

Appendix L

Council Report and Minutes

8 Public Open Space Reinvestment Project - Erskine Park update

Compiled by: Amanda McMurtrie, Strategic Property Officer

Authorised by: Andrew Moore, Financial Services Manager

Outcome	<i>We have confidence in our Council</i>
Strategy	<i>Ensure our finances and assets are sustainable and services are delivered efficiently</i>
Service Activity	<i>Manage Council's financial sustainability and meet statutory requirements</i>

Executive Summary

Our residents have told us they want us to continue improving their parks. They want their open space to include contemporary recreation options like water play, outdoor gyms, dog off leash areas and more shade. They want a focus on quality not quantity, and they want their improved parks connected to their neighbourhoods with better pathways. While funding these improvements is a challenge, it also presents an opportunity to re-examine the future of those parks that are not meeting residents' expectations and to develop a model for funding park improvements across other suburbs.

Erskine Park was used as a pilot project to gather feedback on the Community's recreation priorities, identify the availability and suitability of Council parks in the suburb and to gauge community support for funding quality improvements to open spaces in their suburb, by selling some of the Council owned land that is not meeting the Community's current recreation needs.

Council owns 19 parks and reserves in Erskine Park and provides approximately 30% more open space than the widely accepted standard for the provision of local open space within an urban context. All the parks in Erskine Park were acquired by Council as a form of local infrastructure contribution in the 1980s-90s, at a time when a large number of small open spaces was considered appropriate. A small number of these parks are either too small, too isolated, too hidden or too irregularly shaped to be well used by the Community, while others are too close to others to justify improvement or retention.

Combining the Community feedback we received through focus groups, drop-in sessions and over 200 resident survey responses with an independent recreation study, we developed a draft Open Space Master Plan (OSMP). The Plan identified which parks should be upgraded and which open space land should be considered for sale to fund improvements.

This report seeks Council endorsement to begin the process towards funding park upgrades and the sale of selected unsuitable reserves. Adoption of the recommendations of this report by Council will commence a process that would seek to reclassify and rezone certain Council owned land located within Erskine Park and allocate the funding to advance the initial improvements identified in the report.

Delivering on any agreed upgrades is an important element of this project as it demonstrates to the Community that Council has a commitment to fund the proposed improvements from the sales of reserves in a timely manner. This report proposes that \$2.65m of works identified be delivered upfront and forward funded by Council.

Background

There are a number of Council's properties (classified as community) which over the years have been identified as being potentially surplus to Council and community needs. This process initially commenced with the People's Lifestyle Aspiration and Needs Study (PLANS) adopted by Council in 2004 and the Open Space Action Plan adopted in 2007. These plans identified several parcels of land classified as open space which offer limited recreational use by the community and may present opportunities for divestment and/or conversion to another purpose.

The current work in Erskine Park represents a pilot project for the broader Public Open Space Reinvestment Project. This project generally applies to our more established neighbourhoods and aims to create an opportunity to contemporise open space throughout these areas that will revitalise current usage and provide a network that will provide for future needs. In reviewing potential pilot suburbs, consideration was given to the general readiness and knowledge of the surplus parcels in each suburb.

Erskine Park emerged as a preferred pilot suburb given the identification of parcels by PLANS and the recent rescinding of the s94 Contributions Plan which also identified a number of additional parcels as surplus.

Open space is relatively evenly distributed throughout Erskine Park. Most of the reserves in the suburb have limited landscaping comprising turf and limited healthy native trees. Few reserves have any internal paths, seats, shelters or play facilities. Erskine Park is distant from all of Penrith City's District level recreation facilities. These facilities include the Great River Walk (Nepean River), Jamison Park, Werrington Creek Park, Ripples and Kingsway Playing Field.

All parcels intended to be rezoned as part of this pilot project in Erskine Park are proposed to be given a R2 Low Density Residential zone. The application of this zone will ensure that the established character of development in the area is maintained.

Framework for review

Independent consultants, Clouston, were engaged to design a framework to guide this review of local open space in Erskine Park. An initial spatial analysis of the distribution, provision and accessibility of local open space in Erskine Park was followed by the assessment of individual open space parcels using an evaluation criteria matrix. Recommendations were then developed based on both the suburb analysis and the merits of individual parcels.

Application of the method to assess open space across the suburb of Erskine Park highlighted a number of open space parcels of limited recreational or other benefit to the community, and surplus to the community's existing and likely future needs. Divestment of these land will provide an opportunity to improve existing, valued open space by reinvesting the funds generated from the sale of surplus lands. Each of the 19 reserves in Erskine Park has been evaluated and recommendations made as to whether to retain and reinvest, sell part of the reserve to better consolidate the remaining space in each reserve or sell the park.

In determining the adequacy of open space and recreation facilities in Erskine Park, it is useful to compare the current level of open space being provided in Erskine Park with the most common recreation demand standard of 2.83 hectares/1000 people, which equates to 18.9 hectares of open space being required in Erskine Park. Currently, Erskine Park has in excess of 24 hectares of public open space. Should the land identified for reclassification and rezoning progress and this land be sold for low density housing, the level of open space provided in Erskine Park will remain 22% above the general standard of open space provision.

In considering options for retention, consolidation or disposal of reserves, a number of options were considered:

- Retain and if/where appropriate, improve.
- Partial disposal, retaining the core of the reserve but disposing of corners or extensions of the reserve that do not add value or are obscured to public views
- Partial disposal, retaining only sufficient space to ensure a generous public thoroughfare
- Disposal of the entire reserve, reinvesting funds generated to improve other local reserves or walking/cycling paths in the locality.

Professional assessment was the critical first step in evaluating the reserves in Erskine Park. However, it was acknowledged that the outcomes will only be enduring, robust and 'owned' by the community if they are included as part of that process.

Community Consultation

A crucial component of the Erskine Park pilot has involved consultation with the community prior to making any formal decisions about whether any of these small land parcels could be sold, with the funds generated to be reinvested in the City's open space network and other community priorities.

The consultation program follows the delivery of three focus groups with residents across the Penrith City Council area, held in early March 2015 to test community views on this topic. The outcomes of these sessions helped inform Council's approach to the pilot engagement program in Erskine Park.

During April and May this year, Council officers spoke to the Erskine Park community about the opportunity to fund sustainable improvements in recreation spaces in Erskine Park, by selling some of the Council owned land that is not meeting the community's recreation needs. This consultation sought general feedback on the concept and identified spaces where community members would like to see improvements and spaces that were viewed as underutilised by the community. The Stage One survey found that there was broad support for the concept, with 73% of respondents indicating that they either strongly support or somewhat support the concept.

The information collected in Stage One, along with technical studies commissioned by Council has informed the development of a draft Open Space Master Plan (OSMP) which identifies specific sites where improvements could be made, the types of upgrades and facilities needed, and which underutilised spaces might be sold to fund improvements.

This is a complex conversation which has prompted a wide range of views across the community. The draft OSMP was presented to the community for consideration as part of Stage Two consultation. The feedback received during Stage Two has been carefully analysed and used to help refine the Master Plan and inform the way forward. This second

stage of the consultation was a critical milestone for the project as it provided the Erskine Park Community an opportunity to validate the data gathered in the first stage and also the technical studies and ultimately shape the proposal being considered tonight.

The majority of feedback was collected at the two community drop in sessions on Saturday 5 September, 10am – 1pm at Chameleon Reserve; and Thursday 10 September, 6:30 – 8:30pm at Erskine Park Community Centre.

Support for the range of proposed improvements in the Draft Masterplan was fairly evenly split, with survey responses indicating:

- 53% strongly (31.1%) or somewhat supported (21%) the proposed improvements
- 47% strongly (39.5%) or somewhat opposed (7.6%) the improvements

Many comments focused on specific sites. For example, specific comments about Chameleon Reserve were supportive of the ideas outlined in the opportunities map and the recommendations in the Draft Masterplan.

The specific locations that were most mentioned throughout the survey were Warbler and Aquarius reserves. Many of the comments focused on concern over the partial sale of these reserves and of the 56 respondents who strongly or somewhat opposed the range of proposed improvements, approximately 35 made comments expressing their opposition to the sale of Warbler or Aquarius Reserves. Additional community feedback in the form of a resident petition identified Warbler Reserve as being a well-used reserve with strong community connections.

In light of this feedback, the draft OSMP has been amended to retain these reserves. Given the rationale to deliver improvements in those neighbourhoods where excess parcels are proposed for either part or full sale, the draft OSMP will also need to be amended to reprioritise the range of improvements recommended to Aquarius and Warbler reserve to the longer term.

In addition, Community feedback about Mohawk and Sennar Reserve has led to a reduction to the extent of the reserve proposed for residential development, which is now proposed to accommodate 2 standard lots as opposed to the 6 standard lots originally included.

Council's consultation program has been designed to allow the community to have their say at all stages of the project, and importantly, prior to any decisions being made about sales, funds or improvements. The limited percentage of open space proposed to be sold would be developed in line with the surrounding properties, which is low density residential.

The outcomes of the Stage 2 Erskine Park pilot consultation program would warrant Council moving to the next stage to rezone and reclassify those reserves identified in the draft Open Space Master Plan for full or partial sale.

Draft Open Space Master Plan Erskine Park

Council engaged a consultant to independently develop an OSMP for Erskine Park which aims to ensure that the project will deliver improvements to the amenity and recreation options available to the community.

Stage 1 of the community engagement process revealed the open space areas that are of highest value to the community, those that have the potential to better meet community needs and has informed Council of the types of improvements that area a priority to the

Erskine Park community. This feedback was used to develop the initial draft of the OSMP. The results of the Stage 2 consultation have further refined the draft OSMP.

Some parks in Erskine Park already feature recreation infrastructure while others remain largely unembellished. The rationale for assigning priorities to capital works in the Draft OSMP is to ensure equitable access to recreation infrastructure across the suburb, as well as to deliver open space improvements in those neighbourhoods where excess parcels are proposed for disposal.

The draft OSMP consists of an Open Space Network comprised of open space areas each with its own character and function, and of a network of connecting pathways and linkages that enables the community to take advantage of the full recreational offering available.

Land proposed for improvement and potential divestment

Extensive community engagement in Erskine Park has assisted Council in determining the community's priorities. The proposed list of reserves for possible disposal was reviewed and in some cases has been revised after consideration of the community feedback.

There are 3 groupings of community land which have been identified as being potentially surplus to Council and the community needs in Erskine Park. The first two groups include reserves which have been identified for either full disposal or part disposal taking into account community feedback and Clouston's' review. The third group includes those sites identified in the rescinded Erskine Park S94 Plan which are no longer required to meet community and drainage needs.

Specific sites identified for disposal or part disposal are identified in the table below. Specific details including land area, zoning and aerial photographs are provided in Attachment 1.

Reserve Name	Address
Group 1 = Proposed for full disposal	
Spoonbill Reserve	1a Spoonbill Street
Regulus Reserve	73 Swallow Drive
Dilga Reserve	9a Dilga Reserve
Group 2 = Proposed for partial disposal	
Mohawk and Sennar Reserve*	6A Sennar Road
Pacific and Phoenix Reserve	27a Phoenix Road
Capella Reserve	8A Kawana Place
Spica Reserve	85 Swallow Drive
Group 3 = Surplus to Section 94	
Part Chameleon Reserve	25 Chameleon Drive
Ashwick Reserve	11 Ashwick Circuit, St Clair
Fuller Reserve	6 Fuller Place, St Clair

* Reduction in area identified for residential housing development in draft OSMP.

Expenditure of any funds in Erskine Park

It is important to note that all of the parks identified in Erskine Park for disposal or part disposal were originally acquired through Section 94 contributions. As a consequence, there are legislative limitations which restricts expenditure to specified facilities. Funds generated through any future sales of public reserves in Erskine Park could be allocated towards improvements to parks (such as seating, play equipment, planting, paving, shade) and selected pedestrian laneway paths in Erskine Park.

Environmental Considerations

Consistent with Council's endorsed Cooling the City Strategy, tree planting and landscaping is planned in many of the reserves identified for improvement to target cooling to mitigate against the Urban Heat Island Effect. More broadly, street tree planting is proposed as part of the public domain improvements in Erskine Park.

An inevitable consequence of urban infill development is that a limited number of trees can be retained on development sites. However, where possible, it is proposed that significant trees will be recommended for retention and there may also be the opportunity to retain some vegetation through covenants.

Should the project progress to the planning proposal stage, independent flora, fauna and arborist reports will be undertaken to identify the environmental constraints of any of the sites identified for potential sale.

Initial funding for reinvestment

Reclassification and rezoning can be a lengthy process. To demonstrate to the community that they are getting the improvements that have been agreed to, in return for the sale of lands proposed by the pilot project in Erskine Park, advance funding is proposed to be allocated for works to be completed in 2015-16 by way of a loan against Council reserves to be repaid by the future sale proceeds.

This report recommends that \$2.65m is allocated towards the following works:

- \$1 million towards the provision of approximately 4 kilometres of continuous footpaths along the Swallow and Peppertree loop road. The Swallow and Peppertree loop encircles many major community destinations including James Erskine Primary School, Erskine Park High School, Peppertree Preserve, childcare and community facilities. (As a guide, a shared pathway which is 2.5m wide and 125mm thick can cost up to \$250,000 per kilometre).
- \$350,000 towards improving Pacific and Phoenix Reserve, a popular park with the community which is a larger open space centrally located with good street frontage and close proximity to shops. Works proposed include: a water splash pad, shelter, seating and pathways.
- \$370,000 towards improving Spica Reserve. A summary of key elements include paving and edging, seating walls, planting, playground and softfall mulch, seats, bike racks, bollards and shelter.
- \$210,000 towards improving Skylark Reserve. A summary of key elements include Seating walls, planting, play equipment and softfall mulch and seats

- \$250,000 towards improving Capella Reserve include paving and edging, seating walls, planting, turf and picnic furniture.
- \$150,000 to complete the funding required for the planned amenity and storage building at Chameleon Reserve alongside the existing netball courts.

The conceptual designs including the scope and works proposed for the reserves identified for improvement are indicative only and provided by the consultant who developed the draft OSMP and the above project will be further developed with the Community to ensure they met their expectations.

Should the parcels identified for sale progress to the rezoning stage, there will be significantly more funding made available to the Erskine Park community for recreation improvements would will be rolled out at that time.

Planning Proposal

The sites identified in the table above are currently classified as 'community' land and zoned RE1 Public Recreation. To enable the sale of the subject land, all of the sites listed in the table above will require reclassification and rezoning. It is proposed that this land be reclassified to 'operational' land and be rezoned to R2 Low Density Residential to enable divestment of the sites. The application of the R2 zone will ensure that the established character of development in the area is maintained.

The reclassification and rezoning process requires the amendment of LEP 2010 via a Planning Proposal. Once the Planning Proposal has been prepared, it needs to be sponsored by Council (acting as the relevant planning authority) before it can be submitted to and progressed through the Department's Gateway Process (the mechanism for making and amending the local environmental plan).

Should this proposal progress through the Gateway, residents will have the opportunity to submit a written submission about the proposed rezoning and reclassification during the public exhibition period and to provide formal representation of their views about the reclassification during an independently chaired public hearing.

Conclusion

While Erskine Park has a relatively high level of open space provision, many of these recreation spaces lack minimal basic facilities such as seating, walking paths, child play equipment or points of interest. By delivering recreation infrastructure which is "fit for purpose" and financially sustainable, Council will more closely satisfy the needs of residents.

RECOMMENDATION

That:

1. The information contained in the report on Public Open Space Reinvestment Project - Erskine Park update be received
2. The draft Open Space Master Plan be amended to retain the whole of Warbler and Aquarius reserves.
3. The draft Open Space Master Plan be further amended to reduce the extent of land proposed for partial disposal at Mohawk and Sennar Reserve

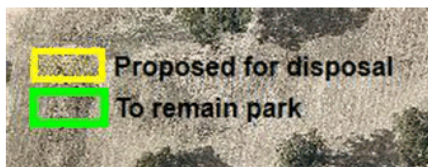
identified in the draft Master Plan to that portion identified in Attachment 1.

4. Council endorse commencing the statutory process to reclassify and rezone Council owned land identified in Erskine Park in Attachment 1.
5. Council allocate \$2.65m to the projects identified in the report by way of an internal loan against Council reserves.

ATTACHMENTS/APPENDICES

1. Land for consideration in Erskine Park 5 Pages Appendix

Land for consideration for reclassification and rezoning in Erskine Park



Attachment 1 – Land For Consideration in Erskine Park –
Council Ordinary Meeting 26 October 2015

GROUP 1 – Proposed for Full disposal

Spoonbill Reserve

Address	Lot	Area for disposal	Current zone	Proposed zone
1a Spoonbill Street Erskine Park	Lot 104 DP706344	2,466 / 2,466 sqm	RE1 Public Recreation	R2 Low Density Residential



Regulus Reserve

Address	Lot	Area for disposal	Current zone	Proposed zone
73 Swallow Drive Erskine Park	Lot 3280 DP786811	4,400 / 4,400 sqm	RE1 Public Recreation	R2 Low Density Residential



Dilga Crescent Reserve

Address	Lot	Area for disposal	Current zone	Proposed zone
9A Dilga Crescent Erskine Park	Lot 148 DP703879	2,315 / 2,315 sqm	RE1 Public Recreation	R2 Low Density Residential



Attachment 1 – Land For Consideration in Erskine Park –
Council Ordinary Meeting 26 October 2015

Group 2 - Proposed for Partial Disposal

Mohawk and Sennar Reserve

Address	Lot	Area for disposal	Current zone	Proposed zone
6A Sennar Rd Erskine Park	Lot 456 DP731414	1,279 / 4,916 sqm	RE1 Public Recreation	R2 Low Density Residential



Pacific and Phoenix Reserve

Address	Lot	Area for disposal	Current zone	Proposed zone
27A Phoenix Crescent, Erskine Park	Lot 1444 DP788282	1,234 / 12,510 sqm	RE1 Public Recreation	R2 Low Density Residential



Capella Street Reserve

Address	Lot	Area for disposal	Current zone	Proposed zone
11A Canopus Place & 8a Kawana Place, Erskine Park	Lot 2174 DP776426 & Lot 376 DP713863	2,700 / 9,752 sqm	RE1 Public Recreation	R2 Low Density Residential



Attachment 1 – Land For Consideration in Erskine Park –
Council Ordinary Meeting 26 October 2015

Group 2 - Proposed for Partial Disposal

Spica Reserve

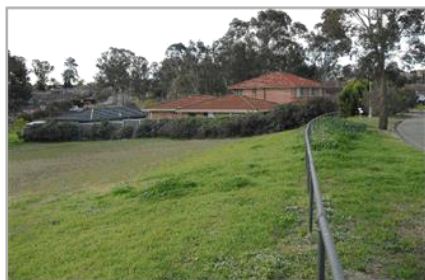
Address	Lot	Area for disposal	Current zone	Proposed zone
85 Swallow Drive Erskine Park	Lot 3281 DP786811	1,500 / 4,499 sqm	RE1 Public Recreation	R2 Low Density Residential



Group 3 – Surplus to Section 94

Part Chameleon Drive

Address	Lot	Area for disposal	Current zone	Proposed zone
25 Chameleon Drive Erskine Park	Lot 1106 DP709078	2,484 / 2,484 sqm	RE1 Public Recreation	R2 Low Density Residential





Ashwick Reserve

Address	Lot	Area for disposal	Current zone	Proposed zone
11 Ashwick Circuit St Clair	Lot 35 DP812241	1,817 / 1,817 sqm	RE1 Public Recreation	R2 Low Density Residential



Attachment 1 – Land For Consideration in Erskine Park –
Council Ordinary Meeting 26 October 2015

Group 3 – Surplus to Section 94				
Fuller Reserve				
Address	Lot	Area for disposal	Current zone	Proposed zone
6 Fuller Street St Clair	Lot 10 DP1001637	3,071 / 3,071 sqm	RE1 Public Recreation	R2 Low Density Residential
				

Attachment 1 – Land For Consideration in Erskine Park –
Council Ordinary Meeting 26 October 2015

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

ON MONDAY 26 OCTOBER 2015 AT 7:34PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

PRAYER

The Council Prayer was read by the Acting Senior Governance Officer, Adam Beggs.

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.

PRESENT

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

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Greg Davies for the period 22 October 2015 to 30 October 2015 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 28 September 2015

317 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the minutes of the Ordinary Meeting of 28 September 2015 be confirmed.

DECLARATIONS OF INTEREST

Councillor Jackie Greenow OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 6 - St Marys (Byrnes Creek) Catchment Detailed Overland Flow Flood Study* as she lives within the area of St Marys the subject of this report.

SUSPENSION OF STANDING ORDERS

318 RESOLVED on the MOTION of Councillor Prue Car MP seconded Councillor Maurice Giroto that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:36pm.

Councillor Jackie Greenow OAM introduced students from the Penrith local government area who participated in the 2015 Penrith/Fujieda Student Exchange Program. The students then presented Her Worship the Mayor, Councillor Karen McKeown, with a letter from the Mayor of Fujieda thanking Penrith City Council for the recent student exchange program and expressing appreciation for the Sister City relationship between the two cities.

Ms Kim Lewis

Item 8 – Public Open Space Reinvestment Project – Erskine Park update

Ms Lewis, an affected person, spoke in support of the recommendation to retain the whole of Warbler and Aquarius reserves in Erskine Park. Ms Lewis stated that she was in support of the amended plans incorporating more land into open space and that she opposed the selling off of this land to developers. Ms Lewis also expressed concern for wildlife in areas where trees have been removed for development.

Mr Mark Woodland

Item 8 – Public Open Space Reinvestment Project – Erskine Park update

Mr Woodland, an affected person, representing residents of Mohawk Place and Sennar Road, spoke against the recommendation to dispose of part of Mohawk and Sennar Reserve. Mr Woodland stated that the recreation reserve is used for outdoor family activities and that many families in the area purchased homes in that area because of access to the recreation reserve. Mr Woodland stated that residents of Mohawk Place and Sennar Road have all signed a petition opposing any proposed development within the recreation reserve. Mr Woodland concluded by requesting Council to retain the recreation reserve and to also consider providing recreational and play equipment in the reserve.

Mr Stephen Wigham

Item 8 – Public Open Space Reinvestment Project – Erskine Park update

Mr Wigham, an affected person, spoke against the recommendation to dispose of part of Mohawk and Sennar Reserve. Mr Wigham stated his concern regarding the environmental impacts of developing the site and removing a number of trees, which will adversely affect the outlook from his property. Mr Wigham also stated his belief that there has not been enough community consultation in this matter, as a number of residents in the surrounding area were not aware of the proposal to dispose of part of the reserve. Mr Wigham concluded by tabling a petition signed by residents of Mohawk Place and Sennar Road opposing any proposed development within this recreation reserve.

RESUMPTION OF STANDING ORDERS

319 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Ben Goldfinch that Standing Orders be resumed, the time being 7:58pm.

MAYORAL MINUTES

1 Recognition for Penrith Councillors

Councillors John Thain, Mark Davies and Ben Goldfinch spoke in support of the Mayoral Minute and offered their congratulations to the Councillors who received recognition.

The Deputy Mayor, Ross Fowler OAM thanked his fellow Councillors for their good wishes.

320 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor John Thain that the Mayoral Minute on Recognition for Penrith Councillors be received.

2 2015 Risk Management Excellence Awards

The Deputy Mayor, Councillor Ross Fowler OAM and Councillor Jim Aitken OAM spoke in support of the Mayoral Minute and congratulated the staff involved in achieving this award.

321 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the Mayoral Minute on 2015 Risk Management Excellence Awards be received.

3 The Passing of Harry Morfoot

Councillor Jim Aitken OAM spoke in support of this Mayoral Minute

Her Worship the Mayor, Karen McKeown then asked the Councillors, staff and gallery to stand for one minute's silence to acknowledge the passing of Harry Morfoot.

322 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM that the Mayoral Minute on The Passing of Harry Morfoot be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 12 October 2015

323 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Tricia Hitchen that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 12 October, 2015 be adopted.

2 Report and Recommendations of the Policy Review Committee Meeting held on 19 October 2015

324 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 19 October, 2015 be adopted.

Procedural Motion

325 RESOLVED on the MOTION of Councillor Maurice Giroto seconded Councillor Marcus Cornish that *Item 8 – Public Open Space Reinvestment Project - Erskine Park update* be brought forward and considered before all other business.

DELIVERY PROGRAM REPORTS

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

8 Public Open Space Reinvestment Project - Erskine Park update

326 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Public Open Space Reinvestment Project - Erskine Park update be received.

2. The draft Open Space Master Plan be amended to retain the whole of Warbler and Aquarius reserves and Mohawk and Sennar Reserve.
3. Council endorse commencing the statutory process to reclassify and rezone Council owned land identified in Erskine Park in Attachment 1.
4. Council allocate \$2.65m to the projects identified in the report by way of an internal loan against Council reserves.

Councillor Michelle Tormey called for a DIVISION.

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

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

- 1 Development Application DA15/0386 - Consolidation of two (2) Existing Lots and Torrens Title Subdivision Creating Four (4) Lots and Associated Stormwater Drainage Works Lot 561 DP 834943 and Lot 1 DP 849973 at (Nos.207 and 209) Bennett Road, St Clair Applicant: Penrith City Council; Owner: ~Penrith City Council**

327 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 DA15/0386 - Consolidation of two (2) Existing Lots and Torrens Title Subdivision Creating Four (4) Lots and Associated Stormwater Drainage Works Lot 561 DP 834943 and Lot 1 DP 849973 at (Nos.207 and 209) Bennett Road, St Clair be received.
2. Development Application DA15/0386 for the consolidation of two (2) existing lots and Torrens Title Subdivision Creating Four (4) Lots and Associated Stormwater Drainage Works at Lot 561 DP 834943 and Lot 1 DP 849973, at (Nos. 207 and 209) Bennett Road, St Clair be approved subject to the following conditions:

2.1 Standard Conditions

- A001 Approved Plans
- B005 Mud/Soil

D001	Implement Approved Sediment & Erosion Control Measures
D009	Covering of Waste Storage Area
D010	Appropriate Disposal of Excavated or Other Waste
G001	Installation of Services and Service Clearance (subdivision)
H001	Stamped Plans and Erection of Site Notice
H002	All forms of Construction
H041	Hours of Work
K205	Construction Certificates for Subdivision Works
K304	Matters to be Addressed Prior to Commencement of Subdivision Works
K501A	Completion of Subdivision Works
K514	Subdivision Compliance Documentation
L007	Tree Protection Measures – No TMP with DA
L009	Tree Preservation Order
L012	Existing Landscaping (for existing development)
M001	Prior to Subdivision Work (Applies to subdivision except strata)
M008	Linen Plan
M013	Street Trees
M014	Surveyors Certificate
N001	Section 94 Contribution
N002	Section 94 Contribution
P001	Costs
Q001	Notice of Commencement & Appointment of PCA2

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

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

For

Against

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

2 Development Application 14/0465.03 Modification to Two Storey Dwelling and Detached Single Storey Garage Lot 2332 DP 1184497 (No.) 1 Laimbeer Place, Penrith Applicant: Eden Brae Homes; Owner: ~Craig and Vicki Hill

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

That:

1. The information contained in the report on Development Application 14/0465.03 Modification to Two Storey Dwelling and Detached Single Storey Garage Lot 2332 DP 1184497 (No.) 1 Laimbeer Place, Penrith be received.
2. The Section 96 application to modify the internal layout of the two storey dwelling and amend the garage setback be approved subject to the following amendments.
3. Modify Condition 1 (A001) of DA14/0465 to read as follows:
The development must be implemented substantially in accordance with the plans numbered 0017966 (Issue B), pages 1 to 11, Issue F dated 26th March 2015, drawn by Eden Brae Homes and stamped approved by Council, the application form, the BASIX Certificate and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.
4. Delete Condition 9 of DA14/0465 to allow the garage to be located closer than 900mm to the eastern boundary.
5. Add an additional condition stating:
Prior to the issue of a construction certificate for the garage, the 'Easement for access, maintenance and overhang 0.9 wide' identified as 'B' on lot 2333 DP1210925 shall be modified to extend the length of the approved garage on lot 2332 and evidence provided for the lodgement of registration with NSW Land and Property Information. The final occupation certificate shall not be issued until such time as the plan is registered.
6. All other conditions in DA14/0465 to remain unchanged.

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

For

Against

Councillor Prue Car MP
Councillor John Thain
Councillor Ross Fowler OAM
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Girotto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

3 Tender Reference RFT 15/16-04 Demolition of Ramps to Allen Place Elevated Carpark, Penrith

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

That:

1. The information contained in the report on Tender Reference RFT 15/16-04 Demolition of Ramps to Allen Place Elevated Carpark, Penrith be received.
2. In accordance with Section 178 (1)(b) of the Local Government (General) Regulation 2005 that the Council not accept any tender for the Demolition of Ramps to Allen Place Elevated Carpark, Penrith.
3. The tenderers outlined in this report be advised of the situation and thanked for their tender response.

4 Magnetic Places Grants Program 2015-16

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

That:

1. The information contained in the report on Magnetic Places Grants Program 2015-16 be received.
2. The five projects listed in Table 1 are funded as part of the Magnetic Places Grants Program 2016.

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

Councillor Tricia Hitchen left the meeting, the time being 8:30pm.

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

That:

1. The information contained in the report on Tender Reference 15/16-05 Construction of Sportsfield & Associated Infrastructure for Glenmore Park Sportsfield Stage 2, Park Avenue, Glenmore Park be received.
2. Landscape Solutions Pty Ltd be awarded the contract for the Construction of Sportsfield & Associated Infrastructure for Glenmore Park Sportsfield Stage 2, Parkway Avenue Glenmore Park, for an amount of \$1,295,882.43 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

6 St Marys (Byrnes Creek) Catchment Detailed Overland Flow Flood Study

332 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on St Marys (Byrnes Creek) Catchment Detailed Overland Flow Flood Study be received.
2. St Marys (Byrnes Creek) Detailed Overland Flow Flood Study be adopted.
3. The St Marys (Byrnes Creek) Catchment Detailed Overland Flow Flood Study be made available to the public through Council's website.
4. Council implement the communication strategy detailed in the body of the report to advise property owners and the public of the adoption of the flood study.
5. Council update s149 (2) flood planning notations by including properties identified by the St Marys (Byrnes Creek) Catchment Detailed Overland Flow Flood Study as affected by the Flood Planning Levels (100 year flood level plus 500mm freeboard).

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

7 Pecuniary Interest Returns

333 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Pecuniary Interest Returns be received.
2. Council officers write to the Office of Local Government notifying that three designated employees did not lodge their pecuniary interest returns by the due date.

9 2014-15 Financial Statements

Councillor Marcus Cornish left the meeting, the time being 8:34pm.

Councillor Tricia Hitchen returned to the meeting, the time being 8:35pm.

Councillor Marcus Cornish returned to the meeting, the time being 8:38pm.

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

That:

1. The information contained in the report on 2014-15 Financial Statements be received.

2. Council congratulate staff involved in preparing the submission to IPART resulting in Council being considered Fit for the Future.

10 Summary of Investments and Banking 1 September 2015 to 30 September 2015

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

That:

1. The information contained in the report on Summary of Investments and Banking 1 September 2015 to 30 September 2015 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 September 2015 to 30 September 2015 be noted and accepted.
3. The graphical investment analysis as at 30 September 2015 be noted.
4. The Agency Collection Methods as at 30 September 2015 be noted.

REQUESTS FOR REPORTS AND MEMORANDUMS and URGENT BUSINESS

RR 1 Defqon.1 Events

Councillor John Thain requested a report to Council regarding the Defqon.1 events held in the City with the report to include recommendations on how the event should be structured in the future, in particular the duration and if it should remain a 2-3 day event or return to a one night or day event only.

UB 1 Provision of Funding for Future Opera Events at the Joan Sutherland Centre

Councillor Jackie Greenow OAM requested that an amount of \$1,000 be set aside from each Ward's voted works to enable opera singer, Lorenzo Rositano to set up a not for profit organisation to continue bringing opera events to Penrith, on the condition that a business plan first be provided for Council's consideration.

336 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Ross Fowler OAM that the matter be brought forward and dealt with as a matter of urgency.

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

337 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Ross Fowler OAM that an amount of \$1,000 be set aside from each Ward's voted works to enable opera singer, Lorenzo Rositano to set up a not for profit organisation to continue bringing opera events to Penrith, on the condition that a business plan first be provided for Council's consideration.

RR 2 Removal of Trees and Topsoil - Lend Lease development, Llandilo

Councillor Kevin Crameri OAM requested a memo reply to all Councillors providing an explanation as to why all trees and topsoil have been removed at the Lend Lease development at Llandilo, when residents often have difficulty obtaining permission to remove trees from their properties.

RR 3 Flight Paths associated with Proposed Badgerys Creek Airport

Councillor Kevin Crameri OAM requested a memo reply to all Councillors concerning the possibility of requesting a fly-over of the flight paths over Penrith associated with the proposed Badgerys Creek Airport.

RR4 Entry Feature at Glenmore Park entry - Mulgoa Road

Councillor Mark Davies requested a memo reply to all Councillors regarding the condition of the stone wall marking the entry to Glenmore Park, at Mulgoa Road, as it has become overgrown and in need of restoration.

UB 2 Leave of Absence

Councillor Bernard Bratusa requested a Leave of Absence from 1 November 2015 to 4 November 2015 inclusive.

338 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor John Thain that the matter be brought forward and dealt with as a matter of urgency.

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

339 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor John Thain that Councillor Bernard Bratusa be granted a Leave of Absence from 1 November 2015 to 4 November 2015 inclusive.

COMMITTEE OF THE WHOLE

Councillor John Thain left the meeting, the time being 8:58pm

340 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Prue Car MP that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:58pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Bernard Bratusa seconded Councillor Prue Car MP that the press and public be excluded from Committee of the Whole to deal with the following matters:

Outcome 2

- 2 Legal Status of Development Application 13/0311 for Residential Apartments and Townhouses at Lot 1311 DP11611826 (No. 119) Glengarry Drive, Glenmore Park Applicant: Hazzouri Property Trust; Owner: ~Hazzouri Investments 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 7

- 3 Commercial Matter - Disposal of Council owned land to adjoining owner**

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.

- 4 Commercial Matter - Primary Application - Woodriff 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.

Outcome 6

- 5 Commercial Matter - Woodriff Gardens Tennis Courts Upgrade**

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.

Councillor Prue Car MP left the meeting at 8:59pm and did not return.

The meeting resumed at 9:18pm and the General Manager reported that the Committee of the Whole met at 8:59pm on 26 October 2015, the following being present

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

and the Committee of the Whole excluded the press and public from the meeting for the reasons set out in CW1 and that the Committee of the Whole submitted the following recommendations to Council.

CONFIDENTIAL BUSINESS

2 Legal Status of Development Application 13/0311 for Residential Apartments and Townhouses at Lot 1311 DP11611826 (No. 119) Glengarry Drive, Glenmore Park Applicant: Hazzouri Property Trust; Owner: ~Hazzouri Investments Pty Ltd

Councillor John Thain returned to the meeting, the time being 9:00pm.

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

CW2 That:

1. The information contained in the report on Legal Status of Development Application 13/0311 for Residential Apartments and Townhouses at Lot 1311 DP11611826 (No. 119) Glengarry Drive, Glenmore Park be received.
2. The Restriction on the Use of Land seventhly referred to in Deposited Plan 1161827 be modified as follows:
“Vehicular access for Lot 1311 will be denied across the boundary designated ‘y’-‘z’ on the abovementioned plan. Vehicular access for Lots 1306 and 1307 will be denied across the boundary designated ‘x’-‘y’-‘z’ on the abovementioned plan.”
3. The Common Seal of Penrith City Council be affixed to the necessary documentation modifying the Restriction on the Use of Land seventhly referred to in Deposited Plan 1161827.
4. The proponent prepare all necessary documentation at no cost to Council to enable modification of the land use restriction.

3 Commercial Matter - Disposal of Council owned land to adjoining owner

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

CW3 That:

1. The information contained in the report on Commercial Matter - Disposal of Council owned land to adjoining owner be received.
2. Consideration of this matter be deferred to a future Council meeting.

4 Commercial Matter - Primary Application - Woodriff Street, Penrith

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

CW4 That:

1. The information contained in the report on Commercial Matter - Primary Application - Woodriff Street, Penrith be received.

2. The Common Seal of the City of Penrith be placed on all necessary documentation for Council Primary Application and any other plans relating to subdivision and consolidation.

5 Commercial Matter - Woodriff Gardens Tennis Courts Upgrade

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Bernard Bratusa

CW5 That:

1. The information contained in the report on Commercial Matter - Woodriff Gardens Tennis Courts Upgrade be received.
2. A sum of \$530,000, including an allowance for contingency, is allocated for the purpose of funding a project variation to upgrade 10 courts at Woodriff Gardens Tennis Complex with a cushioned hard court surface.

ADOPTION OF COMMITTEE OF THE WHOLE

341 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Jackie Greenow OAM that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:23pm.

I certify that these 13 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 26 October 2015.

Chairperson

Date