

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

ON MONDAY 23 MAY 2016 AT 7:35PM

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 Rev Neil Checkley.

PRESENT

Her Worship the Mayor, Councillor Karen McKeown, Deputy Mayor, Councillor Ross Fowler OAM and Councillors Jim Aitken OAM, Bernard Bratusa, Prue Car MP (arrived 8:35pm), Marcus Cornish, Greg Davies, Mark Davies, Maurice Giroto, Ben Goldfinch, Tricia Hitchen, John Thain and Michelle Tormey.

LEAVE OF ABSENCE

118 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that the Leave of Absence be granted to Councillor Jackie Greenow OAM for the period 20 May 2016 to 29 May 2016 inclusive.

APOLOGIES

119 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Mark Davies that an apology be received from Councillor Kevin Crameri OAM.

CONFIRMATION OF MINUTES - Ordinary Meeting - 18 April 2016

120 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the minutes of the Ordinary Meeting of 18 April 2016 be confirmed.

DECLARATIONS OF INTEREST

Councillor Ben Goldfinch declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Notice of Motion – Places of Public Worship and Community Centres - Development Applications* as he is on the board of a local church.

SUSPENSION OF STANDING ORDERS

121 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:40pm.

Mr Adam St James*Item 1 Notice of Motion – Circus Policy*

Mr St James, an affected person, spoke for the proposed Notice of Motion to rescind the resolution, clarifying the role of animal keepers and trainers at Stardust Circus. Mr St James then expressed the animals are well kept in highly maintained enclosures and the welfare of the animals are important. Mr St James outlined that the enclosures are spacious and fitted with heating and cooling air conditioners. Mr St James provided the Councillors with information on their successful breeding program and stated that the Australian Circus industry are bound by strictest code of practice in the world.

Mr Phillip Hall*Item 1 Notice of Motion – Circus Policy*

Mr Hall, an affected person and Youth Engagement Co-ordinator for Animal Liberation, spoke against the proposed motion and stated his concern for the psychological wellbeing of animals subject to circus life. Mr Hall then expressed concerns about the analysis of monkey behaviour captured at Stardust Circus by behaviours expert Dr Stacy Lopresti-Goodman which revealed repetitive pacing behaviour as a result of stress of captivity and lack of stimulation.

122 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Michelle Tormey that an extension of time be granted to enable the speaker to complete his address, the time being 7:55pm

Mr Hall concluded by expressing the positive support from the public that is after received by Animal Liberation and stated this demonstrates a strong level of community support.

Mrs Robyn Davies*Item 3 – Development Application DA15/0768 Demolition of Existing Structures and Construction of 5 x Town Houses and Associated Car Parking, Drainage and Landscaping Works Lot 366 DP 12590 (No. 86) Brisbane Street, Oxley Park*

Mrs Davies, an affected person, spoke against the proposed recommendation and expressed her concerns regarding the privacy and the limited car parking on the street. Ms Davies who lives next to the proposed development voiced her concern about the number of windows which look over her property and into her backyard. Mrs Davies then expressed again her concern about the increase of cars and limited parking in the street.

Ms Kay Hearne*Item 3 - Development Application DA15/0768 Demolition of Existing Structures and Construction of 5 x Town Houses and Associated Car Parking, Drainage and Landscaping Works Lot 366 DP 12590 (No. 86) Brisbane Street, Oxley Park and Item 4 – Development Application DA15/1460 Demolition of Existing Structures, Lot Consolidation and Construction of 13 x Two Storey Town Houses and Associated Car Parking, Drainage and Landscaping Works Lot 1 DP 608855 and Lot 1 DP*

Ms Hearne, an affected person and spokesperson for other residents in Oxley Park, spoke against the proposed recommendation and expressed her concerns regarding the limited on-street parking. Ms Hearne voiced her concern about the increased traffic these

developments and the noise through construction periods in addition to causing more traffic within the street.

123 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor John Thain that an extension of time be granted to enable the speaker to complete her address, the time being 8:22pm

Ms Hearne concluded by requesting Council to reduce the number of units to allow for larger living areas which would encourage garages to be used for parking rather than storage.

Miss Tanya Moran

Item 8 – Colyton Community Action Plan – Youth + Future

Miss Moran, an affected person, spoke in support of the proposed recommendation and expressed the importance of the action plan. Miss Moran who has lived in Colyton for the past ten years and currently in year twelve communicated the significance of this action plan as this gives young students the chance to succeed and work towards their goals. Miss Moran continued to explain the action plan will support the next generation of students in Colyton to succeed and help them to feel proud of where they are from.

RESUMPTION OF STANDING ORDERS

124 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish that Standing Orders be resumed, the time being 8:31pm.

MAYORAL MINUTES

1 Passing of Russell Dove and Jim Mills

Councillors Ross Fowler OAM, Tricia Hitchen, Jim Aitken OAM and Bernard Bratusa spoke in support of the Mayoral Minute.

Councillor Prue Car MP arrived at the meeting, time being 8:35pm.

125 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the Mayoral Minute on Passing of Russell Dove and Jim Mills be received.

The Council observed a minute's silence.

NOTICE OF MOTION TO RESCIND A RESOLUTION

1 Item 7 - Circus Policy relating to circuses operating with non-domesticated exotic circus animals within the Local Government Area - Ordinary Meeting 21 March 2016

126 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Tricia Hitchen that the motion carried at the Ordinary Meeting of Council held on 21 March 2016 in relation to Item 7 - Circus Policy relating to circuses operating with non-domesticated exotic circus animals within the Local Government Area be rescinded.

Councillor Ben Goldfinch left the meeting, the time being 8:44pm

Councillor Ben Goldfinch returned to the meeting, the time being 8:46pm

Councillor Michelle Tormey requested names to be recorded.

For

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

Against

Councillor John Thain
Councillor Prue Car MP
Councillor Karen McKeown
Councillor Greg Davies
Councillor Michelle Tormey

Item 7 - Circus Policy relating to circuses operating with non-domesticated exotic circus animals within the Local Government Area - Ordinary Meeting 21 March 2016

127 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Tricia Hitchen that the information the information contained in the report on Circus Policy relating to circuses operating with non-domesticated exotic circus animals within the Local Government Area be received.

Councillor Michelle Tormey requested names to be recorded.

For

Councillor John Thain
Councillor Ben Goldfinch
Councillor Bernard Bratusa
Councillor Maurice Giroto
Councillor Prue Car MP
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Marcus Cornish

Against

Councillor Karen McKeown
Councillor Michelle Tormey

NOTICES OF MOTION

1 Places of Public Worship and Community Centres - Development Applications

Councillor Tricia Hitchen left the meeting, the time being 9:00pm

Councillor Michelle Tormey left the meeting, the time being 9:01pm

Councillor Tricia Hitchen returned to the meeting, the time being 9:02pm

Councillor Bernard Bratusa left the meeting, the time being 9:09pm

Councillor Bernard Bratusa returned to the meeting, the time being 9:11pm

Councillor Michelle Tormey returned to the meeting, the time being 9:13pm

Councillor Marcus Cornish withdrew his motion in respect of the item Places of Public Worship and Community Centres - Development Applications

REPORTS OF COMMITTEES

1 Reports and Recommendations of the Access Committee Meeting held on 13 April 2016

128 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 13 April, 2016 be adopted.

2 Reports and Recommendations of the Local Traffic Committee Meeting held on 2 May 2016

129 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Greg Davies that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 May, 2016 be adopted

3 Reports and Recommendations of the Policy Review Committee Meeting held on 9 May 2016

130 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 9 May, 2016 be adopted.

DELIVERY PROGRAM REPORTS

Procedural Motion

131 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Prue Car MP that *Item 3 - Development Application DA15/0768 Demolition of Existing Structures and Construction of 5 x Town Houses and Associated Car Parking, Drainage and Landscaping Works Lot 366 DP 12590 (No. 86) Brisbane Street, Oxley Park and Item 4 – Development Application DA15/1460 Demolition of Existing Structures, Lot Consolidation and Construction of 13 x Two Storey Town Houses and Associated Car Parking, Drainage and Landscaping Works Lot 1 DP 608855 and Lot 1 DP* be brought forward to be considered immediately before *Item 1 – Outcomes of Public Exhibition – Planning Proposal to Resolve Matters Deferred from Penrith LEP 2010.*

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

3 Development Application DA15/0768 Demolition of Existing Structures and Construction of 5 x Town Houses and Associated Car Parking, Drainage and Landscaping Works Lot 366 DP 12590 (No. 86) Brisbane Street, Oxley Park Applicant: Property Innovations Group; Owner: ~Lddt Properties Pty Limited

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

That:

1. The information contained in the report on Development Application DA15/0768 Demolition of Existing Structures and Construction of 5 x Town Houses and Associated Car Parking, Drainage and Landscaping Works Lot 366 DP 12590 (No. 86) Brisbane Street, Oxley Park be received.
2. DA15/0768 for Development Application DA15/0768 Demolition of Existing Structures and Construction of 5 x Town Houses and Associated Car

Parking, Drainage and Landscaping Works Lot 366 DP 12590 (No. 86)
Brisbane Street, Oxley Park be approved subject to the following conditions
of consent:

Standard Conditions

- A001 - Approved plans
- A008 - Works to BCA requirements
- A009 - Residential Works DCP
- A019 - Occupation Certificate
- A038 - Lighting Locations
- A039 - Graffiti
- A046 - Obtain Construction Certificate before commencement of works
- B002 - As For Demolition And Disposal To Approved Landfill Site
- B003 - Asbestos
- B004 - Dust
- B005 - Mud/Soil
- B006 - Hours of work)7am 6 6pm Mon-Fir, 7am-1pm Sat and no work Sun).
- D001 - Implement approved sediment& erosion control measures
- E001 - BCA compliance
- G002 - Section 73
- G004 - Integral Energy
- H001 - Stamped plans and erection of site notice
- H002 - All forms of construction
- H041 - Hours of work (other development)
- K101 - Works at no cost to Council
- K201 - Infrastructure Bond
- K202 - S138 Roads Act – Works and Structures - Minor Works in the public
road Driveways Road Openings
- K209 - Stormwater Discharge – Minor Development
- K210 - Stormwater Management
- K222 - Access, Car Parking and Manoeuvring – General
- K302 - Traffic Control Plan
- K403 - Major Filling/ Earthworks
- K405 - Turf to Verge
- K501 - Penrith City Council clearance – Roads Act/ Local Government Act
- K504 - Stormwater Compliance
- K505 - Restriction as to User and Positive Covenant
- K601 - Stormwater Management system operation and maintenance
- L001 - General

L008 - Tree Preservation Order

M013 - Street trees

N001 - Section 94 contribution

N001 - Section 94 contribution

N001 - Section 94 contribution

P001 - Costs

Q01F - Notice of Commencement & Appointment of PCA2

Special Conditions

- 2.1 Storage areas, letter boxes, electrical meter boards, TV antennas are to be implemented in accordance with Clause Part 4 Section 4.5 Residential -Townhouse Development of Penrith Development Control Plan 2014.
 - 2.2 A 2m wide paved clothes drying area and an area for storage of bins is required within each courtyard and is not to extend into a car parking space.
 - 2.3 The proposed garages are to be fitted with an automated roller door.
 - 2.4 An updated Landscape Plan and Erosion & Sedimentation Control Plan is required to be submitted with the Construction Certificate to reflect the addition of a visitor car parking space.
 - 2.5 In order to improve the privacy of residents, all first floor windows to south/east and west elevations are to have a minimum sill height of 1.7m above finished floor level, be obscure glazed below this height or be relocated to an internal elevation. Details are to be submitted for consideration and approval prior to the issue of Construction Certificate.
 - 2.6 In order to improve safety and amenity between living areas and private courtyards, the back door to the porch of all units is to be glazed and an additional window is to be provided between the kitchen and porch.
 - 2.7 Council Officers strictly monitor and enforce the conditions of consent particularly during construction.
3. The individuals who made a submission be advised of Council's decision.

An AMENDMENT was MOVED by Councillor Prue Car MP seconded Councillor Marcus Cornish that:

1. The information contained in the report on Development Application DA15/0768 Demolition of Existing Structures and Construction of 5 x Town Houses and Associated Car Parking, Drainage and Landscaping Works Lot 366 DP 12590 (No. 86) Brisbane Street, Oxley Park be received.

2. The item be deferred to a future Council meeting.

The AMENDMENT was PUT.

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 Marcus Cornish

Against

Councillor John Thain
Councillor Ben Goldfinch
Councillor Bernard Bratusa
Councillor Maurice Giroto
Councillor Karen McKeown
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Michelle Tormey

The AMENDMENT was LOST.

The MOTION was PUT.

The MOTION was CARRIED and on becoming the SUBSTANTATIVE 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 John Thain
Councillor Ben Goldfinch
Councillor Bernard Bratusa
Councillor Maurice Giroto
Councillor Karen McKeown
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Michelle Tormey

Against

Councillor Prue Car MP
Councillor Marcus Cornish

- 4 Development Application DA15/1460 Demolition of Existing Structures, Lot Consolidation and Construction of 13 x Two Storey Town Houses and Associated Car Parking, Drainage and Landscaping Works Lot 1 DP 608855 and Lot 1 DP 524642 (No. 22) Braddon Street, Oxley Park and (No.79) Brisbane Street, Oxley Park Applicant: Pretech Pty Ltd; Owner: ~ZLZ Enterprises Pty Ltd**

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

That:

1. The information contained in the report on Development Application DA15/1460 Demolition of Existing Structures, Lot Consolidation and Construction of 13 x Two Storey Town Houses and Associated Car Parking, Drainage and Landscaping Works Lot 1 DP 608855 and Lot 1 DP 524642

(No. 22) Braddon Street, Oxley Park and (No.79) Brisbane Street, Oxley Park be received.

2. Development Application DA15/1460 Demolition of Existing Structures, Lot Consolidation and Construction of 13 x Two Storey Town Houses and Associated Car Parking, Drainage and Landscaping Works Lot 1 DP 608855 and Lot 1 DP 524642 (No. 22) Braddon Street, Oxley Park and (No.79) Brisbane Street, Oxley Park be approved subject to the following conditions of consent:

Standard Conditions

A001 - Approved plans

A008 - Works to BCA requirements

A009 - Residential Works DCP

A019 - Occupation Certificate

A038 - Lighting Locations

A039 - Graffiti

A046 - Obtain Construction Certificate before commencement of works

B001 – Demolition of existing structures

B002 - As For Demolition And Disposal To Approved Landfill Site

B003 - Asbestos

B004 - Dust

B005 - Mud/Soil

B006 - Hours of work

D001 - Implement approved sediment& erosion control measures

D006 – No filling without prior approval

D009 – Covering of waste storage

D010 – Appropriate disposal of excavated or other wastes

E001 - BCA compliance

F006 – Rain water tank and nuisance

G002 - Section 73

G004 - Integral Energy

G006 - NBN

H001 - Stamped plans and erection of site notice

H002 - All forms of construction

H041 - Hours of work (other devt)

H033 – Cloth lines

H036 – Rain water tank

H037 – Safety supply of water from catchment area

H038 – Connection of rain water tank supply

H039 – Rain water tank pumps

K101 - Works at no cost to Council
K202 - S138 Roads Act – Works and Structures - Minor Works in the public road Driveways Road Openings
K209 - Stormwater Discharge – Minor Development
K210 - Stormwater Management
K223 - Access, Car Parking and Manoeuvring – General
K302 - Traffic Control Plan
K405 - Turf to Verge
K504 - Stormwater Compliance
K505 - Restriction as to User and Positive Covenant
K601 - Stormwater Management system operation and maintenance
L001 - General
L008 - Tree Preservation Order
M013 - Street trees
N001 - Section 94 contribution
N001 - Section 94 contribution
N001 - Section 94 contribution
P001 - Costs
P002 – Fees associated with Council land
Q01F - Notice of Commencement & Appointment of PCA2
Q05F – Occupation Certificate

Special Conditions

- 2.1 Amended ground floor/site plan to include one additional on-site parking space between unit 5 and unit 6 shall be submitted to Council for consideration and approval with the Construction Certificate.

- 2.2 An Amended water management plan/stormwater plan including MUSIC Model corresponding with and reflecting the areas shown in the concept plans and the size/number of treatment measures indicated in the Stormwater Management Plan and Stormwater Concept Design plans are to be prepared and submitted for consideration and approval prior to the issue of a Construction Certificate.

The above plans are to be accompanied by a report demonstrating compliance with Council's Water Sensitive Urban Design Policy and guidelines. The report shall be submitted to Council for consideration and approval prior to the issue of a Construction Certificate. Modelling parameters for the determination of the size and configuration of WSUD elements

must be in accordance with MUSIC Modelling Guidelines for New South Wales (eWater User Guide which is provided with the MUSIC Software (2011) and with the parameters developed for use in Penrith. Council has developed a range of parameters to be used in the Stormwater modelling which is available in Council's WSUD Technical Guidelines (available www.penrithcity.nsw.gov.au).

- 2.3 In order to stop vehicles from passing from one street to another, a physical barrier by way of metal Bollards of 1m height shall be installed on both Eastern and western sides of the central common landscaping open space area at a distance of 1m apart. Details of the bollards shall be provided to Council for consideration and approval with the Construction Certificate and shall be completed prior to the issue of an occupation Certificate.
 - 2.4 Storage areas, letter boxes, electrical meter boards, TV antennas are to be implemented in accordance with Clause Part 4 Section D Clause 4.5 Residential Townhouse Development of Penrith Development Control Plan 2014.
 - 2.5 All stacked parking spaces located behind the garages of all units shall be dimensioned to 3.0m x 5.40m and shall be reflected on the ground floor plan submitted with the Construction Certificate.
 - 2.6 A 2m wide paved clothes drying area and an area for storage of bins is required within each courtyard and is not to extend into a car parking space.
 - 2.7 In order to improve the privacy of residents, all first floor windows to south and west elevations are to have a minimum sill height of 1.7m above finished floor level, be obscure glazed below this height or be relocated to an internal elevation. Details are to be submitted for consideration and approval prior to the issue of Construction Certificate.
 - 2.8 A new street tree is to be planted in Brisbane Street within the site frontage consistent with existing street trees prior to issue of Occupation Certificate.
3. The individuals who made a submission be advised of Council's decision.

An AMENDMENT was MOVED by Councillor Prue Car MP seconded Councillor Marcus Cornish that:

1. The information contained in the report on Development Application DA15/1460 Demolition of Existing Structures, Lot Consolidation and Construction of 13 x Two Storey Town Houses and Associated Car Parking, Drainage and Landscaping Works Lot 1 DP 608855 and Lot 1 DP 524642 (No. 22) Braddon Street, Oxley Park and (No.79) Brisbane Street, Oxley Park be received.

2. The matter be deferred to a future Council meeting

The AMENDMENT was PUT.

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 Marcus Cornish

Against

Councillor John Thain
Councillor Ben Goldfinch
Councillor Maurice Giroto
Councillor Karen McKeown
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Michelle Tormey

The AMENDMENT was LOST.

The MOTION was PUT.

The MOTION was CARRIED and on becoming the SUBSTANTATIVE 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 John Thain
Councillor Ben Goldfinch
Councillor Bernard Bratusa
Councillor Maurice Giroto
Councillor Karen McKeown
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Michelle Tormey

Against

Councillor Prue Car MP
Councillor Marcus Cornish

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

1 Outcomes of Public Exhibition - Planning Proposal to Resolve Matters Deferred from Penrith LEP 2010

Councillor Marcus Cornish left the meeting, the time being 10:04pm

Councillor Marcus Cornish returned to the meeting, the time being 10:05pm

134 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Outcomes of Public Exhibition - Planning Proposal to Resolve Matters Deferred from Penrith LEP 2010 be received.
2. Council endorse the Planning Proposal for Penrith Local Environmental Plan

2010 as attached (Attachment 5) and forward it to the Minister with a request that the Minister amend *Penrith Local Environmental Plan 2010* in accordance with the *Environmental Planning and Assessment Act 1979*.

3. The General Manager be granted delegation to make any necessary minor changes required to the Planning Proposal prior to its submission to the Minister for Planning.

An AMENDMENT was MOVED by Councillor John Thain seconded Councillor Jim Aitken OAM that the item be deferred until the next Councillor Briefing and then Policy Review Meeting to allow for further discussion concerning the R3 zoning and minimum lot sizes.

The AMENDMENT was PUT.

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

For

Councillor John Thain
Councillor Ben Goldfinch
Councillor Maurice Girotto
Councillor Prue Car MP
Councillor Karen McKeown
Councillor Greg Davies
Councillor Mark Davies
Councillor Jim Aitken OAM
Councillor Michelle Tormey
Councillor Marcus Cornish

Against

Councillor Bernard Bratusa
Councillor Ross Fowler OAM
Councillor Tricia Hitchen

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

Councillor John Thain left the meeting, the time being 10:15pm

2 Planning Proposal - Amendment to building heights on land within the Panthers Penrith Precinct

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

That:

1. The information contained in the report on Planning Proposal - Amendment to building heights on land within the Panthers Penrith Precinct be received.
2. Council prepare an amendment to Development Control Plan Chapter E13 Riverlink Precinct (Part B - Panthers Penrith Precinct) to:
 - a. reflect the proposed development scheme and the changes sought to LEP 2010;
 - b. limit retail floor space on the subject site to 3,500 square metres;
 - c. incorporate controls to achieve appropriate urban design outcomes and design excellence.
3. Council commence a Gateway process for the consideration of a Planning Proposal in accordance with the requirements of the Environmental Planning and Assessment Act 1979 to:
 - a. change the building heights on subject site as identified in the

- enclosed Planning Proposal;
- b. reflect the removal of an Outlet Centre as a permitted use within the Panthers Penrith Precinct
 4. The General Manager be granted delegation to update and finalise the Planning Proposal (provided under separate cover and tabled tonight) before submitting it to the Department of Planning and Environment seeking a Gateway Determination.
 5. Council publicly exhibit the Planning Proposal for a period to be specified in the Gateway Determination, in accordance with the community consultation requirements under Section 57 of the Environmental Planning and Assessment Act 1979 and in a form consistent with any revisions of the Planning Proposal directed by the Department of Planning and Environment as part of the Gateway Determination.
 6. Following the conclusion of the community consultation referred to in resolution 5, a Peer Review be undertaken of the Planning Proposal and Process carried out by Council officers for the Planning Proposal.
 7. A further report be presented to Council following the Public Exhibition.

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

For

Councillor Ben Goldfinch
Councillor Bernard Bratusa
Councillor Maurice Girotto
Councillor Prue Car MP
Councillor Karen McKeown
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Michelle Tormey
Councillor Marcus Cornish

Against

OUTCOME 3 - WE CAN GET AROUND THE CITY

5 2016/17 Australian Blackspot and Active Transport Programs - Acceptance of Project Funding

Councillor John Thain returned to the meeting, the time being 10:17pm

136 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Maurice Girotto

That:

1. The information contained in the report on 2016/17 Australian Blackspot and Active Transport Programs - Acceptance of Project Funding be received.
2. Council accept grant funding of \$837,500 offered for the seven successful Black Spot Projects shown in Table 1, under the 100% Federally Funded Australian Black Spot Program for the 2016/17 financial year.
3. Council accept grant funding of \$500,000 offered for the successful Active

Transport Priority Cycleways Project shown in Table 2, for the 2016/17 financial year.

4. Council write to the Federal Member for Lindsay, Ms Fiona Scott MP, the Federal Member for McMahon, The Hon Chris Bowen MP, and the Member for Hume, Mr Angus Taylor MP, thanking them for their continued support of road safety improvements.
5. Council write to the State Member for Penrith, The Hon Stuart Ayres MP, the State Member for Mulgoa, Mrs Tanya Davies MP, and the State Member for Londonderry, Ms Prue Car MP, thanking them for their continued support of road safety improvements.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

6 Proposed Naming of Public Reserve "Ausburn Reserve"

137 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Proposed Naming of Public Reserve "Ausburn Reserve" be received.
2. Council resolve to support the "Ausburn Reserve" naming proposal for the reserve located between Annett and Nepean Streets, Emu Plains.
3. The proposal be referred to the Geographical Names Board for consideration and determination.
4. Should the Geographical Names Board approve the naming, appropriate signage be prepared and installed consistent with other named reserves.

7 Penrith City Council Public Spaces CCTV Program Code of Practice

138 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Penrith City Council Public Spaces CCTV Program Code of Practice be received.
2. Penrith City Council Public Spaces Closed Circuit Television (CCTV) Program Code of Practice provided at Attachment 1 to this report be adopted.

8 Colyton Community Action Plan: Youth + Future

139 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Colyton Community Action Plan: Youth + Future be received.
2. Council endorse the Youth + Future addition to the Colyton Community

Action Plan.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

9 Licence Agreement - Penrith City Council to Roads and Maritime Services (RMS) - Occupation of Council owned land at 7-9 North Street Penrith known as Lots A DP164794, Lot 1 DP986707 and Lot 1 DP198625.

140 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Licence Agreement - Penrith City Council to Roads and Maritime Services (RMS) - Occupation of Council owned land at 7-9 North Street Penrith known as Lots A DP164794, Lot 1 DP986707 and Lot 1 DP198625. be received.
2. Council grant a three month Licence Agreement to DownerMouchel as set out in this report.
3. Council resolve to affix the Common Seal of Penrith City Council to any necessary documentation.

10 Organisational Performance Report - March 2016

141 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Organisational Performance Report - March 2016 be received.
2. The *Organisational Performance Report - March 2016* as at 31 March 2016, including the revised estimates outlined in this report and detailed in the attached *Organisational Performance Report – March 2016* be adopted

11 Summary of Investments & Banking for the period 1 April 2016 to 30 April 2016

142 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 April 2016 to 30 April 2016 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 April 2016 to 30 April 2016 be noted and accepted.
3. The graphical investment analysis as at 30 April 2016 be noted.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Road Surface and alleged dumping of rubbish in Brisbane Street

Councillor Greg Davies requested a memo reply to all Councillors investigating the road surface of Brisbane Street and advice of works required to rectify the problem. Also for the RID squad to investigate the alleged dumping of rubbish in Brisbane Street and surrounds.

RR 2 Oxley Park

Councillor John Thain requested a report to Policy Review Committee in regards to review of development to the area regarding high density and effect on the amenity of the suburb.

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

UB 1 Nepean Avenue Proposed Shared-Use Path

Councillor Ross Fowler OAM requested that a public meeting be held to discuss and explain before construction start on the shared pathway on Nepean Avenue.

RR 3 Footpath Corner Banks Drive & Shakespeare

Councillor Maurice Giroto requested that a low spot that has developed between the gutter and property boundary at this address is creating a problem with no drainage, mud and dampness for extended periods and request it to be filled with soil and dressed.

RR 4 Parking of Heavy Vehicles in Industrial Areas

Councillor Maurice Giroto requested a memo reply to all Councillors regarding the law in relations to the parking of heavy vehicles in industrial areas.

RR 5 Western Sydney Airport

Councillor Maurice Giroto requested a report regarding Council's position on the proposed airport given that Blue Mountains and Blacktown Council have been putting motions up against the airport.

RR 6 Bus shelter at Jamison Street

Councillor Mark Davies requested a memo reply to all Councillors regarding a replacement bus shelter at Lady Jamison Circuit.

Councillor Greg Davies returned to the meeting, the time being 10:29pm

RR 7 Underpass under Blackwell Drive

Councillor Tricia Hitchen requested a memo reply to all Councillors regarding the clean-up of the underpass under Blackwell Drive, St Clair at the rear of Saunders Park as young children use this on their way to the bike jumps.

RR 8 Pathway in Saunders Oval, St Clair

Councillor Tricia Hitchen requested a memo reply to all Councillors in regards to finishing the pathway in Saunders Oval, St Clair. The pathway finishes at Mimosa Avenue and recommences at Napunyah Way leaving a gap of approx. 400m which makes it difficult for residents to walk around the oval. The estimated cost of these works should be provided

also.

RR 9 Events

Councillor Bernard Bratusa requested a report to Council regarding what events are offered to Council and what and why they are rejected and how many events are sought by Council.

RR 10 Council Personnel and Council Procedures

Councillor Bernard Bratusa requested a matter be referred to Committee of the Whole regarding Council Personnel and Council Procedures as the matter refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

RR 11 Colourbond Fences in rural areas

Councillor Marcus Cornish requested a memo to all Councillors investigating the DCP regarding colour bond fences in rural areas and if this is being policed and what is Council's policy on colour bond fences in rural areas.

RR 12 Subdividing lots - Ninth Avenue Llandilo

Councillor Marcus Cornish requested a report back to a Councillor Briefing on the proposal of subdividing 5 to 10 acre lots on Ninth Avenue Llandilo, between Second and Third avenue seeking support by Council to subdivide down one acre blocks.

COMMITTEE OF THE WHOLE

RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Maurice Giroto that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:39pm.

Councillor Prue Car MP left the meeting, the time being 10:39 and did not return.

1 Presence of the Public

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

Outcome 2

2 Legal status of DA14/1160 for Demolition of Existing Dwelling & Construction of 7 x 3 Bedroom Townhouses at Lot 65 DP 1100052 (No. 65) Jones Street Kingswood Applicant: Pretech Properties Pty Ltd; Owner: ~C & G Projects Pty Ltd

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

3 Civic Arts Precinct (Mondo)

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 Council Personnel and Council Procedures

Councillor Bernard Bratusa requested a matter be referred to Committee of the Whole regarding Council Personnel and Council Procedures as the matter refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 10:50pm and the General Manager reported that the Committee of the Whole met at 10:39pm on 23 May 2016, the following being present

Her Worship the Mayor, Councillor Karen McKeown, Deputy Mayor, Councillor Ross Fowler OAM, and Councillors Jim Aitken OAM, Bernard Bratusa, Marcus Cornish, Greg Davies, Mark Davies, Maurice Giroto, Ben Goldfinch, 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 Legal status of DA14/1160 for Demolition of Existing Dwelling & Construction of 7 x 3 Bedroom Townhouses at Lot 65 DP 1100052 (No. 65) Jones Street Kingswood Applicant: Pretech Properties Pty Ltd; Owner: ~C & G Projects Pty Ltd

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

CW2 That:

1. The information contained in the report on Legal status of DA14/1160 for Demolition of Existing Dwelling & Construction of 7 x 3 Bedroom Townhouses at Lot 65 DP 1100052 (No. 65) Jones Street Kingswood be received
2. The matter be deferred to a future meeting to allow a Policy to be developed and presented to Council at a future meeting on land that may require dedication where no Section 94 Plan is in place.

3 Civic Arts Precinct (Mondo)

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

CW3 That:

1. The information contained in the report on Civic Arts Precinct (Mondo) be received
2. A sum of \$600,000 is allocated from the Asset Reserve within the 2015-16 budget for the purpose of the removal of contaminated material.

4 Council Personnel and Council Procedures

RECOMMENDED on the MOTION of Councillor Bernard Bratusa seconded Councillor Ben Goldfinch

CW4 That the information contained in the report on Council Personnel and Council Procedures be received.

ADOPTION OF COMMITTEE OF THE WHOLE

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

There being no further business the Chairperson declared the meeting closed the time being 10:51pm.

I certify that these 20 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 23 May 2016.

Chairperson

Date