

CONFIRMED MINUTES

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

ON MONDAY 5 MARCH 2007 AT 7:35 PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

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

APOLOGIES

'56 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Greg Davies that apologies be accepted for Councillors Mark Davies and Susan Page.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Steve Simat for the period 26 February 2007 to 8 March 2007 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 12 February 2007

'57 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler that the minutes of the Ordinary Meeting of 12 February 2007 be confirmed, with the addition of the following resolution to Item 9 – Kingswood Park Community Centre – Request for Change of Name and Retirement of Rodger MacDonald:

3. Council request the Kingswood Park Community Centre Management Committee to submit a new name for the Centre which would be more appropriate to the area in which it is located, instead of 'Illawong' Community Centre, as this may be associated with the suburb of southern Sydney, of the same name.

DECLARATIONS OF INTEREST

Councillor John Thain declared a pecuniary interest in *Item 16 - Domestic Waste Contract Tenders*, as the company he works for has business dealings with VISY, which is one of the tenderers for the contract. Councillor Thain declared that he would vacate the Chamber during consideration of this matter and would not take part in the debate and voting.

Councillor Karen McKeown declared a non-pecuniary interest in *Item 16 - Domestic Waste Contract Tenders*, as she is a Director of the Penrith Performing and Visual Arts Board, which is sponsored by SITA, one of the tenderers for the contract. Councillor McKeown reserved her right to take part in discussion and voting on this matter.

Councillor Jackie Greenow declared a non-pecuniary interest in *Item 16 - Domestic Waste Contract Tenders*, as she is a Director of the Penrith Performing and Visual Arts Board, which is sponsored by SITA, one of the tenderers for the contract. Councillor Greenow reserved her right to take part in discussion and voting on this matter.

Councillor Pat Sheehy AM declared a non-pecuniary interest in *Item 16 - Domestic Waste Contract Tenders*, as he is a Director of the Penrith Performing and Visual Arts Board, which is sponsored by SITA, one of the tenderers for the contract. Councillor Sheehy reserved his right to take part in discussion and voting on this matter.

Councillor Ross Fowler declared a non-pecuniary interest in *Item 16 - Domestic Waste Contract Tenders*, as he is a Director of the Penrith Performing and Visual Arts Board, which is sponsored by SITA, one of the tenderers for the contract. Councillor Fowler reserved his right to take part in discussion and voting on this matter.

SUSPENSION OF STANDING ORDERS

58 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:44 pm.

Mr Tim Bainbridge

Item 12 - Development Application 06/1226 for the proposed construction of 15 Trade Centre Units and 36 Industrial Units and Community Title Subdivision at Lot 1 DP 787827 (No. 2101 - 2113) Castlereagh Road, Penrith. Applicant: Walker Corporation; Owner: Babcock and Brown Penrith Industrial No. 1 Pty Limited

Speaking FOR the Recommendation

Mr Bainbridge was representing the Walker Corporation and spoke in support of the application, highlighting the benefits of this development to the Penrith area.

Mr David Ryan

Item 18 – *Rezoning Application - Penrith Homemaker Centre. Lot 10 DP 1046110 (Nos. 13-23) Pattys Place, Jamisontown. Applicant: Restifa and Partners. Owner: Pivpen Pty Ltd.*

Speaking FOR the Recommendation

Mr Ryan represented the landowner of this development, and was speaking in support of the application. Mr Ryan noted that the report on this application identifies the logic and need to remove the artificial restriction on trade imposed on bulky goods retail development by the current 1 000 m² floorspace limitation. He also noted the many economic and social benefits to the area of this rezoning application, including increased employment opportunities in the local area.

RESUMPTION OF STANDING ORDERS

59 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler that Standing Orders be resumed, the time being 7:54 pm.

MAYORAL MINUTES

1 Local attraction Muru Mittigar wins national tourism award

60 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Ross Fowler that the Mayoral Minute on Local attraction Muru Mittigar wins national tourism award be received.

His Worship the Mayor, Councillor Pat Sheehy AM, presented Jill Ritherdon and Leslie Edwards with a certificate of congratulations from Penrith City Council.

2 Penrith Council Highly Commended in Prestigious Local Government Awards

61 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Ross Fowler that the Mayoral Minute on Penrith Council Highly Commended in Prestigious Local Government Awards be received.

3 Retirement of Facilities Operations Manager Gary Dean

62 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Karen McKeown that the Mayoral Minute on Retirement of Facilities Operations Manager Gary Dean be received.

LEADERSHIP AND ORGANISATION

21 Presentation to Gary Dean

63 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Presentation to Gary Dean be received.
2. Council recognise the long service and dedicated contribution made by Gary Dean in his career with Penrith City Council and extend its best wishes to Gary Dean and his family for a long and happy retirement.

His Worship the Mayor, Councillor Pat Sheehy AM, presented Gary Dean with a framed copy of the Mayoral Minute.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Policy Review Committee Meeting held on 19 February 2007

64 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 19 February, 2007 be adopted.

MASTER PROGRAM REPORTS

THE CITY IN ITS BROADER CONTEXT

1 Request for sponsorship of the Solar Boat Challenge 2007

65 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler

That:

1. The information contained in the report on Request for sponsorship of the Solar Boat Challenge 2007 be received.
2. The request for sponsorship of the Solar Boat Challenge of \$40,000 in 2007 and 2008, and \$50,000 in 2009, be approved as outlined in the report.

THE CITY AS A SOCIAL PLACE

6 Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel

'66 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Garry Rumble that the information contained in the report on Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel be received.

7 Penrith Valley Community Safety Plan 2007 - 2010

'67 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Garry Rumble

That:

1. The information contained in the report on revised draft Penrith Valley Community Safety Plan 2007 - 2010 be received.
2. Council adopt the revised draft plan as the Penrith Valley Community Safety Plan 2007 – 2010.
3. Council approve the submission of the Penrith Valley Community Safety Plan 2007 -2010 to the NSW Attorney General for endorsement as a Community Safety Compact.

9 Penrith Football Stadium

'68 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Garry Rumble

That:

1. The information contained in the report on Penrith Football Stadium be received.
2. The NSW Premier be thanked for the offer of \$5 million towards the further redevelopment of Penrith Football Stadium.

12 Development Application 06/1226 for the proposed construction of 15 Trade Centre Units and 36 Industrial Units and Community Title Subdivision at Lot 1 DP 787827 (No. 2101 - 2113) Castlereagh Road, Penrith. Applicant: Walker Corporation; Owner: Babcock and Brown Penrith Industrial No. 1 Pty Limited

DA06/1226

69 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Garry Rumble

That:

1. The information contained in the report on Development Application 06/1226 for the proposed construction of 15 Trade Centre Units and 36 Industrial Units and Community Title Subdivision at Lot 1 DP 787827 (No. 2101 - 2113) Castlereagh Road, Penrith be received.
2. The Development Application 06/1226 be determined by granting deferred commencement consent under Section 80(3) of the Environmental Planning and Assessment Act 1979. The condition listed in Schedule 1 is to be complied prior to the commencement of the consent. This condition shall be complied within a year of the date of the consent.

Schedule 1: Conditions to be complied with prior to Consent becoming operational

- 2.1 A drainage design plan detailing the method of stormwater drainage is to be submitted to and approved by Penrith City Council. Where the disposal of drainage involves the provision of drains across lands owned by others, drainage easements shall be identified and design detailed. The width of the drainage easement is to be in accordance with Penrith City Council's Engineering Works Development Control Plan and Guidelines for Engineering Works for Subdivisions and Developments, Part 1-Design and Part 2-Construction

**Schedule 2: Conditions of Consent
Standard Conditions**

- 2.2 A003 - Approved Plans
A008 - Works to BCA requirements
A017 - DA for use
A038 – Lighting locations (Stage 1 Occupation Certificate)
A039 – Graffiti
C003 – Uncovering relics
D001 - Implement approved sediment & erosion control
D002 – Spray grass
D008 - Filling compaction
D009 – Covering of waste storage area
D010 – Appropriate disposal of excavated or other waste
D06A - No filling without prior approval
D025 – Storm water disposal
E002 - BCA issues to be addressed
E006 - Disabled access and facilities
E008 - Fire safety list with Construction Certificate
E009 - Annual fire safety-essential fire safety

E01A - BCA compliance for Class 2-9
G001 - Installation of services and service clearance
G002 - Section 73 (Stage 1 Occupation Certificate)
G004 - Integral Energy
H001 - Stamped plans & erection of site notice
H002 - All forms of construction
H030 – Roof finishes
H041 - Hours of work
I003 – Roads Act approval (Stage 1 Occupation Certificate)
K001 - Engineering Works DCP
K002 - WAE drawings & certificates
K009 - On-site detention (Stage 1 Occupation Certificate)
K025 - Pavement seal
K038 - Fill-Industrial (Stage 1 Occupation Certificate)
K040 - Line marking & signposting (Stage 1 Occupation Certificate)
L002 – Landscape construction
L003 – Report requirements (Stage 1 Occupation Certificate)
L006 – AS requirements
L007 – Tree protection measures
L008 – Tree preservation order
M008 - Linen Plan
M009 - 88B Instrument
Q001 - Notice of Commencement & Appointment of PCA
Q004 - Occupation/Compliance Certificate
Q008 - Subdivision Certificate

Special Conditions

- 2.3 A deceleration lane shall be provided on Castlereagh Road for left turn movements into the subject site. In this regard, the existing road shoulder along the Castlereagh Road frontage of the subject site (on approach to the proposed signalised fourth leg) can be used as an interim deceleration lane (until this section of Castlereagh Road is upgraded to its ultimate configuration)
- 2.4 The interim deceleration lane and access road will require the removal of the existing drainage works along the Castlereagh Road frontage of the subject site. The developer is to provide an ultimate drainage solution to ensure that the proposed driveway and interim deceleration lane is adequately drained and will not pose a road safety hazard (to the RTA's satisfaction). In this regard, the Authority will accept the

following drainage options:

- b) Permanent pit and pipe drainage either along Castlereagh Road or across the road to join the existing drainage on the western side of the road
- c) Permanent drainage by installation of 300mm ACO type drain from Lugard Street to the first pit to the north

A concept design plan of the proposed interim deceleration lane and associated permanent drainage solution shall be submitted to the RTA for review, prior to the issue of the Construction Certificate

- 2.5 The applicant is to dedicate a strip of land as public road (at no cost to the RTA/Council) along the Castlereagh Road frontage of the subject site to enable a deceleration lane to be provided in the ultimate configuration of Castlereagh Road. This land dedication is to extend from the northern property boundary of the subject site to the proposed signalised fourth leg and is to be a width of 3.5 metres into the subject site along the full length of this dedication
- 2.6 An electronic copy of the SIDRA analysis is to be submitted to the RTA for review to determine the length of this right turn bay. The length of the right turn storage bay shall be determined at the concept design stage
- 2.7 The right turn storage bay will require stormwater drainage works. In this regard, detailed design plans and hydraulic calculations of the changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works
- 2.8 The proposed access road shall be designed as a road and not a driveway and it shall provide four lanes (two entry/two exit lanes) for a distance of approximately 30 metres from the stop line of the proposed signalised fourth leg in order to cater for an adequate queuing area
- 2.9 The design requirements of the signalised fourth leg and associated right turn storage bay and interim deceleration lane shall be in accordance with the RTA Road Design Guide and other Australian Codes of Practice. The certified copies of the design plans shall be submitted to the RTA for consideration and approval prior to the release of the construction certificate by Council and commencement of road works

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents

The RTA fees for administration, plan checking, civil and signal works inspections and project management shall be paid by the developer prior to the release of the approved road design plans

The applicant will be required to enter into a 'Works Authorisation Deed' for the above-mentioned civil and signal works on Castlereagh Road

- 2.10 The applicant shall provide an easement to allow the RTA to locate traffic signal components on their (private) property.
- In lieu of the above, the developer may be requested to dedicate a section of their (private) property as public road to allow the RTA to locate traffic signal components. The area of private property to be dedicated as public road must be sufficient to allow the RTA to locate and maintain its traffic signal components
- 2.11 The applicant will be required to provide an upfront 10 year operational fee for the provision of the proposed signalised fourth leg. The applicant will be advised of the total amount of this fee when detailed signal design plans are submitted to the RTA for approval. The approved plan will not be released until this fee is fully paid
- 2.12 The 'Occupation Certificate' for Stage 1 shall not be released until the signalised fourth leg and associated civil works is fully constructed and operational
- 2.13 All signal and civil works associated with the proposed development shall be at no cost to the RTA
- 2.14 The location of proposed underground services shall be adjusted so as to not pass through root zones of existing trees to be retained
- 2.15 Advertising sign shall not be in the form of flashing sign and it shall be constructed of high quality and durable materials
- 2.16 Remediation of the site shall be carried out prior to the issue of a construction certificate for any building works approved under the current development application
- 2.17 Trucks entering and leaving the site carrying construction materials that may generate dust shall be covered
- 2.18 Stockpiles of soil or other materials shall be covered or sprayed with water on a regular basis to control dust
- 2.19 Water saving measures, including but not limited to stormwater harvesting for landscape maintenance, are to be incorporated into the development. Details of the water saving measures proposed shall be submitted to Council prior to the issue of a Construction Certificate.
- 2.20 Future uses of trade centre units shall be in accordance with the definition of 'building, hardware or garden supplies premises' under Penrith Local Environmental Plan (LEP) – Industrial land 1996 and future uses of industrial units shall be consistent with those permissible in Zone 4(a) – General Industry under the above LEP
- 2.21 Where the disposal of drainage involves the provision of drains across lands owned by others, drainage easements shall be provided. The width of the drainage easement is to be in accordance with Penrith City Council's Engineering Works Development Control Plan and Guidelines for Engineering Works for Subdivisions and Developments Part 1–Design and Part 2–Construction
- The easement shall be registered with the Land and Property

Information division of the Department of Lands prior to the issue of an Occupation Certificate for Stage 1. A copy of the registered easement for drainage is to be submitted to the Certifying Authority and Penrith City Council, if Council is not the Certifying Authority

- 2.22 A total of 315 off – street parking spaces shall be provided and maintained for the development. 224 car parking spaces shall be provided for Stage 1 of construction of the development and 91 car parking spaces shall be provided for Stage 2 of construction of the development
- 2.23 A Community Management Plan shall be submitted to Council prior to the issue of an Occupation Certificate for Stage 1
- 2.24 Filling operations on the site shall only be permitted in conjunction with building works as detailed on the approved plans. The filling of the remainder of the site shall be restricted to a depth of 500mm.
- 2.25 Energy Efficiency requirements of Section J of the Building Code of Australia are to be met. Certification of compliance is to be provided by a suitably accredited consultant prior to the issue of an Occupation Certificate for each stage
- 2.26 All roadworks, dedications, off-site engineering works and Stage 1 landscaping shall be completed prior to issue of Occupation Certificate for Stage 1.

13 Development Application 06/1436 - Recreational Basketball Court including a Variation of Restrictive Covenant applying to Lot 14 DP 270417 (No. 26) Portrush Crescent, Luddenham. Applicant: Mr L Mascioli; Owner: Mr & Mrs Keskin

DA06/1436

70 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Garry Rumble

That:

1. The information contained in the report on Development Application 06/1436 - Recreational Basketball Court including a Variation of Restrictive Covenant applying to Lot 14 DP 270417 (No. 26) Portrush Crescent, Luddenham be received.
2. The terms of clauses (b) and (c) of the fourteenth Restrictive Covenant referred to in the Section 88B Instrument attached to Lot 14, DP 270417, be varied for Lot 14 only as follows:

“The burdened lot shall not be developed unless:

- (a) all boundary fencing is of a rural character*
- (b) all development is in accordance with Part 6, Section 6.1 of the Penrith Development Control Plan 2006. This restriction does not prevent the erection of a recreation court within the setbacks nominated by the plan subject to the approval of Penrith City Council.*
- (c) all residential dwellings comply with the Luddenham Equestrian Estate Building Siting and Design Code.” This restriction does not prevent the erection of a recreation court within the setbacks nominated by the code subject to the approval of Penrith City Council.”*

3. Development Application No 06/1436 for the construction of a recreation court be approved subject to the proposed conditions of Development Consent as follows:

Standard Conditions

- 3.1 A02F – Approved Plans
- A008 – Works to BCA requirements
- A009 – Residential Works DCP
- A019 – Occupation Certificate
- D001 – Sedimentation and Erosion Controls
- E001 – BCA compliance
- H01F – Stamped Plans and Erection of Site Notice
- H041 – Hours of work
- H011 – Engineering Plans and Specifications,
- L001 – Landscaping General
- Q01F – Notice of Commencement and Appointment of PCA
- Q05F – Occupation Certificate

Special Conditions

- 3.2 Prior to the issue of a Construction Certificate for the development, the variation of the Restriction on the Use of land numbered 4(b) in DP 1068323, shall be registered with the Land and Property Information division of the Department of Lands

The variation to the covenant shall be in the terms approved by resolution of Penrith City Council

- 3.3 The court area is not to be provided with floodlighting without the prior approval of Penrith City Council
 - 3.4 The recreation court and associated fencing and site works are confined to the portion of the site located above the 1% Annual Exceedance Probability for the site of RL 38.0m AHD. The court is to be set out by a registered surveyor and survey certificate confirming the location and level of the court is to be submitted to Council, prior to the pouring of the concrete slab
 - 3.5 No portion of the recreation Court is to encroach over the dedicated 3m wide drainage easement which traverses the subject property.
4. The Common Seal of Penrith City Council be affixed to the necessary documentation.

2 ArtsNSW Notification of Funding

71 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow

That:

1. The information contained in the report on ArtsNSW Notification of Funding be received.
2. Council endorse the signing of the triennial funding agreement with ArtsNSW.
3. Allocation of funding for the position be addressed in the March Quarterly review of the 2006-07 Management Plan.
4. Council write a letter of thanks, for this funding, to The Hon Bob Debus MP, Attorney-General.

His Worship the Mayor, Councillor Pat Sheehy AM, then vacated the Chair, the time being 8:35 pm, and the Deputy Mayor, Councillor Karen McKeown took the Chair, for consideration of Item 3 – History of Penrith Project – Volume 2.

3 History of Penrith Project - Volume 2

'72 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Ross Fowler

That:

1. The information contained in the report on History of Penrith Project - Volume 2 be received.
2. Council fund Phases 1 and 2 of this Project, in an amount of \$51,000 (\$17,000 to be provided from each Ward's voted works).
3. A further report be presented to Council on funding options for the remainder of this Project, as outlined in Phases 3, 4 and 5 in the report.

The Deputy Mayor, Councillor Karen McKeown then vacated the Chair, and His Worship the Mayor, Councillor Pat Sheehy AM returned to the Chair, the time being 8:41 pm.

4 Naming of a Park in the St Marys/Colyton area

'73 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Greg Davies

That:

1. The information contained in the report on Naming of a Park in the St Marys/Colyton area be received.
2. Council endorse the naming of the park on Lennox Street, Colyton to 'Edward (Ted) Little Park' and make application to the Geographical Names Board for the official gazetting.
3. Following gazettal, an official naming ceremony be held.
4. A copy of the report on this matter be forwarded to the Little family.

5 License agreement with the Penrith Rugby Union Club at Andrews Road

'74 RESOLVED on the MOTION of Councillor Lexie Cettolin seconded Councillor Karen McKeown

That:

1. The information contained in the report on License agreement with the Penrith Rugby Union Club at Andrews Road be received.
2. The Penrith Rugby Union Club be offered a licence in the terms set out in the report to the Ordinary Meeting of 5 March 2007.
3. The Parks Construction & Maintenance Manager be authorised to sign any resulting agreement in terms set out in the report to the Ordinary Meeting of 5 March 2007.
4. A further report be presented to Council, detailing the result of negotiations with the Penrith Rugby Union Club and the Brothers Junior Rugby League Club, before the licence agreement is signed.

8 City Wide Graffiti Minimisation Strategy - Success of funding grant and graffiti removal program update

'75 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Garry Rumble

That:

1. The information contained in the report on City Wide Graffiti Minimisation Strategy - Success of funding grant and graffiti removal program update be received.
2. Council accept the offer of the grant in the amount of \$65,000 from the Crime Prevention Division of the NSW Attorney General's Department.
3. Council write a letter of thanks for the grant to the Hon Bob Debus MP, Attorney-General, and to the Hon Morris Iemma, Premier of New South Wales.

10 Lease of Arthur Neave Tennis Complex

76 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Lease of Arthur Neave Tennis Complex be received.
2. Indeeep International Tennis and Fitness Pty Ltd be thanked for its interest in the Arthur Neave Tennis Complex.
3. New tenders be called for the Lease of the Arthur Neave Tennis Complex.

11 Development Application 06/1025 for proposed Multi Unit Housing Development consisting of 44 residential apartments at Lots 4-8, DP 32610, known as 42-50 Union Road, Penrith.. Applicant: Cavasinni Constructions Pty Ltd; Owner: Cavasinni Constructions Pty Ltd DA06/1025

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

That:

1. The information contained in the report on Development Application 06/1025 for proposed Multi Unit Housing Development consisting of 44 residential apartments at Lots 4-8, DP 32610, known as 42-50 Union Road, Penrith. be received.
2. The submission made objecting to Clause 13(2)(a) of Penrith LEP 1998 (Urban Land) in accordance with State Environmental Planning Policy No. 1 – Development Standards be supported.
3. DA06/1025 for the erection of 44 residential apartments, on Lots 4-8, DP 32610, known as 42-50 Union road, Penrith be granted consent subject to the following standard and non standard conditions:

Standard Conditions

- | | | |
|-----|------|--|
| 3.1 | A001 | Approved plans |
| | A008 | BCA requirements |
| | A014 | Lot consolidation |
| | A039 | Graffiti |
| | B002 | Demolition and disposal |
| | B003 | Asbestos |
| | B004 | Dust |
| | B005 | Mud/soil |
| | D001 | Erosion and sediment controls |
| | D009 | Cover waste storage area |
| | D010 | Disposal of excavated waste |
| | D013 | (Sebastian Giglio Acoustic Consultant dated 4/10/06. The recommendations made in the abovementioned report are to be implemented during the construction phase of the development) |
| | D014 | Plant and equipment noise |
| | E01A | BCA Class 2-9 |
| | E002 | BCA issues to be addressed (sprinkler system, closet pan) |
| | E006 | Disabled access and facilities |
| | E008 | Fire safety list |
| | E009 | Annual fire safety Class 2-9 |
| | G002 | S73 certificate |
| | G004 | Integral Energy |
| | G005 | Rainwater tank |

H001	Plans and site notice
H003	Traffic safety
H041	Hours of work
H011	Structural engineering plans and specifications
H022	Survey (basement floor slab level)
H024	Glass installations
H025	Garbage rooms
H029	Ventilation
H036	Rainwater tank
H037	Safe supply of water
H038	Connection of rainwater tank
H039	Rainwater tank pumps
I003	Roads Act approval (b, e, g, h, k, m). All fees and charges associated with Roads Act approvals including infrastructure maintenance fees are to be paid to Council prior to the issue of a Construction Certificate
K001	Engineering Works DCP
K003	Drainage design
K019	Connect to Council's system
K026	Stabilised access
L001	General landscaping
L002	Landscape construction
L003	Report requirement
L005	Plant material
L006	Australian standards
L008	Tree Preservation Order
N002	S94 – Cultural facilities \$8,154.00
N003	S94 – Footpath construction \$6,251.00
N004	S94 – Library Facilities \$22,559.00
N005	S94 – Open Space \$66,591.00
P001	Costs
P002	Fees associated with Council land
Q001	Notice of commencement, PCA
Q006	Occupation Certificate Class 2-9
Q010	BASIX certificate

Special Conditions

General

- 3.2 Prior to the issue of a Construction Certificate, a design verification certificate from a qualified designer is to be submitted to the Principal Certifying Authority, verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles set out in SEPP 65
- 3.3 Prior to the issue of an Occupation Certificate, a design verification certificate from a qualified designer is to be submitted to the Principal Certifying Authority, verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in SEPP 65
- 3.4 Unit Nos 8, 9, 10 and 11 are to be accessible in accordance with AS1428. Full details are to be provided with the Construction Certificate
- 3.5 To improve solar access, Unit Nos 11, 24, 37, 38 and 40 are to be amended to provide an additional window in the eastern or western wall as applicable. Full details are to be provided with the Construction Certificate
- 3.6 Prior to the issue of a Construction Certificate, and to safeguard against basement flooding, ground movements and impacts on neighbouring structures and streets, evidence from an appropriately qualified Geotechnical Engineer is required indicating that the depth of excavation and long term stability of the proposed building is satisfactory in relation to groundwater
- 3.7 Prior to the issue of a Construction Certificate, amended plan(s) are to be submitted showing two bin storage rooms at ground level, (and not in the basement), each catering for general waste and recycling, generally in the areas adjacent to Units 7 and 13, designed to comply with Council's requirements and the Building Code of Australia. The amended design will be approved by Council's Waste and Community Protection Manager prior to a Construction Certificate being issued. Access is to be provided to Council's contractors. The amended plan(s) are to be approved by Council's Waste and Community Protection Manager prior to the Construction Certificate being issued
- 3.8 Prior to the issue of a Construction Certificate, the applicant is required to contact Deerubbin Local Aboriginal Land Council, PO Box 3184 Mt Druitt Village NSW 2770, ph 9832 2457 to receive that council's requirements
- 3.9 A schedule of external colours and materials, consistent with the coloured photomontage provided in support of the application, shall be provided to Council for consideration prior to the issue of a

Construction Certificate

Safety and Security

- 3.10 Prior to the issue of an Occupation Certificate, lighting for the development is to be provided in the following manner:
- (a) entrances/exits to all units, communal spaces, walkways and the basement areas shall be well lit to clearly illuminate these areas where people are most vulnerable
 - (b) All lighting shall be vandal proof
 - (c) Lighting shall be contained within the property boundary and no lights shall be projected upwards
 - (d) No lighting shall be projected in such a manner that it would create glare issues for vehicles or pedestrians
- 3.11 Prior to the issue of an Occupation Certificate, treatment to the basement car parking area is to be provided in the following manner:
- (a) The basement car park shall be accessible by residents and their authorised guests only
 - (b) An electronically operated boom gate shall be installed at the top of the entry ramp into the underground car park on the eastern side of the development to prevent unauthorised vehicles descending the ramp
 - (c) A security system shall be installed on the entry/exit points to the basement, including lifts and internal/external stair wells, eg use with swipe card or appropriate security system
 - (d) The lift doors shall be of a material that can be seen through or have a glass see through window placed in the door to allow people to see out and in as the lift arrives at each floor
 - (e) All surfaces shall be painted in light coloured paint or finished in light grey concrete to reflect as much light as possible
 - (f) All potential entrapment points in the basement car park such as wide columns and under stair recesses shall have mirrors and additional lighting installed
- 3.12 Prior to the issue of an Occupation Certificate, the building shall be clearly identified and signposted to assist visitors and emergency services
- 3.13 Prior to the issue of an Occupation Certificate, security of the complex is to be provided in the following manner:
- (a) A security monitoring system shall be installed at the entry/exit points of the building

- (b) All doors and windows shall be installed with dead locks and window locks to avoid vulnerable break and enter points, particularly at ground floor balcony doors
 - (c) Visitor identification “peep holes” shall be installed on all front doors
 - (d) The front fence is to include see-through panels to avoid concealment
- 3.14 Prior to the issue of an Occupation Certificate, and during the life of the development, the walkways are to be treated as follows:
- (a) All walkways, including walkways to public areas and associated stairs are to be open and clear of walled areas and possible entrapment spots
 - (b) All walkways should be clearly able to be viewed from building windows unhindered by vegetation or other obstructions
 - (c) Access to the internal common areas should be limited to occupants and their authorised guests to ensure that the facilities do not provide excuse making opportunities for unauthorised people entering the development
- 3.15 Prior to the issue of an Occupation Certificate, garbage rooms shall be treated as follows:
- (a) garbage storage rooms designated for this purpose shall have doors that include large windows to allow people to see into the room before they enter
 - (b) the entrances to the garbage rooms shall be well lit
 - (c) sustainable lighting solutions shall be implemented to allow these rooms to be lit on a permanent basis
- 3.16 In order to improve surveillance, provide clear lines of sight and avoid concealment areas in the public areas and along the frontages of the site
- 3.17 Vegetation with top to bottom foliage shall be avoided, low ground cover or high canopied vegetation shall be planted
- 3.18 Dense vegetation shall not be used to screen communal open space areas, walkways or fencing

Construction

- 3.19 The procedures outlined in the Construction Management Plan, prepared by Cavasinni Constructions Pty Ltd, be adopted

Landscaping

- 3.20 Prior to the issue of an Occupation Certificate, and to improve legibility and define entries, feature trees shall be planted in sufficient planting beds at the pedestrian entrances from Union Road
- 3.21 The landscaping is to include taller (12m) tree planting to the southern parts of the development

- 3.22 In accordance with the adopted Master Plan for the site, no solid fence or retaining walls more than 1.2m from natural ground level in Union Road frontage

Advice

- 3.23 In accordance with the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve
- 3.24 Any temporary loading zones required during construction will be the subject of a separate application to the Local Traffic Committee and payment of the appropriate fees.

THE CITY IN ITS ENVIRONMENT

Having previously declared a pecuniary interest in Item 16, Councillor John Thain left the meeting, the time being 9:01 pm.

15 Drainage Sub-Catchment Prioritisation

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

That:

1. The information contained in the report on Drainage Sub-Catchment Prioritisation be received.
2. Council endorse the prioritised sub-catchments for advancement of the detailed flood studies and the submission of grant applications under the Floodplain Management Program.

14 Pesticide Notification Plan

79 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Pesticide Notification Plan be received.
2. The Pesticide Notification Plan attached to this report be adopted by Council.

16 Domestic Waste Contract Tenders

'80 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler

That:

1. The information contained in the report on Domestic Waste Contract Tenders be received.
2. VISY Recycling be appointed as the preferred tenderer for recycling services.
3. SITA Environmental Services be appointed as the preferred tenderer for garbage and organic collection Services.
4. SITA Environmental Services be appointed as the preferred tenderer for the processing and treatment of organics.
5. WSN Environmental solutions be appointed as the preferred tenderer for the treatment/processing and disposal of garbage and residual waste.
6. The Waste & Community Protection Manager, in consultation with the Legal Officer, be authorised to negotiate contracts consistent with this report. The details of the negotiations be reported to the Domestic Waste Working Party and if the Working Party is satisfied the Common Seal of Council of the City of Penrith be placed on all necessary documentation.
7. The appropriate industrial bodies be advised of Council's decision in this matter.

22 Additional Information on the Domestic Waste Contract Tenders

'81 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler

That:

1. The information contained in the report on Additional Information on the Domestic Waste Contract Tenders be received.
2. The appropriate industrial bodies be advised of Council's decision in this matter.

17 Non Domestic Waste Contract Tenders

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

That:

1. The information contained in the report on Non Domestic Waste Contract Tenders be received.
2. Remondis be appointed as the preferred tenderer for Effluent Collection Services.
3. A further report be presented to Council on the tender for Civic Waste Collection and Disposal Services.
4. Remondis be the preferred tenderer for Street Litterbin Waste Collection and Disposal Services.
5. The Waste & Community Protection Manager, in consultation with the Legal Officer, be authorised to negotiate contracts consistent with this report. The details of the negotiations be reported to the Domestic Waste Working Party and if the Working Party is satisfied the Common Seal of Council of the City of Penrith be placed on all necessary documentation.
6. The appropriate industrial bodies be advised of Council's decision in this matter.

Councillor John Thain returned to the meeting, the time being 9:06 pm.

THE CITY AS AN ECONOMY

18 Rezoning Application - Penrith Homemaker Centre. Lot 10 DP 1046110 (Nos. 13-23) Pattys Place, Jamisontown. Applicant: Restifa and Partners. Owner: Pivpen Pty Ltd.

RZ07/0001

'83 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Rezoning Application - Penrith Homemaker Centre. Lot 10 DP 1046110 (Nos. 13-23) Pattys Place, Jamisontown. Applicant: Restifa and Partners. Owner: Pivpen Pty Ltd. be received.
2. Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, and Regulation, Council prepare and exhibit an amendment to Penrith Local Environmental Plan 1996 - Industrial Lands.
3. Council seek a 'Written Authorisation to Exercise Delegation', from the Director-General of the Department of Planning, to exhibit the draft amendment pursuant to Section 65 of the Environmental Planning and Assessment Act 1979 and Regulation.

THE CITY SUPPORTED BY INFRASTRUCTURE

19 Proposed Mamre Road Bridge duplication over the M4 Motorway - Submission

84 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Proposed Mamre Road Bridge duplication over the M4 Motorway - Submission be received.
2. Council endorse a submission on the proposed Mamre Road Bridge duplication over the M4 Motorway to the RTA as outlined in this report.
3. Council write a letter of thanks to the Member for Mulgoa, the Hon Diane Beamer MP, and the Minister for Roads, the Hon Eric Roozendaal MLC.

LEADERSHIP AND ORGANISATION

20 Department of Local Government Skills Shortages Scholarship Program

85 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Department of Local Government Skills Shortages Scholarship Program be received.
2. Approval be given to accept the grant from the Department of Planning.

QUESTIONS WITHOUT NOTICE

QWN 1 St Clair Youth Neighbourhood Team Camping Project

Councillor Greg Davies requested that \$1,500 be allocated from East Ward voted works for part subsidy of the St Clair Youth Neighbourhood Team Camping Project.

86 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Pat Sheehy AM, ruled that the matter was urgent and should be dealt with at the meeting.

87 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that \$1,500 be allocated from East Ward voted works for part subsidy of the St Clair Youth Neighbourhood Team Camping Project.

QWN 2 Entertainment Complex

Councillor Greg Davies requested an urgent report to Council on the feasibility of, and funding options for a 5,000 seat entertainment complex to be located in the City of Penrith.

QWN 3 Homework Centre Proposal

Councillor David Bradbury requested an update on his request of November 2006, for a report to Council concerning the Homework Centre proposal.

Councillor Greg Davies left the meeting, the time being 9:20 pm.

QWN 4 Western Embankment of River Road

Councillor Karen McKeown requested that a Management Plan be prepared for the western embankment of the Nepean River, along River Road, from Emu Plains to Leonay.

QWN 5 Carbon Neutral Status

Councillor Karen McKeown requested a report to Council on how Penrith can achieve a carbon neutral outcome/status.

Councillor Greg Davies returned to the meeting, the time being 9:26 pm.

QWN 6 Parklawn Shopping Centre, North St Marys

Councillor John Thain requested an urgent report to Council concerning the possibility of closing the side lanes at Parklawn Shopping centre, providing better security lighting, as well as the possibility of providing a sign to direct customers to the location of the shops and goods available.

QWN 7 Policy on Unclaimed Monies

Councillor Ross Fowler requested a memo reply advising on Council's policy regarding unclaimed monies and what actions are taken prior to forwarding on unclaimed monies.

QWN 8 River Road - Nepean River

Councillor Jim Aitken OAM requested a report to Council addressing issues raised at the recent River Road Residents Meeting, and supported by 300 signatures, with the report to stipulate who is responsible for the removal of noxious weeds in the area.

QWN 9 Castlereagh Road Extension

Councillor Jim Aitken OAM requested a report to Council on the construction and design of the new Castlereagh Road extension at Cranebrook, in particular the camber in the vicinity of the Nepean Street turnoff.

QWN 10 River Road - Nepean River

Councillor Garry Rumble requested a report to Council in response to residents' concerns about the condition of the embankment, and addressing the preparation of a plan of management for the area, which would include tree pruning and culling to enhance views for visitors and residents, as well as the eradication of all noxious weeds and plants along the embankment. This report is also to provide advice on Council's financial capacity to carry out a regular mowing program of the embankment, and is also to address the setting up of a residents' action committee to meet regularly to guide the process.

Councillor Rumble also requested that assistance be sought from Hawkesbury River Council, to accelerate their activities in the control of all noxious weeds along the River Road Embankment.

QWN 11 Castlereagh Road Extension

Councillor Garry Rumble requested a memo reply concerning engineering compliance of the new Castlereagh Road extension at Cranebrook, in particular if all roadworks including line marking, reflectors etc have been completed, compliance of pavement widths and camber and crossfalls, if further guideposts and reflectors will be provided, and if any other complaints about the construction have been received.

QWN 12 After Hours Phone Line

Councillor Garry Rumble requested that Council's phone recording advising of meeting days be altered to reflect the new meeting cycle.

QWN 13 Llandilo - Drainage System

Councillor Kevin Crameri OAM requested a report to Council, providing an urgent review and audit of the Llandilo Drainage System.

QWN 14 Rural Roads

Councillor Kevin Crameri OAM requested a report to Council concerning the ponding of water on rural road pavements as a result of grass along the road edges not being cut to a length that allows proper drainage of the road surface.

QWN 15 Water flow from Xavier College, Llandilo

Councillor Kevin Crameri OAM requested a report to Council addressing the problem of water flowing from the Xavier College property in Llandilo, across Ninth Avenue, and back across the road into the ADI site, causing road flooding.

QWN 16 Removal of Tree - Ninth Avenue, Llandilo

Councillor Kevin Crameri OAM requested a report to Council concerning the removal of a tree in Ninth Avenue which is causing a hazard for drivers in the area.

QWN 17 Fire Hazard - Northern Road, Llandilo

Councillor Kevin Crameri OAM requested a report to Council concerning the possibility of carrying out fire hazard reduction works on the eastern side of the Northern Road, north of Cherrywood.

QWN 18 Finance Working Party - Item regarding quarries

Councillor Kevin Crameri OAM requested a report to Council concerning the fees paid to Council by quarries.

QWN 19 Committee of the Whole Matter

Councillor Lexie Cettolin advised that she had a Question Without Notice to be raised in Committee of the Whole.

COMMITTEE OF THE WHOLE

88 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Greg Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:46 pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Jackie Greenow seconded Councillor Greg Davies 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 former Q Theatre site 46-50
Belmore Street, Penrith**

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Leadership and Organisation

3 Personnel Matter - Senior Staff

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 9:58 pm and the Legal Officer reported that the Committee of the Whole met at 9:46 pm on 5 March 2007, the following being present

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

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 former Q Theatre site 46-50 Belmore Street, Penrith

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

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property former Q Theatre site 46-50 Belmore Street, Penrith be received.
2. Council agrees to the leasing of the vacant land on part of the former Q-Theatre site in the form of a "Licence Agreement" in accordance with the terms and conditions as outlined in the report.

Question without Notice – Personal Matter

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

CW3 That the information be received.

3 Personnel Matter - Senior Staff

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

CW4 That the information contained in the report on Personnel Matter - Senior Staff be received.

ADOPTION OF COMMITTEE OF THE WHOLE

89 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kaylene Allison that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

There being no further business, the Chairperson declared the meeting closed, the time being 10:00 pm.

I certify that these 27 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 5 March 2007.

Chairperson

Date