

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

ON MONDAY 19 JUNE 2006 AT 7:00PM

NATIONAL ANTHEM

The meeting opened with the National Anthem

STATEMENT OF RECOGNITION

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

PRAYER

The Council Prayer was read by the Rev. Neil Checkley.

PRESENT

His Worship the Mayor Councillor John Thain, Kaylene Allison, David Bradbury (arrived at 7:41PM), Lexie Cettolin, Kevin Crameri OAM (arrived at 7:03PM), Greg Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Garry Rumble, and Pat Sheehy AM.

APOLOGIES

890 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Pat Sheehy that apologies be received and accepted from Councillors David Bradbury and Mark Davies.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Jim Aitken for the period 27 May 2006 to 20 June 2006 inclusive.

Leave of Absence was previously granted to Councillor Susan Page for the period 5 June 2006 to 26 June 2006 inclusive.

Leave of Absence was previously granted to Councillor Steve Simat for the period 19 June 2006 to 8 July 2006 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 5 June 2006

891 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Pat Sheehy that the minutes of the Ordinary Meeting of 5 June 2006 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

Councillor Kevin Crameri OAM arrived at the meeting the time being 7:03PM.

SUSPENSION OF STANDING ORDERS

892 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Garry Rumble that Standing Orders be suspended to allow members of the public to address the

meeting, the time being 7:04PM.

Ms Darani Lewers and Ms Tanya Crothers representing the Lewers family addressed the meeting on Item 6, Integration of the City's Principal Cultural Facilities – Draft Constitution, and spoke against the recommendation.

Ms Lewers and Ms Crothers outlined the valuable contribution they had made to the success of the Penrith Regional Gallery and Lewers Bequest, and said that their continuing involvement, as representatives of the family that originally owned the property, would be of great benefit to the ongoing success of the gallery.

Ms Crothers said that Ms Lewers particularly has a great deal of experience in the arts including in arts education and administration. Ms Lewers has been a member of the Australia Council and a trustee of the Powerhouse Museum.

His Worship the Mayor, Councillor John Thain informed Ms Lewers and Ms Crothers that the time for their address had expired.

893 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Lexie Cettolin that an extension of time be granted for Ms Lewers and Ms Crothers to complete their address.

Ms Lewers and Ms Crothers said that the Lewers family representatives should be members of the new Penrith Performing and Visual Arts Ltd. Board.

RESUMPTION OF STANDING ORDERS

894 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Lexie Cettolin that Standing Orders be resumed, the time being 7:14PM.

MAYORAL MINUTES

2006 Queens Birthday Honours

His Worship the Mayor, Councillor John Thain read a mayoral minute congratulating the five local residents receiving Australian Honours in the 2006 Queens Birthday Honours list

895 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow that the Mayoral Minute on the 2006 Queens Birthday Honours be received.

Success of Penrith Businesses in the 2006 Western Sydney Industry Awards

His Worship the Mayor, Councillor John Thain read a mayoral minute congratulating the Penrith Businesses that won awards at the recent 2006 Western Sydney Industry Awards.

896 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow that the Mayoral Minute on the Success of Penrith Businesses in the 2006 Western Sydney Industry Awards be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Penrith Valley Community Safety Partnership held on 29 March, 2006

897 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 29 March, 2006 be adopted.

2 Report and Recommendations of the Local Traffic Committee Meeting held on 5 June 2006

898 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 5 June, 2006 be adopted.

MASTER PROGRAM REPORTS

899 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Garry Rumble that Items 14, 2006-2007 Management Plan, & Item 15, Making of Rates and Charges 1 July 2006 to 30 June 2007 be dealt with as the first two items of business.

LEADERSHIP AND ORGANISATION

14 2006-2007 Management Plan

900 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler

That:

1. The information contained in the report on the 2006-2007 Management Plan be received
2. Consideration of the recommended actions regarding Penrith Cricket Club suggested on Page 167 of the business paper be deferred pending a further report on the audited accounts of the club for the last three years
3. Except for the recommended actions regarding Penrith Cricket Club suggested on Page 167 of the business paper, the recommended actions, including changes to the draft budget, as detailed in the report be adopted and those which relate to variations to the exhibited draft plan be incorporated into the Management Plan
4. The 2006-2007 Management Plan as amended be formally adopted
5. An application be made to the Minister for Local Government for a Special Variation to General Rate Income of 8.8% for 2006-2007
6. Council, subject to the Minister for Local Government approving a special variation to the rate of 8.8%, approve for expenditure the budget as detailed in the 2006-2007 Management Plan and on that basis formally vote these funds for the 2006-2007 financial year
7. Those individuals and organisations who made submissions on Council's Management Plan be thanked for their input and advised of Council's decision
8. Those projects in the 2005-2006 Management Plan which were approved by Council in the March Quarter Review 2006 to be carried forward be added to the adopted Management Plan and Budget for 2006-2007
9. A further report on Council's vehicle fleet and its use of fuels be brought to Council.

15 Making of Rates and Charges 1 July 2006 to 30 June 2007

901 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Making of Rates and Charges 1 July 2006 to 30 June 2007 be received.
2. Ordinary Rate
In accordance with Section 535 of the Local Government Act 1993, an ordinary rate named Residential ordinary in accordance with Section 543(1) of point four six eight seven one (.46871) cents in the dollar being ad valorem amount on the land value of all rateable land in the City categorised as residential under Section 493 and that an ordinary rate named Farmland ordinary of point three zero four six six (.30466) cents in the dollar on the land value of all rateable land in the City categorised as Farmland and that an ordinary rate named Business ordinary of one point zero nine five three (1.0953) cents in the dollar on all rateable land in the City categorised as business and that an ordinary rate being a subcategory of Business rate named Penrith CBD Rate of one point two two two nine (1.2229) cents in the dollar and that an ordinary rate being a subcategory of Business rate named St Marys Town Centre Rate of one point five five nine five (1.5595) cents in the dollar be now made for the period 1 July 2006 to 30 June 2007 subject to a minimum rate under Section 548(5) of six hundred and twenty seven dollars and seventy cents (\$627.70) in respect of each separate parcel of land categorised as Residential and Farmland and that each separate parcel of land categorised as Business or as a subcategory of Business be subject to a minimum rate under Section 548(5) of the Local Government Act, 1993 of eight hundred and three dollars and ten cents (\$803.10).
3. Service of Rate Notices
The rate or charge for the 2006-07 rate year be levied on the land specified in a rates and charges notice by the service of that notice and the General Manger be and is hereby authorised to prepare and serve such notice for and on behalf of Council.
4. Charges

The charges attached to the report to the Ordinary meeting on 19 June 2006 titled Making of Rates and Charges for 1 July 2006 to 30 June 2007 be made (see attachment).
5. Interest

For the purpose of calculating the interest on overdue rates and charges in accordance with Section 566(3) of the Local Government Act, 1993 Council make the interest charge for 2006/07 nine (9.0) percent per annum.
6. Pension Rebate

All eligible pensioners under Section 575 of the Local Government Act,

1993 be granted a rebate of 50% of the ordinary rate and domestic waste management service up to a maximum of \$250.00 under Section 575(3) of the Local Government Act, 1993.

THE CITY AS A SOCIAL PLACE

2 Sixteenth National Urban Animal Management Conference

902 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Karen McKeown

That:

1. The information contained in the report on Sixteenth National Urban Animal Management Conference be received.
2. Interested Councillors be endorsed to attend the Urban Animal Management Conference, and leave of absence be granted to those Councillors, for the period 30 August – 1 September 2006.

3 Development Application 03/3292 for a six storey mixed retail, commercial and residential building over basement parking at Lot 1 DP 779550, Lot 2 DP 154388, Lot 1 DP 576961 and Lot B DP 152525 (No. 538 - 556) High Street, Penrith. Applicant: Cavasinni Constructions Pty Ltd; Owner: Cavasinni Constructions Pty Ltd DA03/3292

903 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Karen McKeown

That:

1. The information contained in the report on Development Application 03/3292 for a six storey mixed retail, commercial and residential building over basement parking at Lot 1 DP 779550, Lot 2 DP 154388, Lot 1 DP 576961 and Lot B DP 152525 (No. 538 - 556) High Street, Penrith be received
2. The Development Application 03/3292 be granted a Deferred Commencement Consent. The Development Services Manager is to be satisfied that the items listed within Schedule 1 are satisfied prior to an Operational Consent being granted, which is subject to the non-standard and standard conditions listed in Schedule 2. Items listed within Schedule 1 are to be lodged within 12 months of the date of this Deferred Commencement Consent:

Schedule 1

- 2.1 A study by an appropriately qualified Geotechnical Engineer is required to be submitted to Council for assessment in regards to the groundwater conditions. The report is to address the depth of excavation and long-term stability of the proposed building in relation to the groundwater. The report is also to address the stability of the road and footpath during excavation and construction works.
- 2.2 As a result of these investigations, the basement level(s) car parking is to be designed in accordance with the car parking policies and

Australian Standards applicable at the time

- 2.3 A stormwater study is to be completed to assess the capacity of Council's existing stormwater system in Union Lane. The study is to investigate the capacity of the existing pipeline and in the event that there is not enough capacity in the existing system recommend an appropriate level of an on site detention to reduce stormwater discharge from the site, so the existing system is not overloaded.

Schedule 2

These conditions may be altered or added to as a result of the Schedule 1 investigations.

3.1 Standard conditions

A003 – deferred commencement approved plans

A008 – works to BCA requirements

A011 – Engineering Works DCP

A014 – lot consolidation (Lot 1, DP 779550; Lot 2, DP 154388; Lot 1, DP 576961; and Lot B, DP 152524)

A026 – advertising signs

A037 – positive covenant – To ensure glazing at ground level remains transparent

A039 – graffiti

B001 – demolition of existing structures

B002 – demolition and disposal to approved landfill site

B003 – asbestos

B004 – dust

B005 – mud/soil

C002 – archival recording

D001 – implement sediment and erosion control measures

D009 – covering of waste storage area

D010 – appropriate disposal of excavated or other waste

D013 – approved noise level 1

D014 – plant and equipment noise

E01A – BCA compliance for Class 2-9

E006 – disabled access and facilities

E008 – fire safety list

E009 – annual fire safety – essential fire safety Class 2-9

F006 – water tank and nuisance

- G002 – Section 73
- G004 – Integral Energy
- G005 – rainwater tank plumbing
- H01F – stamped plans, erection of site notice Class 2-9
- H002 – all forms of construction
- H003 – traffic safety during construction works
- H011 – engineering plans and specifications
- H013 – further details of building components (a, c, d, e, g)
- H022 - survey (lowest basement level, ground floor slab level, highest roof level)
- H033 – clothes drying facilities
- H036 – rainwater tank
- H038 – connection of rainwater tank supply
- H041 – hours of work (Limited hours of construction for major earthworks, such as pile driving or rock breaking activities, are recommended to occur later in the morning and afternoon periods only)
- I003 – Roads Act approval (b – provision of heavy duty crossings in Union Lane, e – provision of heavy duty footpath crossings in Union Lane, g, i, h, k – in Union Lane)
- I004 - Roads Act approval (e)
- K009 – Where required
- K019 – drainage connection to Council’s system
- K025 – pavement seal
- P001 – costs
- P002 – fees associated with Council land
- L001 – general landscaping as (amended by Level 4 architectural)
- L002 – landscape construction
- L003 – report requirement
- L005 – planting of plant material
- L006 – AS requirements
- L008 – Tree Preservation Order
- N001 - Section 94 Library Facilities \$5,832.00
- N003 - Section 94 Cultural Facilities \$2,136.00
- N004 - Section 94 Penrith City Centre – Roads and Traffic \$627,096.00;
Community Facilities \$421,668.00
- Q001 – Notice of commencement and appointment of PCA

Q006 – Occupation Certificate for Class 2-9

Q010 – BASIX

4 Non-standard conditions

General

- 4.1 Balustrades to the commercial tenancies on Level 3 are to be provided with translucent material to match those balustrades on Level 2.
- 4.2 An easement for pedestrian access shall be created between High Street and Union Lane for the arcade
- 4.3 To avoid glare, non-reflective glass is to be used in both street elevations. Details shall be provided prior to the release of an Occupation Certificate.
- 4.4 The glazing on the northern building façade is to be treated with solar protection. Details shall be provided prior to the release of an Occupation Certificate.
- 4.5 No advertising or logos are to be installed above the retail level awning in any elevation throughout the life of the development
- 4.6 A maximum of 40% coverage of windows on ground floors is to be used for display of signage
- 4.7 To assist Council's Garbage Contractors, access to the bin storage room from the street must be without the use of keys or other locking devices
- 4.8 To protect the amenity of the CBD area, the Body Corporate and/or manager of the complex will be responsible for the placement and return of bins to Union Lane for servicing, and that it is conducted in a timely manner
- 4.9 Prior to occupation, lighting for the development is to be provided in the following manner:
 - (a) To address increased pedestrian traffic that will be generated by the development within the CBD, prior to occupation, the supply and installation of Australian Standard Category P3 street lighting is required on High Street. Lighting at the rear of the building on Union Land is to be upgraded to Australian Standard Category P1
 - (b) All street awnings are to be fitted with under awning lighting
 - (c) Entrances and exits to all units, communal space and the basement car park shall be well lit to clearly illuminate areas where people are most vulnerable. This is to incorporate letterboxes and garbage areas. Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas

- (d) Lighting shall be vandal resistant
 - (e) Lighting shall be contained within the property boundary (except in the case of entrances/exits and under awnings) and no light shall be projected upwards
 - (f) Building lighting shall be mounted in a manner that does not cause glare to approaching pedestrians
- 4.10 Prior to occupation, treatment to basement car parking area is to be provided in the following manner:
- (a) All surfaces are to be painted in light coloured paint or finished in light grey concrete to reflect as much light as possible
 - (b) All potential entrapment points are to be avoided, eg under stairs, blind corners and wide columns. Adequate lighting and mirrors shall be used when certain design features are unavoidable
 - (c) The car park shall be accessible by tenants/residents of the building only. A security gate system shall be installed on the building entry/exit point, with for example, the use of swipe card security system
 - (d) An intercom security system shall be installed in all levels of the car park
 - (e) Consideration is to be given to the provision of emergency phone/help points in all levels of the basement
 - (f) Commercial and residential car parking shall be separated to allow increased safety and security for residential tenants. This will allow residential tenants to be better equipped to be “capable guardians” providing passive surveillance for after hours movements within the car park and the residential sections of the building
 - (g) Access to the car park for commercial tenants and their staff members should be on a restricted basis

Details of the above items are to be submitted with the Construction Certificate

- 4.11 Prior to occupation, security of the complex is to be provided in the following manner:
- (a) The pedestrian walk-through link shall be closed after hours. High quality gates or shutters that allow for visual surveillance is required, with an approximate height of 2-3m
 - (b) The installation of a high quality CCTV monitoring system is to be installed in the public areas of the commercial section, covering the entry/exit points. Entries and exists should be clear of vegetation
 - (c) CCTV coverage of the foyer area of the residential section is to be installed covering entry/exit points. Entries and exists should be clear of vegetation
 - (d) The CCTV monitoring system should be capable of providing footage and information to assist Police enquiries should the need arise

- (e) Clear signage identifying private areas is to be erected
- (f) The street numbers identifying the building are to be clearly visible on the building, for visitors and emergency services

Details of the above items are to be submitted with the Construction Certificate

Heritage

4.12 A qualified heritage consultant shall prepare and submit a heritage interpretation plan for approval prior to the issue of a Construction Certificate. The Interpretation Plan is to achieve the following outcomes:

- (a) identifies significant elements of the existing buildings on the site (including fenestration/window treatments, tiling and flooring treatment, awning line) that may be appropriate reinstated or re-interpreted to enhance its contribution to the recognised heritage values of the streetscape in a manner that takes into account the overall form, height and function of the proposed contemporary building
- (b) provides details of the shop frontages to High Street and treatment of the eastern wall of the arcade

The approved Interpretation Plan is to be implemented during the construction period. Prior to the issue of the Occupation Certificate, the supervising heritage architect shall submit a written report indicating that the Interpretation Plan has been implemented in conformity with the approved Interpretation Plan

Construction

4.13 The office component of the development is to achieve an Australian Building Greenhouse Rating (ABGR) of 4.5 star energy efficiency performance rating. Certification is to be provided as part of the Construction Certificate

Engineering

4.14 All off-street parking spaces are to be linemarked and maintained for the development. The parking space dimensions and manoeuvring areas are to comply with AS2890.1 and AS2890.2, the Building Code of Australia and the Commonwealth Disability Discrimination Act.

4.15 Car park level(s) shall be designed so that all accessible parking is located adjacent to or within the immediate vicinity of the lift shaft(s).

4.16 Any temporary loading zones in either High Street or Union Lane that may be required during construction will be the subject of a separate application to the Local Traffic Committee and payment of the appropriate fees

- 4.17 Existing parking restrictions in High Street and Union Lane are to remain
- 4.18 Bicycle parking racks are to be installed on the Retail Ground Floor Level (as a minimum) in appropriate locations so as not to hamper pedestrian activity
- 4.19 The crest of the driveway leading to the basement car park is to be a minimum 150mm above the top of kerb in Union Lane

Landscaping and Public Domain

- 4.20 The structure of the atrium skylight is to be amended in order that daylight access to residential Units Nos 7, 8 and 9 is not compromised
 - 4.21 Prior to occupation of the building, suitable street trees are to be planted along the High Street frontage of the building. Liaison with Council's Landscape Services Supervisor is required to determine details of the proposed species, size, number and placement of the trees. Paving detail around the trees shall be in accordance with Council's Paving Specification for Asphalt "Pavement Texturing"
 - 4.22 To allow for the provision of street trees, the height of the awning to the underside at its western end to be a maximum of 4.1m, and the width to be such that the front edge will be 1300mm setback from the back of kerb for the full frontage
 - 4.23 Prior to occupation of the building, high quality unit pavers are to be provided to the pedestrian walk-through link and High Street, and paved sections at the rear of the building. Liaison with Council's Landscape Services Supervisor is required to determine details of the specifications for paving
- 3. In addition to the conditions listed above, the following advices be provided to the applicant at the end of Schedule 2:
 - (a) In accordance with the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve
 - 4. Those persons who made a written submission during the assessment period be advised of Council's decision.

**4 Development Application 05/0633 for the construction of a detached dual occupancy, approval of a shed and variations to the Section 88B Instrument applying to Lot 231 DP 828619 (No. 20 - 21) Woodside Glen, Cranebrook.
Applicant: David & Sharon Ryan; Owner: David & Sharon Ryan DA05/0633**

904 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Karen McKeown

That:

1. The information contained in the report on Development Application 05/0633 for the construction of a detached dual occupancy, approval of a shed and variations to the Section 88B Instrument applying to Lot 231 DP 828619 (No. 20 - 21) Woodside Glen, Cranebrook be received.
2. The restrictions on the use of the land secondly and thirdly mentioned in the Section 88B Instrument applying to Lot 231 DP 828616 (No. 20-21) Woodside Glen, Cranebrook be varied to permit a detached dual occupancy development and the Common Seal of Penrith City Council be affixed to all necessary documentation.
3. The application for the construction of a second dwelling as a dual occupancy and a shed on Lot 231 DP 828616 (No. 20-21) Woodside Glen, Cranebrook be approved subject to following conditions:

Standard Conditions

- 3.1 A002 - Approved plans
- A008 - Works to BCA requirements
- A009 - Residential Works DCP
- A011 - Engineering works DCP
- A019F - Compliance Certificate
- A020 (shed) - Building to be used for commercial or habitable purposes
- A039 - Graffiti
- A043 - Air conditioning
- D001 - Sediment and erosion control
- D005 - No filling with out consent
- D007 - Cut and fill
- D009 - Covering of waste storage areas
- D010 - Disposal of excavated or other waste
- E001 - BCA compliance
- E005 - Smoke detectors
- F009 to F016 inclusive – on site sewer systems
- G003 - Section 73 certificate
- G004 - Integral Energy
- G005 - Rainwater tank
- H01F - Stamped plans
- H002 - Site facilities and management
- H04I - Hours of work

H013 c), e), f), g), h) - Further details of building components
H015 - Termites
H031 -
H036 - Rainwater tank
H038 - Rainwater tank connection
H039 - Rainwater tank pump
I003 - Roads Act approval
K001 - Engineering works
K003 - Drainage design
K016 - Stormwater
K019 - Connection to Councils system
K025; access concrete/bitumen -pavement seal
L001 - Landscape plan
L002 - Landscape construction
L003 I) & ii) - Report requirement
L005 - Plant material
L007 - Tree protection
L008 - Tree Preservation Order
P002 - Fees associated with Council land
N001 NCRA \$6,805.00 – Section 94 contribution
N001 Cultural Facilities \$267 – Section 94 Contribution
Q001 - Notice of Commencement
Q005 - Occupation Certificate
Q010 - BASIX Certificate

Special Conditions

- 3.2 Design specifications of a sub-surface effluent disposal system are to be provided to Council for approval prior to the issue of an Occupation Certificate. The system should be designed with consideration of sub-surface drip irrigation and evapo-transpiration bed/trench technologies, a combination of the two or an equivalent sub-surface effluent disposal system (refer to Australian Standard AS1547: 2000). In this regard as absorption trench is not acceptable and should be replaced with a subsurface irrigation due to the slope and risk of effluent running to one end of trench:
- 3.2.1 Effluent disposal areas are to be planned in accordance with the buffer requirements detailed in the Penrith City Council On-site Sewage Management Strategy and to maximise sunlight exposure

- 3.2.2 The buffers detailed in the Penrith City Council On-site Sewage Management Strategy, site characteristics, building locations, boundaries, driveways, paths, swimming pools, watercourses and dams (including those on surrounding properties) are also to be clearly shown on the plan
- 3.3.3 Treated effluent is to be evenly distributed over effluent disposal areas in accordance with AS1547: 2000
- 3.3 Prior to the issue of an Occupation Certificate and construction of the effluent irrigation system, written certification is to be provided by an appropriately qualified electrician to the Principal Certifying Authority and Council stating that the proposed effluent disposal locations will not conflict (or pose any hazard) with the driveway lighting and associated electrical lines
- 3.4 The on-site sewage management system is to be installed in accordance with the approved site plan prior to the issue of the Occupation Certificate
- 3.5 The external finishes of the new dwelling are to complement the existing dwelling's external finishes. Details are to be submitted along with the Construction Certificate to Council for consideration and approval.
- 3.6 No Construction Certificate shall be issued for the dual occupancy building approved under this Notice until such time as the Principal Certifying Authority is provided with documentary evidence that the that the restrictions secondly and thirdly referred to in the Section 88B instrument applying to the subject site have been formally deleted.

5 Development Application 05/1991 - Proposed construction of a Kindergarten block, Administration and Primary blocks with associated Site Works, Car Parking and Landscaping at Lot 502 DP 866791 Wentworth Road, Orchard Hills. Applicant: Sydney Anglican Schools Corporation; Owner: Sydney Anglican Schools Corporation DA05/1991

905 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Karen McKeown

That:

1. The information contained in the report on Development Application 05/1991 - Proposed construction of a Kindergarten block, Administration and Primary blocks with associated Site Works, Car Parking and Landscaping at Lot 502 DP 866791 Wentworth Road, Orchard Hills be received
2. The Development Application 05/1991 – Proposed construction of a Kindergarten Block, Administration and Primary Block with associated site works, car parking and landscaping be approved by granting of deferred commencement consent subject to the following conditions:

Deferred commencement Condition (to be completed within 1 year from the date of the consent)

- 2.1 A local drainage study is to be submitted to Council by an appropriately

NPER qualified Drainage Engineer that address the flow conditions in the relocated watercourse. The study is to confirm the top water levels for the watercourse for a 1 in 100 year ARI event. The levels of building are to have a minimum 500mm freeboard to these levels

2.2 Standard Conditions of Consent

- A001 – Approved plans that are architecturally drawn
- A011 - Engineering Works DCP
- A014 - Lot Consolidation
- A19F - Occupation Certificate
- A028 – Rural fencing
- A037 - Positive covenants for the maintenance of landscaping
- A038 - Lighting locations
- A039 – Graffiti
- B005 - Road protection from Mud/Soil
- C003 - Uncovering archeologically relics
- D001 – Sediment & Erosion control Measures
- D005 - No filling without prior approval
- D008 - Filling compaction
- D009 – Covering of waste storage area
- D014 - Plant and Equipment noise
- D025 - Stormwater disposal
- E01A - BCA Compliance
- E006 - Disabled access and facilities
- E008 - Fire safety list with Construction certificate
- E009 - Annual fire safety statement
- G002 - Section 73 Certificate
- G004 - Integral Energy
- H01F - Stamped plans and erection of site notice
- H002 - Construction works requirements
- H003 - Traffic safety during construction
- H006 – Waste management plan
- H011 – Engineering plans and specifications
- H013 - Further details of building components
- H024 - Glass installation
- H041 - Hours of operation
- I003 - Roads Act approval
- I004 - Roads Act approval
- K001 – Engineering works DCP
- K002 - WAE drawings and certificates
- K009 – On-site detention
- K016 - Stormwater
- K025 - Pavement seal
- K027 - Car parking
- K036 - Maintenance bond
- K037 - Performance bond
- K040 - Line marking and signposting
- L001 - General landscaping
- L002 – Landscape construction
- L005 – Planting of plant materials

- L006 - Australian Standards (landscaping)
- L008 - Tree Preservation Order
- P001 – Roadwork costs
- P002 – Fees associated with Council owned land
- Q001 – Notice of Commencement
- Q006 - Occupation Certificate

Non-standard conditions

- 2.3 The use and occupation of the premises, including all plant, equipment, amplified music, public address system and after school functions shall not give rise to any offensive noise within the meaning of protection of Environment Operations Act 1997 No. 156
- 2.4 All activities that occur after normal school hours shall be restricted and controlled to ensure that any nuisance to neighbouring properties are preserved
- 2.5 Disabled toilet facilities are to be provided to the block of toilets adjacent to Kindergarten 3 Classroom. Details are to be provided with the application for Construction Certificate
- 2.6 Dust suppression techniques are to be employed during site works and construction works to reduce any potential nuisance to surrounding properties
- 2.7 Any advertising sign is to be rural in character and in accordance with the requirements contained in Orchard Hills Development Control Code No.1. Signs must:
 - Relate to the style, character and function of the building or activity they advertise
 - Only relate to the development on the land on which the sign is located
 - Not be illuminated
 - Not exceed 1.5m² in area, or a maximum height of 2 metres above ground level, or intrude in the skyline
 - Not be freestanding, but related to walls, fences or buildingsDetails are to be submitted with the application for Construction Certificate.
- 2.8 The additional car parking spaces shall be permanently marked in accordance with the submitted plans and having minimum dimensions complying with AS2890.1.2004
- 2.9 Two narrow aisles located between the existing car park and the proposed car park close to Wentworth Road shall be adequately signposted and line marked as one-way movement only. Alternatively the aisles shall be widened for two-way movements of vehicles
- 2.10 Localised road widening works are required for efficient movement of motor vehicles to and from the site via the proposed driveway. Engineering plans of such road widening works shall be submitted to

Council for approval prior to the issue of a Construction Certificate

- 2.11 Street signage restricting parking in Wentworth Road is to be implemented in accordance with the Local Traffic Committee requirements
- 2.12 Water quality devices are to be installed in the onsite stormwater drainage system to ensure that all water discharged from the site meets Council's Stormwater Treatment Strategy. Details are to be submitted with the Construction Certificate application
- 2.13 The school is to operate from 8:30am to 3:30pm for students and 8:00am to 5:00pm for teachers during the weekdays.

7 Youth Week Report 2006

906 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Karen McKeown that the information contained in the report on Youth Week Report 2006 be received.

8 National Aborigines and Islander Day Observance Committee (NAIDOC) Week 2006

907 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Karen McKeown that the information contained in the report on National Aborigines and Islander Day Observance Committee (NAIDOC) Week 2006 be received.

1 Community Assistance Program - Funding Requests

908 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Ross Fowler

That:

1. The information contained in the report on Community Assistance Program - Funding Requests be received.
2. Council approve a grant of \$1,000.00 under the rolling component of the 2005-06 Community Assistance Program to the Aboriginal Catholic Ministry to assist with the costs of holding an Open Day.
3. Council approve a grant of \$200.00 under the rolling component of the 2005-06 Community Assistance Program to the Nepean Wives of Vietnam Veterans Women's Support Group to assist with the costs of a morning tea to be held as part of a Women's Health Day seminar.
4. A further \$240 be provided to the Nepean Wives of Vietnam Veterans Women's Support Group to assist with the costs of a morning tea to be held as part of a Women's Health Day seminar, to be funded by a contribution of \$80 from each ward's voted works budget.

Councillor David Bradbury arrived at the meeting the time being 7:41pm.

6 Integration of the City's Principal Cultural Facilities - Draft Constitution

909 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Pat Sheehy that the information contained in the report on Integration of the City's Principal Cultural Facilities - Draft Constitution be received.

Councillor Kevin Cramer asked that his name be recorded as having voted against the motion.

9 Tender Number 19-05/06 - Provision of Lawn Maintenance

910 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown that the report be deferred pending confirmation that the Tender Number 19-05/06 - Provision of Lawn Maintenance provides for the maintenance of award provisions for employees.

THE CITY IN ITS ENVIRONMENT

10 Water Savings Fund 2006 - Backwash Reuse Project

911 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Pat Sheehy that the information contained in the report on Water Savings Fund 2006 - Backwash Reuse Project be received.

THE CITY AS AN ECONOMY

11 Draft Employment Planning Discussion Paper and Draft Employment Planning Strategy

912 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Greg Davies

That:

1. The information contained in the report on the Draft Employment Planning Discussion Paper and Draft Employment Planning Strategy be received.
2. Council resolve to place the draft Employment Planning Discussion Paper and draft Employment Planning Strategy on public exhibition for community and stakeholder comments.
3. A further report be presented to Council following the consultation.
4. The Department of Planning be requested to advise Council on the timelines and process for examining the future potential employment lands at Badgers Creek.
5. The Department of Planning be requested to facilitate discussion with Penrith and Fairfield Councils to determine a planning process for the proposed employment lands south of the Sydney Water pipeline at Erskine Park.
6. Support of Department of Planning, Western Sydney Regional Organisation of Councils, and Greater Western Sydney Economic Development Board be requested for the preparation of a regional employment strategy.

LEADERSHIP AND ORGANISATION

12 Summary of Investments & Banking for the period 26 April 2006 to 30 May 2006

913 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Summary of Investments & Banking for the period 26 April 2006 to 30 May 2006 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 26 April 2006 to 30 May 2006 be noted and accepted.
3. The graphical investment analysis as at 30 May 2006 be noted.

13 City Operations Directorate Report to end of May 2006

914 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Pat Sheehy that the information contained in the report on City Operations Directorate Report to end of May 2006 be received.

QUESTIONS WITHOUT NOTICE

QWN 1 Leave of Absence request for 26 June

Councillor Jackie Greenow requested Leave of Absence for 26 June 2006.

915 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Kevin Crameri that the matter be brought forward and dealt with as a matter of urgency.

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

916 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Kevin Crameri that Leave of Absence be granted to Councillor Jackie Greenow for 26 June 2006.

QWN 2 Assistance for Berkshire Park Rural Fire Brigade

Councillor Lexie Cettolin requested that Council make a donation of \$500 from North Ward voted works to the Berkshire Park Rural Fire Brigade to assist with their fundraising function on 15 July 2006.

917 RESOLVED on the MOTION of Councillor Lexie Cettolin seconded Councillor Pat Sheehy that the matter be brought forward and dealt with as a matter of urgency.

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

918 RESOLVED on the MOTION of Councillor Lexie Cettolin seconded Councillor Pat Sheehy that Council make a donation of \$500 from North Ward voted works to the Berkshire Park Rural Fire Brigade to assist with their fundraising function on 15 July 2006.

QWN 3 Improvements to Lucy Cobcroft Reserve

Councillor David Bradbury requested that Council provide \$5000 from East Ward voted works to effect improvements in Lucy Cobcroft Reserve as outlined in a memo he had received from Council's Parks Construction and Maintenance Manager, Raphael Collins.

919 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Jackie Greenow that the matter be brought forward and dealt with as a matter of urgency.

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

920 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Jackie Greenow that Council provide \$5000 from East Ward voted works to effect improvements in Lucy Cobcroft Reserve, to be reimbursed out of the Open Space Action Plan.

QWN 4 Request for Council Officers to Contact Mr Mitry regarding Glossop Street St Marys

Councillor David Bradbury requested that a Council Officer from the Local Traffic Committee contact Mr Mitry from Glossop Street St Marys to clarify the issues he has raised in an email to Councillor Bradbury.

QWN 5 Adequacy of Lighting along Glenmore Parkway

Councillor David Bradbury requested a memo on the adequacy of Lighting along Glenmore Parkway.

QWN 6 Traffic in Glenmore Park Shopping Centre

Councillor David Bradbury requested that Council officers investigate the traffic situation in the Glenmore Park Shopping Centre, looking particularly at the flow of traffic out the front of the youth centre, and determine responsibility for traffic movement in the area.

QWN 7 Truck Parking in Penrith

Councillor David Bradbury requested a report on the options for truck parking in the city be brought to Council.

QWN 8 Open Manholes in Claremont Meadows

Councillor David Bradbury requested that urgent action be taken to remedy the dangerous situation in Claremont Meadows, along the walkway adjacent to the detention basin between the two sets of plant equipment, where access holes appear to be exposed.

QWN 9 Leave of Absence for 6 August - 3 September 2006

Councillor Greg Davies requested leave of absence for the period 6 August to 3 September, 2006 inclusive.

921 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kaylene Allison that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor John Thain ruled that the matter was urgent and should be

dealt with at the meeting.

922 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kaylene Allison that leave of absence be granted to Councillor Greg Davies for the period 6 August to 3 September, 2006 inclusive.

QWN 10 Report on Work Choices Legislation

Councillor Greg Davies requested that a report on the Federal Government's Work Choices legislation and its significance for Council be brought to Council before the end of July.

COMMITTEE OF THE WHOLE

Councillor Kevin Crameri informed the meeting that he had a matter he wished to raise during Committee of the Whole as it involved discussion in relation to the personal hardship of a resident or ratepayer.

Councillor Ross Fowler informed the meeting that he had a matter he wished to raise during Committee of the Whole as it concerned commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

923 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Garry Rumble that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:58PM.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Pat Sheehy seconded Councillor Ross Fowler that the press and public be excluded from Committee of the Whole to deal with the following matters:

City as an Economy

2 Commercial Matter - Council Property - Queen Street and Carsons Lane St Marys

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

Leadership and Organisation

3 Personal Matter

This item has been referred to Committee of the Whole as the matter involves discussion in relation to the personal hardship of a resident or ratepayer.

4 Commercial Matter

This item has been referred to Committee of the Whole as the matter refers to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

5 Senior Staff Matter

This item has been referred to Committee of the Whole as the report refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 8:22PM and the General Manager reported that the Committee of the Whole met at 7:58PM on Monday 19 June 2006, the following being present

His Worship the Mayor Councillor John Thain, Councillors Kaylene Allison, David Bradbury, Lexie Cettolin, Kevin Crameri OAM, Greg Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Garry Rumble, and Pat Sheehy AM

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 Commercial Matter - Council Property - Queen Street and Carsons Lane St Marys

CW2 RECOMMENDED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler

That:

1. The information contained in the report on Commercial Matter - Council Property - Queen Street and Carsons Lane St Marys be received
2. A further report be presented to Council on the progress with the development.

3 Personal Matter

CW3 RECOMMENDED on the MOTION of Councillor Kevin Crameri seconded Councillor Lexie Cettolin that a further report be brought to Council on this matter.

4 Commercial Matter

CW4 RECOMMENDED on the MOTION of Councillor Ross Fowler seconded Councillor Pat Sheehy that the update by the Chairman of Westpool be received.

5 Senior Staff Matter

CW5 RECOMMENDED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler that the recommendations of the Senior Staff Recruitment / Review Committee be adopted.

ADOPTION OF COMMITTEE OF THE WHOLE

924 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler that the recommendation contained in the Committee of the Whole and shown as CW2 to CW5 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:23PM.

I certify that these 23 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 19 June 2006.

Chairperson

Date