

## **CONFIRMED MINUTES**

### **OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS**

**ON MONDAY 10 OCTOBER 2005 AT 7:01PM**

#### **NATIONAL ANTHEM AND PRAYER**

The meeting opened with the National Anthem and Prayer read by the Reverend Neil Checkley.

#### **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.

#### **PRESENT**

His Worship the Mayor Councillor John Thain, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury (arrived at 7:09PM), Lexie Cettolin, Kevin Crameri OAM, Greg Davies, Mark Davies, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Pat Sheehy AM.

#### **APOLOGIES**

486 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Pat Sheehy that apologies be received from Councillor David Bradbury..

#### **LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor Ross Fowler for the period 2 October to 13 October 2005 inclusive.

Leave of Absence was previously granted to Councillor Steve Simat for the period 22 August to 25 October 2005 inclusive.

#### **CONFIRMATION OF MINUTES**

##### **Ordinary Meeting - 26 September 2005**

487 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Greg Davies that the minutes of the Ordinary Meeting of 26 September 2005 be confirmed.

#### **DECLARATIONS OF INTEREST**

Councillor Pat Sheehy declared a non pecuniary interest in Item 8, Application to rezone Lot 1 DP 542395 and Lot 740 DP 810111 Elizabeth Drive, Luddenham to allow an Advanced Waste Treatment Facility in conjunction with the existing quarry and landfill operation. Applicant: Mullane Planning Consultants Pty Ltd; Owner: SITA Australia Pty Ltd as the owner is a sponsor of the Penrith Regional Gallery and Councillor Sheehy is a director of the Penrith Regional Gallery and Lewers Bequest Ltd and he reserved his right to speak and vote on the item.

Councillor Jackie Greenow declared a non pecuniary interest in Item 8, Application to rezone Lot 1 DP 542395 and Lot 740 DP 810111 Elizabeth Drive, Luddenham to allow an Advanced Waste Treatment Facility in conjunction with the existing quarry and landfill operation. Applicant: Mullane Planning Consultants Pty Ltd; Owner: SITA Australia Pty Ltd as the

owner is a sponsor of the Penrith Regional Gallery and Councillor Greenow is a director of the Penrith Regional Gallery and Lewers Bequest Ltd and she reserved her right to speak and vote on the item.

Councillor Karen McKeown declared a non pecuniary interest in Item 8, Application to rezone Lot 1 DP 542395 and Lot 740 DP 810111 Elizabeth Drive, Luddenham to allow an Advanced Waste Treatment Facility in conjunction with the existing quarry and landfill operation. Applicant: Mullane Planning Consultants Pty Ltd; Owner: SITA Australia Pty Ltd as the owner is a sponsor of the Penrith Regional Gallery and Councillor McKeown is a director of the Penrith Regional Gallery and Lewers Bequest Ltd and she reserved her right to speak and vote on the item.

#### **SUSPENSION OF STANDING ORDERS**

488 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Mark Davies that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:06PM.

Ms Sharon Lilley of Londonderry, the owner of the proposed development, addressed the meeting on Item 6, Development Application 04/2745 for the demolition of an existing dwelling and the construction of Seniors Living Development at Lot 5111 and Lot 5112 DP 1057000 (No. 6) Lofty Place, Cranebrook, and spoke in favour of the recommendation. Ms Lilley said that there was a growing demand for the type of seniors living development contained in the development application. She said that she had co-operated with Council to come to the outcome proposed in the development application and that the design was of good quality and suited the area where it is proposed to build the development.

Councillor David Bradbury arrived at the meeting the time being 7:09PM.

Mr Neil Joines of Cranebrook, a neighbour of the proposed development, addressed the meeting on Item 6, Development Application 04/2745 for the demolition of an existing dwelling and the construction of Seniors Living Development at Lot 5111 and Lot 5112 DP 1057000 (No. 6) Lofty Place, Cranebrook, and spoke against the recommendation. Mr Joines said that the development threatened the privacy of adjoining properties and that the building material should be brick. He said that the access to amenities was not adequate considering that it was on top of a hill and residents would be required to cross two busy roads to get to a bus stop. Mr Joines said that there were opportunities for this type of development in newer release areas and putting them in established residential streets would inevitably create disputes with existing home owners in the area.

#### **RESUMPTION OF STANDING ORDERS**

489 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor David Bradbury that Standing Orders be resumed, the time being 7:13PM.

#### **PRESENTATION FROM PENRITH PANTHERS BMX CLUB**

His Worship the Mayor, Councillor John Thain informed the meeting that 680 competitors from around New South Wales had attended the BMX State Titles held in Penrith on 1 October 2005, and that riders from Penrith Panthers BMX Club had taken first place in thirteen of the forty classes competing.

Mr Don Tierney, the Club's Secretary addressed the Council and spoke about the success of the Championships and he and Mr Mark Cheshire, the Club's Vice President made a presentation of a framed jersey to Council in appreciation of Council's support of the Club.

#### **COUNCIL'S SPONSORSHIP OF WESTERN SYDNEY INDUSTRY AWARDS**

**ACKNOWLEDGED**

His Worship the Mayor, Councillor John Thain informed the meeting that Council had received a plaque to acknowledge its Silver Sponsorship of the 2006 Western Sydney Industry Awards.

**MASTER PROGRAM REPORTS**

**THE CITY IN ITS BROADER CONTEXT**

**1 City Centres' Review - former Council Chambers Precinct 4200/6**

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

That:

1. The information contained in the report on City Centres' Review - former Council Chambers Precinct be received
2. Pursuant to the provisions of the Environmental Planning and Assessment Act 1979, and the Regulations 2000, Council prepare a draft Development Control Plan for the land known as the former Council Chambers Precinct (Lot 112 DP 1028320), the Australian Tax Office land (Lot 2 DP 813828), and land adjoining this Precinct to the east (Lot 111 DP 1028320), in accordance with the appended map
3. That affected landowners be notified of Council's resolution, and consulted in the preparation of the draft Development Control Plan.

**3 City Marketing Event Sponsorship proposal from Richmond Race Club 1000-67**

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

That:

1. The information contained in the report on City Marketing Event Sponsorship proposal from Richmond Race Club be received
2. Council approve sponsorship for the Richmond Race Club 50<sup>th</sup> anniversary event to a value of \$2,500.

**2 Preparation of a new integrated Local Plan for the City 4114/65**

492 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Preparation of a new integrated Local Plan for the City be received
2. Pursuant to the provisions of the Environmental Planning and Assessment Act, 1979 and Regulations 2000, Council prepare a draft Local Environmental Plan for the City of Penrith, consistent with the standard template for Local

Environmental Plans being prepared by the State Government

3. A Local Environmental Study not be required in this case, as the Plan will be supported by relevant studies and strategies
4. A further report be presented to Council prior to the public exhibition of the draft Local Environmental Plan
5. Pursuant to the provisions of the Environmental Planning and Assessment Act, 1979 and the Regulations 2000, Council prepare a draft Development Control Plan for the City of Penrith
6. A further report be presented to Council prior to the public exhibition of the draft Development Control Plan.

**THE CITY AS A SOCIAL PLACE**

**5 Section 96 Modification to Development Application 02/2426 for the construction of a mixed use building over basement car parking at Lot 29 and Lot 30 DP 976320 (No. 79 - 81) Union Road, Penrith. Applicant: Sunlit International P/L; Owner: Sunlit International P/L DA02/2426**

493 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Garry Rumble

That:

1. The information contained in the report on Section 96 Modification to Development Application 02/2426 for the construction of a mixed use building over basement car parking at Lot 29 and Lot 30 DP 976320 (No. 79 - 81) Union Road, Penrith be received
2. The modification request be approved by way of Condition 1 being amended to read:

The development must be implemented substantially in accordance with the plans numbered 002-B2; Issue B; 002-Issue B; 003- Issue B; 004-Issue A; 005-Issue A; 006-Issue B; 007- Issue A; 008-Issue A; 009-Issue A; 010-Issue A; 011- Issue A; 012-Issue B drawn by Adriaan Winton Architects, lodged with Council on 20/6/03, 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:

These plans are amended by those changes shown clouded on the following plans prepared by Zhinar Architects received by Council on 4 May 2005:

<i>Drawing</i>	<i>Title</i>	<i>Issue</i>	<i>Date</i>
3508 DA:01	Basement Parking	D	8 July 2005
3508 DA:02	Basement Parking	C	October 2004
3508 DA:03	Ground Floor	D	8 July 2005
3508 DA 04	Level 1	C	October 2004
3508 DA:05	Level 2	C	October 2004
3508 DA:06	Level 3	C	October 2004

3508 DA:06	Level 3	C	October 2004
3508 DA:07	Level 4	C	October 2004
3508 DA:08	Roof Plan	C	October 2004
3508 DA:09	South elevation	C	October 2004
3508 DA:10	North elevation	C	October 2004
3508 DA:11	Section	C	October 2004

{Prescribed conditions under the Environmental Planning and Assessment Regulation 2000 as amended will apply to a building and subdivision work commencing/approved on 1 July 2003.}

2.2. That the following additional condition be imposed:

The preparation and approval by Council prior to issue Construction Certificate, a Construction Management Plan detailing arrangements for:

- a) Demolition
- b) Excavation and site works
- c) Construction
- d) Employee parking
- e) Plant/equipment delivery and storage
- f) Materials delivery and storage
- g) Traffic and pedestrian management.

## 7 Grant Applications under the Castlereagh Community Fund

494 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Garry Rumble

That:

1. The information contained in the report on Grant Applications under the Castlereagh Community Fund be received.
2. Subject to the adoption of the Open Space Action Plan, the upgrade of the field surface at Londonderry Park be included in the 2006/07 Management Plan.

## 9 Proposed Glenmore Park Child and Family Precinct

1344/1,4122/51 Pt2

495 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Garry Rumble

That:

1. The information contained in the report on the Proposed Glenmore Park Child and Family Precinct be received.
2. Council adopt, in principle, the proposed model for the Glenmore Park Child and Family Precinct.
3. Tender processes for architectural services including master plan design options, design development and documentation are commenced.

4. A further report be submitted for Council's consideration with a preferred design and quantity surveyor's costing before proceeding to tender for construction.

**10 Use of Cook Park for Premier League Soccer 3149/13**

496 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Garry Rumble that the information contained in the report on Use of Cook Park for Premier League Soccer be received.

**11 Building upgrade at Jamison Park Netball Complex 3209/6**

497 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Garry Rumble that the information concerning the upgrading of the Netball Amenities Building at Jamison Park be received.

**21 Development Application 05/1384 - Proposed refurbishment and extension to the western grandstand, new lift to eastern grandstand and new forecourts at Lot 2 DP 773983 (No. 143) Station Street, Penrith. Applicant: Penrith District Rugby League Football Club; Owner: Department of Lands DA05/1384**

498 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Garry Rumble

That:

1. The information contained in the report on Development Application 05/1384 - Proposed refurbishment and extension to the western grandstand, new lift to eastern grandstand and new forecourts at Lot 2 DP 773983 (No. 143) Station Street, Penrith be received
2. The information contained in the report on Development Application 05/1384 - Proposed refurbishment and extension to the western grandstand, new lift to eastern grandstand and new forecourts at Lot 2 DP 773983 (No. 143) Station Street, Penrith be approved, subject to the following conditions:

**Standard Conditions**

A001, A008, A011, A012, A019, A021, A039, A040, B002, B003, B004, B005, B006, D001, D009, D010, E01A, E006, E008, E009, G002, H01F, H041, H011, H024, I003 (Reworded for Ransley Street), I003 (Reworded for Mulgoa Road), K001, K002, K025, L007, L008, P002, Q01F, Q005.

**Special Conditions**

1. Prior to the issue of the Construction Certificate for that stage of the development, amended plans shall be provided to and approved by Council's Manager Building Approvals & Environment Protection (BAEP) in relation to the design of the western façade of the proposed western grandstand. The amended design is to provide additional articulation, modulation and elements of visual interest.
2. Prior to the issue of the Construction Certificate for that stage of the

development, amended plans and further detail shall be provided to and approved by Council's Manager BAEP in relation to the fencing proposed as part of this development application. The fencing is to be temporary in nature, and shall consist of relocatable panels and operable gates. A Management Plan shall be submitted detailing fencing arrangements that maximises public access to the improved forecourt areas when the stadium is in 'non-event' mode.

3. Prior to the issue of the Final Occupation Certificate, a Venue Management Plan detailing evacuation procedures shall be provided to and approved by Council's Manager BAEP.
4. Prior to the issue of the Final Occupation Certificate, amended plans shall be submitted to and approved by Council's Manager BAEP detailing the relocation of the existing disabled car parking spaces to the area adjacent to the existing pump station on the north western corner of the subject site.
5. Construction of the proposed development shall be in accordance with AS0428.1-2001 *Design for Access and Mobility*
6. Prior to the issue of the Construction Certificate for that stage of the development, details of the position and screening of any roof plant on the western grandstand roof shall be provided to and approved by Council's Manager BAEP.
7. Within 12 months from the date of issue of the final Occupation Certificate, an amended Traffic Management Plan, noting the new configuration of the stadium, shall be submitted to Council's Manager BAEP. General parking provisions for 'event days' shall also be analysed in this report. This report shall form the basis of future discussions relating to the required parking provisions of any proposal to increase the overall capacity of the stadium.
8. The fixed seating rows to the front, rear and sides of the accessible seats/seating areas are to be reserved in the ticketing sales for first choice by patrons booking tickets in advance, and in conjunction with accessible seating sales. In this regard a minimum of 30 seats shall be made available for this purpose prior to the day of the event.
9. No signage is approved as part of this development application. Signage is to form the subject of a separate development application.
10. The Landscape Plan submitted with the development application is not approved. Prior to the issue of the Construction Certificate for that stage of the development, an amended Landscape Plan shall be submitted to and approved by Council's Manager BAEP.
11. Prior to the issue of the Construction Certificate for the western façade of the western grandstand, a sample board and schedule of finishes and materials shall be submitted to and approved by Council's Manager BAEP.
12. Use of the stadium and public address system must comply with the provisions of the Protection of the Environment Operations Act 1997

(POEO).

13. Prior to the issue of the Occupation Certificate, details regarding the alterations and additions to the public address system are to be provided to Council, and are to comply with the provisions of the POEO Act 1997.
14. Prior to the issue of the Construction Certificate for that stage of the development, plans detailing the installation of a dual plumbing system that would be adaptable for connection to a recycled water system, should it become available, are to be submitted to and approved by Council's Manager BAEP.
15. Prior to the issue of the Construction Certificate for that stage of the development, a Sustainability Report shall be submitted to and approved by Council's Manager BAEP detailing the use of recycled water and the beneficial use of collected stormwater.
16. Use of the Corporate Facility as a Reception Centre is prohibited. The Corporate Facility is only to be used in conjunction with an event being held at the stadium where members of the public would be attending other public areas of the stadium.
17. Soils and waste material to be removed from the site is to be disposed of at an approved site.

**4 Formula One Superboat Event**

**3032/7**

499 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Formula One Superboat Event be received
2. Council donate a total of \$6,500 to Australian Formula One Superboat Series Inc for the Formula One Superboat Event, to be made up of \$3,500 from the City Marketing budget and \$1, 000 from each Ward's voted works budget.

**6 Development Application 04/2745 for the demolition of an existing dwelling and the construction of Seniors Living Development at Lot 5111 and Lot 5112 DP 1057000 (No. 6) Lofty Place, Cranebrook.  
Applicant: Pretech Pty Ltd; Owner: P & S Lilley**

**DA04/2745**

500 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Greg Davies

That:

1. The information contained in the report on Development Application 04/2745 for the demolition of an existing dwelling and the construction of Seniors Living Development at Lot 5111 and Lot 5112 DP 1057000 (No. 6) Lofty Place, Cranebrook be received



2. That Council support the objections pursuant to State Environmental Planning Policy 1 in respect of Clause 12(4)(a) of Penrith Local Environmental Plan 1998 and Clause 38(4)(c) of State Environmental Planning Policy (Seniors Living) 2004
3. That Development Application 04/2745 for the demolition of an existing dwelling and the construction of Seniors Living Development at Lot 5111 and Lot 5112 DP 1057000 (No. 6) Lofty Place, Cranebrook be approved by granting a Deferred Commencement consent, subject to the conditions in Schedule 1 and Schedule 2 below:

#### **Schedule 1**

The consent shall not operate until Council is satisfied with the following additional information, which shall be submitted within 3 months of the date of the determination of this consent:

- 3.1 The submission of revised hydraulic plans, which are consistent with the architectural plans approved with this application, and which also address the following matters:
  - a) The 375 outlet pipe through the reserve is excessive with the provision of OSD and should be reduced in size
  - b) The extension of Council's pipe system in Indy Crescent is not required and the proposed drainage shall be reconfigured with connection to the kerb
  - c) Additional surface gratings shall be provided to the tank along with step irons at entry point
  - d) Details of when the high level overflow of the tank operates is to be provided
  - e) The sump is to be removed from control pit
  - f) Courtyard levels require adjustment to be compliant with the BCA in terms of providing adequate drainage clearance to proposed floor levels.
- 3.2 The submission of a revised landscape plan prepared by a consultant listed in Council's approved Landscape Consultants Register. This plan shall consistent with the architectural plans approved with this application, and which otherwise satisfies the requirements in Council's Landscape Development Control Plan.

The landscape plan shall also identify:

  - a) The design, materials and colour of all boundary fencing
  - b) The materials and colour finishes of the internal driveway.
- 3.3 The submission of a Construction Management Plan detailing arrangements for:
  - a) Demolition

- b) Excavation and site works
- c) Construction
- d) Employee parking
- e) Plant/equipment delivery and storage
- f) Materials delivery and storage
- g) Traffic and pedestrian management.

### **Schedule 2 Conditions**

#### **Special conditions**

- 3.4 The development shall be implemented substantially in accordance with the plans numbered A01 – A10, issue D, dated 28/6/05, prepared by Pretech Pty Ltd the application form and any supporting information received with the application except as maybe amended in red on the attached plans, or by the conditions in this Notice.

In this regard the plans shall be amended as follows:

- a) The first floor bathroom windows in the western elevation of Units 1 and 2 shall be deleted. Any window serving these bathrooms shall instead be located within the northern elevation of those units
- b) None of the ground floor bedrooms in any unit shall have walls comprising a ‘concertina’ type construction
- c) Fencing in proximity to Tree # 15 shall be constructed in accordance with the recommendation in Section 6 of the Tree Report prepared by About Trees
- d) The site plan and relevant architectural plans shall be modified to be consistent with the revised site plan, being Drawing No. A02, Issue E, dated 26/9/05, drawn by Pretech Pty Ltd
- e) The mistletoe in Tree 15 shall be removed, and minor pruning undertaken under the direction of a qualified arborist, to limit the amount of debris that will fall onto Unit 6. Units 1, 6 and 12 shall be provided with ‘gutter guard’ to limit the degree of ongoing maintenance to these units

These details shall be included in any plans approved with a Construction Certificate.

- 3.5 The development shall be completed in accordance with the schedule of finishes received from Pretech Pty Ltd, Drawing No. A16, Issue A dated 16 December 2004, and details for fencing and driveway treatments as shown on the landscape plan approved to satisfy Schedule 1 of the consent
- 3.6 Compliance with Construction Management Plan approved to satisfy Schedule 1 of the consent
- 3.7 Drainage shall be completed generally in accordance with the plans approved to satisfy Schedule 1 of the consent
- 3.8 Prior to the issue of any Occupation Certificate a restriction under

Section 88B of the Conveyancing Act shall be registered against each unit to satisfy clause 20 (1) and (2) of State Environmental Planning Policy (Seniors Living) 2004

- 3.9 Prior to the issue of any Occupation Certificate the Principal Certifying Authority shall be provided with a Compliance Certificate confirming that all units within the development satisfy the requirements of clauses 51- 72 of State Environmental Planning Policy (Seniors Living) 2004
- 3.10 Tree numbers 2,3,4, 12,13,15 and 16, as identified in the report prepared by About Trees, shall be retained and incorporated into the development
- 3.11 Prior to the release of any Occupation Certificate the Principal Certifying Authority shall be provided with a Compliance Certificate confirming that a Restriction under the Conveyancing Act has been registered preventing the media and / or study rooms in unit 1 and 7 – 12 being converted for use as bedrooms
- 3.12 Submission of plans to the Principal Certifying Authority (PCA) prior to the issue of any Construction Certificate, showing full design details for the method of construction, and materials, for that section of the driveway and visitor parking spaces in proximity to Trees 2,3 and 4, shown shaded on Drawing No A02, issue E prepared by Pretech Pty Ltd. These plans shall be accompanied by certification from a suitably qualified arborist confirming the suitability of these works relative to the root zones of Trees 2, 3 and 4
- 3.13 A suitably qualified arborist shall provide the following certification to the Principal Certifying Authority (PCA) during the construction of the development:
  - a) Confirmation that all measures outlined in the Tree Protection Plan (Section 9 of the Tree Report prepared by About Trees) are installed on site prior to any works commencing. In this regard it is noted that Trees Nos. 1, 2, 3, 4, 12, 13, 15 and 16 are to be retained and protected
  - b) Upon completion of the ground floor of all units, provide confirmation that the measures outlined in the Tree Protection Plan remain in place, and are satisfactory
  - c) Prior to excavation for services and drainage, confirm that all relevant contractors were advised of the requirements of the Tree Management Plan.
  - d) Prior to construction of the driveway confirm that all relevant contractors were advised of the requirements of the Tree Management Plan
  - e) Upon completion of the driveway and visitor spaces in proximity of Trees 2, 3 and 4, provide confirmation that construction was completed in accordance with conditions elsewhere in this Notice
  - f) Provide certification that the measures outlined in the Tree Protection Plan were satisfactory at the time landscaping of the

site was completed.

**Standard conditions**

4. A008, A009, A011, A014, A019F, A038, A039, A043, B001, B002, B003, B004, B005, B006, B007, D001, D009, D010, E001, E005, E006, G002, G004, H01F, H003, H041, H002, H013 (c, e, f, g, h, i = building specifications) H015, H022, H024, H026, H028, H030, I003 (Lofty Place – b, e, g, h), I004 (f – the provision of concrete footpaths and associated works, including necessary pedestrian crossing facilities, to ensure the provision of safe pedestrian access from the site to the nominated bus stop in Andromeda Drive. These additional works shall link the existing footpath in Hindmarsh Street to the bus stop by creating a new pedestrian crossing in Hindmarsh Street, south west of the existing roundabout, and another new crossing in Andromeda Drive, south east of the existing roundabout. A bus shelter is to be provided at the bus stop in Andromeda Drive. These works shall be designed to satisfy the relevant AustRoads and Roads and Traffic Authority Guidelines. All costs associated with these works shall be borne by the applicant.), K001 (delete ‘roads and’) K002, K007, K009, K016, K019, K025, K027, K036, K037, L001 (landscape plan approved to satisfy Schedule 1), L002, L003, L007, L008, L010 (prepared by About Trees [Tree numbers 2,3,4, 12,13,15 and 16] ) N001 (North Cranebrook Release Area - \$71,354), N001 (Cultural Facilities - \$1032), P002, Q001, Q005, Q006 (dot points 1,7,8,9,12)
5. Persons who made submissions in respect to the proposed development to be advised of Council’s decision in writing.
6. A further report be brought to Council regarding the reconciliation of SEPP5 provisions for Seniors Living Developments with Council’s own aspirations for aged housing within the future Integrated Local Plan for the Penrith LGA.

Councillors Lexie Cettolin and Kevin Cramereri requested that their names be recorded as having voted against the motion.

**8 Application to rezone Lot 1 DP 542395 and Lot 740 DP 810111  
Elizabeth Drive, Luddenham to allow an Advanced Waste Treatment  
Facility in conjunction with the existing quarry and landfill operation.  
Applicant: Mullane Planning Consultants Pty Ltd; Owner: SITA  
Australia Pty Ltd**

**RZ04/0035**

501 RESOLVED on the MOTION of Councillor Kevin Cramereri seconded Councillor Lexie Cettolin

That the matter be deferred pending a further report that examines the implications for air quality for surrounding residents, and that provides:

1. Comprehensive information about the facility in Perth, mentioned in Item 8 of the Business Paper for 10 October, and the extent to which the Perth facility compares with the facility proposed for Luddenham
2. Information on the source of the odour in the vicinity of the Eastern Creek waste treatment facility and landfill site.

Councillor Cramereri left the meeting the time being 8:23pm.

**12 East Ward Skate Park - Mark Leece Oval, St Clair. 3036/7**

502 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Jackie Greenow

That:

1. The information contained in the report on East Ward Skate Park - Mark Leece Oval, St Clair be received
2. The additional \$125,000 for the construction of the Skate Park be allocated from the balance of the Recreation Reserve.

**THE CITY SUPPORTED BY INFRASTRUCTURE**

**13 Local Government Road Safety Program - Roads and Traffic Authority Grant Funding 2005-2006 9019/91**

503 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Greg Davies

That:

1. The information contained in the report on Local Government Road Safety Program - Roads and Traffic Authority Grant Funding 2005-2006, be received
2. Council accepts the grants from the Roads and Traffic Authority as outlined in the report
3. Council congratulate the Road Safety Coordinator on the success of the road safety programs mentioned in the report.

**LEADERSHIP AND ORGANISATION**

**14 Landcom - Property Lot 101 DP 700213 Brookfield Avenue Werrington Downs 160658**

504 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Landcom - Property Lot 101 DP 700213 Brookfield Avenue Werrington Downs be received
2. Landcom be informed that Council appreciates the opportunity in offering the land for sale, but is not interested in acquiring the land.

**15 Pecuniary Interest Returns 3/9 & 909/62 Pt 3**

505 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Pat Sheehy that the information contained in the report on Pecuniary Interest Returns be received.

**16 2004/05 Annual Statements 6037/34**

506 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Pat Sheehy that the information contained in the report on 2004/05 Annual Statements be received

**17 Provision of Banking Services**

**6000/16**

507 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Provision of Banking Services be received
2. Council renew its banking relationship with the Commonwealth Bank for the period July 1 2005 to June 30 2009 in line with the expression of interest received from the Bank dated 27 June 2005.

**18 Council Property - Granting of an Easement for Electricity Padmount Substation on Council Land Lot 2 DP 597201 Carinya Avenue, St Marys to Intregal Energy and the Transfer of Integral Energy's land to Council**

**177365**

508 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Council Property - Granting of an Easement for Electricity Padmount Substation on Council Land Lot 2 DP 597201 Carinya Avenue, St Marys to Intregal Energy and the Transfer of Integral Energy's land to Council be received
2. Council grant Integral Energy an Easement for Padmount Substation and connecting cables over Lot 2 DP 597201 in Carinya Avenue, St Marys.
3. The existing Integral Energy site Lot 1 DP 597201, to be transferred to Council after they demolish and remove all their infrastructure from the site as compensation for the granting of the easement.
4. Lot 1 DP 597201 to be classified as "operational" land upon transfer to Council.
5. Integral Energy to bear all reasonable costs associated with the granting of the easement.
6. Lots 1 and 2 DP 597201 be consolidated.
7. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**19 Late Notice of Motion to the 2005 NSW Local Government Association Conference**

**6503/4**

509 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Late Notice of Motion to the 2005 NSW Local Government Association Conference be received
2. Penrith City Council submit a late Notice of Motion to the 2005 NSW Local

Government Association Annual Conference proposing that the Conference calls upon the State Government to amend Section 525(1) and Section 526(1)(a) & (3) of the Local Government Act 1993, so that a rateable person's application for re-categorisation of their land is limited to the current financial year.

**20 Council Property - Lease of Shop 1 Allen Arcade, 140-142 Henry Street, Penrith 320469 LE4 Pt 3**

510 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Council Property - Lease of Shop 1 Allen Arcade, 140-142 Henry Street, Penrith be received
2. Council approve the assignment of the existing lease within Shop 1 at 140-142 Henry Street Penrith from DFG Clinics Pty Limited to Healthscope Limited.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation relating to the assignment.

**21 Amendment to Council's 2005 Meeting Calendar 31/14 Pt 4**

511 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Amendment to Council's 2005 Meeting Calendar be received
2. An Ordinary meeting of Council be scheduled for Monday 31 October 2005.

Councillor Garry Rumble left the meeting the time being 8:25PM.

**QUESTIONS WITHOUT NOTICE**

**QWN 1 Leave of Absence**

Councillor Jackie Greenow requested Leave of Absence for 17 October 2005.

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

512 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Karen McKeown that Leave of Absence be granted to Councillor Jackie Greenow for 17 October 2005.

**QWN 2 Donation to Mamre Project**

Councillor Jackie Greenow requested that Council make a donation of \$600 from East Ward voted works to the Mamre Project to cover the cost of hiring chairs and a stage for their Arts and Crafts Colonial Fair on the weekend of 15 and 16 October.

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

513 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Greg Davies that Council donate \$600 from East Ward voted works to the Mamre Project to cover the cost of hiring chairs and a stage for their Arts and Crafts Colonial Fair on the weekend of 15 and 16 October.

Councillor Garry Rumble returned to the meeting the time being 8:28PM.

Councillor Kevin Cramer returned to the meeting the time being 8:29PM.

**QWN 3 Implications of Court Ruling**

Councillor David Bradbury requested that a memo outlining the implications of the NSW Court of Appeal's decision in Baulkham Hills Shire Council vs Group Development Services Pty Ltd. [2005] NSWCA 315

**QWN 4 Post Box in Lakes Drive Glenmore Park**

Councillor Jim Aitken requested a memo regarding the possibility of Council lobbying Australia Post to investigate the installation of a post box in front of the Public School in Lakes Drive Glenmore Park.

**QWN 5 Relocation of Bus Stop at Glenmore Park Shops**

Councillor Jim Aitken requested that a report be brought to Council to address the problems with the bus stop that was relocated from Glenmore Park shops. The problems include lack of paving, a steep slope and the absence of a shelter.

**QWN 6 Use of Low Step Buses by Westbus**

Councillor Jim Aitken requested a report on the use by Westbus of low step entry buses. He has received representations suggesting that Westbus has stopped the use of such buses and that this is affecting the elderly, the disabled and mothers with young children.

**QWN 7 UWS Scholarship program**

Councillor Jim Aitken requested a report on the possibility of Penrith City Council working with the University of Western Sydney to develop a scholarship program along the lines of the program currently operating between the University and Blacktown City Council.

**QWN 8 Footpath on Southern Side of Rodgers Street, Kingswood**

Councillor Jim Aitken requested an update on the time frame for the construction of a concrete pavement in Rodgers Street Kingswood.

**QWN 9 Closure of Ransley Street, Penrith**

Councillor Jim Aitken requested an update on the closing of Ransley Street Penrith and a copy of any advice regarding the matter given to Penrith A H & I Society or those associated with the upgrade of Penrith Stadium.



**QWN 10 Workshop on Seniors Living Development**

Councillor Jim Aitken requested that Councillors be given a workshop briefing on the issues concerning State Environmental Planning Policy (SEPP) 55 seniors living type developments, including:

- Where they can be built
- Where they are needed
- Control over who occupies them
- Affordability
- Costs for developers.

**QWN 11 Tree in Front of 8 Recreation Ave Penrith**

Councillor Jim Aitken requested a memo detailing Council's intention regarding a tree in front of 8 Recreation Ave Penrith.

**QWN 12 Development Application Determined By Council DA05/0080**

Councillor Garry Rumble requested a memo providing information about Development Application DA05/0080 regarding 73-79 Littlefields Road Mulgoa and asked whether it needed be referred to Council for determination. Councillor Rumble requested that a letter be written to M & C Cafai to clarify apparently conflicting advice about the size of a proposed farm shed.

**QWN 13 Development Application Determined By Council DA03/2954**

Councillor Garry Rumble requested that Development Application 03/2954 & CC 03/0897 regarding 145-175 Fairlight Road Mulgoa be referred to Council for determination.

**QWN 14 Presentation to Council by Cavesinni Constructions Pty Ltd DA03/3292**

Councillor Garry Rumble requested that arrangements be made for Cavesinni Constructions Pty Ltd to make a 30 minute presentation to Council at the Council meeting where the determination is made on the Development Application for 538 – 556 High Street Penrith.

**QWN 15 Measures to Counter Any Bird Flu Outbreak**

Councillor Garry Rumble requested a report on Council's involvement in any public immunisation program or emergency response initiatives in response to the possibility of an outbreak of bird flu.

**QWN 16 Funds for Upgrade of Surveyors Creek Softball Complex**

Councillor Garry Rumble requested that a total of \$14,876 be provided to the Penrith City Softball Association for the provision of back nets and four dugouts at the Surveyors Creek Softball Complex, provided that the Association repay half the amount back to Council over two years.

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

514 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Greg Davies

That:

1. Council provide a total of \$14,876 in funds, taken equally from each Ward's voted works budget, to the Penrith City Softball Association to be used for the provision of back nets and four dugouts at the Surveyors Creek Softball Complex.
2. Penrith City Softball Association repay to Council a total of \$7438, being half the amount provided, in three instalments over a two year period, with the repaid money being allocated equally to each Ward's voted works budget.

**QWN 17 Development Application Determined By Council**

**DA05/1535**

Councillor Garry Rumble requested that Development Application DA05/1535 concerning additions at 35 Bursaria Crescent Glenmore Park be referred to Council for determination.

**QWN 18 Raising Profile of Westbus Services**

Councillor Mark Davies requested that a report be brought to Council on the possibility of Council working on a joint campaign with Westbus to encourage the use of public transport in the City and to raise the profile of Westbus' services.

**COMMITTEE OF THE WHOLE**

**DECLARATION OF INTEREST**

Councillor David Bradbury declared a non-pecuniary interest in Item 4 of the Agenda for Committee of the Whole, Acquisition of Open Space - Gipps Street, Claremont Meadows as he is the owner of a property in the vicinity and indicated that he would leave the meeting during the discussion and voting on this item.

515 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:45PM.

**1 Presence of the Public**

CW1 RESOLVED on the motion of Councillor Jackie Greenow seconded Councillor Karen McKeown that the press and public be excluded from Committee of the Whole to deal with the following matters:

*City In Its Environment*

**2 Demolition of dwelling at 30 Eton Road, Cambridge Park**

**256154**

*This item has been referred to Committee of the Whole as the report refers to discussion in relation to the personal hardship of a resident or ratepayer; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal*

*proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

**Leadership and Organisation**

**3 Acquisition of Road Widening - Lenore Lane, Erskine Park LE/18**

*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 Acquisition of Open Space - Gipps Street, Claremont Meadows DA02/2956**

*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.*

Councillor Lexie Cettolin left the meeting the time being 8:47PM and did not return.

**CONFIDENTIAL BUSINESS**

The meeting resumed at 9:22PM and the General Manager reported that the Committee of the Whole met at 8:45PM on Monday 10 October 2005, the following being present:

His Worship the Mayor Councillor John Thain, Councillors Kaylene Allison, David Bradbury, Kevin Cramer, Greg Davies, Mark Davies, Jackie Greenow, Karen McKeown, Susan Page, and Pat Sheehy

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.

**2 Demolition of dwelling at 30 Eton Road, Cambridge Park 256154**

CW2 RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Demolition of dwelling at 30 Eton Road, Cambridge Park be received
2. Council confirm that on Monday 19 September 2005 its intention was to defer discussion of the matter until the Council meeting on 10 October 2005 and that Council's officers were authorised to issue a new notice of entry
3. Council notes the intention that its Officers use their delegation to enter and demolish the building on the property 30 Eton Road, Cambridge Park.

**3 Acquisition of Road Widening - Lenore Lane, Erskine Park LE/18**

CW3 RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken

That:

1. The information contained in the report on Acquisition of Road Widening -

Lenore Lane, Erskine Park be received

2. Council pay compensation to Integral Energy for the dedication of 50.67m<sup>2</sup> of land from Lot 2 DP1063283 in accordance with the summary as outlined in the report.

Councillor David Bradbury left the meeting, the time being 9:21PM

**4 Acquisition of Open Space - Gipps Street, Claremont Meadows DA02/2956**

CW4 RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken

That:

1. The information contained in the report on Acquisition of Open Space - Gipps Street, Claremont Meadows be received
2. Council pay compensation to Westminster Development Pty Limited for the dedication of 1.048ha from Lot 1 DP 27233 in accordance with the Claremont Meadows Section 94 Plan as outlined within the summary of the report.
3. The land be classified as "Community" land.

Councillor David Bradbury returned to the meeting the time being 9:22PM.

**ADOPTION OF COMMITTEE OF THE WHOLE**

516 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the recommendation contained in the Committee of the Whole and shown as CW2 to CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:22PM.