORDERS

276 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ben Goldfinch that Standing Orders be resumed, the time being 8:16pm.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Access Committee Meeting held on 12 August 2015

277 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Tricia Hitchen that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 12 August, 2015 be adopted.

2 Report and Recommendations of the Policy Review Committee Meeting held on 31 August 2015

278 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 31 August, 2015 be adopted.

3 Report and Recommendations of the Penrith Community Safety Partnership Meeting held on 2 September 2015

279 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Maurice Giroto that the recommendations contained in the Report and Recommendations of the Penrith Community Safety Partnership meeting held on 2 September, 2015 be adopted.

4 Report and Recommendations of the Local Traffic Committee Meeting held on 7 September 2015

280 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Crameri OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 7 September, 2015 be adopted.

Procedural Motion

281 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that consideration of the *Report and Recommendations of the Policy Review Committee Meeting held on 14 September 2015 and Item 7 - Development Application DA14/0622.02 Section 96 Modification to Approved Earthworks, Shed and Truck Parking Including Amendment of the Approved Shed Location, Shed Design, Operational Conditions of Consent and Lighting at Lot 122 DP709303 (No. 41-47) Jolly Street, Castlereagh Applicant: Ty Gosling; Owner: ~Ty and Deanne Gosling* be brought forward for consideration before Item 1 and that Item 15 be considered at the conclusion of the Committee of the Whole.

Having previously declared Non-Pecuniary Conflict of Interest in Item 5 of the Report and Recommendations of the Policy Review Committee held on 14 September 2015 and Item 7 of the Delivery Program Reports, Her Worship the Mayor, Councillor Karen McKeown vacated the Chair and left the meeting, the time being 8:19pm.

The Deputy Mayor, Councillor Ross Fowler OAM took the Chair, the time being 8:20pm.

5 Report and Recommendations of the Policy Review Committee Meeting held on 14 September 2015 (excluding Item 1)

282 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 14 September, 2015 be adopted, with the exception of Item 1.

5 Report and Recommendations of the Policy Review Committee Meeting held on 14 September 2015 – Item 1

283 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Bernard Bratusa that the recommendation contained in the Report and Recommendations of the Policy Review Committee meeting held on 14 September, 2015, with regard to Item 1 be adopted.

An AMENDMENT was moved by Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM that consideration of this matter be deferred until a works inspection has been completed.

The AMENDMENT was PUT.

The AMENDMENT was LOST.

For

Councillor Kevin Crameri OAM
Councillor Marcus Cornish
Councillor Maurice Girotto
Councillor Jackie Greenow OAM
Councillor Jim Aitken OAM
Councillor Michelle Tormey

Against

Councillor Prue Car MP
Councillor Greg Davies
Councillor John Thain
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa

The MOTION was PUT.

The MOTION was CARRIED and on becoming the SUBSTANTIVE MOTION was also CARRIED.

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

For

Councillor Prue Car MP
Councillor Greg Davies
Councillor John Thain
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa

Against

Councillor Kevin Crameri OAM
Councillor Marcus Cornish
Councillor Maurice Girotto
Councillor Jackie Greenow OAM
Councillor Jim Aitken OAM
Councillor Michelle Tormey

Councillor Michelle Tormey left the meeting, the time being 8:40pm.

Councillor Michelle Tormey returned to the meeting, the time being 8:41pm.

DELIVERY PROGRAM REPORTS

OUTCOME 2 – WE PLAN FOR OUR FUTURE GROWTH

7 Development Application DA14/0622.02 Section 96 Modification to Approved Earthworks, Shed and Truck Parking Including Amendment of the Approved Shed Location, Shed Design, Operational Conditions of Consent and Lighting at Lot 122 DP709303 (No. 41-47) Jolly Street, Castlereagh Applicant: Ty Gosling; Owner: ~Ty and Deanne Gosling

284 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Prue Car

That:

1. The information contained in the report on Development Application DA14/0622.02 Section 96 Modification to Approved Earthworks, Shed and Truck Parking Including Amendment of the Approved Shed Location, Shed Design, Operational Conditions of Consent and Lighting at Lot 122 DP709303 (No. 41-47) Jolly Street, Castlereagh be received.
2. Development Application DA14/0622.02 Section 96 Modification to Approved Earthworks, Shed and Truck Parking Including Amendment of the Approved Shed Location, Shed Design, Operational Conditions of Consent and Lighting at Lot 122 DP709303 (No. 41-47) Jolly Street, Castlereagh be refused for the following reasons:-
 - i) The application is not satisfactory for the purpose of Section 96(1A)(a) and (b) of the *Environmental Planning and Assessment Act, 1979* as the proposed modification is not considered to be of minimal environmental impact given the likely impact upon drainage sheet flow resulting from the relocation of the shed and fill activities and insufficient information submitted to address how drainage design measures can be implemented to manage such flows.
 - ii) The application is not satisfactory for the purpose of Section 96(1A)(a) and (b) of the *Environmental Planning and Assessment Act, 1979* as the proposed amendments result in an adverse impact to the amenity of adjoining properties resulting from increased hours for servicing of the trucks, persons other than the occupants of the dwelling parking and their vehicles on site.
 - iii) The application is not satisfactory for the purpose of Section 96(1A)(b) of the *Environmental Planning and Assessment Act, 1979* as the removal of the trial period provides on-going consent for the use without the ability to address any environmental impacts which arise during the trial period.
 - iv) The application is not satisfactory for the purpose of Section 96(1A)(b) and (c) of the *Environmental Planning and Assessment Act, 1979* as the modified development is not substantially the same development as the development for which the consent was originally granted as some proposed amendments change the nature and permissibility of the storage of trucks on the site ancillary to the dwelling and renders the use prohibited within the zone.

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- v) The application is not satisfactory for the purpose of Section 96(1A) (b) and (c) of the *Environmental Planning and Assessment Act, 1979* as the proposed enlargement and relocation of the shed alters the suitability and compatibility of the shed with respect to the constraints of the site and amenity of adjoining dwellings.
 - vi) The application is not satisfactory for the purpose of Section 96(1A) (d) of the *Environmental Planning and Assessment Act, 1979* as in view of the complaints received by Council in relation to the number of trucks parked on the premises, it is considered that strict compliance with the definition for garaging of plant and trucks under LEP 2014 and LEP 201 is essential in terms of permissibility and the property will not be used as a truck depot and consent for use of the shed for storage of two trucks be time limited to twelve (12) months to monitor compliance with this definition and review the impacts of the development on the surrounding area.
 - vii) The application is not satisfactory for the purpose of Section 96(1A)(a) of the *Environmental Planning and Assessment Act, 1979* as the proposed modification is not considered to be of minimal environmental impact as it has not been demonstrated that there will be no adverse impacts upon residential amenity of adjoining properties with no details being provided on the location or intensity of lighting.
 - viii) The application is not satisfactory for the purpose of Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979* as the modification intensifies the use and alters the permissibility of the use of the premises to store trucks as ancillary to the dwelling and is not permissible in the zone and is contrary to the objectives of the zone.
 - ix) The application is not satisfactory for the purpose of Section 79C(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act, 1979* as the approved shed is considered ample in size to accommodate the two trucks and other personal items. The visual and amenity impacts are considered to be compromised by the increase in size and location of the shed and are now unsuitable.
 - x) The application is not satisfactory for the purpose of Section 79C(1)(c) of the *Environmental Planning and Assessment Act, 1979* as the proposed modified development would undermine the rural residential context of the area and is not suitable for the site.
 - xi) The application is not satisfactory for the purpose of Section 79C(1)(c) and (d) of the *Environmental Planning and Assessment Act, 1979* as the modified proposal would have an adverse impact upon the existing area, having regard to the submissions made, and will cause significant impact to the amenity of the residential area and is therefore not be in the public interest.

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

Her Worship the Mayor, Councillor Karen McKeown returned to the meeting and re-took the Chair, the time being 8:48pm.

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

1 Tender Reference 14/15-26 Weekly Council News Page & Quarterly Community Newsletter

285 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Tender Reference 14/15-26 Weekly Council News Page & Quarterly Community Newsletter be received.
2. The Western Weekender be awarded the contract for both the weekly Corporate News Page and quarterly Community Newsletter a contract sum of \$69,460 ex GST per year.
3. The Contract be for an initial period of two years with a one-year extension option by mutual agreement and subject to satisfactory performance.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

2 Proposed Suburb Name for the Central Precinct, St Marys ADI Site

286 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that consideration of this matter be deferred for further investigation and discussion, with a further report to be presented to a future Ordinary meeting of Council.

Councillor Jim Aitken OAM left the meeting, the time being 9:02pm.

Councillor Jim Aitken OAM returned to the meeting, the time being 9:04pm.

3 Planning Proposal to amend the Penrith Local Environmental Plan 2010 - housekeeping amendment

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

That:

1. The information contained in the report on Planning Proposal to amend the Penrith Local Environmental Plan 2010 - housekeeping amendment be received.
2. Council submit the attached Planning Proposal to amend the Penrith LEP 2010 to the NSW Minister for Planning for consideration under the Gateway process.
3. Council request delegation for the General Manager to finalise the LEP amendment.
4. Council carry out the requirements of the Gateway Determination to process the Planning Proposal, including public exhibition.
5. The north western corner of French Street Werrington that has been identified to have inconsistency between the E2 zone boundary and approvals granted due to GIS mapping error be forwarded to the Department of Planning as a section 73A amendment to the LEP urgently.
6. Council officers meet with the landowners of French Street Werrington to finalise the Environmental zone boundaries in the north eastern part of the site before the Housekeeping Planning Proposal is submitted to the Gateway for consideration.
7. The General Manager be granted delegation to make any necessary minor changes that have no policy implications to the Planning Proposal before submitting it to the Minister for Planning.

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

4 Minor Amendment to Penrith Local Environmental Plan 2010 to correct the property description of land at Dunheved Circuit St Marys in Schedule 4

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

That:

1. The information contained in the report on Minor Amendment to Penrith Local Environmental Plan 2010 to correct the property description of land at Dunheved Circuit St Marys in Schedule 4 be received.
2. Council resolve to prepare a LEP amendment to amend Penrith LEP 2010 in accordance with section 73A of the Environmental Planning & Assessment Act 1979 to correct the error in property description in Schedule 4 Part 2 from 'Lots 212 and 213, DP 31908' to 'Lots 212 and 213, DP 31909'.

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

5 Development Application DA15/0506 Construction of a detached brick garage and concrete in-ground swimming pool Lot 233 DP 270417 (No.) 15 Pennard Cres, Luddenham Applicant: Luke Kelly; Owner: ~Luke & Christine Kelly

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

That:

1. The information contained in the report on Development Application DA15/0506 Construction of a detached brick garage and concrete in-ground swimming pool Lot 233 DP 270417 (No.) 15 Pennard Cres, Luddenham be received.
2. DA15/0506 for a detached brick garage with a tiled roof and in-ground swimming pool at Lot 233 DP 270417 (No.) 15 Pennard Cres, Luddenham be approved subject to the following conditions:
 - A001 – Approved plans
 - A008 – Works to BCA requirements

- A019 – Occupation Certificate
- A020 – Use of building
- A041 – Construction in Bushfire Areas (BAL 19)
- A046 – Obtain Construction Certificate before commencement of works
- D009 – Covering of waste storage area
- D010 – Appropriate disposal of excavated or other waste
- D014 – Plant & equipment noise
- E001 – BCA compliance
- F006 – Water tank and nuisance
- H001 – Stamped plans and erection of site notice
- H030 – Roof finishes (rural property)
- H038 – Connection of rainwater tank supply
- H039 – Rainwater tank pumps
- H041 – Hours of work
- J002 – Fencing when water in pool
- J004 – Pool fence (residential)
- J007 – Boundary Fencing
- J010 – Pool board/sign
- J011 - NSW Swimming Pool Register
- K016 – Stormwater
- K026 – Stabilised access
- K041 – Infrastructure Restoration Bond (\$500.00)
- K Special – All excavation/cut detailed on the approved plan, located within 2.0m of the allotment boundary, shall be retained with retaining walls wholly within the property boundary. Retaining walls shall preserve and protect adjoining buildings from damage and must not impact on any adjoining building, structure or property. Retaining walls shall be completed within 6 weeks of any Occupation Certificate being issued.
- L008 – Tree Preservation Order
- P002 – Fees associated with Council land
- Q01F – Notice of Commencement and Appointment of PCA
- Q05F – Occupation Certificate

3. The restrictive covenant on the use of land numbered 5 referred to in the Section 88B Instrument of the Conveyancing Act 1919 applying to Lot 233 in DP 270417 (known as No. 15) Pennard Crescent, Luddenham be varied to allow the in-ground swimming pool to be located partially outside the area labelled (BE) on the abovementioned plan in accordance with the approved site plan.
4. The Common Seal of Penrith City Council be affixed to all necessary documentation to vary/release the covenant.

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

For

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

Against

6 Development Application DA14/1550.01 Section 96 Application for Modifications to the Subdivision Layout (Village 6), Jordan Springs Lot 1125 DP1158660 Ninth Avenue, Jordan Springs Applicant: Maryland Development Company Pty Ltd; Owner: ~St Marys Land Limited

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

That:

1. The information contained in the report on Development Application DA14/1550.01 Section 96 Application for Modifications to the Subdivision Layout (Village 6), Jordan Springs Lot 1125 DP1158660 Ninth Avenue, Jordan Springs be received.
2. Council form the opinion that the subject modified application does not have a 'significant effect' on threatened species, population or an ecological community as outlined within the body of this report.
3. The information contained in the report on Development Application DA14/1550.01 Section 96 Application for Modifications to the Subdivision Layout (Village 6), Jordan Springs Lot 1125 DP1158660 Ninth Avenue, Jordan Springs be determined by granting a consent in accordance with Section 80(4)(b) of the Environmental Planning and Assessment Act, 1979 subject to the following amended conditions.

Standard Conditions

A001 – Amended to reflect the amended plans of subdivision and supporting documentation.

Special Conditions

Condition No. 4 be **deleted** and **replaced** as follows:-

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- a) *A 10 metre wide inner protection area (IPA) shall be provided within Lot 6011 along its eastern boundary. In accordance with section 88B of the 'Conveyancing Act 1919' a restriction to the land use shall be placed on this lot requiring the provision of this IPA which shall be maintained as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'*
- b) *A 15 metre wide inner protection area (IPA) shall be provided in Lot 6013 along its western boundary. In accordance with section 88B of the 'Conveyancing Act 1919' a restriction to the land use shall be placed on these lots requiring the provision of this IPA which shall be maintained as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.*

Condition No. 9 be **deleted** and **replaced** as follows:-

- a) *Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.*
- b) *Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.*
- c) *Fire trails shall comply with section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006'.*
- d) *A 2.1 metre high non-combustible radiant heat shield shall be provided along the northern boundary of proposed lots 6011 to 6019.*
- e) **General Advice** - *This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.*

The development proposal is to comply with the subdivision layout identified on the drawing prepared by RPS Australia numbered D646-S6-002Pr.dwg Issue R, dated 9 September 2015.

Condition No. 11 be **deleted**.

Condition No. 12 be **deleted**.

Additional condition to be added.

Prior to the issue of a Subdivision Certificate, a detailed Vegetation Management Plan for the short and long term management of the Biodiversity Corridor is to be submitted to Penrith City Council for approval. If Council is not the certifying authority, a copy of Council's approval for the Vegetation Management Plan is to be provided to the Principal Certifying Authority. The plan is to include the following:

- a) *Is consistent with relevant environmental legislation and policies, including, but not limited to, the NSW Threatened Species Conservation Act 1995, the Noxious Weeds Act 1993 the Water Management Act 2002, the Rural Fires Act 1997 as well as the federal Environment Protection and Biodiversity Conservation Act 1999, and guidelines such as the Rural Fire Services Planning for Bushfire Protection 2006 and Recovering Bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland (DEC, 2005).*
- b) *A detailed plan that clearly outlines how vegetation should be protected and managed during construction of proposed future development and the ongoing future management of the vegetation and any identified threatened species over the next 3 years, as well as in the longer term. The focus is to be on best practice bush regeneration methods and habitat improvement.*
- c) *The VMP is to identify potential future impacts on the vegetation from the development and road, including access, weed encroachment, pest animals, stormwater etc, and is to outline how these impacts will be managed in the long term.*
- d) *The VMP is to include specifications for the management and maintenance of the APZ areas on each side of the Biodiversity Corridor.*
- e) *Project tasks should be defined and described, including a schedule detailing the sequence and duration of works necessary for the implementation of the VMP.*
- f) *Costings for the implementation of all components and stages of the work including materials, labour, watering, maintenance, monitoring and reporting should be included.*
- g) *Processes for monitoring and review, including a method of performance evaluation should be identified. This should include replacing plant losses, addressing deficiencies, problems, climatic conditions and successful completion of works.*

The Vegetation Management Plan is to be prepared by an Ecological Consultant or Bush Regenerator with theoretical and practical experience in bushland restoration and management on the Cumberland Plain. A Certificate IV in Conservation and Land Management is required as a minimum.

All activities on site are to be implemented and carried out in accordance with the plan. Council may request a review and if necessary updating of the plan to reflect current environmental standards and site conditions. Council must be satisfied with any changes prior to the amendment of the plan.

4. Those who made a submission be advised of Council's decision.
5. Lots 6011 and 6013-6019 be deferred from this report for further investigation.

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

For

Councillor Prue Car MP
 Councillor Greg Davies
 Councillor John Thain
 Councillor Ross Fowler OAM
 Councillor Jackie Greenow OAM
 Councillor Maurice Giroto
 Councillor Jim Aitken OAM
 Councillor Ben Goldfinch
 Councillor Tricia Hitchen
 Councillor Karen McKeown

Against

Councillor Marcus Cornish
 Councillor Bernard Bratusa
 Councillor Michelle Tormey
 Councillor Kevin Crameri OAM

Councillor John Thain left the meeting, the time being 9:21pm.
 Councillor John Thain returned to the meeting, the time being 9:24pm.
 Councillor Maurice Giroto left the meeting, the time being 9:27pm.
 Councillor Maurice Giroto returned to the meeting, the time being 9:29pm.

8 Development Application DA15/0800 for a Torrens Title Subdivision of 3 lots into 2 lots at Lots 75 and 76 Section G DP 1613 and Lot 6 DP 739547, No. 3 Horace Street Cranebrook Applicant: Penrith City Council; Owner: ~Penrith City Council

291 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Tricia Hitchen
 That:

1. The information contained in the report on Development Application DA15/0800 for a Torrens Title Subdivision of 3 lots into 2 lots at Lots 75 and 76 Section G DP 1613 and Lot 6 DP 739547, No. 3 Horace Street Cranebrook be received.
2. The proposed variation to minimum allotment width, pursued under the provisions of Clause 4.6 of Penrith Local Environmental Plan 2010 be supported.
3. Development Application DA15/0800 for a Torrens Title Subdivision of 3 lots into 2 lots at Lots 75 and 76 Section G DP 1613 and Lot 6 DP 739547, No. 3 Horace Street Cranebrook be approved subject to the following conditions:

A001 – Approved Plans

The development must be implemented substantially in accordance with the following stamped approved plans, the application form and any supporting information issued by Penrith City Council, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Plan Number	Issue	Prepared by	Date
Plan of Proposed Subdivision	19739P	-	Vince Morgan	1 July 2015
Levels and Contours Plan	19739T	-	Vince Morgan	1 July 2015
Interallotment Drainage Engineering Plan	110182/CC001	A	J. Wyndham Prince	7 July 2015

D002 – Spraygrass

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

D005 – No filling without prior approval

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury-Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

D009 – Covering of waste storage area

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

D026 – Liquid waste

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

D Special - Mud

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

D Special - Dust Suppression

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

G001 – Installation of services and service clearances (subdivision)

All services (water, sewer, electricity, telephone and gas) are to be installed within the proposed public roads before final inspection of the engineering works.

Prior to the release of the linen plan, the following service authority clearances shall be obtained:

- a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. This is required prior to the issue of the Subdivision Certificate and
- a letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

These clearances are to be submitted to the Principal Certifying Authority.

H001 – Stamped Plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

H006 – Submission of and implement waste management plan

A completed waste management plan shall be submitted to Penrith City Council for consideration and approval. Council must approve the plan before a Construction Certificate can be issued for the approved development.

The waste management plan shall be prepared in accordance with the Waste Planning Development Control Plan (2004), and shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.

The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

H041 – Hours of work

Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm

- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

K101 – Works at no cost to Council

All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

K 201 - Sediment & Erosion Control CC approval

Any Construction Certificate issued by the Principal Certifying Authority or certifying Authority shall incorporate plans and details for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

K202 – Roads Act Minor roadworks

Prior to the issue of a Construction Certificate a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:

- a) Provision of a vehicular crossing/s.
- b) Provision of private drainage connections to Council's road drainage system.
- c) Opening the road reserve for the provision of services including stormwater.
- d) Placing of hoardings, containers, waste skips, etc. in the road reserve.

K205 - Construction Certificate for Subdivision Works

Subdivision works shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by J. Wyndham Prince, reference number 110182/CC001, revision A, dated 7 July 2015.

Any Construction Certificate/s issued by the Certifying Authority shall include but not be limited to the following subdivision works.

- a) Roads and drainage
- b) Stormwater drainage
- c) Interallotment drainage.

Engineering plans, supporting calculations and relevant certification for the subdivision works shall be prepared by suitably qualified people and must accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the subdivision works have been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

K501A – Completion of subdivision works

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.

K514 – Subdivision compliance documentation

Prior to the issue of a Subdivision Certificate, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works.
- b) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- c) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regrading.
 - Soil classification for all residential lots
 - Statement of Compliance

M001 – Prior to subdivision work

Work on the subdivision is not to commence until:

- a Construction Certificate has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

Penrith City Council is to be notified 48 hours prior to commencement of engineering works or clearing associated with the subdivision.

M008 – Linen Plan

Submission of the original Linen Plan and ten (10) copies.

All drainage easements, rights of way, restrictions and covenants are to be included on the linen plan.

All dedications of roads/drainage are to be undertaken at no cost to Penrith City Council.

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

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

Q01F – Notice of Commencement & Appointment of PCA

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Q008 – Subdivision Certificate

A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. The Subdivision Certificate will not be issued if any of the conditions in this consent are outstanding.

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

9 Greater Sydney Commission

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

That:

- 1. The information contained in the report on Greater Sydney Commission be received.
- 2. Council nominate Councillor Ross Fowler OAM to participate on the selection panel for the West District Commissioner.

OUTCOME 3 - WE CAN GET AROUND THE CITY

10 Roads and Maritime Services (RMS) 2015/16 Road Funding Grants

293 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Greg Davies

That:

1. The information contained in the report on Roads and Maritime Services (RMS) 2015/16 Road Funding Grants be received.
2. The RMS 2015/16 Program Funding Block Grant of \$1,108,000 be accepted.
3. The Common Seal of the Council of the City of Penrith be affixed to the "Agreement for Block Grant Assistance to Council for Regional Roads 2015/16".

Having previously declared a Non Pecuniary Conflict of Interest – Less than Significant in Item 11, Councillor Tricia Hitchen left the meeting, the time being 9:39pm.

11 Tender Reference RFT 15/16-03 Concrete Maintenance Works: Footpath and Kerb and Gutter

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

That:

1. The information contained in the report on Tender Reference RFT 15/16-03 Concrete Maintenance Works: Footpath and Kerb and Gutter be received.
2. Del Rocchio Concreting Pty Ltd be appointed as the preferred contractor for the Concrete Maintenance Works: Footpath and Kerb and Gutter for a period of three (3) years with an option to extend for a further two (2) by one (1) year periods, by mutual agreement and subject to satisfactory performance, allowing for rise and fall provisions.
3. Mack Civil Pty Ltd be appointed as the secondary contractor, to be engaged when the preferred contractor is unavailable to provide the service.
4. Kelbon Project Services Pty Ltd be appointed as the third ranked contractor, to be engaged when the secondary contractor is unavailable to provide the service.
5. Devcon Civil Pty Ltd be appointed as the fourth ranked contractor, to be engaged when the third ranked contractor is unavailable to provide the service.
6. Enwon (Australia) Pty Ltd be appointed as the preferred contractor for machine moulded kerb only.

Councillor Tricia Hitchen returned to the meeting, the time being 9:40pm.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

12 Charity Clothing Bins

Councillor Marcus Cornish left the meeting, the time being 9:41pm.

Councillor Marcus Cornish returned to the meeting, the time being 9:42pm.

295 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Charity Clothing Bins be received.
2. Council adopts the Charity Clothing Bins policy provided as Appendix 1 to this report
3. Council write to the organisations mentioned in the report, thanking them for their submissions and advising them of the adoption of the Charity Clothing Bin policy.
4. The policy incorporate a clause which stipulates a minimum size for notices that are required by the policy to be placed on Charity Bins.
5. The policy incorporate a requirement for bins to be of an appropriate height and condition to allow proper use and that details of Council's existing waste collection options be provided.

13 Tender Reference 15/16-05 Construction of Sportsfield & Associated Infrastructure for Glenmore Park Sportsfield Stage 2, Parkway Avenue Glenmore Park

296 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Marcus Cornish that consideration of this matter be deferred to a Councillor Briefing.

14 Maintenance of Playgrounds and Parks

297 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that the information contained in the report on Maintenance of Playgrounds and Parks be received.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

16 56th Annual Floodplain Management Australia Conference - Tuesday 17 to Friday 20 May 2016

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

That:

1. The information contained in the report on 56th Annual Floodplain Management Australia Conference - Tuesday 17 to Friday 20 May 2016 be received.
2. Council nominate Councillors Kevin Crameri OAM, Jackie Greenow OAM, Jim Aitken OAM and any other interested Councillors as its delegates to the 2016 Floodplain Management Australia Conference and Workshops to be

held in Nowra from Tuesday 17 May to Friday 20 May 2016 and grant of leave absence as appropriate.

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

17 NSW Family and Community Services Targeted Earlier Intervention Programs - Sector Consultation Paper

299 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Greg Davies

That:

1. The information contained in the report on NSW Family and Community Services Targeted Earlier Intervention Programs - Sector Consultation Paper be received.
2. Council endorse the submission to the NSW Department of Family and Community Services on the Sector Consultation Paper as outlined in this report.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

18 Licence Agreement over Part 384-386 Mulgoa Road, Glenmore Park to Penrith City Council

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

That:

1. The information contained in the report on Licence Agreement over Part 384-386 Mulgoa Road, Glenmore Park to Penrith City Council be received.
2. Council enter into a 2 year licence agreement with Mark E Jardine and Lisa M Smith in accordance with the terms and conditions set out in this report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

19 Audit Committee

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

That:

1. The information contained in the report on Audit Committee be received.
2. Frank Gelonesi, Darren Greentree and Jayant Gulwadi be reappointed to the Audit Committee for a term of 2 years.

20 2015-16 Financial Assistance Grant

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

That:

1. The information contained in the report on 2015-16 Financial Assistance Grant be received.
2. The budget be adjusted to reflect the revised Financial Assistance Grant as part of the September Quarterly Review.

23 Summary of Investments & Banking for the period 1 August 2015 to 31 August 2015

303 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 1 August 2015 to 31 August 2015 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 August 2015 to 31 August 2015 be noted and accepted.
3. The graphical investment analysis as at 31 August 2015 be noted.

21 Penrith Business Alliance

Councillor Kevin Crameri OAM left the meeting, the time being 9:56pm.

Councillor Kevin Crameri OAM returned to the meeting, the time being 9:58pm.

Councillor Ben Goldfinch left the meeting at 9:58pm and did not return.

Councillor Prue Car MP left the meeting, the time being 9:58pm.

Councillor Prue Car MP returned to the meeting, the time being 9:59pm.

304 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the information contained in the report on Penrith Business Alliance be received.

22 Outcome of Land and Environment Court Appeal - Penrith Lakes Development Corporation v Penrith City Council

305 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen that the information contained in the report on Outcome of Land and Environment Court Appeal - Penrith Lakes Development Corporation v Penrith City Council be received.

REQUESTS FOR REPORTS AND MEMORANDUMS and URGENT BUSINESS

UB 1 Personal Matter - Compliance Matters, Castlereagh

Councillor Prue Car MP requested that a matter concerning compliance for a local resident be referred to Committee of the Whole for discussion as it refers to the personal hardship of a resident or ratepayer and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

UB 2 Sydney Thunder Men's and Women's Big Bash League

Councillor Greg Davies requested that an amount of \$10,000 be allocated equally from each Ward's voted works to sponsor the first year of the Sydney Thunder Men's and Women's Big Bash League subject to a letter advising of the success in stipulating that the words 'New West' be included on all promotional material for the local games, with a report to be presented to Council on the further sponsorship for the next 2 years of the 3 year sponsorship.

306 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that the matter be brought forward as a matter of urgency.

Her Worship the Mayor, Councillor Karen McKeown, ruled that the matter was urgent and should be dealt with at the meeting.

307 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that an amount of \$10,000 be allocated equally from each Ward's voted works to sponsor the first year of the Sydney Thunder Men's and Women's Big Bash League subject to a letter advising of the success in stipulating that the words 'New West' be included on all promotional material for the local games, with a report to be presented to Council on the further sponsorship for the next 2 years of the 3 year sponsorship.

Councillor Greg Davies left the meeting, the time being 10:20pm.
Councillor Greg Davies returned to the meeting, the time being 10:24pm

UB 3 Commercial Matter - French Street, Werrington

Councillor John Thain requested that a matter regarding a development at French Street, Werrington be referred to Committee of the Whole for discussion as it 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.

RR 1 Mr Alan Travers - Sponsorship of Honoured Citizen

Councillor John Thain requested a report to Council on the sponsorship of Mr Alan Travers, former General Manager of Penrith City Council, as an Honoured Citizen.

Councillors John Thain and Jackie Greenow OAM left the meeting, the time being 10:23pm.
Councillor Jackie Greenow OAM returned to the meeting, the time being 10:24pm.
Councillor John Thain returned to the meeting, the time being 10:25pm.

UB 4 Solar Car Race

Councillor Ross Fowler OAM requested that an amount of \$5,000 be allocated equally from each Ward's voted works to sponsor the Solar Car Race.

308 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the matter be brought forward as a matter of urgency.

Her Worship the Mayor, Councillor Karen McKeown, ruled that the matter was urgent and should be dealt with at the meeting.

309 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that an amount of \$5,000 be allocated equally from each Ward's voted works to sponsor the Solar Car Race.

UB 5 Request for Leave of Absence

Councillor Michelle Tormey requested Leave of Absence from 6 October 2015 to 9 October 2015 inclusive.

310 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Jackie Greenow OAM that the matter be brought forward as a matter of urgency.

Her Worship the Mayor, Councillor Karen McKeown, ruled that the matter was urgent and should be dealt with at the meeting.

311 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Jackie Greenow OAM that Leave of Absence be granted to Councillor Michelle Tormey from 6 October 2015 to 9 October 2015 inclusive.

RR 2 Performance of La Boheme at Joan Sutherland Performing Arts Centre

Councillor Jackie Greenow OAM requested that congratulations be conveyed to principal signer Lorenzo Rositano on the success of the opera La Boheme which was performed at the Joan Sutherland Performing Arts Centre on Friday 25 September 2015, and expressed the hope that these events continue to be held at the Joan.

UB 6 Legal Matter - Trading of a Local Proprietor

Councillor Maurice Giroto requested that a matter concerning the operations of a local proprietor be referred to Committee of the Whole for discussion as it refers to information that would, if disclosed, prejudice the maintenance of law and discussion of the matter would be, on balance, contrary to the public interest.

RR 3 Sale of Poles and Wires

Councillor Kevin Crameri OAM requested that Council write to the State Government requesting information as to what will happen to the \$2.7B that will be derived from the sale of poles and wires.

RR 4 Emu Plains Cemetery

Councillor Jim Aitken OAM requested a report to Council concerning the possibility of building a columbarium at Emu Plains Cemetery as a matter of urgency.

RR 5 Travelling Times on Local Roads

Councillor Jim Aitken OAM requested that the Local Traffic Committee provide information on the travelling times on the following roads into Penrith on week days at 8:00am and 9:00am, and on Saturdays at 9:00am:

- Glenmore Park from the lake to the M4 and Penrith Railway Station
- Emu Heights to Penrith CBD
- Orchard Hills to Penrith CBD
- Jordan Springs to Penrith CBD on the south side of the Railway (Northern Road)
- Glenmore Park – Northern Road to Penrith Railway Station.

RR 6 Roadworks - Carolyn Chase, Orchard Hills

Councillor Jim Aitken OAM requested that the provision of roadworks in front of 70 Carolyn Chase, Orchard Hills be investigated as a result of removal of a tree which has damaged the road surface.

UB 7 Penrith Netball Premier League Team

Councillor Bernard Bratusa requested that an amount of \$15,000 be equally allocated from each Ward's voted works to sponsor the Penrith Netball Premier League Team for 2016.

312 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Ross Fowler OAM that the matter be brought forward as a matter of urgency.

Her Worship the Mayor, Councillor Karen McKeown, ruled that the matter was urgent and should be dealt with at the meeting.

313 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Ross Fowler OAM that an amount of \$15,000 be equally allocated from each Ward's voted works to sponsor the Penrith Netball Premier League Team for 2016.

COMMITTEE OF THE WHOLE

314 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Greg Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:30pm.

1 Presence of the Public

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

Outcome 1

2 Property Matter - 21 - 25 Woodriff Street, Penrith

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND 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.

Outcome 7

3 Property Matter - 154 Henry Street (Welsh Place carpark)

This item has been referred to Committee of the Whole as the report refers to personnel matters concerning particular individuals; AND information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND 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 advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

4 Approval to commence EOI process for the sale or development of Council owned property, 229 Victoria Street, Werrington

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Outcome 1

5 Proposed Expressions of Interest over Council-owned land in Penrith CBD

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.

Outcome 2

6 Compliance Matters at 36 Fourth Road, Berkshire Park

This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Outcome 4

7 Cemeteries - Grave Digging Tender RFT 14/15 - 31

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.

Additional Matters

8 Personal Matter – Compliance Matters, Castlereagh

This matter has been referred to Committee of the Whole as it refers to the personal hardship of a resident or ratepayer and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

9 Commercial Matter – French Street, Werrington

This item has been referred to Committee of the Whole as it 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.

10 Legal Matter – Trading of a Local Proprietor

This item has been referred to Committee of the Whole as it refers to information that would, if disclosed, prejudice the maintenance of law and discussion of the matter would be, on balance, contrary to the public interest.

The meeting resumed at 10:57pm and the General Manager reported that the Committee of the Whole met at 10:30pm on 28 September 2015, the following being present

Her Worship the Mayor, Councillor Karen McKeown, Deputy Mayor Councillor Ross Fowler OAM, and Councillors Jim Aitken OAM, Bernard Bratusa, Prue Car MP, Kevin Crameri OAM, Greg Davies, Maurice Giroto, Jackie Greenow OAM, Tricia Hitchen, 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

2 Property Matter - 21 - 25 Woodriff Street, Penrith

Councillors Marcus Cornish and Michelle Tormey left the meeting, the time being 10:30 pm.

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM

CW2 That:

1. The information contained in the report on Property Matter - 21 - 25 Woodriff Street, Penrith be received.
2. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

3. The General Manager be authorised to enter into the Put and Call Option Agreement, Buy Back Deed and Deed as to Use as detailed within the report.

3 Property Matter - 154 Henry Street (Welsh Place carpark)

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

CW3 That:

1. The information contained in the report on Property Matter - 154 Henry Street (Welsh Place carpark) be received.
2. Council agree to commercial terms as outlined within this report.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

4 Approval to commence EOI process for the sale or development of Council owned property, 229 Victoria Street, Werrington

Councillor Michelle Tormey returned to the meeting, the time being 10:36pm.

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Prue Car MP

CW4 That:

1. The information contained in the report on Approval to commence EOI process for the sale or development of Council owned property, 229 Victoria Street, Werrington be received
2. Council commences an EOI process consistent with this report.

5 Proposed Expressions of Interest over Council-owned land in Penrith CBD

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Maurice Girotto

CW5 That:

1. The information contained in the report on Proposed Expressions of Interest over Council-owned land in Penrith CBD be received.
2. EOI documents be prepared based on the objectives and principles contained in this report.
3. Council allocate \$180,000 from the Property Development Reserve for the EOI process.
4. A further report be provided to Council at the conclusion of the EOI process.

6 Compliance Matters at 36 Fourth Road, Berkshire Park

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM

CW6 That:

1. The information contained in the report on Compliance Matters at 36 Fourth Road, Berkshire Park be received.
2. Council endorse the resolution of the matter on the terms contained in the body of the report.

7 Cemeteries - Grave Digging Tender RFT 14/15 - 31

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Greg Davies

CW7 That the information contained in the report on Cemeteries - Grave Digging Tender RFT 14/15 - 31 be received.

8 Personal Matter - Compliance Matter, Castlereagh

RECOMMENDED on the MOTION of Councillor Prue Car seconded Councillor Greg Davies

CW8 That the information on Personal Matter – Compliance Matter, Castlereagh be received.

9 Commercial Matter - French Street, Werrington

RECOMMENDED on the MOTON of Councillor John Thain seconded Councillor Greg Davies

CW9 That the information on Commercial Matter – French Street, Castlereagh be received.

10 Legal Matter - Trading of a Local Proprietor

RECOMMENDED on the MOTON of Councillor Maurice Giroto seconded Councillor Kevin Crameri OAM

CW10 That the information on Legal Matter – Trading of a Local Proprietor be received.

ADOPTION OF COMMITTEE OF THE WHOLE

315 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow OAM that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5, CW6, CW7, CW8, CW9 and CW10 be adopted.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

15 Tender Reference RFT 14/15-31 Provision of Gravedigging Services

316 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Tender Reference RFT 14/15-31 Provision of Gravedigging Services be received.
2. The tender from L J Follington Pty Ltd be accepted for the provision of Grave Digging Services for a three (3) year period, with an option to extend for a further two (2) one (1) year periods subject to satisfactory performance and mutual agreement and allowing for rise and fall.
3. The common seal of the Council of the City of Penrith be placed on all documentation if required.

Councillor Kevin Crameri OAM requested that his name be recorded as having voted against the MOTION.

There being no further business the Chairperson declared the meeting closed the time being 11:00pm.

I certify that these 32 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 28 September 2015.

Chairperson

Date