

## **CONFIRMED MINUTES**

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

**ON MONDAY 23 JUNE 2008 AT 7:34PM**

#### **NATIONAL ANTHEM**

The meeting opened with the National Anthem.

#### **STATEMENT OF RECOGNITION**

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

#### **PRAYER**

The Council Prayer was read by the Executive Officer.

#### **PRESENT**

His Worship the Mayor Councillor Greg Davies, Councillors Kaylene Allison, Lexie Cettolin, Kevin Crameri OAM, Mark Davies, Ross Fowler OAM, Jackie Greenow, Karen McKeown, Garry Rumble, Pat Sheehy AM, Steve Simat (arrived at 7:49 pm) and John Thain.

#### **LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor David Bradbury for 23 June 2008.

#### **APOLOGIES**

'203 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Pat Sheehy AM that the apologies from Councillors Susan Page, Jim Aitken OAM and Steve Simat be accepted.

#### **CONFIRMATION OF MINUTES - Ordinary Meeting - 19 May 2008**

'204 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that the minutes of the Ordinary Meeting of 19 May 2008 be confirmed.

#### **DECLARATIONS OF INTEREST**

Councillor Kevin Crameri OAM declared a non-pecuniary interest in *Item 8 - Development Application 07/1066 - Proposed Mushroom Growing Facility, associated office, sheds, car parking, civil works and site works at Lot 2 DP 1084891 (No.334-362) Londonderry Road, Londonderry. Applicant: Midson Management Pty Ltd; Owner: Moonlight Mushrooms Pty Ltd*, as he lives near the property the subject of the proposed development. Councillor Crameri stated that he would leave the Chamber during discussion and voting on this item.

Councillor Ross Fowler OAM declared a pecuniary interest in *Committee of the Whole Item 6 - Proposed Torrens Title Subdivision for 2 lots at Lot 9 SP 1508 (No. 1587) Mulgoa Road, Wallacia*, as he is a Director and Shareholder of a company which owns land adjoining the subject property and is also Trustee on behalf of owners of Department of Lands property in the vicinity. Councillor Fowler stated that he would leave the Chamber during discussion and voting on this item.

Councillor Kaylene Allison declared a pecuniary interest in *Item 7 - Development Application 07/0742 for the use of an existing school hall as a Place of Worship at Lot 912 DP 836641 (No. 86 - 90) Andromeda Drive, Cranebrook. Applicant: Corpus Christi Parish; Owner: Trustees of the Roman Catholic Church*, as she is employed by the Trustees of the Catholic Church. Councillor Allison stated that she would leave the Chamber during discussion and voting on this item.

### **SUSPENSION OF STANDING ORDERS**

205 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 7:39 pm.

Having previously declared a pecuniary interest in Item 7, Councillor Kaylene Allison left the meeting, the time being 7:40 pm.

### **Father David Maguire**

*Item 7 - Development Application 07/0742 for the use of an existing school hall as a Place of Worship at Lot 912 DP 836641 (No. 86 - 90) Andromeda Drive, Cranebrook. Applicant: Corpus Christi Parish; Owner: Trustees of the Roman Catholic Church*

Father Maguire, representing the applicant, spoke in support of the application, seeking an amendment to special condition 2.23 such that the commencement time on Sunday morning be 7.30 am and not 8.00 am, so that existing mass times do not have to be altered.

### **Mr Don Barnes**

*Item 7 - Development Application 07/0742 for the use of an existing school hall as a Place of Worship at Lot 912 DP 836641 (No. 86 - 90) Andromeda Drive, Cranebrook. Applicant: Corpus Christi Parish; Owner: Trustees of the Roman Catholic Church*

Mr Barnes, representing affected neighbours in the area, spoke in opposition to the proposed development. Mr Barnes addressed matters raised in the petition that had been submitted by the affected neighbours, expressing their concerns with regard to the proposed development, most notably including noise issues relating to arrival and departure of vehicles and people socialising in the car park area, safety issues surrounding possible overcrowding of the hall, lack of car park lighting after hours, and issues surrounding cars parking in the surrounding streets.

Councillor Steve Simat arrived at the meeting, the time being 7:49 pm.

Mr Barnes concluded by stating that residents were concerned with the noise associated with early morning and late evening activities at the property, in particular noise created by vehicular movements at this location.

Councillor Kaylene Allison returned to the meeting, the time being 7:52 pm.

**Mr James Trevena**

*Item 8 - Development Application 07/1066 - Proposed Mushroom Growing Facility, associated office, sheds, car parking, civil works and site works at Lot 2 DP 1084891 (No.334-362) Londonderry Road, Londonderry. Applicant: Midson Management Pty Ltd; Owner: Moonlight Mushrooms Pty Ltd*

Mr Trevena spoke on behalf of the applicant, in favour of the proposed development. Mr Trevena addressed concerns raised about odour emanating from compost and confirmed that no compost would be produced on site. He also stated that all proposed vehicular movements were in compliance with EPA and RTA guidelines and would have minimum impact on the local traffic.

**Mr Les Sheather**

*Item 8 - Development Application 07/1066 - Proposed Mushroom Growing Facility, associated office, sheds, car parking, civil works and site works at Lot 2 DP 1084891 (No.334-362) Londonderry Road, Londonderry. Applicant: Midson Management Pty Ltd; Owner: Moonlight Mushrooms Pty Ltd*

Mr Sheather, representing the Londonderry Residents Committee, spoke in opposition to the proposed development. Mr Sheather raised residents' concerns regarding possible odours from compost being delivered, as well as noise and traffic issues, and requested amendment to various conditions to minimise noise levels and impact to local traffic.

**Mr Peter Harvey**

*Item 22 - Development Application 07/1627 for a proposed demolition of existing Rectory, Master Plan for Primary School, Stage 1 construction and associated road works at Lot 1 DP 996994 and Lot 1 DP 1035490 known as 43 - 57 and 59 - 119 St Thomas Road, Mulgoa. Applicant: Stanton Dahl Architects; Owner: Sydney Anglican Schools Corporation*

Mr Harvey, representing the Mulgoa Progress Association, spoke in support of the recommendation to refuse this development application, and expressed concerns surrounding the proposal that included traffic issues, urbanisation, the scale of the development and the lack of need for another school in the area. Mr Harvey stated that the Mulgoa Valley should be preserved in line with SREP 13 and Council's strategic vision.

**RESUMPTION OF STANDING ORDERS**

206 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Steve Simat that Standing Orders be resumed, the time being 8:06 pm.

Councillor Mark Davies left the meeting, the time being 8:06 pm.

## **MAYORAL MINUTES**

Councillor Mark Davies returned to the meeting, the time being 8:08 pm.

### **1 Locals recognised in Queen's Birthday Honours**

207 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Locals recognised in Queen's Birthday Honours be received.

### **2 Penrith City Council Recognised for Excellence in Financial Reporting**

208 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that the Mayoral Minute on Penrith City Council Recognised for Excellence in Financial Reporting be received.

### **3 General Manager Alan Travers Retires**

209 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on General Manager Alan Travers Retires be received.

## **REPORTS OF COMMITTEES**

### **1 Report and Recommendations of the Local Traffic Committee Meeting held on 2 June 2008**

210 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 June, 2008 be adopted.

### **2 Report and Recommendations of the Policy Review Committee Meeting held on 16 June 2008**

211 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jackie Greenow that consideration of the *Report and Recommendations of the Policy Review Committee Meeting held on 16 June 2008* be held over until the completion of all other business.

## **MASTER PROGRAM REPORTS**

212 RESOLVED on the MOTION of Councillor Jackie Greenow, seconded Councillor Karen McKeown that Items 7, 8, 9 and 22 be brought forward and dealt with before all other items of business.

**THE CITY AS A SOCIAL PLACE**

Having previously declared a pecuniary interest in Item 7, Councillor Kaylene Allison left the meeting, the time being 8:40 pm.

- 7 Development Application 07/0742 for the use of an existing school hall as a Place of Worship at Lot 912 DP 836641 (No. 86 - 90) Andromeda Drive, Cranebrook.  
Applicant: Corpus Christi Parish; Owner: Trustees of the Roman Catholic Church**

**DA07/0742**

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213 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Development Application 07/0742 for the use of an existing school hall as a Place of Worship at Lot 912 DP 836641 (No. 86 - 90) Andromeda Drive, Cranebrook be received
2. Development Application 07/0742 be granted consent subject to the following standard and special conditions:

**Standard Conditions**

- 2.1 A039 - Graffiti
- 2.2 A043 - air conditioning – change ‘dwelling’ to ‘the buildings’
- 2.3 H041 - hours of construction
- 2.4 D001 - sediment & erosion control measures (Applies to all works)
- 2.5 D009 - waste storage area (Applies to building works/demolition)
- 2.6 E01A - BCA compliance for Class 2-9
- 2.7 E002 - A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:
  - The fire resistance of the structure is to comply with Section C BCA2007
  - Access and egress is to comply with Section D BCA2007-06-29 Services and Equipment is to comply with Section E BCA2007
- 2.8 E003 - Structural alterations
- 2.9 E006 - Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 “Design for Access and Mobility”. A report prepared by an accredited access consultant is to be provided in the relevant plans and specifications accompanying the Construction Certificate application
- 2.10 E008 - Fire safety list with Construction Certificate
- 2.11 E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)
- 2.12 H001 - Stamped plans & erection of site notice 1 (Class 2-9)
- 2.13 H002 - All forms of construction
- 2.14 H041 - “Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:
  - Mondays to Fridays, 7am to 6pm
  - Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
  - No work is permitted on Sundays and Public Holidays.Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

- The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works
- 2.15 H011 - Engineering plans & specifications
  - 2.16 H013 – Structural details of the nominated building components prepared and/or certified by a professional engineer or other appropriately qualified person, shall be submitted with the Principal Certifying Authority prior to constructing or erecting that portion of the approved development.
    - a) Structural concrete
    - b) Wall frame bracing
    - c) Roof trusses
    - d) Structural steelwork
  - 2.17 H014 - Slabs/footings
  - 2.18 H015 - Termites
  - 2.19 H024 - Glass installations AS1288
  - 2.20 Q001 - Notice of Commencement & Appointment of PCA1
  - 2.21 Q005 - Occupation/Compliance Certificate (Class 1)

### **Special Conditions**

- 2.22 The maximum size of any congregation attending a worship service, wedding funeral or the like shall be 400 people in recognition of available parking, with the exception of Christmas and Easter services only.
- 2.23 The hours of operation of the parish centre shall be in accordance with the information lodged with the development application as amended by this condition. In particular, to ensure the amenity of the surrounding residential locality is maintained, parish activities shall not commence before 7am and will conclude by 10.00 pm every day, with the exception of Easter and Christmas services
- 2.24 Weekday parish activities are to be scheduled to ensure that there is no clash with the core start and finish times of the primary school
- 2.25 The parish activities are to be managed to ensure that there is sufficient time available between activities to avoid conflict and competition for the on site car parking spaces
- 2.26 The site is not to be used for wedding receptions
- 2.27 A revised Management Plan, to the satisfaction of Council, is to be submitted for approval. The Plan shall incorporate the following requirements:
  - a) Noise – Section 3(c) - the building is to be vacated within 30 minutes of an activity
  - b) Community Liaison – Section 6(a) – Neighbours are to be informed directly by the Parish, and not via Council
  - c) A new section is to be included which confirms a commitment to advise people seeking to conduct a wedding, funeral service or the like of the maximum capacity of the building, being 400 people
  - d) A new section is to be included which confirms a commitment to

comply with the conditions of this development consent notice, including any future amendments. The consent notice is to be inserted as an appendix to the Management Plan

The revised Management Plan shall be lodged with Council within 30 days from the date of this notice. The parish activities shall subsequently operate in accordance with the Management Plan approved by Council for the purpose of this condition

- 2.28 The recommendations provided in Report entitled “Noise Impact Assessment – Corpus Christi Parish Report Ref TD561-01F02” prepared by Renzo Tonin and Associates dated 13th June 2007 and the additional information supplied by Renzo Tonin and Associates on 29 November 2007 shall be implemented within 60 days from the date of this notice

A report is to be obtained from a qualified acoustic consultant confirming that the development meets the relevant noise criteria and conditions of this consent. This report is to be submitted to the Council within 60 days from the date of this notice

- 2.29 Signage, to the satisfaction of Council, is to be provided within the car park and entrance of the centre requesting patrons to minimise noise and respect the amenity of the surrounding neighbourhood

Within 60 days of this notice, a suitable signage plan is to be submitted to Council for approval. The signage plan is to provide details on the location, sizing and wording of the signs

The required signs are to be installed within 30 days from the Council issuing the approved signage plan. The signs shall be maintained, and remain in place, while ever the site is used as a place of worship

- 2.30 The parish centre directional sign, and the rooftop cross, are not to be illuminated without the prior consent of Council

- 2.31 A minimum of two replacement trees shall be planted in suitable locations within the landscape area adjacent to the car park

- 2.32 A review of the development is to be undertaken on the first anniversary of the issuing of the Occupation Certificate. A report is to be prepared by a qualified environmental consultant and certify level of compliance with the conditions of consent and the provisions of the Noise Management Plan are to be submitted to Council for consideration. The report must cover all noise related issues to the satisfaction of Council

Should any non compliance issues or other concerns be identified, the report is to provide options on how to adequately address these matters. This may include assessing if the number of children using the centre remains appropriate. Council maintains the right to modify any aspect of the development should it be determined that it is causing a significant impact on the amenity of the area

- 2.33 All windows and doors are to be closed when the P/A system is in use or when a band is playing



- 2.34 On-street overflow parking is to be located on Andromeda Drive, north of the pedestrian crossing only with the exception of Christmas and Easter services. The matter is to be reported to the Local Traffic Committee to review the need for parking restrictions on Andromeda Drive should Council receive complaints regarding impacts from parking and vehicular movements.

The recommendations of the Local Traffic Committee are to be undertaken by Council at full cost to the applicant

- 2.35 A lighting system shall be installed for the development to provide uniform lighting across driveways and car park areas. Exterior lighting shall be located and directed so as not to cause nuisance to adjoining properties. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS4282 "Control of the obtrusive effects of outdoor lighting(1997)".

- 2.36 Lot 912 in Deposit Plan 836641 and Lot 1 in Deposit Plan 829162 are to be consolidated as one lot. Written evidence that the request to consolidate the lots has been lodged with Land and Property Information division of the Department of Lands is to be submitted to the certifying authority before an Occupation Certificate for the development can be issued by the certifier.

A copy of the registered plan of consolidation from Land and Property Information division of the Department of Lands is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, prior to the issue of the Occupation Certificate for the development.

Councillor Kaylene Allison returned to the meeting, the time being 8:53 pm.

Having previously declared a non-pecuniary interest in Item 8, Councillor Kevin Crameri OAM left the meeting, the time being 8:53 pm.

- 8 Development Application 07/1066 - Proposed Mushroom Growing Facility, associated office, sheds, car parking, civil works and site works at Lot 2 DP 1084891 (No.334-362) Londonderry Road, Londonderry. Applicant: Midson Management Pty Ltd; Owner: Moonlight Mushrooms Pty Ltd**

214 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Pat Sheehy AM

That:

1. The information contained in the report on Development Application 07/1066 - Proposed Mushroom Growing Facility, associated office, sheds, car parking, civil works and site works at Lot 2 DP 1084891 (No.334-362) Londonderry Road, Londonderry be received
2. Development Application 07/1066 - Proposal for Mushroom Growing Facility and associated office, sheds, car parking, civil works and site works at Lot 2 DP 1084891 (No.334-362) Londonderry Road, Londonderry be approved subject to the attached conditions:

**Standard Conditions**

- 2.1 A001 – Plans & Reports
  - A004 – DA Staging - adopt staging strategy
  - A011 – Engineering works DCP
  - A026 – Advertising sign
  - A029 – Hours of operation - The operating hours for the development is 24 hours a day. Vehicles entering and exiting the site are restricted to the hours set out in this consent
  - A038 – Lighting locations
  - B005 – Mud/soil
  - C003 – Uncovering relics
  - D001 – Erosion and Sediment Control
  - D002 – Spray grass
  - D006 – Approval for major filling operations
  - D008 – Filling compaction
  - D009 – Covering of waste storage areas
  - D010 – Appropriate disposal of excavated or other waste
  - D013 – Approved noise level to refer to the recommendations provided in Report entitled “Noise Assessment – Proposed Mushroom Farm, 334 – 362 Londonderry Road, Londonderry” prepared by Dr Simon Kean dated 10 July 2007 and the additional information supplied by Midson Management Pty Ltd dated 23rd April 2008
  - D014 – Plant and equipment operating noise
  - D015 – Spill prevention and clean up procedures
  - D023 – Bunding
  - D026 – Liquid wastes
  - D028 – Environmental Management Plan

- D125 – Water quality in industrial sites
- E006 – Disabled access and facilities
- E008 – A fire safety list with Construction Certificate
- E009 – Annual Fire Safety Statement
- E01A – BCA compliance amended to include:
  - A construction certificate shall be obtained prior to the commencement of any building works
- F010 – Septic system distance from a building
- F011 – Septic General
- F012 – Cistern
- F013 – Aerated Disposal Area (7580m<sup>2</sup> minimum)
- F014 – Aerated Irrigation
- F015 – Aerated Service Contract
- G002 – Section 73 Certificate
- G004 – Integral Energy
- H001 – Stamped plans and erection notice
- H003 – Traffic safety during construction work) (Tree protection measures) amend to refer to give precedence to any vegetation management plan for the site
- H041 – Hours of work
- I003 – Roads Act approval amended to refer as follows:
  - a) Provision of a heavy industrial pipe/culvert crossing and heavy duty vehicle footway crossing for the truck access off Londonderry Road. The width of the crossing is to strictly comply with AS2890.2
  - b) Provision of a heavy duty concrete rural dish/pipe crossing and heavy duty concrete footway crossing 6m wide in Wilshire Road
  - c) Opening of the road reserve for the provision of services including stormwater
  - d) Placing of hoardings, containers, waste skips, etc. in the road reserve
- I004 – Roads Act approval for Stage 1 works
- I004 – Roads Act approval for Stage 3 works
- K001 – Engineering Works DCP
- K004 – Easement creation
- K025 – Pavement seal
- K027 – Car parking to refer to a total of 100 car spaces (58 for Stage

- 1 with remainder provided for Stage 3)
- K033 – Customer parking sign
- K036 – Maintenance Bond
- K037 – Performance Bond
- L001 – Landscape – General to refer to landscape plan numbered DA/L01, drawn by ER of Pod Design, dated August 2007 as amended 09/08/2007
- L002 – Landscape Construction
- L003 – Report requirement to include:
  - a) Implementation Report
  - b) Maintenance Report
  - c) Final Site Arborist’s Report (significant tree protection)
  - d) Year Landscaping Report (category 3 developments)
- L005 – Planting of plant material
- L006 – Australian Standard
- L007 – Tree Protection Measures
- L008 – Tree Preservation Order
- P001 – Costs
- P002 – Fees associated with Council land
- Q001 – Notice of commencement and appointment of Principal Certifying Authority)
- Q006 – Occupation Certificate

**Special Conditions**

- 2.2 Compost is not to be produced or stored on the site and substrate material is to be kept in the growing sheds
- 2.3 An asset protection zone of 50 metres shall be established in accordance with the submitted plans and maintained as an ‘Inner Protection Area’ (as outlined by Planning for Bushfire Protection 2006) at all times
- 2.4 Access shall comply with section 4.1.3(2) Planning for Bushfire Protection 2006
- 2.5 Reticulated water supply shall comply with AS2419
- 2.6 The driveway to the carpark located on Wilshire Road is not permitted to be used between the hours of 10pm and 7am
- 2.7 In the event sewerage connection is available to the site, the facility is to be connected as soon as practicable for all effluent disposal with relevant approvals being obtained
- 2.8 Fencing along the southern boundary is to be provided to prevent access from Wilshire Road onto the property. A gate is to be provided

- to the Wilshire Road driveway and is to remain locked at all times between the hours of 10pm and 7am
- 2.9 A schedule of external materials and colour scheme for the development, including roof materials of a dull, non-reflective material, and the pavement surface (for vehicular access, manoeuvring and parking) is to accompany the Construction Certificate application for assessment and approval
- 2.10 A plan is to be provided prior to the issue of a Construction Certificate that provides for permanent fencing of the site that is located from the road behind proposed vegetation. The approved fencing is to be implemented prior to the issue of an Occupation Certificate for Stage 1
- 2.11 Waste is to be removed from the site regularly. Spent substrate is to be stored within the growing sheds until such time as it is removed from the site. Spent substrate is not to remain within the growing sheds for more than 3 days
- 2.12 No more than 90 staff are to be on the site at any one time at the completion of Stage 2 as the capacity of the septic disposal system is limited to this amount at this stage. No more than 180 people are to be on the site at any one time at the completion of Stage 4 as the capacity of the septic disposal system is limited to this amount
- 2.13 To accord with the recommendations within the Acoustic Report and to minimise noise emitted from the site, trucks, forklifts and loaders associated with the use of the site are not permitted to operate from the site (or around the site) or enter/exit the site between the hours of 10pm and 7am
- 2.14 **Prior to the issue of a Construction Certificate**, details, including plans, elevations, structural and noise mitigation properties of the noise attenuation measures that will be employed to address noise created from the internal compressor units and the external condenser units, are to be submitted and approved by Council
- 2.15 A revised drainage design plan, detailing the proposed method of stormwater drainage disposal by gravity to Penrith City Council's drainage system, is to be submitted and approved by Council prior to the issue of the Construction Certificate. The revised drainage plan is to address the following items:
- a) The proposed box culvert originally shown under growing sheds 3 & 4 is to be relocated clear of any proposed buildings and is to be at least 40 metres from any on site sewage management system including effluent disposal areas
  - b) Provision is to be made for overland flows from the adjoining property to the north
  - c) Proposed drainage easements are to be shown on the engineering drawings
  - d) Pit invert levels, surface grate levels, pavement finished surface levels and pipe grades are to be shown for all stormwater drainage

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- e) All pits are to be free draining. Sediment sumps are not to be used
  - f) Floor levels are to be a minimum of 200mm above the top water level of any adjacent overland flows
- 2.16 Odours from the activity must not be emitted and be detectable beyond the boundary of the property. The provisions of the Protection of the Environment Operations Act 1997 apply to this development, in terms of regulating offensive odour
- 2.17 **Prior to the issue of a Construction Certificate**, the Environmental Management Plan (EMP) as required by (*Standard Condition 2.1 - D028*) that addresses both the construction and operational phases of the development shall be submitted to Penrith City Council for consideration and approval. The approved EMP is to provide for the on-going use of the site, including an Operational Management Plan (OMP) and Construction Management Plan (CMP) to provide for all stages that includes, but is not limited to, noise, odour, waste, sediment, erosion and access control. The plan is also to include:
- a) Contact details of the operators
  - b) A contingency plan aimed at addressing any concerns raised by Council or nearby residents including action to be taken to address the concern
  - c) Vehicle movements on the site
  - d) Directional signage
  - e) A register of complaints and the response taken is to be kept by the operator. Upon request, this is to be supplied to Council. In the event of noise complaint, the applicant is to provide an acoustic report addressing the performance criteria achieved by the approved development. This report is to be prepared by a suitably qualified consultant and is to recommend additional mitigation measures that are to be employed
  - f) Vegetation management, in particular addressing the on going management, protection and weed management of the protected vegetation areas located along the southern and western sides of the development and ongoing flora and fauna protection
  - g) Emergency response (including evacuation response along flood evacuation route)
  - h) Storage of chemicals
- 2.18 A Water Management Plan is to be prepared and approved by Council prior to the issuing of the Construction Certificate. At a minimum this plan is to address the following:
- a) The collection, storage, any proposed treatment, reuse and/or disposal of water collected from the roof of the buildings
  - b) The collection, storage, any proposed treatment, reuse and/or disposal of water collected from all other areas including all external and internal impervious surfaced areas. The water collected from these areas is considered to be polluted and as such will need to be treated to a suitable standard outlined by the relevant State Legislation and Guidelines for reuse for hand held

hosing and for toilet flushing. Should the water be reused in this manner the appropriate permits are required from the relevant government agencies including (but not limited too) Sydney Water. All requirements set out by these government agencies will need to be included in this plan. In addition a suitable method of disposal is to be provided to this system that ensures that at no time the storage tank overflows or allows the discharge of polluted waters onto adjoining land or into adjoining waterways or drainage easements

- c) The plan should also address the accumulation of nutrients and the overall nutrient concentration within any collected water that is proposed to be reused and recycled

2.19 The future dwelling house shown on plans referred in Condition 1 (*standard condition 2.1 – A001*) does not form part of this application

2.20 The ‘hydraulic services master plan’ indicates that the building may not be adequately covered by fire hydrants in accordance with the requirements of AS2419-2005. In this regard, any departure from AS2419 will require a ‘Clause 188’ exemption from the NSW Fire Brigades. As part of an application for an exemption, the NSW Fire Brigades must also consider the comments from the NSW Rural Fire Service – Cumberland Zone, dated 6-Feb-08 regarding the provision of:

- An Asset Protect Zone of 50 m
- Access complying with Section 4.1.3 (2) Planning for Bushfire Protection 2006
- Reticulated water supply in accordance with AS2419

Evidence of compliance with AS2419 must be provided to the certifying authority, prior to issue of a construction certificate

2.21 The building must be provided with fire hose reels in accordance with the requirements of Clause E1.4 of the BCA and AS2441. Details must be submitted to the certifying authority with the application of for a construction certificate

2.22 Prior to the issue of an Occupation Certificate a maintenance manual for the Water Quality System (i.e. Gross Pollutant Trap / Rain Garden) shall be submitted to, and the details approved by Penrith City Council

2.23 All car parking and manoeuvring must be in accordance with AS 2890 and Councils requirements. A revised car parking and access plan is to be submitted and approved by Council prior to the issue of the Construction Certificate. The revised plan is to address the following items:

- a) Details of the proposed truck access off Londonderry Road showing compliance with AS2890.2
- b) Staff carpark layout to comply with AS2890.1 with regard to blind aisle length / provision of turn around / manoeuvring area

- c) Line marking details to accommodate safe pedestrian access from the office to the growing sheds and store rooms
- 2.24 The existing gate as constructed within the Wilshire Road driveway is to be certified by a structural engineer as being of satisfactory construction
- 2.25 Prior to the issue of Construction Certificate for Stage 1, provision of a right turn lane, drainage and ancillary works in Londonderry Road at the main entrance to the site. The right turn lane is required to be designed as a rural auxiliary lane right turn (AUR). Shoulder widening of the northbound lane at the entrance is also required and is to be designed as a basic left turn (BAL). The design is to be undertaken in accordance with Austroads Guide to Traffic Engineering Practice - Part 5: Intersections at Grade (current edition).

Prior to the issue of Construction Certificate for Stage 3, provision of a right turn lane, drainage and ancillary works at the intersection of Londonderry Road and Wilshire Road. The right turn lane is required to be designed as a rural auxiliary lane right turn (AUR). Shoulder widening of the northbound lane at the intersection is also required and is to be designed as a basic left turn (BAL). The design is to be undertaken in accordance with Austroads Guide to Traffic Engineering Practice - Part 5: Intersections at Grade (current edition).

A Road Safety Audit (RSA) shall be undertaken on the proposed road and intersection designs by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate application.

Prior to the issue of the Construction Certificate, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in the final road and intersection design.

The location of all proposed line marking, and associated signposting shall be in accordance with AS 1742.2, and approved by the relevant Roads Authority under the Roads Act 1993.

Plans detailing the proposed installation of regulatory signage and linemarking shall be submitted to Penrith City Council for referral to the Local Traffic Committee.

Prior to the issue of a Subdivision/Occupation Certificate (delete as appropriate) installation of line marking and signage shall occur in accordance with the approved plans and the recommendations of the Local Traffic Committee.

All signage and linemarking is to be undertaken at no cost to Penrith City Council.

- 3. Those making submissions be notified of the decision.



- 9 Development Application 07/1224 (20/15/2-J26) for a Section 96 Modification for Extension to the approved operating hours at the Blue Cattle Dog Hotel at Lot 1 DP 730490, Banks Drive, St Clair. Applicant: Joe Ryan Solicitor; Owner: Mary's Dog Pty Ltd**

215 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Development Application 07/1224 (20/15/2-J26) for a Section 96 Modification for Extension to the approved operating hours at the Blue Cattle Dog Hotel at Lot 1 DP 730490, Banks Drive, St Clair be received
2. DA07/1224 for a Section 96(1A) Modification for Extension to approved operating hours at the Blue Cattle Dog Hotel at Lot 1 Banks Drive, St Clair be refused on the following grounds:
  - 2.1 The proposal is considered to not be substantially the same as originally granted having regard to the anticipated social impacts arising from the proposal (Section 96(1A) of the *Environmental Planning and Assessment Act 1979*)
  - 2.2 The application has not sufficiently identified the likely social impact of the proposal in respect to the potential incidents of anti-social behaviour and warrants lack of confidence which is therefore not supported (Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*)
  - 2.3 The applicant has not provided sufficient information to permit an accurate and detailed assessment of the acoustic impacts that would arise from the proposed development (Clause 54 of the *Environmental Planning and Assessment Regulation 2000* and Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*)
  - 2.4 Pursuant to Section 2.2 of the Penrith Development Control Plan 2006, the principles of Crime Prevention through Environmental Design in respect to ownership and space management have not been incorporated effectively in the current measures to reduce incidents of anti-social behaviour (Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*)
  - 2.5 The Social Impact Assessment report is considered to be deficient in respect to the insufficient analysis of the demographics of the relevant catchment area and the nexus for the hotel to accommodate patrons on a 24-hour basis (Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*)
  - 2.6 The proposed development would have an adverse impact upon the existing residential amenity of the area, having regard to the submissions made (Section 79C(1)(d) of the *Environmental Planning and Assessment Act 1979*)
  - 2.7 The proposed development will cause inappropriate development and would enable an undesirable precedent not in the public interest

(Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979)

3. Those making a submission be advised of Council's determination.

Councillor Kevin Crameri OAM returned to the meeting, the time being 9:00 pm.

- 22 Development Application 07/1627 for a proposed demolition of existing Rectory, Master Plan for Primary School, Stage 1 construction and associated road works at Lot 1 DP 996994 and Lot 1 DP 1035490 known as 43 - 57 and 59 - 119 St Thomas Road, Mulgoa. Applicant: Stanton Dahl Architects; Owner: Sydney Anglican Schools Corporation DA07/1627**

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

That:

1. The information contained in the report on Development Application 07/1627 for a proposed demolition of existing Rectory, Master Plan for Primary School, Stage 1 construction and associated road works at Lot 1 DP 996994 and Lot 1 DP 1035490 known as 43 - 57 and 59 - 119 St Thomas Road, Mulgoa. be received
2. That Development Application 07/1627 for Demolition of existing Rectory, Master Plan for Primary School, Stage 1 Construction and associated road works at Lot 1, DP 996994 and Lot 1, DP 1035490, known as 43-57 and 59-119 St Thomas Road, Mulgoa be REFUSED for the following reasons:
  - 2.1 The proposed development does not satisfy the objectives of *Sydney Regional Environmental Plan No 13 – Mulgoa Valley* as it will not conserve, and will not be compatible to, the rural landscape of the valley. In addition, it has not been adequately demonstrated that the proposal will ensure the conservation of the heritage item, nor the conservation of the potential flora and fauna on the land. (*Section 79C(1)(a)(i), Environmental Planning and Assessment Act 1979*)
  - 2.2 The proposed development does not satisfy the objectives of the Rural Conservation Zone No 1 of *Sydney Regional Environmental Plan No 13 – Mulgoa Valley* as it does not conserve the rural and natural landscape of the valley and provides for a school development which is not compatible with the rural and natural landscape of the valley. (*Section 79C(1)(a)(i), Environmental Planning and Assessment Act 1979*)
  - 2.3 The proposed development does not satisfy the incentives provisions contained with Clause 20 of *Sydney Regional Environmental Plan No 13 – Mulgoa Valley* as it has not been adequately demonstrated that:
    - (a) the development is on the land on which the building is erected
    - (b) the Heritage Impact Assessment does not include a detailed schedule of works, material and finishes for the restoration of the church
    - (c) the development application is not supported by a the Statement of Economic Viability
    - (d) the proposal would have little or no adverse impacts on amenity
    - (e) that the conservation of the building is otherwise unlikely
 (*Section 79C(1)(a)(i), Environmental Planning and Assessment Act 1979*)
  - 2.4 The proposed development is therefore prohibited in the Rural Conservation Zone No 1. (*Section 79C(1)(a)(i), Environmental Planning and Assessment Act 1979*)
  - 2.5 The proposed development does not satisfy Clause 12 Development consent criteria contained within *Sydney Regional Environmental*

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*Plan No 13 – Mulgoa Valley*, as it has not adequately demonstrated that:

- (a) services, in particular arrangements regarding the provision of water and disposal of effluent satisfactory to the requirements of the Water Board, are adequate or will be provided in a reasonable time (subclause (c));
- (b) the agricultural viability of the holding and potential of the land will not be adversely affected (subclause (h));
- (c) the rural setting of Mulgoa village will not be adversely affected (subclause (k));
- (d) the development will not adversely affect the hydrology of Mulgoa Creek (subclause (m));
- (e) the proposed size of that development is appropriate for the rural character of the valley (subclause (p));
- (f) the proposed development will not adversely affect the amenity of the area (subclause (q)).

*(Section 79C(1)(a)(i), Environmental Planning and Assessment Act 1979)*

- 2.6 The proposed development does not satisfy Clause 15 of *Sydney Regional Environmental Plan No 13 – Mulgoa Valley* as the provision for turning treatments and signage, plus lighting at both intersections with St Thomas Road are required as a result of the development. It is considered that the upgrading required to maintain safety and efficiency of Mulgoa Road will detract from the present rural character and function of Mulgoa Road. *(Section 79C(1)(a)(i), Environmental Planning and Assessment Act 1979)*
- 2.7 The proposed development does not satisfy Sydney Regional Environmental Plan No 20 – *Hawkesbury Nepean River*, as the site is not serviced with reticulated sewer and will therefore have an adverse cumulative impact on the local water quality, flora and fauna and the Hawkesbury Nepean River catchment. *(Section 79C(1)(a)(i), Environmental Planning and Assessment Act 1979)*
- 2.8 The proposed development does not satisfy the requirements of *State Environmental Planning Policy No 55 – Remediation of Land* and Part 2.1 of *Penrith Development Control Plan 2006*; as a phase one contamination report has not been received by Council, and therefore, this matter is unable to be determined. *(Section 79C(1)(a)(i), and (1)(a)(iii), Environmental Planning and Assessment Act 1979)*
- 2.9 The proposed development does not satisfy Part 2.5 Heritage Management of *Penrith Development Control Plan 2006* as it is considered that the development proposal is on land in the vicinity of a heritage item and is not due the benefit of the incentive Clause 3.4. Furthermore, the requirements of the incentives clause have not adequately been satisfied as the proposed development is not justified with regard to subclauses:
- (b) the provision of a detailed schedule of conservation works;

- (d) the provision of a detailed long term maintenance plan; and
  - (f) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to more than insignificant extent.  
*(Section 79C(1)(a)(iii), Environmental Planning and Assessment Act 1979)*
- 2.10 The proposed development will adversely impact upon the amenity of the locality by way of:
- (a) additional traffic generated by the development;
  - (b) potentially have an impact on flora and fauna and their habitats that may occur on the site;
  - (c) environmental impacts with regard to the lack of sewer reticulation to the property.  
*(Section 79C(1)(b), Environmental Planning and Assessment Act 1979)*
- 2.11 The financial merits and economic impacts of the proposed school cannot be justified as a Statement of Economic Viability was not submitted with the development application. *(Section 79C(1)(b), Environmental Planning and Assessment Act 1979)*
- 2.12 The proposed development is not suitable for the site. *(Section 79C(1)(c), Environmental Planning and Assessment Act 1979)*
- 2.13 The proposed development generates a need to upgrade Mulgoa Road and therefore the proposal does not satisfy the intent of the *Sydney Regional Environmental Plan No 13 – Mulgoa Valley*, as described in the planning report attached to the Plan. *(Section 79C(1)(e), Environmental Planning and Assessment Act 1979)*
- 2.14 The proposed development generates a need to upgrade St Thomas Road which is proposed to be listed as a heritage item in *Draft Penrith Local Environmental Plan 2008 – Stage 1*. The upgrade of this road would deplete any heritage significance and character of the road formation and is not supported. *(Section 79C(1)(e), Environmental Planning and Assessment Act 1979)*
- 2.15 The proposed development is not consistent with Council’s planning strategies, studies and planning instruments for rural areas, which generally aim to encourage schools to be developed in urban areas where infrastructure, services and appropriate transport facilities are provided and where environmental and amenity impacts are reduced. *(Section 79C(1)(e), Environmental Planning and Assessment Act 1979)*
- 2.16 For the above reasons, and due to the objections received, the proposed development is not considered to be in the public interest. *(Section 79C(1)(e), Environmental Planning and Assessment Act 1979).*

**LEADERSHIP AND ORGANISATION**

**1 2008-2009 Management Plan**

217 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Mark Davies

That:

1. The information contained in the report on the 2008-2009 Management Plan be received.
2. The recommended actions, including changes to the draft budget, staff establishment and tasks as detailed in the report be adopted, and those which relate to variations to the exhibited draft plan be incorporated into the Management Plan.
3. The 2008-2009 Management Plan, as amended, be formally adopted.
4. Council approve for expenditure the budget as detailed in the 2008-2009 Management Plan, and on that basis formally vote these funds for the 2008-2009 financial year.
5. Those individuals and organisations who made submissions on Council's Draft Management Plan be thanked for their input and advised of Council's decision.
6. Those projects in the 2007-2008 Management Plan, which were approved by Council in the March Quarter Review 2008 to be carried forward, be added to the adopted Management Plan and Budget for 2008-2009.

**2 Making of Rates and Charges for 1 July 2008 to 30 June 2009**

218 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Mark Davies

That:

1. The information contained in the report on Making of Rates and Charges for 1 July 2008 to 30 June 2009 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 one five seven six (.41576) 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 two zero seven eight eight (.20788) 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 point seven five zero three three (.75033) 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 point eight six one seven (.8617) cents in the dollar and that an ordinary rate being a subcategory of Business rate named St Marys Town Centre Rate of one point two six two six (1.2626) cents in the dollar be now made for the period 1 July 2008 to 30 June 2009 subject to a minimum rate under Section 548(5) of six hundred and sixty nine dollars and seventy five cents (\$669.75) 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 fifty six dollars and ninety five cents (\$856.95).

## **3. Service of Rate Notices**

The rate or charge for the 2008-09 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 23 June 2008, titled Making of Rates and Charges for 1 July 2008 to 30 June 2009, 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 2008-09 ten (10.0) 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**

### **3 NAIDOC Week 2008 Activities**

'219 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Lexie Cettolin

That:

1. The information contained in the report on NAIDOC Week 2008 Activities be received
2. Council note the submission to the Federal Indigenous Co-ordination Centre for a contribution towards the 2008 NAIDOC Week Gathering at Jamison Park and endorse that \$4,400 (Inc GST) was granted to Council for this purpose.

### **4 Glenmore Park Child and Family Precinct**

'220 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Lexie Cettolin that the information contained in the report on Glenmore Park Child and Family Precinct be received.

### **5 Glenmore Park Stage 1 (Section 94) Development Contributions Plan**

'221 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Lexie Cettolin

That:

1. The information contained in the report on Glenmore Park Stage 1 (Section 94) Development Contributions Plan be received.
2. Council adopt the Glenmore Park Stage 1 Section 94 Development Contribution Plan, referred to in this report, in accordance with the Environmental Planning and Assessment Act 1979 and Regulations.

### **6 Werrington Enterprise Living and Learning (WELL) Precinct - Development Contributions Plan**

'222 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Lexie Cettolin

That:

1. The information contained in the report on Werrington Enterprise Living and Learning (WELL) Precinct - Development Contributions Plan be received.
2. Council adopt the Werrington Enterprise Living and Learning (WELL) Precinct Development Contributions Plan 2008 referred to in this report in accordance with the Environmental Planning and Assessment Act 1979 and Regulation.
3. Those who made submissions regarding the exhibited draft Contributions Plan be advised of Council's resolution.

## **THE CITY IN ITS ENVIRONMENT**

### **10 Sustainability Revolving Fund**

'223 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow

That:

1. The information contained in the report on the Sustainability Revolving Fund be received.
2. The recommended allocations to the additional projects as detailed in the report be approved.

### **11 Local Government 1st National Environment Conference**

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

That:

1. The information contained in the report on Local Government 1st National Environment Conference be received.
2. Councillors Karen McKeown and Susan Page be Council's delegates to the 1<sup>st</sup> National Environment Conference, together with any other interested Councillors.

## **THE CITY SUPPORTED BY INFRASTRUCTURE**

**12 Tender for the Supply of a 1200kw/hr Centrifugal Type Air Conditioning Chiller Ref:17-07/08**

225 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Tender for the Supply of a 1200kw/hr Centrifugal Type Air Conditioning Chiller Ref:17-07/08 be received.
2. Boronia Technologies Pty Ltd's Tender for \$199,800 plus GST be accepted to supply a 1200 kw/hr Power Pax high efficiency water cooled chiller.

**13 Path Paving in Linksvie Avenue, Leonay**

226 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Path Paving in Linksvie Avenue, Leonay be received.
2. The footpath in Linksvie Avenue be deleted from the adopted Path Paving Program.

**14 Ripples Aquatic Centre - Status Report on Asset Renewal Works**

227 RESOLVED on the MOTION of Councillor Kaylene Allison seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Ripples Aquatic Centre – Status Report on Rectifications be received.
2. Congratulations be extended to those employees of Ripples – Ron Borg, Gary Muscat, Kieran Yates and Greg Matthews - who sourced and obtained funding for the purchase of a defibrillator to be held at the Hydrotherapy Centre at Ripples.
3. Acknowledgement be made to staff of Ripples for the transformation of the facility since it has been taken over by Erik Henricksen.

**LEADERSHIP AND ORGANISATION**

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**15 Council Property - Electricity Easement for Underground Cables on Open Space, Lot 8400 DP 1008395, Westerly Way, Glenmore Park. Owner: Penrith City Council - Applicant: Integral Energy**

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

That:

1. The information contained in the report on Council Property - Electricity Easement for Underground Cables on Open Space, Lot 8400 DP 1008395, Westerly Way, Glenmore Park. Owner: Penrith City Council - Applicant: Integral Energy be received.
2. Council grant Integral Energy an Easement for Underground Cables 1 metre wide within Lot 8400 DP 1008395, Westerly Way, Glenmore Park.
3. Integral Energy to bear all reasonable costs associated with the granting of the easement.
4. Compensation in the amount of \$5,500 be accepted from Integral Energy for the granting of the Easement for Underground Cables.
5. Compensation in the increased amount of \$5,500 be accepted from Integral Energy for the granting of the Easement for Padmount Substation agreed to on 3 July 2006.
6. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**16 Council Property - Electricity Easement for Underground Cables on Open Space, Lot 8551 DP 1010666, Glengarry Drive, Glenmore Park. Owner: Penrith City Council - Applicant: Integral Energy**

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

That:

1. The information contained in the report on Council Property - Electricity Easement for Underground Cables on Open Space, Lot 8551 DP 1010666, Glengarry Drive, Glenmore Park. Owner: Penrith City Council - Applicant: Integral Energy be received.
2. Council grant Integral Energy an Easement for Underground Cables 1 metre wide within Lot 8551 DP 1010666, at Glengarry Drive, Glenmore Park as identified on DP 1122505.
3. Integral Energy to bear all reasonable costs associated with the granting of the easement.
4. Compensation in the amount of \$5,500 be accepted from Integral Energy.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**18 Local Government Managers Australia (LGMA) Annual Finance Professionals Conference**

230 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Karen McKeown that the information contained in the report on Local Government Managers Australia (LGMA) Annual Finance Professionals Conference be received.

**20 2007-2008 Borrowing Program**

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

That:

1. The information contained in the report on 2007-2008 Borrowing Program be received.
2. Council borrow the amount of \$2,100,000 on a 5 year repayment schedule.
3. The Chief Financial Officer be delegated authority to negotiate the loans in accordance with this resolution.
4. The Common Seal of the Council of the City of Penrith be affixed to those documents that are necessary to finalise the borrowings.
5. The final terms and conditions of the borrowings be reported to Council upon completion of the contracts.

**21 Summary of Investments & Banking for the period 1 May to 31 May 2008**

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 May to 31 May 2008 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 May 2008 to 31 May 2008 be noted and accepted.
3. The graphical investment analysis as at 31 May 2008 be noted.

Councillor Steve Simat left the meeting, the time being 9:11 pm, and did not return.

**17 Annual Insurance renewals - Liability & Industrial Special Risk**

233 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Annual Insurance renewals - Liability & Industrial Special Risk be received.
2. Council retain its \$100,000 claims excess for Public Liability and agree to pay a contribution of \$1,096,000 to Westpool for liability cover.
3. Council retain its \$20,000 claims excess for Industrial Special Risk and General Property cover and agree to pay a contribution of \$331,000 to United Independent Pools.
4. Congratulations be extended to Councillor Ross Fowler OAM for his efforts as Chairman of Westpool.

#### **19 Secondment of Glenn Schuil as Acting General Manager Brewarrina Shire Council**

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

That:

1. The information contained in the report on Secondment of Glenn Schuil as Acting General Manager Brewarrina Shire Council be received.
2. The Mayor write to Glenn Schuil expressing Council's Appreciation for his role as Acting General Manager at Brewarrina Shire Council.

#### **QUESTIONS WITHOUT NOTICE**

##### **QWN 1 Founders Tree**

Councillor Kevin Crameri OAM reported on the unveiling of the stone to commemorate 50 years of the Founders Tree and presented Council with a seedling grown from an acorn from this tree, to be planted in an appropriate location.

##### **QWN 2 Heritage Lights**

Councillor Kevin Crameri OAM requested a memo reply concerning the location of the heritage lights from Prospect and the possibility of locating these and keeping them in an appropriate place, such as the Arms of Australia Inn or similar.

##### **QWN 3 RFS Headquarters - Penrith**

Councillor Kevin Crameri OAM requested an urgent report to Council regarding the status of the RFS Headquarters and when it is likely to be allocated its own building.

**QWN 4 Repairs to Roads in Llandilo Area**

Councillor Kevin Crameri OAM requested a memo reply to all Councillors regarding heavy patching required to be carried out to damaged road surfaces in the Llandilo area.

**QWN 5 Lighting in Woodriff Lane**

Councillor Mark Davies requested a memo reply concerning the condition of public lights in the Woodriff Lane area of Penrith and requested painting of light poles, as well as the removal of graffiti from the corner walls facing Allen Place car park and the mall.

**QWN 6 Mulgoa Road entry to Glenmore Park**

Councillor Mark Davies requested a memo reply concerning the possibility of removing the broken sign and poles located on the left side entry to Glenmore Park from Mulgoa Road.

**QWN 7 Location and Supply of Bicycle Racks**

Councillor Mark Davies requested a report to Council including an audit of the number and location of bicycle racks in the Penrith City area and recommending the installation of new racks to enable and encourage those that would like to be able to ride a bicycle to shopping areas etc to store them safely and securely. The report also to investigate possible funding sources.

**QWN 8 River Road Embankment**

Councillor Mark Davies requested a memo reply to South Ward Councillors providing an update of the progress that has been made in relation to the plan of management for the River Road embankment and in particular what grant funding has been pursued in this regard.

**QWN 9 Glenmore Park Shopping Centre - Provision of Speed Minimisation measures**

Councillor Mark Davies requested a memo reply to all Councillors concerning the possibility of providing speed minimisation measures at the Glenmore Park shopping centre car park that leads to McDonalds and runs north to south.

**QWN 10 'Safer Suburbs' Project**

Councillor John Thain requested a memo reply to all Councillors concerning the status of the Safer Suburbs project which was proposed for the Cranebrook area.

**QWN 11 Liberty Swing**

Councillor John Thain requested a memo reply concerning the possibility of securing a site for the Liberty Swing at the Regatta Centre.

**QWN 12 Path through Reserve at Greenbank Drive, Werrington Downs**

Councillor John Thain requested that an amount of \$11,250 be allocated from North Ward voted works (and repaid back as money is allocated in the budget) to provide a concrete path through the reserve at Greenbank Drive, Werrington Downs.

'235 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the matter be brought forward as a matter of urgency.

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

236 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that an amount of \$11,250 be allocated from North Ward voted works (and repaid back as money is allocated in the budget) to provide a concrete path through the reserve at Greenbank Drive, Werrington Downs.

### **QWN 13 Provision of Rainwater Tank and Pump at Kingswood Neighbourhood Centre**

Councillor Karen McKeown requested that an amount of \$750 be allocated from each of South and East Ward voted works for the installation of a water tank and pump at Kingswood Neighbourhood Centre, and that Council investigate grants, rebates etc that may be available to reimburse voted works accordingly.

'237 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow that the matter be brought forward as a matter of urgency.

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

238 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow that an amount of \$750 be allocated from each of South and East Ward voted works for the installation of a water tank and pump at Kingwood Neighbourhood Centre, and that Council investigate grants, rebates etc that may be available to reimburse voted works accordingly.

### **QWN 14 Graffiti Minimisation Strategy**

'Councillor Karen McKeown requested a memo reply on the matter of a review of Council's Graffiti Minimisation Strategy to enable the removal of graffiti from private property where it can be readily accessed from a public space.

### **QWN 15 Provision of footpath to Debrincat Avenue, St Marys**

'Councillor Kaylene Allison requested a report to Council detailing the cost of providing a footpath in Debrincat Avenue, St Marys from the bridge (where the footpath provided by Blacktown Council finishes) to Boronia Road.

### **QWN 16 Installation of electronic opening device on gate at North St Marys**



## Neighbourhood Centre

Councillor Kaylene Allison requested a report to Council detailing the cost of installation of an electronic opening device on the gate at the North St Marys Neighbourhood Centre.

### QWN 17 Leave of Absence

Councillor Pat Sheehy AM requested that he be granted leave of absence for the periods 2 July to 4 August 2008 inclusive and 16 August to 26 August 2008 inclusive.

239 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Crameri OAM that the matter be brought forward as a matter of urgency.

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

240 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Crameri OAM that Councillor Pat Sheehy AM be granted leave of absence for the periods 2 July to 4 August 2008 inclusive and 16 August to 26 August 2008 inclusive.

## COMMITTEE OF THE WHOLE

241 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:33 pm.

### 1 Presence of the Public

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

#### *City in its Broader Context*

### 2 Western Sydney Employment Hub Extension

*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.*

#### *City as an Economy*

### 3 Commercial Matter - CUA Stadium - Ransley Street, Penrith

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

**Leadership and Organisation**

**4 Legal Matter - Mulgoa Road Tunnel**

*This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

**Leadership and Organisation**

**5 Commercial Matter - Council Property - Sale of Lots 120 & 121, DP 1121806, Koloona Drive, Emu Plains**

*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.*

**City as a Social Place**

**6 Proposed Torrens Title Subdivision for 2 lots at Lot 9 SP 1508 (No. 1587) Mulgoa Road, Wallacia**

*This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

The meeting resumed at 10:05 pm and the General Manager reported that the Committee of the Whole met at 9:33 pm on 23 June 2008, the following being present

His Worship the Mayor Councillor Greg Davies, Councillors Kaylene Allison, Lexie Cettolin, Kevin Crameri OAM, Mark Davies, Ross Fowler OAM, Jackie Greenow, Karen McKeown, Garry Rumble, Pat Sheehy AM 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 Western Sydney Employment Hub Extension**

RECOMMENDED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Ross Fowler OAM

CW2 That the information contained in the report on Western Sydney Employment Hub Extension, and included in advice provided in the memo dated 23 June 2008, be received, and officers be authorised to deal with the matter as outlined.

### **3 Commercial Matter - CUA Stadium - Ransley Street, Penrith**

RECOMMENDED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Mark Davies

CW3 That:

1. The information contained in the report on Penrith Stadium be received.
2. The lease be submitted to the Minister for Lands seeking consent to Council entering into the Lease.
3. On the Minister granting Consent, the Lease be entered into by Council.
4. The Common Seal of the Council of the City of Penrith be affixed on all necessary documentation.

### **4 Legal Matter - Mulgoa Road Tunnel**

RECOMMENDED on the MOTION of Councillor Kevin Cramer OAM seconded Councillor Garry Rumble

CW4 That the information contained in the report on Legal Matter - Mulgoa Road Tunnel be received.

### **5 Commercial Matter - Council Property - Sale of Lots 120 & 121, DP 1121806, Koloona Drive, Emu Plains**

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Pat Sheehy AM

CW5 That:

1. The information contained in the report on Commercial Matter - Council Property - Sale of Lots 120 & 121, DP 1121806, Koloona Drive, Emu Plains be received.
2. Council adopt the reserve prices for the sale of Lots 120 & 121, DP 1121806, at Nos. 89-91 Koloona Drive, Emu Plains at public auction on 5 July 2008 as indicated at Item 1 in the separate annexure report issued to Council.
3. Council issue delegated authority to the Property Development Manager indicated at Item 2 in the separate annexure report issued to Council.
4. The Property Development Manager be authorised to sign the Contract for Sale documentation if the properties are sold.

Having previously declared a pecuniary interest in Committee of the Whole Item 6, Councillor Ross Fowler OAM left the meeting, the time being 9:57 pm.

**6 Proposed Torrens Title Subdivision for 2 lots at Lot 9 SP 1508 (No. 1587) Mulgoa Road, Wallacia**

RECOMMENDED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jackie Greenow

CW6 That the information contained in the report on Proposed Torrens Title Subdivision for 2 lots at Lot 9 SP 1508 (No. 1587) Mulgoa Road, Wallacia be noted.

Councillor Ross Fowler OAM returned to the meeting, the time being 10:02 pm.

**ADOPTION OF COMMITTEE OF THE WHOLE**

242 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Garry Rumble that the recommendations contained in the Committee of the Whole and shown as CW2, CW3, CW4, CW5 and CW6 be adopted.

**REPORTS OF COMMITTEES**

**2 Report and Recommendations of the Policy Review Committee Meeting held on 16 June 2008**

243 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 16 June, 2008 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:09 pm.

I certify that these 33 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 23 June 2008.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date