

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

ON MONDAY 28 AUGUST 2017 AT 7:33PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

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

PRAYER

The Council Prayer was read by Rev Neil Checkley.

PRESENT

His Worship the Mayor, Councillor John Thain, Deputy Mayor, Councillor Tricia Hitchen, and Councillors Bernard Bratusa, Todd Carney, Marcus Cornish, Kevin Crameri OAM, Greg Davies, Mark Davies, Aaron Duke, Ross Fowler OAM, Joshua Hoole, Karen McKeown, Kath Presdee and Ben Price.

LEAVE OF ABSENCE

Leave of Absence was requested by the Mayor, John Thain on behalf of Councillor Jim Aitken OAM for 28 August 2017 to 11 September 2017 inclusive.

189 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Aaron Duke that the leave of absence be granted to Councillor Jim Aitken 28 August 2017 to 11 September 2017 inclusive.

Councillor Joshua Hoole arrived at the meeting the time being 7:36pm.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 24 July 2017

190 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Todd Carney that the minutes of the Ordinary Meeting of 24 July 2017 be confirmed.

DECLARATIONS OF INTEREST

Councillor Bernard Bratusa declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 2 - Planning Proposal - Prohibition of cemeteries and crematoriums in Mulgoa Valley and Wallacia* as he works for Golf NSW, his son is an employee of Wallacia Golf Club and he is a past Chairman and a current member of the club. Councillor Bratusa indicated he will remain in the room and vote on the matter.

Councillor Ross Fowler OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 2 - Planning Proposal - Prohibition of cemeteries and crematoriums in Mulgoa Valley and Wallacia* as he is a current member of Wallacia Golf Club. Councillor Fowler indicated he will remain in the room and vote on the matter.

Councillor Marcus Cornish declared a Non-Pecuniary Conflict of Interest – Less than significant in *Item 3 - Development Application No. DA17/0311 for Demolition of Existing Structures & Construction of Two (2) x Six (6) Storey Residential Flat Buildings containing 79 Apartments & Basement Car Parking at Lot 2 DP 855996, (No 12) Vista Street, Penrith Applicant: Vista Group Pty Ltd; Owner: ~William J Cammack* as he is the Chair of the Heritage Committee and Patron of Nepean Historical Society. Councillor Cornish indicated he will remain in the room and vote on the matter.

SUSPENSION OF STANDING ORDERS

191 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Todd Carney that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:39pm.

Mr James Broadbent

Item 2 – Planning Proposal – Prohibition of cemeteries and crematoriums in Mulgoa Valley & Wallacia

Mr Broadbent a resident of Mulgoa and cultural historian, spoke in support of the recommendation and commended council staff on their hard work. Mr Broadbent stated that the landscape of Mulgoa Valley is of great importance to the wider community and is rich in historic buildings and value. Mr Broadbent believes this is an important unique area that shows history of pastoral development and the benefits of conservation that is of national significance and requires conservation.

Ms Lisa Harrold

Item 2 – Planning Proposal – Prohibition of cemeteries and crematoriums in Mulgoa Valley & Wallacia

Ms Harrold, a resident of Mulgoa, and committee member of the Mulgoa Progress Association and Coordinator of the Mulgoa Landcare Group spoke in support of the recommendation. Ms Harrold stated that the Valley is a unique area, cherished by the community and the heritage landscape cannot be recreated or relocated. Ms Harrold voiced her concerns of the misinformation given by Rookwood Cemeteries Trust and stated she is against their proposal of destruction of the unique heritage Landscape of Fernhill. The prohibition of such uses will better preserve the future for Wallacia and Mulgoa. Ms Harrold concluded by thanking the council for the proposal and encouraged the continued protection of the land and to reject any future planning proposals in this area.

Mr Randon Ilic

Item 2 – Planning Proposal – Prohibition of cemeteries and crematoriums in Mulgoa Valley & Wallacia

Mr Ilic, affected person, spoke against the recommendation. Mr Ilic raised his concerns about the drafting not the general intent of the report. Mr Ilic asked why the proposal needs to extend over areas already prohibited for cemeteries. Mr Ilic stated that cemeteries are

currently only permitted in zones E3, RU2 and RU4 and believes the planning proposal does not need to include or deal with lands in other zones, especially RU1 to achieve its objective. Mr Ilic finished by asking Council to consider removing 'and Wallacia' from the proposal and the wording should be changed to be more specific.

Mr Warwick Stimson

Item 3 – Development Application No. DA17/0311 for Demolition of Existing Structures & Construction of Two (2) x Six (6) Storey Residential Flat Buildings containing 79 Apartments & Basement Car Parking at Lot 2 DP 855996, (No 12) Vista Street, Penrith Applicant: Vista Group Pty Ltd; Owner: ~William J Cammack

Mr Stimson, Planning Consultant, spoke in support of the recommendation. Mr Stimson believes council should approve the Development Application as it is consistent with planning controls. Mr Stimson explained that this property is not listed as a heritage item on the Penrith LEP 2010 and Council has decided twice before not to list the property. Mr Stimson further told the Councillors that the Woodriff family has insubstantial connections and this property has been zoned this way for a while and to change that not would be detrimental to the council for investors future confidence.

Mr William Cammack

Item 3 – Development Application No. DA17/0311 for Demolition of Existing Structures & Construction of Two (2) x Six (6) Storey Residential Flat Buildings containing 79 Apartments & Basement Car Parking at Lot 2 DP 855996, (No 12) Vista Street, Penrith Applicant: Vista Group Pty Ltd; Owner: ~William J Cammack

Mr Cammack, affected person, spoke in support of the recommendation. Mr Cammack stated this is the third time this property has been rejected to be a heritage listed house and believes nothing has changed. Mr Cammack requested Council support the proposed development application.

Ms Shari Hussein

Item 3 – Development Application No. DA17/0311 for Demolition of Existing Structures & Construction of Two (2) x Six (6) Storey Residential Flat Buildings containing 79 Apartments & Basement Car Parking at Lot 2 DP 855996, (No 12) Vista Street, Penrith Applicant: Vista Group Pty Ltd; Owner: ~William J Cammack

Ms Hussein, friend of Combewood member, spoke against the recommendation. Ms Hussein stated that this property is of heritage significance and the architecture is of value. Ms Hussein expressed that there was a lack of community involvement in this matter and urged the council to 'hit pause' on the matter to address the errors of judgement and law for not including this property on the heritage list. Ms Hussein further stated that a meeting with Council staff, Councillors, the owner and Combewood should be organised to discuss this matter.

192 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Cramer OAM that an extension of time be granted to the speaker so that she may finish her address, the time being 7:13pm.

Ms Hussein concluded by requesting this item be deferred and a heritage assessment and interim heritage order be sought including the interior of the building and the holding of a public meeting to discuss concerns.

Councillor Ben Price left the meeting, the time being 8:15pm.

Councillor Ben Price returned to the meeting, the time being 8:18pm.

Mr Leslie Stimson

Item 3 – Development Application No. DA17/0311 for Demolition of Existing Structures & Construction of Two (2) x Six (6) Storey Residential Flat Buildings containing 79 Apartments & Basement Car Parking at Lot 2 DP 855996, (No 12) Vista Street, Penrith Applicant: Vista Group Pty Ltd; Owner: ~William J Cammack

Mr Stimson, affected person, spoke against the recommendation. Mr Stimson believes this site is of significant historical value and prominent value also to the Penrith Community. Mr Stimson believes by allowing this demolition of this residence, it could likely set a precedence for other historical homes in Penrith to follow suit. Mr Stimson objects strongly to the development application as he believes there are few dwellings left that hold history in the area. Mr Stimson concluded by urging the council to reject the development application and seek adequate heritage classification for Rodley House and an equitable solution for those concerned.

Mr Richard Ward

Item 3 – Development Application No. DA17/0311 for Demolition of Existing Structures & Construction of Two (2) x Six (6) Storey Residential Flat Buildings containing 79 Apartments & Basement Car Parking at Lot 2 DP 855996, (No 12) Vista Street, Penrith Applicant: Vista Group Pty Ltd; Owner: ~William J Cammack

Mr Ward, citizen of Penrith, spoke against the recommendation. Mr Ward voiced his concerns for the proposed development application and spoke against it as he believes there are very few historic buildings left in Penrith. Mr Ward continued to explain the huge loss to the community and the recent visit from a local primary school and how much value was taken away from the day of learning of the history of Penrith. Mr Ward expressed how this area is a tourism spot of Penrith and the open days are always busy and this house is not only important to Penrith but to the state and country. Mr Ward concluded by expressing his concerns for the development application as Penrith is a great place to live, however, this is not the right spot for this application.

Mr Simon Goold

Item 7 – Section 96(2) Application No. DA15/0541.02 for Modifications to Approved Alterations & Additions to Nepean District Christian School Including Two (2) Additional Classroom Buildings & Deletion of Previously Approved Additions to Two (2) Existing Classroom Buildings & Staff Room at Lot 200 DP 804405, (No. 836-840) Mulgoa Road, Mulgoa Applicant: Bow Goold Architects; Owner: ~Nepean District Christian Education Association Ltd

Mr Goold, Applicant's spokesperson, spoke in support of the recommendation for Council's adoption and thanks the council for the work completed and assessment undertaken.

RESUMPTION OF STANDING ORDERS

193 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Aaron Duke that Standing Orders be resumed, the time being 8:30pm.

MAYORAL MINUTES

1 Passing of Evelyn Doreen Warburton OBE

Councillor Tricia Hitchen spoke in support of the Mayoral Minute.

194 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that the Mayoral Minute on Passing of Evelyn Doreen Warburton OBE be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Resilience Committee Meeting held on 5 July 2017

195 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kath Presdee that the recommendations contained in the Report and Recommendations of the Resilience Committee meeting held on 5 July, 2017 be adopted.

2 Report and Recommendations of the Local Traffic Committee Meeting held on 7 August 2017

196 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 7 August, 2017 be adopted.

3 Report and Recommendations of the Policy Review Committee Meeting held on 14 August 2017

197 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 14 August, 2017 be adopted.

Procedural Motion

198 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Aaron Duke that *Item 2 - Planning Proposal - Prohibition of cemeteries and crematoriums in Mulgoa Valley and Wallacia* and *Item 3 - Development Application No. DA17/0311 for Demolition of Existing Structures & Construction of Two (2) x Six (6) Storey Residential Flat Buildings containing 79 Apartments & Basement Car Parking at Lot 2 DP 855996, (No 12) Vista Street, Penrith Applicant: Vista Group Pty Ltd; Owner: ~William J Cammack* be considered before *Item 1 - Union Road Request For Proposal (RFP)*.

DELIVERY PROGRAM REPORTS

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

2 Planning Proposal - Prohibition of cemeteries and crematoriums in Mulgoa Valley and Wallacia

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

That:

1. The information contained in the report on Planning Proposal - Prohibition of cemeteries and crematoriums in Mulgoa Valley and Wallacia be received
2. Council sponsor and endorse the attached "Planning Proposal - Prohibition of cemeteries and crematoriums in Mulgoa Valley and Wallacia" to be forwarded to the Department of Planning and Environment/ Greater Sydney Commission seeking a Gateway Determination under s56 of the Environmental Planning and Assessment Act 1979 after amending the subject area to exclude land zoned RU1 – Primary Production in Wallacia.
3. The General Manager be granted delegation to update and finalise the Planning Proposal, written instrument and associated maps before submitting it to the Department of Planning & Environment / Greater Sydney Commission seeking the Gateway Determination.
4. Council seek approval from the Gateway to publicly exhibit the "Planning Proposal - Prohibition of cemeteries and crematoriums in Mulgoa Valley and Wallacia" in accordance with the community consultation requirements under s57 of the EP&A Act, and in a form consistent with any revisions of the Planning Proposal directed by the Department of Planning & Environment as part of the s56 Gateway Determination.
5. The Greater Sydney Commission be requested to delegate its authority for Council to finalise and make the proposed amendment to Penrith Local Environmental Plan 2010.
6. 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 Kath Presdee
Councillor Bernard Bratusa
Councillor Kevin Crameri OAM
Councillor Karen McKeown
Councillor John Thain
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Tricia Hitchen
Councillor Marcus Cornish
Councillor Joshua Hoole
Councillor Aaron Duke
Councillor Todd Carney
Councillor Ben Price

Against

3 Development Application No. DA17/0311 for Demolition of Existing Structures & Construction of Two (2) x Six (6) Storey Residential Flat Buildings containing 79 Apartments & Basement Car Parking at Lot 2 DP 855996, (No 12) Vista Street, Penrith Applicant: Vista Group Pty Ltd; Owner: ~William J Cammack

A MOTION was MOVED by Councillor Marcus Cornish seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Development Application No. DA17/0311 for Demolition of Existing Structures & Construction of Two (2) x Six (6) Storey Residential Flat Buildings containing 79 Apartments & Basement Car Parking at Lot 2 DP 855996, (No 12) Vista Street, Penrith be received.
2. The item be deferred to a future Council meeting until an inspection of the site has been undertaken.

200 An AMENDMENT was MOVED by Councillor Ross Fowler OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Development Application No. DA17/0311 for Demolition of Existing Structures & Construction of Two (2) x Six (6) Storey Residential Flat Buildings containing 79 Apartments & Basement Car Parking at Lot 2 DP 855996, (No 12) Vista Street, Penrith be received.
2. The proposed variation to the maximum building height standard under Clause 4.6 of Penrith Local Environmental Plan 2010 be supported.
3. Development Application No. DA17/0311 for Demolition of Existing Structures & Construction of Six (6) Storey Residential Flat Buildings containing 79 Apartment & Basement Car Parking at Lot 2 DP 855996, (No 12) Vista Street, Penrith be approved subject to the following conditions of consent:

3.1 Standard Conditions

A001 – Approved Plans

A008 – Works to BCA requirements

A019 – Occupation Certificate

A038 – Lighting system

A046 – Obtain Construction Certificate before commencement of works

B002 – AS for demolition and disposal to approved landfill site

B003 – Asbestos

B006 – Hours of work (demolition)

C002 – Archival Recording

D001 – Implement approved erosion and sediment control measures

D006 – No filling without prior approval

- D009 – Covering of waste storage area
- D010 – Appropriate disposal of excavated or other waste
- D013 – Approved noise level 1
- E01A – BCA compliance
- E009 – Annual fire safety statement
- G002 – Section 73 Certificate
- G004 – Endeavour Energy clearance
- G006 – NBN connection
- H001 – Stamped plans and erection of site notice
- H002 – During construction requirements
- H033 – Clothes line
- H041 – Hours of work
- H042 – Adaptable dwelling certification
- K101 – Works at no cost to Council
- K201 – Infrastructure bond
- K202 – S138 Roads Act – Works and Structures
- K203 - S138 Roads Act – Works and Structures
- K210 – Stormwater management
- K222 – Access, car parking and manoeuvring
- K224 – Construction traffic management plan
- K225 – Performance Bond
- K226 – Basement Geotechnical Testing/ Dilapidation Report
- K301 – Sediment and Erosion Control
- K405 – Turf to verge
- K406 – Underground Services
- K501 – Penrith City Council clearance for Roads Act works
- K503 – Works as executed
- K504 – Stormwater compliance
- K505 – Restriction as to user and positive covenant (OSD and WSUD)
- K515 – Maintenance Bond
- K601 – Stormwater management system operation and maintenance
- L001 – Landscape approved plans
- L002 – Landscape construction
- L003 – Landscape report requirements
- L005 – Planting of plant material
- L006 – Landscape AS requirements
- L007 – Tree protection measures

- L008 – Tree preservation order
- L010 – Retain existing trees
- N001 – Section 94 contribution: Cultural Facilities
- N002 – Section 94 contribution: District Open Space
- N003 – Section 94 contribution: Local Open Space
- Q01F – Notice of commencement and appointment of PCA
- Q006 – Occupation Certificate

3.2 Special Conditions

- 3.2.1 Prior to the issue of a Construction Certificate, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the Construction Certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- 3.2.2 Prior to the issue of an Occupation Certificate, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the development achieves the design quality shown in the approved Construction Certificate plans and specifications, having regard to the design quality principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- 3.2.3 A final materials and finishes schedule is to be submitted to and approved by the Manager Development Services at Penrith City Council prior to the issue of a Construction Certificate.
- 3.2.4 Prior to the issue of a Construction Certificate, the location and position of any required fire hydrants and boosters shall be submitted to and approved by Council. The location of these service requirements shall be integrated with the built form to reduce visual impacts along the street frontage.
- 3.2.5 All mechanical ventilation equipment, ducts, air conditioner services and the like shall be shown on the Construction Certificate documentation as being contained within the building. Gutters and down pipes shall be integrated into the architecture of the building. Any plant or unsightly structures installed on the rooftop must be screen from view.
- 3.2.6 Prior to the issue of a Construction Certificate and/or Occupation Certificate (as relevant), the following Crime Prevention Through Environmental Design measures shall be incorporated into the development:

Car Parking	A security system must be installed on any pedestrian and vehicle entry/exit points to the car park, including the lift
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	<p>and stairwell, to minimise opportunities for unauthorised access.</p> <p>All areas of the car park (including lift lobbies, stairwells, garbage rooms and storage areas) must be well-lit, with consistent lighting to prevent shadowing or glare.</p> <p>Signage must be in place to clearly identify exit and access points, the location of lifts and stairwells.</p> <p>All surfaces in the car park should be painted in light coloured paint or finished in light coloured concrete to reflect as much light as possible.</p>
<p>Residential Developments Building Identification</p>	<p>Each building entry should clearly state the unit numbers accessed from that entry.</p> <p>Each individual dwelling should be clearly numbered.</p> <p>Unit numbers should be clearly provided on each level.</p>
<p>Building Security & Access Control</p>	<p>Intercom, code or swipe card locks or similar must be installed for main entries to buildings including car parks.</p> <p>Main entry doors for apartment buildings should be signed requesting residents to not leave doors wedged open.</p> <p>Australian Standard 220 door and window locks must be installed in all dwellings including doors onto balconies, to minimise the risk of break and enter offences.</p> <p>If security grills are used on windows they should be operable from inside in case of emergencies.</p> <p>Letterboxes must not be placed on an independent block separate from the main building envelope of the development. Access for residents should be from within a secure building, and with no front flap lock on the boxes that can be easily broken.</p>

	<p>CCTV cameras must be provided to public areas of the development. As a minimum, cameras must be positioned to provide coverage of vehicular and pedestrian entry/exit points (including entries/exits to buildings), key thoroughfares and activity nodes as well as all areas of the car park. Signage must be provided to indicate that CCTV cameras are in operation.</p>
Graffiti/Vandalism	<p>Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, commercial tenancies and common areas. This includes reporting incidents to police and/or relevant authorities.</p> <p>Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls, the architectural screen shielding the car park etc.</p>
Way Finding/ Finding Help	<p>Signs should be strategically located at entrances and near activity nodes such as intersections of corridors or paths.</p> <p>Signs should indicate how to report maintenance problems in the complex.</p> <p>Signs throughout the development should be large and legible, and strong colours, standard symbols and simple graphics. They should indicate where to go for help or assistance.</p>
Fencing	<p>Front fences should preferably be no higher than 1.2 metres. Where a higher fence is proposed, it will only be considered if it is constructed of open materials e.g. spaced pickets, wrought iron etc.</p> <p>Fence design to the ground floor units should maximise natural surveillance from the street to the building and from the building to the street, and minimise the opportunities for intruders to hide.</p>

3.2.7 Should any "unexpected finds" occur during the excavation and earthworks, including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Council is to be notified. Any such

"unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy No. 55 - Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent is to be sought from Penrith City Council prior to remediation works commencing.

- 3.2.8 Wastewater from the washing of garbage bins and vehicles is not to enter the stormwater system.
- 3.2.9 Dust suppression techniques are to be employed during demolition and construction to reduce any potential nuisances to surrounding properties.
- 3.2.10 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 3.2.11 Prior to the erection of any crane or any temporary construction structure at a height greater than the roof of the subject development, written notice shall be provided to Council at least 21 days prior to the erection, indicating at least the following:
 - (i) Name of responsible company and relevant contact details.
 - (ii) Dimensions (height, length, etc.)
 - (iii) Position and orientation of boom/jib and counter boom/jib
 - (iv) Length of time that such a crane or structure will be erected on site.

Any crane or any temporary construction structure erected at a height greater than the roof of the subject development shall comply with the following:

- Be equipped with medium intensity steady red lighting positioned at the highest point and both ends of the boom/jib and counter boom/jib, such that the lighting will provide an indication of the height of the crane and the radius of the crane boom/jib. Such lighting, is to be on and displayed at all times of the day and night, should be positioned so that when displayed it is visible from all directions.
 - When a crane is unattended for an extended period of time ensure the crane's boom is retracted and lowered as far as possible.
 - Any encroachment of the crane or its components beyond the boundaries of the subject site shall be the minimum amount required to facilitate construction and access all parts of the construction site.
- 3.2.12 All mechanical plant and equipment is to comply with the noise criteria outlined in 'Proposed Residential Development:

12 Vista Street, Penrith NSW 2750 - Road Traffic Noise and Mechanical Plant Assessment' prepared by Rodney Stevens Acoustics Pty Ltd dated 5 April 2017 (Ref. R170160R1).

Prior to the issue of the Construction Certificate, further details on the type and location of all mechanical plant and equipment associated with the development it to be provided to Council for consideration and approval. Suitable data and information on the noise impacts associated with this plant and equipment is to be reviewed by an acoustic consultant and written correspondence is to be supplied to demonstrate compliance with the established noise criteria.

- 3.2.13 Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.
- 3.2.14 The current waste infrastructure provided within the development is to be built in accordance with configurations specified in the architectural plans labelled Ground Level (drawing number DA06, issue B), Basement 1 (drawing number DA11, issue B) and Swept Path Waste Bay (drawing number DA22, issue B).
- 3.2.15 Prior to the issue of an Occupation Certificate, the following is to be provided:
 - (a) A boom gate or equivalent infrastructure is to be installed at the waste truck entrance to restrict access to the waste collection bay to Council's collection vehicles only. System to implement an abloy key system to facilitate access.
 - (b) An abloy key system on each of the dual access doors of the bulky waste room to restrict resident access.
 - (c) Installation of respective electrical requirements to operate each of the 10m³ integrated auger compactor in accordance with section 7.2.2 of the 'Residential Flat Building Developments Waste Guideline Document' available on Council's Website.
 - (d) Implementation of guide rails for each of the 10m³ integrated auger compactors in accordance with section 7.2.4 of the 'Residential Flat Building Developments Waste Guideline Document' available on Council's Website.
 - (e) Hydraulic override system to be implemented within the turn table in accordance with section 3.2.5 of the 'Residential Flat Building Developments Waste Guideline Document' available on Council's Website.
 - (f) A power source for each of the bin lifters is to be provided in accordance with section 7.2.5 of the 'Residential Flat Building Developments Waste Guideline Document' available on Council's Website.
- 3.2.16 Prior to the issue of an Occupation Certificate (to facilitate bulky waste collection), a "Loading Zone" restriction is to be implemented as shown in the Site Layout Plan.

This is to be approved by Council's Local Traffic Committee

prior to implementation and installed at no cost to Council.

- 3.2.17 Prior to the issue of any Occupation Certificate, all dwellings within Penrith LGA are required to enter a formal agreement with Penrith City Council for the utilization of Council's Waste Collection Service. This is to include Council being provided with indemnity against claims for loss or damage.

Note: By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Penrith City Council's Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Council's waste collection service will not commence until formalisation of the agreement. The original signed copy is to be submitted to Council. The document can be downloaded via the following link:

<https://www.penrithcity.nsw.gov.au/Building-and-Development/Development-Applications/Forms/>

- 3.2.18 Prior to the issue of an Occupation Certificate, the developer is to enter into a formal agreement with Penrith City Council for the utilisation of Council's Waste Collection Service. This is to include Council being provided with indemnity against claims for loss or damage.

Note: By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Penrith City Council's Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Council's waste collection service will not commence until formalisation of the agreement.

- 3.2.19 The trees Nos. 18, 19, 20, 28, 29, 30 & 52 must be retained and protected in accordance with the recommendations of the Arboricultural Impact Appraisal and Method Statement, prepared by Naturally Trees and dated 7 April 2017.
- 3.2.20 The trees approved by Council for removal shall be removed in a manner so as to prevent damage to those trees that are to be retained.
- 3.2.21 All fencing required by the development shall be constructed at full cost to the property owner or developer of the site.
- 3.2.22 To ensure a high quality finish internal and external of the development site, any retaining walls shall be of solid masonry construction. The surface shall be either rendered to match the external colour schedule or constructed in a face brick finish.
- 3.2.23 All precautions shall be taken to adequately protect trees on public property (i.e. footpaths, roads, reserves, etc.) against damage during the construction phase of the development. No trees on public property shall be removed, pruned or damaged during construction. This includes the erection of any fences, hoardings or other temporary works. The placement of construction materials beneath the canopy of street trees is prohibited.

- 3.2.24 Subleasing of car spaces is not permitted by this consent.
- 3.2.25 All car spaces and loading areas are to be sealed/line marked and dedicated for the parking of vehicles only and not to be used for storage of materials/products/waste materials etc.
- 3.2.26 Prior to the issue of an Occupation Certificate, secure bicycle parking is to be provided at convenient locations in accordance with AS 2890.3 Bicycle Parking Facilities to the satisfaction of the Principal Certifying Authority.
- 3.2.27 Signage indicating the location of visitor parking is required at the driveway entrance.
- 3.2.28 The required sightlines around the driveway entrances are not to be compromised by landscaping, fencing or signage.
- 3.2.29 All vehicles are to enter/exit in a forward direction.

4 Those individuals who made a submission be advised of Council's decision.

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 Bernard Bratusa
Councillor Karen McKeown
Councillor John Thain
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Tricia Hitchen
Councillor Joshua Hoole
Councillor Aaron Duke
Councillor Todd Carney
Councillor Ben Price

Against

Councillor Kath Presdee
Councillor Kevin Crameri OAM
Councillor Marcus Cornish

The AMENDMENT 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 Bernard Bratusa
Councillor Karen McKeown
Councillor John Thain
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Tricia Hitchen
Councillor Joshua Hoole
Councillor Aaron Duke
Councillor Todd Carney
Councillor Ben Price
Councillor Kath Presdee

Against

Councillor Kevin Crameri OAM
Councillor Marcus Cornish

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

1 Union Road Request For Proposal (RFP)

201 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Ben Price

That:

1. The information contained in the report on Union Road Request For Proposal (RFP) be received.
2. After considering the responses to the Union Road Request for Proposal and in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005 (the Regulation), Council decline to accept any of the tenders.
3. In accordance with clause 178(3)(e) of the Regulation, Council authorise the General Manager to enter into negotiations with Fraser Property Group with a view to entering into a contract in relation to the subject matter of the tender.
4. The negotiations with Fraser Property Group occur on the basis that a Negotiations Protocol is executed by the parties.
5. In the event that the negotiations with Frasers Property Group are unsuccessful then Council authorise the General Manager to enter into negotiations with St Hilliers with a view to entering into a contract in relation to the subject matter of the tender.
6. If negotiations with St Hilliers occur then a Negotiations Protocol be executed by the parties.
7. Pursuant to clause 178(4)(a) of the Regulation, the Council's reasons for declining to invite fresh tenders are:
 - a. The tenders from Frasers Property Group and St Hilliers satisfactorily address the evaluation criteria for the proposal.
 - b. The tenderers and the community would be prejudiced if fresh tenders were called, as both tenders offer value for money.
 - c. The tenders are consistent with the adopted Penrith Progression Action Plan.
 - d. The tenders are consistent with the Community Strategic Objectives as adopted in the Community Strategic Plan.
 - e. The terms of the tenders from Frasers Property Group and St Hilliers are not certain and final to enable the execution of commercial contracts.
 - f. To allow for a process to reach finality and certainty of the contractual terms with Fraser Property Group, and failing negotiations with Frasers Property Group, then St Hilliers.
8. Pursuant to clause 178(4)(b) of the Regulation, the Council's reasons for determining to enter into negotiations with Frasers Property Group are:
 - a. To allow for a process to reach finality and certainty of the contractual terms.
 - b. The Frasers Property Group's tender satisfactorily addresses the evaluation criteria for the proposal and based on the evaluation was determined to be the preferred proposal.
 - c. The Fraser Property Group proposal is a project that is catalytic for the

- transformation of the City Centre. It is city shaping and will set a new benchmark for city projects.
- d. The provision of 1,631 public parking spaces in Council ownership on beneficial commercial terms.
 - e. The podium public carpark has the capacity for adaptive re-use in the future given the increased floor to ceiling heights.
 - f. Fraser Property Group has demonstrated capability and experience in delivering projects in partnerships with Government and Council.
 - g. Fraser Property Group have a strong, demonstrated commitment to sustainability and are considered industry leaders in this regard.
 - h. Fraser Property Group have assembled a strong team of award winning consultants to complement their in-house team.
9. If negotiations with Frasers Property Group are unsuccessful, and pursuant to clause 178(4)(b) of the Regulations the Council's reasons for determining to enter into negotiations with St Hilliers are:
- a. To allow for a process to reach finality and certainty of the contractual terms.
 - b. The St Hilliers' tender satisfactorily addresses the evaluation criteria for the proposal.
 - c. The St Hilliers' proposal would be an evolution of current City Centre developments with residential apartments provided in buildings up to 7 storeys and retail for ground plane activation.
 - d. The 1,631 public parking spaces are proposed to be located within a free standing multi deck car park at the western end of the Union Road site with a total of 8 parking levels (2 basements and 6 upper levels).
 - e. St Hilliers have a strong team including an architect who has local experience from Thornton and Penrith, as well as their broader national experiences. A strength of this submission is the permeability of their Proposal and the focus on the activation of Union Lane.
 - f. The development is generally compliant with current planning controls and does not appear to require a Planning Proposal.
 - g. Council would own the completed carpark.
 - h. Favourable commercial terms are being offered.
10. The terms of the Negotiations Protocol include aims, objectives, constraints and agreed minimum bargaining positions and be substantially in accordance with the proposals submitted by Fraser Property Group or St Hilliers if negotiations fail with Frasers Property Group. The Negotiations Protocol is also to be consistent with:
- a. The Direct Negotiations Guidelines of the Independent Commission Against Corruption;
 - b. Council's Code of Conduct;
 - c. The Tendering Guidelines issued by the Office of Local Government;
 - d. and be adopted by the Chief Governance Officer.
11. It is noted that Council has adopted a selective tender process in accordance with clause 168 of the Regulation in relation to the development of the Union Road site.
12. Notwithstanding Council's intention that this matter be dealt with as a selective tender process, if the Office of Local Government determines that this matter be dealt with as a PPP (Public Private Partnership), the General Manager be delegated authority to commence the PPP process with the

Office of Local Government and the Preferred Proponent.

13. Council allocate \$1.2m from the Financial Management Reserve to commence design and planning for the car park solutions at Soper Place and North Street as detailed in this report.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

4 Heritage Assistance Fund 2017-2018

Councillor Ross Fowler OAM left the meeting, the time being 9:51pm.

202 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Joshua Hoole

That:

1. The information contained in the report on Heritage Assistance Fund 2017-2018 be received.
2. Council endorse the funding allocation as outlined in the report.

5 Request for Section 94 Contribution Waiver for Stage 1 of Development Consent DA15/0198 from Wentworth Community Housing, Nos. 11-15 Phillip Street, St Marys

Councillor Kevin Crameri OAM left the meeting, the time being 9:53pm.

203 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Request for Section 94 Contribution Waiver for Stage 1 of Development Consent DA15/0198 from Wentworth Community Housing, Nos. 11-15 Phillip Street, St Marys be received.
2. The applicant be advised in writing that section 94 contributions associated with Stage 1 of the approved development are waived and that Section 94 contributions associated with Stage 2 are to be paid in accordance with the conditions outlined within the issued consent.

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

For

Councillor Kath Presdee
Councillor Bernard Bratusa
Councillor Karen McKeown
Councillor John Thain
Councillor Greg Davies
Councillor Mark Davies
Councillor Tricia Hitchen
Councillor Marcus Cornish
Councillor Joshua Hoole
Councillor Aaron Duke
Councillor Todd Carney
Councillor Ben Price

Against

6 Section 96(1A) Application No. DA16/1007.01 for Modifications to Consent Conditions for Approved Place of Public Worship at Lot 142 DP 876948, (No. 17-27) Factory Road, Regentville Applicant: Foothills Vineyard Church; Owner: ~Isaiah's Vision Ltd

204 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Karen McKeown

That:

1. The information contained in the report on Section 96(1A) Application No. DA16/1007.01 for Modifications to Consent Conditions for Approved Place of Public Worship at Lot 142 DP 876948, (No. 17-27) Factory Road, Regentville be received.
2. Modification Application DA16/1007.01 for Section 96(1A) Application No. DA16/1007.01 for Modifications to Consent Conditions for Approved Place of Public Worship at Lot 142 DP 876948, (No. 17-27) Factory Road, Regentville be approved subject to the following amendments to the issued conditions of consent:

a. Standard Conditions

A001 General

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

Plans	Numbered	Drawn By	Dated
Landscape Plan	1475.GD.01 (Issue A)	Greenland Design	7 September 2016
Landscape Details and Specifications	1475.GD.02 (Issue A)	Greenland Design	7 September 2016
Site Plan	1724 - Sheet 1 (Issue E)	TJK Design	12 August 2017
Floor Plan	1724 - Sheet 2 (Issue E)	TJK Design	12 August 2017
Elevations Plan	1434 - Sheet 3 (Issue E)	TJK Design	12 August 2017
Sections Plan	Issue E	TJK Design	12 August 2017

K203 S138 Roads Act

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of kerb and gutter, piped drainage and half road width pavement construction in Factory Road from the eastern property boundary to a distance of 10m past the western kerb line of Loftus Street, matching the

southern side of Factory Road.

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice.

Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- a) Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

K509 Line Marking & Signage

Prior to the issue of any Occupation Certificate the applicant shall provide regulatory 'No Stopping' signage along the property frontage from the eastern boundary of the development site to 10m past the western kerb alignment of Loftus Street.

Prior to the installation of any regulatory 'No Stopping' signage, plans showing the location of the 'No Stopping' signage and existing bus stop / bus zone signage are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Notes:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information on this process.
- b) Allow eight (8) weeks for approval by the Local Traffic Committee.
- c) Applicable fees are indicated in Council's adopted Fees and Charges

K210 Stormwater Management

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by SEEC, reference number 16000231, Drawing No's SWMP01 & SWMP02, revision 1, dated 20/09/2016.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate. Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) policies. All measures shall be implemented in accordance with the approved plans within two years of the issue of an occupation certificate.

K504 Stormwater Compliance

Within two years of the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
 - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

K505 Restriction as to User and Positive Covenant

Prior to the issue of final Occupation Certificate, a restriction as to user and positive covenant relating to the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater and Drainage for Building Developments policy.

K Special Pavement Seal

All areas required for vehicular access, car parking and manoeuvring are to be concreted or sealed with a bituminous pavement. Full details, including pavement design, are to be submitted with the Construction Certificate.

The vehicular crossover and access handle are to be sealed from the road for a distance of 15m inside the property boundary prior to the issue of any Occupation Certificate. Final seal of the internal car parking areas shall be implemented in accordance with the approved plans within two years of the issue of an Occupation Certificate.

L001 Landscaping General

All landscape works are to be constructed in accordance with the stamped approved plans within one year of any Occupation Certificate being issued.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

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

Q05F Occupation Certificate for Class

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the buildings. A Final Occupation Certificate shall not be issued if any

conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate/s and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

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

For

Councillor Kath Presdee
Councillor Bernard Bratusa
Councillor Karen McKeown
Councillor John Thain
Councillor Greg Davies
Councillor Mark Davies
Councillor Tricia Hitchen
Councillor Marcus Cornish
Councillor Joshua Hoole
Councillor Aaron Duke
Councillor Todd Carney
Councillor Ben Price

Against

7 Section 96(2) Application No. DA15/0541.02 for Modifications to Approved Alterations & Additions to Nepean District Christian School Including Two (2) Additional Classroom Buildings & Deletion of Previously Approved Additions to Two (2) Existing Classroom Buildings & Staff Room at Lot 200 DP 804405, (No. 836-840) Mulgoa Road, Mulgoa Applicant: Bow Gould Architects; Owner: ~Nepean District Christian Education Association Ltd

Councillor Ross Fowler OAM returned to the meeting, the time being 9:56pm.

Councillor Bernard Bratusa left the meeting, the time being 9:58pm.

Councillor Kevin Crameri OAM returned to the meeting, the time being 9:59pm.

205 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Mark Davies

That:

1. The information contained in the report on Section 96(2) Application No. DA15/0541.02 for Modifications to Approved Alterations & Additions to Nepean District Christian School Including Two (2) Additional Classroom Buildings & Deletion of Previously Approved Additions to Two (2) Existing Classroom Buildings & Staff Room at Lot 200 DP 804405, (No. 836-840) Mulgoa Road, Mulgoa be received.
2. Section 96(2) Application No. DA15/0541.02 for Modifications to Approved Alterations & Additions to Nepean District Christian School Including Two (2) Additional Classroom Buildings & Deletion of Previously Approved Additions to Two (2) Existing Classroom Buildings & Staff Room at Lot 200 DP 804405, (No. 836-840) Mulgoa Road, Mulgoa be approved subject to the following amendments to the issued conditions of consent:

Condition 1

The development must be implemented and/or installed substantially in accordance with the

following plans stamped approved by Council, the application form and any supporting information received with application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Plan No.	Prepared By	Date
Site Plan	Job No. 1411 DA01 Issue A	Bow Goold Architects	March 2015
Site Analysis	Job No. 1411 DA02 Issue A	Bow Goold Architects	March 2015
Roof Plan	Job No. 1411 DA03 Issue A	Bow Goold Architects	March 2015
Blocks 4 & 6 – Floor Plans	Job No. 1411 DA04 Issue A	Bow Goold Architects	March 2015
Blocks 4 & 6 – Elevations & Section	Job No. 1411 DA05 Issue A	Bow Goold Architects	March 2015
Blocks 5 – Floor Plan	Job No. 1411 DA06 Issue A	Bow Goold Architects	March 2015
Blocks 5 - Elevations	Job No. 1411 DA07 Issue A	Bow Goold Architects	March 2015
Blocks 8 – Floor Plan	Job No. 1411 DA08 Issue A	Bow Goold Architects	March 2015
Blocks 8 – Elevations & Section	Job No. 1411 DA09 Issue A	Bow Goold Architects	March 2015
Blocks 9 – Floor Plan	Job No. 1411 DA10 Issue A	Bow Goold Architects	March 2015
Blocks 9 – Elevations & Section	Job No. 1411 DA11 Issue A	Bow Goold Architects	March 2015
Vehicle Access & Parking	Job No. 1411 DA12 Issue A	Bow Goold Architects	March 2015
Pedestrian Access	DS13 Issue A	Bow Goold Architects	March 2015
Proposed Shed	DS14 -	Bow Goold Architects	March 2015
Trees and Vegetation to be Removed Plan	L01 Revision C	Stitch Design Studio	11/08/15
Landscape Plan	L02 Revision D	Stitch Design Studio	11/08/15
Proposed Planting Schedule, Typical Planting Details & Section	L03 Revision C	Stitch Design Studio	11/08/15
Cover Sheet & Legend Hydraulic Services	HS01 Revision A	Neil Lowry & Associates Pty Ltd	29.05.15
Site Plan Hydraulic Services	HS01 Revision A	Neil Lowry & Associates Pty Ltd	28.05.15
Sediment Control Plan Hydraulic Services	HS01 Revision A	Neil Lowry & Associates Pty Ltd	28.05.15
Survey	Ref : 8463/582-15	Paul A Lawson	12 February, 2015
Statement of Environmental Effects	-	Bow Goold Architects	28 May 2015
Exterior Finishes	-	Bow Goold Architects	27 May 2015

Waste Management Plan	-	Bow Goold Architects	undated
Bush Fire Hazard Assessment Report	Reference Number : 150936	Building Code & Bushfire Hazard Solutions Pty Ltd	22nd April 2015
On-site Wastewater Management Report	Reference 209115-B	Envirotech	4 August 2015
Assessment of Traffic and Parking Implications	Reference 15105	Transport and Traffic Planning Associates	June 2015 Rev B
Flora and Fauna Assessment Report	Document No. : 1435-REP-79-ISS-1	Abel Ecology	5 June 2015
Vegetation and Asset Protection Zone Management Plan	Document No. : 1471-REP-132-ISS-1	Abel Ecology	26 August 2015
Access Audit Report	-	John Evernden	19.8.15

As amended by the following plans:

Drawing	Drawing Ref	Revision	Prepared By	Dated
Site Plan	A01	B	Bow Goold Architects	5.5.2016
Part Site Plan	A02	B	Bow Goold Architects	5.5.2016
Floor Plan	A03	B	Bow Goold Architects	5.5.2016
Elevations	A05	B	Bow Goold Architects	5.5.2016

As amended on 23 June 2016 under Section 96(1A) of the Environmental Planning and Assessment Act, 1979.

Condition 10

The recommendations of the Vegetation and Asset Protection Zone Management Plan (Document No. 1471-REP-132-ISS-1 dated 26 August 2015) prepared by Abel Ecology shall be implemented.

Condition 62

The recommendations provided for the existing On-Site Sewerage Management System in the letter prepared by Robert Day of Septic Solutions, dated 7 June 2017 are to be adhered to. This includes to all of the following discussed within the document:

- Servicing recommendations
- Recommendations for necessary repairs
- Recommendations for continued use with projected expansion

Condition 63

All wastewater generating facilities associated with proposed blocks 10 and 11 are to be connected to the existing On-Site Sewerage Management System on the property by a suitably qualified person/s.

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

For

Councillor Kath Presdee
Councillor Kevin Crameri OAM
Councillor Karen McKeown
Councillor John Thain
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Tricia Hitchen
Councillor Marcus Cornish
Councillor Joshua Hoole
Councillor Aaron Duke
Councillor Todd Carney
Councillor Ben Price

Against

OUTCOME 3 - WE CAN GET AROUND THE CITY

8 2017/18 Australian Black Spot, Safer Roads and Active Transport Programs - Offer of Funding

206 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Karen McKeown

That:

1. The information contained in the report on 2017/18 Australian Black Spot, Safer Roads and Active Transport Programs - Offer of Funding be received.
2. Council accept grant funding of \$580,000 offered for the two successful Black Spot Projects shown in Table 1, under the 100% Federally Funded Australian Black Spot Program for the 2017/18 financial year.
3. Council accept grant funding of \$50,000 in 2017/18 and \$125,000 in 2018/19 offered for the two successful Projects shown in Table 2, under the 100% funded Safer Roads Program.
4. Council accept grant funding of \$2.63M offered for the successful Active Transport Priority Cycleways Project shown in Table 3, for the 2017/18 financial year.
5. Council write to the Minister for Roads, Roads and Maritime Services and 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, expressing appreciation of the funding offers and of their continued support.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

9 Tender Reference 16/17-02, Building Maintenance and Construction

207 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Todd Carney

That:

1. The information contained in the report on Tender Reference 16/17-02, Building Maintenance and Construction be received
2. A new 3 year contract with the option to extend for a further two (2) x one (1) year periods (subject to satisfactory performance) and subject to the execution of a formal agreement be awarded to the following companies for the specified services in accordance with the terms and conditions of the Tender:
 - (a) Coverit Building Group PTY LTD be appointed as the primary contractor for both scheduled and reactive building works
 - (b) Westco Building Consultants Pty Ltd be appointed as the second contractor
 - (c) Acron Building Services be appointed as the third contractor.
3. Council seek quotations from the 3 companies listed in Recommendation 2 for works with an estimated value of over \$50,000.

10 Tender Reference 16/17-03, Electrical Trades

208 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Todd Carney

That:

1. The information contained in the report on Tender Reference 16/17-03, Electrical Trades be received
2. A new 3 year contract with the option to extend for a further two (2) x one (1) year periods (subject to satisfactory performance) and subject to the execution of a formal agreement be awarded to the following companies for the specified services in accordance with the terms and conditions of the Tender:
 - (a) Scheduled maintenance work and reactive maintenance work be awarded to Hix Group T/A Hix Electrical & Data Services as the primary contractor
 - (b) Reactive maintenance work be awarded to B&G Enterprises (NSW) P/L as the second contractor
 - (c) Reactive maintenance work be awarded to Randall Electrics & Trade Services P/L as the third contractor.
3. Council seek quotations from the 3 companies listed in Recommendation 2 for works with an estimated value of over \$50,000.

11 Tender Reference 16/17-04, Plumbing Trades

209 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Todd Carney

That:

1. The information contained in the report on Tender Reference 16/17-04, Plumbing Trades Services be received
2. A new 3 year contract with the option to extend for a further two (2) x one (1) year periods (subject to satisfactory performance) and subject to the execution of a formal agreement be awarded to the following companies for the specified services in accordance with the terms and conditions of the Tender:
 - (a) Scheduled maintenance task and reactive maintenance work be awarded to B&G Enterprises (NSW) P/L as the primary contractor
 - (b) Reactive maintenance work be awarded to Hix Group T/A Hix Electrical & Data Services as the second contractor
 - (c) Reactive maintenance work be awarded to Franklins Australia as the third contractor
3. Council will seek quotations from the 3 companies listed in Recommendation 2 for works with an estimated value of over \$50,000

12 Tender Reference RFT 16/17-24, Design and Construction of Netball Courts, Jamison Park

210 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Todd Carney

That:

1. The information contained in the report on Tender Reference RFT 16/17-24, Design and Construction of Netball Courts, Jamison Park be received.
2. J K Williams Contracting Pty Ltd be awarded subject to the execution of a formal agreement Separable Portion A for the Contract for the Design and Construction of car parking and netball courts, Jamison Park, for an amount of \$472,576.85 excluding GST.
3. Rees Electrical Pty Ltd be awarded Separable Portion B for the Contract for the Design and Construction of new netball court lighting, Jamison Park, for an amount of \$83,300.00 excluding GST.
4. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

13 Tender Reference RFT 16/17-19 for the supply and installation of Floodlighting to Fields 1 & 2 and Practice Field at Peppertree Reserve, Swallow Drive, Erskine Park

211 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Todd Carney

That:

1. The information contained in the report on Tender Reference RFT 16/17-19 for the supply and installation of Floodlighting to Fields 1 & 2 and Practice Field at Peppertree Reserve, Swallow Drive, Erskine Park be received
2. The tender submitted by Kealec Pty Ltd T/A Sportzlighting for the sum of \$192,200 excl GST be accepted subject to the execution of a formal agreement for the Supply and Installation of 100 lux Floodlighting to Fields 1 & 2 and Practice Field at Peppertree Reserve, Swallow Drive, Erskine Park.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation as necessary.

14 Tender Reference RFT 17/18-02, Construction of Shed and Freezer, Regentville Hall

212 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Todd Carney

That:

1. The information contained in the report on Tender Reference RFT 17/18-02, Construction of Shed and Freezer, Regentville Hall be received.
2. Coverit Building Group be awarded the Contract subject to the execution of a formal agreement for the Construction of Shed and Freezer, Regentville Hall, for an amount of \$182,710.00 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

15 Energy Efficient lighting in Council Sporting facilities

Councillor Bernard Bratusa returned to the meeting, the time being 10:02pm.

213 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Energy Efficient lighting in Council Sporting facilities be received
2. An amount of \$25,000 be allocated from the Building Asset Renewal allocation in 2018/19 and 2019/20 to upgrade lighting at facilities as detailed in the report.
3. A memo be prepared for all Councillors about the possibility of accessing funds from the Sustainability Revolving fund.

16 Penrith Mayoral Challenge, Cambridge Park and Parkitects, Oxley Park

Councillor Greg Davies left the meeting, the time being 10:04pm.

214 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Karen McKeown

That:

1. The information contained in the report on Penrith Mayoral Challenge, Cambridge Park and Parkitects, Oxley Park be received.
2. \$3,000 from East Ward Voted Works be utilised to fund construction of a handball court.

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

17 Status of Compliance Service Activities

215 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Tricia Hitchen

That:

1. The information contained in this report on Status of Compliance Service Activities be received.
2. An all Councillor memo be provided to Councillors about the illegal filling on Park Road.

18 Glenmore Park Dog Park - Stronger Communities Program Grant Application

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

Councillor Aaron Duke left the meeting, the time being 10:11pm.

Councillor Aaron Duke returned to the meeting, the time being 10:14pm.

216 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Glenmore Park Dog Park - Stronger Communities Program Grant Application be received
2. Council endorse the location at Blue Hills Oval as the site for a dog park in Glenmore Park.
3. Council endorse that \$30,000 be allocated from the Grants Reserve for the purpose of submitting a grant application to the Federal Government's Stronger Communities Program for a sum of \$20,000.

19 Application for Funding from Federal Department of Social Services - Community Resilience Grants Program

217 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Application for Funding from Federal Department of Social Services - Community Resilience Grants Program be received.
2. Council endorse the application for funding as outlined in the report from the Australian Department of Social Services under the Community Resilience Grants Program for the amount of \$486,986 over a period of three (3) years.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

20 Organisational Performance and Financial Review - June 2017

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

That:

1. The information contained in the report on Organisational Performance and Financial Review - June 2017 be received.
2. The *Organisational Performance and Financial Review - June 2017* as at 30 June 2017, including the revised estimates outlined in this report, and detailed in *the Organisational Performance Report*, be adopted.
3. Council revoke the works as detailed in the Recommended Revoted Works Lists, detailed in *the Organisational Performance Report June 2017* for inclusion in the 2017-18 Operational Plan.

22 Insurance Renewals 2017-18

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

That:

1. The information contained in the report on Insurance Renewals 2017-18 be received
2. Council retain its \$100,000 claims excess for Public Liability & Professional Indemnity cover and agrees to pay a contribution of \$684,000 to CivicRisk West for this cover.
3. Council retain its \$20,000 claims excess for Industrial Special Risk (Property) cover and agrees to pay a contribution of \$427,000 to CivicRisk Mutual for this cover.
4. Council retain its \$2,000 excess for comprehensive motor vehicle cover and agrees to pay a contribution of \$170,000 to CivicRisk Mutual for this cover.
5. Council agree to pay a contribution of \$47,000 for Management Liability cover.

6. Council agree to pay a contribution of \$51,000 for Fidelity Guarantee / Crime cover.

23 Summary of Investments & Banking for the period 1 July to 31 July 2017

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 July to 31 July 2017 be received
2. The certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 July 2017 to 31 July 2017 be noted and accepted.
3. The graphical investment analysis as at 31 July be noted.

21 Tender Reference 16/17-13, Provision of Catering Services

221 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Mark Davies

That:

1. The information contained in the report on Tender Reference 16/17-13, Provision of Catering Services be received.
2. IBZ Restaurant Pty Ltd (King Henrys Court) be appointed as the preferred contractor subject to the execution of a formal agreement for the provision of Catering Services (evening meals and internal catering) for an initial period of three (3) years, with an option to extend for a further two (2) x one (1) year periods (with provision for rise & fall) subject to satisfactory performance and subject to a 12-month probationary period.
3. CJP World Wide Pty Ltd (Cassandra's on the Park) be appointed as the preferred contractor subject to the execution of a formal agreement for the provision of Catering Services (coffee cart) for an initial period of three (3) years, with an option to extend for a further two (2) x one (1) year periods (with provision for rise & fall) subject to satisfactory performance and subject to a 12-month probationary period.

REQUESTS FOR REPORTS AND MEMORANDUMS AND URGENT BUSINESS

RR 1 Cemeteries Review

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

UB 1 Nepean District Historical Society

Councillor Marcus Cornish requested that an amount of \$5,000 be allocated from each Ward voted works for a total of \$15,000 to the Nepean District Historical Society to fund enclosures for their wagon collection, this money will be matched by a federal grant for a total of \$30,000.

222 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Kevin Crameri OAM that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor John Thain, ruled that the matter was urgent and should be dealt with at the meeting.

223 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Kevin Crameri OAM that an amount of \$5,000 be allocated from each Ward voted works for a total of \$15,000 to the Nepean District Historical Society to fund enclosures for their wagon collection.

RR 2 Penrith Council as a power supplier

Councillor Marcus Cornish requested a report back to Council about Penrith City Council becoming a retail supplier of electricity at cost to the people of Penrith, the Western Suburbs and further afield. The concept would be to buy electricity in bulk lots, as mobile phone companies do and sell to consumers at cost, therefore one unit cost is equal for all, with advertising through rate notices. The report to contain options for a means to facilitate the retailing of electricity, whether using existing entities such as Penrith Council, Hawksbury River County Council, WSROC or other existing structures or creating a new entity as was Prospect County Council.

RR 3 Department of Lands

Councillor Karen McKeown requested that council officially write to Department of Lands regarding the paper road in Mulgoa to ascertain their ownership, care and control. There appears to be some confusion about who in fact owns the 'paper roads'. Also to enquire how many applications are currently on foot (and the addresses) of the proposed land to be purchased by adjacent landowners.

RR 4 Q Theatre

Councillor Kath Presdee requested that Penrith Council write and congratulate the creative team at the Q Theatre on winning the Australian Writers' Guild Award (AWGIE) for Youth and Community Theatre for the production "Teacup in a Storm". This was a locally produced and devised collaboration between playwright Noelle Janaczewska, local artist and carer Therese Cook and emerging performer Marie Chanel under the direction of Q Producer Nick Atkins. The work was based on the stories of carers in our community; which was drawn from the many hours of interviews conducted by Therese Cook with carers from the local region. Penrith Council is proud that an important part of our community, our carers, has been honoured not only by this production but by national recognition for the play based on their experiences.

RR 5 Renee Tomkins Congratulations

Councillor Kath Presdee requested that Penrith Council write and congratulate local Renee Tomkins on her selection in the "Allies" Squad in the inaugural Australian Football League Women's State of Origin match to be held this weekend. This is a great honour for Penrith, and caps off a wonderful season for Renee who finished second in the GWS Giants Best and Fairest award as well as being regarded as first in the national competition for 1%ers; doing the little things that contribute to a team's overall performance. On a local level, Renee has freely given of her time to assist in coaching local youth girls squads, helping develop the next generation of talent going forward.

Councillor Marcus Cornish left the meeting, the time being 10:30pm.

RR 6 Global Covenant of Mayors for Climate and Energy

Councillor Mark Davies requested a review of the Global Covenant of Mayors for Climate and Energy & Council's Participation in the Cities Power Partnership and what this means for our council and costs to rate payers. Information was also requested on how much it costs council for the 10% green electricity supply council purchases.

Councillor Marcus Cornish returned to the meeting, the time being 10:31pm.

UB 2 200th Anniversary of the first Wesleyan Church Service

Councillor Ross Fowler OAM requested that an amount of \$2,000 from North Ward voted works to assist in conducting the 200th Anniversary of the first Wesleyan Church Service in Australia held at Castlereagh in October 1817.

224 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Marcus Cornish that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor John Thain, ruled that the matter was urgent and should be dealt with at the meeting.

225 RESOLVED on the MOTION of Ross Fowler OAM seconded Marcus Cornish that an amount of \$2,000 from North Ward voted works to assist in conducting the 200th Anniversary of the first Wesleyan Church Service in Australia held at Castlereagh in October 1817.

RR 7 Parking Space, Queen Street St Marys

Councillor Todd Carney requested a report back to Council outlining the possibility of parking space line marking being installed in a 500m radius around Queen St, St Marys like Penrith CBD.

RR 8 Item 3 Development Application No. DA17/0311 for Demolition of Existing Structures & Construction of Two (2) x Six (6) Storey Residential Flat Buildings containing 79 Apartments & Basement Car Parking

Councillor Greg Davies requested Council writes to the developers requesting that they consider a plaque in a prominent position detailing the history of the land and some heritage photos to be placed within the new construction at Vista St, Penrith.

RR 9 Skate Park Update

Councillor Greg Davies requested a memo reply to all Councillors about an update on the potential of a skate park at St Marys.

UB 3 Request for Leave of Absence

Councillor Ben Price requested a Leave of Absence from 5 September 2017 to 12 September 2017 inclusive. Councillor Greg Davies requested a Leave of Absence from 12 September 2017 to 24 September 2017 inclusive. The Mayor, Councillor John Thain requested a Leave of Absence from 4 September 2017 to 11 September 2017 inclusive.

226 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Aaron Duke that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor John Thain, ruled that the matter was urgent and should be dealt with at the meeting.

227 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Aaron Duke that Leave of Absence be granted to Councillor Ben Price from 5 September 2017 to 12 September 2017 inclusive. Councillor Greg Davies from 12 September 2017 to 24 September 2017 inclusive. The Mayor, Councillor John Thain from 4 September 2017 to 11 September 2017 inclusive.

COMMITTEE OF THE WHOLE

228 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Price that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:36pm.

1 Presence of the Public

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

Outcome 4

2 Proposed Draft Voluntary Planning Agreement for access over Council Property (Lot 210 DP26908) known as 70-76 Carinya Avenue, St Marys

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 7**3 Council Property - Lease Agreement - Shops 8 & 10/140-142 Henry Street, Penrith (Allen Arcade) and Shop 2/144 Henry Street, Penrith**

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

4 Council Property - Lease Agreement - Shop 3/134 Henry Street Penrith (Gaymark Lane)

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

5 Council Property - Lease Agreement - Shop 1/134 Henry Street Penrith

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

6 Council Property - Lease Agreement - Shop 1/140-142 Henry Street Penrith (Allen Arcade)

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 4**7 Drainage Easement over Council Land (Lot 30 DP229268) known as 14 Water Street Emu Plains to the benefit of Lot 25 DP229268**

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 7**8 Easement for padmount substation and underground cables over 51 Lord Sheffield Circuit Penrith (Lot 3013 DP1184498)**

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.

9 Status on Litigation Matters

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.

10 Cemeteries Review

This item has been referred to Committee of the Whole as it 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 10:49pm and the General Manager reported that the Committee of the Whole met at 10:36pm on 28 August 2017, the following being present

His Worship the Mayor, Councillor John Thain, Deputy Mayor, Councillor Tricia Hitchen, and Councillors Bernard Bratusa, Todd Carney, Marcus Cornish, Kevin Cramer OAM, Greg Davies, Mark Davies, Aaron Duke, Ross Fowler OAM, Joshua Hoole, Karen McKeown, Kath Presdee and Ben Price.

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 Proposed Draft Voluntary Planning Agreement for access over Council Property (Lot 210 DP26908) known as 70-76 Carinya Avenue, St Marys**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen

CW2 That:

1. The information contained in the report on Proposed Draft Voluntary Planning Agreement for access over Council Property (Lot 210 DP26908) known as 70-76 Carinya Avenue, St Marys be received
2. Council endorse the principles of the draft Voluntary Planning Agreement as outlined in this report.
3. The draft VPA once prepared be publicly notified in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

4. Council authorise the General Manager to execute the VPA upon conclusion of the public notification of the Agreement and to make any minor amendments necessary to ensure its legality.
5. The Department of Planning be notified of the signing of the VPA, and Council's register of VPAs be updated to record the agreement.
6. The Common Seal of the Council of the City of Penrith be affixed to any necessary documentation.

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

For

Councillor Kath Presdee
Councillor Bernard Bratusa
Councillor Kevin Crameri OAM
Councillor Karen McKeown
Councillor John Thain
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Tricia Hitchen
Councillor Marcus Cornish
Councillor Joshua Hoole
Councillor Aaron Duke
Councillor Todd Carney
Councillor Ben Price

Against

3 Council Property - Lease Agreement - Shops 8 & 10/140-142 Henry Street, Penrith (Allen Arcade) and Shop 2/144 Henry Street, Penrith

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen

CW3 That:

1. The information contained in the report on Council Property - Lease Agreement - Shops 8 & 10/140-142 Henry Street, Penrith (Allen Arcade) and Shop 2/144 Henry Street, Penrith be received.
2. Council approve the proposed new lease agreement under the terms and conditions listed within the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

4 Council Property - Lease Agreement - Shop 3/134 Henry Street Penrith (Gaymark Lane)

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen

CW4 That:

1. The information contained in the report on Council Property - Lease Agreement - Shop 3/134 Henry Street Penrith (Gaymark Lane) be received.
2. Council approve the proposed new lease agreement as per the terms and conditions listed within the report.

3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

5 Council Property - Lease Agreement - Shop 1/134 Henry Street Penrith

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen

CW5 That:

1. The information contained in the report on Council Property - Lease Agreement - Shop 1/134 Henry Street Penrith be received
2. Council approve the proposed new lease agreement as per the terms and conditions listed in this report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

6 Council Property - Lease Agreement - Shop 1/140-142 Henry Street Penrith (Allen Arcade)

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen

CW6 That:

1. The information contained in the report on Council Property - Lease Agreement - Shop 1/140-142 Henry Street Penrith (Allen Arcade) be received
2. Council approve the proposed new lease agreement under the terms and conditions detailed within the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

7 Drainage Easement over Council Land (Lot 30 DP229268) known as 14 Water Street Emu Plains to the benefit of Lot 25 DP229268

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen

CW7 That:

1. The information contained in the report on Drainage Easement over Council Land (Lot 30 DP229268) known as 14 Water Street Emu Plains to the benefit of Lot 25 DP229268 be received.
2. Council grant a Drainage Easement over Lot 30 DP229268 in accordance with the terms and conditions listed in this report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

8 Easement for padmount substation and underground cables over 51 Lord Sheffield Circuit Penrith (Lot 3013 DP1184498)

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen

CW8 That:

1. The information contained in the report on Easement for padmount substation and underground cables over 51 Lord Sheffield Circuit Penrith (Lot 3013 DP1184498) be received
2. Council grant an easement over Lot 3013 DP1184498 to the benefit of Endeavour Energy, Lot 3006 DP1184498 and SP94606 in accordance with the terms and conditions listed in this report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

9 Status on Litigation Matters

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

CW9 That the information contained in the report on Status on Litigation Matters be received.

10 Cemeteries Review

RECOMMENDED on the MOTION of Councillor Bernard Bratusa seconded Councillor Ross Fowler OAM

CW10 That the information contained in the verbal report on Cemeteries Review be received.

ADOPTION OF COMMITTEE OF THE WHOLE

229 RESOLVED on the MOTION of Councillor Ben Price seconded Councillor Greg Davies that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5, CW6, CW7, CW8, CW9 and CW10 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:53pm.

I certify that these 39 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 28 August 2017.

Chairperson

Date