

## **CONFIRMED MINUTES**

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

**ON MONDAY 7 SEPTEMBER 2009 AT 7:35PM**

#### **NATIONAL ANTHEM**

The meeting opened with the National Anthem.

#### **STATEMENT OF RECOGNITION**

His Worship the Mayor, Councillor Jim Aitken OAM 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 Jim Aitken OAM, Councillors Kaylene Allison, Robert Ardill, Kevin Crameri OAM, Greg Davies, Mark Davies, Tanya Davies, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee and John Thain.

#### **LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor Ross Fowler OAM for the period 4 September 2009 to 16 September 2009 inclusive.

#### **APOLOGIES**

There were no apologies.

#### **CONFIRMATION OF MINUTES - Ordinary Meeting - 24 August 2009**

279 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch that the minutes of the Ordinary Meeting of 24 August 2009 be confirmed.

#### **DECLARATIONS OF INTEREST**

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest - Less than Significant – in *Item 19 - Establishment of a New Cumberland Zone Rural Fire Service Headquarters at Jeanette Street, Regentville* as he is the Deputy Captain of the Llandilo Rural Fire Service Brigade.

Councillor Ben Goldfinch declared a Pecuniary Interest in *Item 13 - Development Application DA09/0114 for the construction of 38 residential apartments and 2 adaptive commercial suites over 5 levels and basement at Lot 1 DP 998451 & Lot 2 DP 1129843 (No. 51 - 53) King Street and (No. 43) Gidley Street, St Marys. Applicant: Schrupf Developments; Owner: Schrupf Developments* as the applicant is one of his customers.

Councillor John Thain declared a Non-Pecuniary Conflict of Interest – Significant - in *Item 13 - Development Application DA09/0114 for the construction of 38 residential apartments and 2 adaptive commercial suites over 5 levels and basement at Lot 1 DP 998451 & Lot 2 DP 1129843 (No. 51 - 53) King Street and (No. 43) Gidley Street, St Marys. Applicant: Schrumpf Developments; Owner: Schrumpf Developments* as the speaker in opposition to this item owns the veterinary practice to which his family takes their pets for treatment.

Councillor Kaylene Allison declared a Non-Pecuniary Conflict of Interest – Significant - in *Item 13 - Development Application DA09/0114 for the construction of 38 residential apartments and 2 adaptive commercial suites over 5 levels and basement at Lot 1 DP 998451 & Lot 2 DP 1129843 (No. 51 - 53) King Street and (No. 43) Gidley Street, St Marys. Applicant: Schrumpf Developments; Owner: Schrumpf Developments* as the speaker in opposition to this item owns the veterinary practice to which her family takes their pets for treatment.

### **SUSPENSION OF STANDING ORDERS**

280 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Crameri OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:39 pm.

### **Mr Terrence Herder**

*Item 13 - Development Application DA09/0114 for the construction of 38 residential apartments and 2 adaptive commercial suites over 5 levels and basement at Lot 1 DP 998451 & Lot 2 DP 1129843 (No. 51 - 53) King Street and (No. 43) Gidley Street, St Marys. Applicant: Schrumpf Developments; Owner: Schrumpf Developments*

Mr Herder, an affected neighbour, spoke in opposition to the recommendation for approval of the development and briefly outlined his concerns in relation to height and size of the building, which could affect the natural lighting and warmth available to his property, as well as outlook from his property. Mr Herder also raised concerns regarding parking availability in close proximity to his own property as well as surrounding properties.

Councillors John Thain and Kaylene Allison declared a Non-Pecuniary Conflict of Interest – Significant - in *Item 13 - Development Application DA09/0114 for the construction of 38 residential apartments and 2 adaptive commercial suites over 5 levels and basement at Lot 1 DP 998451 & Lot 2 DP 1129843 (No. 51 - 53) King Street and (No. 43) Gidley Street, St Marys. Applicant: Schrumpf Developments; Owner: Schrumpf Developments* as the speaker in opposition to this item owns the veterinary practice to which their families take their pets for treatment.

**Mr Ben Rousek**

*Item 14 - Development Application DA09/0178 - Proposed staged development for the construction of two (2) four-storey apartment buildings containing forty-six (46) units with sixty (60) parking spaces in a basement and associated landscaping Lot 88 Sec F DP 1573 and Lot 2 DP 524925 (No. 34 - 38) Albert Street, Werrington. Applicant: EPS Constructions Pty Ltd; Owner: Semcorp (Aust) Pty Ltd, Elie Kaltoum, Mass Holdings Pty Ltd and Naames Pty Ltd*

Mr Rousek, an affected neighbour, spoke in opposition to the proposed development, briefly outlining his concerns regarding availability of sunlight and possible overshadowing from the first floor of the development.

**Mr Peter Paltoo**

*Item 15 - Development Application DA08/1340 - Erection of Stage 2 of an approved concept masterplan comprising of 78 Independent Living Units, a community facility and studio workshop - Lot 1 DP 1130750, (Nos.50-52) Manning Street, Kingswood . Applicant: Anglican Retirement Village; Owner: Anglican Retirement Village*

Mr Paltoo, spokesperson for the developer, spoke in support of the proposed development. Mr Paltoo stated that the development proposed would be of great benefit to the community in providing affordable housing for seniors in the Penrith area. Mr Paltoo also requested that Council consider the applicant's submission for a Section 94 exemption, in light of the community asset that the proposed development would provide in the form of a community centre for use by residents and non-village senior residents.

**Mr Tim Vollmer**

*Item 15 - Development Application DA08/1340 - Erection of Stage 2 of an approved concept masterplan comprising of 78 Independent Living Units, a community facility and studio workshop - Lot 1 DP 1130750, (Nos.50-52) Manning Street, Kingswood . Applicant: Anglican Retirement Village; Owner: Anglican Retirement Village & Item 16 - Development Application DA07/1281.03 - Section 96 Modification to the approved "Seniors Living" Retirement Village - Lot 1 DP 1130750, (Nos.50-52) Manning Street, Kingswood . Applicant: Anglican Retirement Village; Owner: Anglican Retirement Village*

Mr Vollmer, an adjoining neighbour, spoke generally in support of the proposed development, however expressed concerns regarding the proposed cycleway, security issues, the proposed landscape buffer, road layout and traffic. Mr Vollmer stated that his main concern was the issue of traffic on Manning Street and the safety issues that may arise in the vicinity of the primary school.

**RESUMPTION OF STANDING ORDERS**

281 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Cramer OAM that Standing Orders be resumed, the time being 7:52 pm.

DELIVERY PROGRAM REPORTS

282 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies that *Item 2 - Draft 2008-2009 Annual Financial Statements* be considered before all other business.

SUSPENSION OF STANDING ORDERS

283 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies that Standing Orders be suspended to allow Council's Auditor to address the meeting, the time being 7:54 pm.

Council's External Auditor, Mr Dennis Banicevic, a Director of PriceWaterhouse Coopers, addressed the meeting and gave a short presentation on Council's 2008-2009 Annual Financial Statements. Mr Banicevic said the Statements show Penrith City Council to be in a sound and stable financial position as at 30 June 2009, that they demonstrate a high standard of financial reporting, and that Council is viable and is in a sustainable position.

RESUMPTION OF STANDING ORDERS

284 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kath Presdee that Standing Orders be resumed, the time being 8:10 pm.

A LEADING CITY

2 Draft 2008-2009 Annual Financial Statements

285 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kath Presdee

That:

1. The information contained in the report on Draft 2008-2009 Annual Financial Statements be received.
2. Pursuant to s413(2)(c) it is the Council's opinion that:
  - a. The financial statements and schedules have been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, the Local Government Asset Accounting Manual, and Australian Accounting Standards. The Code requires a phasing in of the new accounting requirements
  - b. The statements comply with Australian Statements of Accounting Concepts
  - c. The financial statements present fairly the Council's financial position as at 30 June 2009 and the operating result for the year then ended
  - d. The statements are in accord with Council's accounting and other records.
3. Pursuant to clause 215 of the Local Government (General) Regulation it is the Council's opinion that:
  - a. The accompanying Special Purpose Financial report has been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, and the requirements of National Competition Policy. The Code requires the inclusion of various charges and subsidies which are not actually paid or payable.
  - b. The report is a special purpose report and is not required to comply with Australian Accounting Standards. The above legislative requirements differ from Australian Accounting Standards and hence the report does not comply with Australian Accounting Standards.
  - c. The financial statements present a modelled scenario for comparative purposes. They do not report an actual result.
4. Council confirms its endorsement of the budget in the knowledge that some of its business activities are not making commercial returns. The existence of notional subsidies represents Council's commitment to its community service obligations.
5. The Statements be forwarded to Council's Auditors.
6. Abandonments for 2009 as detailed be written off.
7. The balance of stores and materials be adjusted in the stores and materials registers as detailed.

#### **4 Model Code of Conduct**

286 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Model Code of Conduct be received.
2. The Council adopt the Department of Local Government's Model Code of Conduct as its Code of Conduct, including the suggested addition to the Code as contained within this Report regarding buying and selling property in the Council's local government area.

#### **5 Review of Delegations**

287 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Review of Delegations be received.
2. Council, in accordance with Section 377 of the Local Government Act 1993, approve the delegation of its functions and responsibilities under the Act and other Acts to the General Manager as listed in "Schedule 1 – Proposed Delegations of Authority to the General Manager" that is appended to this report.
3. Council, in accordance with Section 377 of the Local Government Act 1993, delegate authority to Council's committees, as shown in "Schedule 2 – Delegations of Authority to Committees" that is appended to this report.
4. Council, in accordance with Section 377 of the Local Government Act 1993, delegate authority to the entities as listed in "Schedule 3 – Delegations of Authority to Other Entities" that is appended to this report.
5. Council's Seal of Authority be placed on the Certificate of Identification for officers with delegated authority under the Swimming Pools Act 1992.

#### **6 2009-10 Financial Assistance Grant**

288 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on 2009-10 Financial Assistance Grant be received.
2. Council reduce the transfer to the Asset Reserve by \$163,430 to fund the shortfall in the general component of the Financial Assistance Grant.
3. Council reduce the Financial Assistance Grant roads component budget by \$14,617 to match the actual Financial Assistance Grant roads component received.

### **Procedural Motion**

289 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Crameri OAM that consideration of *Item 1 – Organisation Structure* be deferred 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.

### **3 Audit Committee**

290 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Karen McKeown

That:

1. The information contained in the report on Audit Committee be received.
2. Robert Coombes, Frank Gelonesi, and Jayant Gulwadi be appointed to Council's Audit Committee for a further term of two years.

### **7 Re-exhibition of draft planning controls for Twin Creeks**

291 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain

That:

1. The information contained in the report on Re-exhibition of draft planning controls for Twin Creeks be received.
2. Pursuant to section 68 of the Environmental Planning and Assessment Act, the southern portion of the Twin Creeks estate, as shown on the attached map, be deferred from draft Penrith Local Environmental Plan 2008 to allow re-exhibition of amended provisions.
3. Amended provisions for the deferred area, including clause 6.15, the minimum lot size map and land zoning map, be re-exhibited for a period of 28 days.
4. A further report be presented to Council at the conclusion of the exhibition.

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

**For**  
Councillor Jim Aitken OAM  
Councillor Kaylene Allison  
Councillor Robert Ardill  
Councillor Greg Davies  
Councillor Mark Davies  
Councillor Tanya Davies  
Councillor Ben Goldfinch  
Councillor Prue Guillaume  
Councillor Marko Malkoc  
Councillor Karen McKeown  
Councillor Kath Presdee  
Councillor John Thain

**Against**  
Councillor Kevin Crameri OAM  
Councillor Jackie Greenow

## **8 Australian Government Stimulus Package - Housing NSW Proposals**

292 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies that the information contained in the report on Australian Government Stimulus Package - Housing NSW Proposals be received.

**A CITY OF OPPORTUNITIES**

**9 Penrith Inclusion Plan - People with Disability 2009-2013**

'293 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Prue Guillaume

That:

1. The information contained in the report on Penrith Inclusion Plan - People with Disability 2009-2013 be received.
2. A letter of thanks be forwarded to all those residents and disability organisations that made a submission to the public exhibition process.
3. An additional action 'improve access to Council's existing neighbourhood and community facilities' be included in the draft documentation.
4. The draft documentation Penrith Inclusion Plan – People with Disability 2009-2013 be formally adopted as amended with the proposed additional action identified in this report.
5. A report be presented to the Access Committee regarding the provision of play equipment for people with disabilities, and addressing such issues as suitable location and type of equipment to be provided.

**10 Community and Cultural Development Department - Projects and Key Achievements - 1 January 2009 - 30 June 2009**

'294 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Greg Davies that the information contained in the report on Community and Cultural Development Department - Projects and Key Achievements - 1 January 2009 - 30 June 2009 be received.

**11 The Nepean Regional Taskforce on Homelessness**

'295 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies

That:

1. The information contained in the report on The Nepean Regional Taskforce on Homelessness be received.
2. Council sign the Memorandum of Understanding for the Nepean Regional Taskforce on Homelessness.

**A GREEN CITY**

Having previously declared a Pecuniary Interest in Item 13, Councillor Ben Goldfinch left the meeting, the time being 8:44 pm.

Having previously declared a Non-Pecuniary Conflict of Interest – Significant in Item 13, Councillors John Thain and Kaylene Allison left the meeting, the time being 8:44 pm.

- 13 Development Application DA09/0114 for the construction of 38 residential apartments and 2 adaptive commercial suites over 5 levels and basement at Lot 1 DP 998451 & Lot 2 DP 1129843 (No. 51 - 53) King Street and (No. 43) Gidley Street, St Marys. Applicant: Schrumpf Developments; Owner: Schrumpf Developments DA09/0114**

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

That:

1. The information contained in the report on Development Application DA09/0114 for the construction of 38 residential apartments and 2 adaptive commercial suites over 5 levels and basement at Lot 1 DP 998451 & Lot 2 DP 1129843 (No. 51 - 53) King Street and (No. 43) Gidley Street, St Marys be received.
2. Development Application DA09/0114 for Staged Development of mixed use building consisting of Stage 1 – excavation works and construction of the basement and eastern section of the building and Stage 2 for the construction of the northern part of the building and associated works at Lot 2 DP 1129843 known as number 51-53 King Street and Lot 1 DP 998451 known as number 43 Gidley Street St Marys be granted 5 year consent (in accordance with S95 (2) of Environmental Planning and Assessment Act 1979) subject to compliance with conditions under Schedule–1 below:

SCHEDULE – 1

2.1	A001	Approved plans
	A011	DCP Construction
	A017	DA for use – commercial suites
	A026	Advertising sign
	A039	Graffiti
	A046	Obtain Construction Certificate
	B004	Dust (referring to excavation and basement construction)
	B005	Mud/soil
	D001	Sediment and erosion control measures
	D009	Covered waste storage area
	D010	Disposal of excavated waste
	D014	Plant and equipment noise
	E01A	BCA compliance for Class 2-9
	E002	BCA issues to be addressed
	E006	Disabled access and facilities
	E008	Fire safety list
	E009	Annual fire safety statement
	F006	Water tank and nuisance
	G001	Services
	G002	Section 73
	G004	Integral Energy
	H001	Stamped plans and erection of site notice
	H002	Site requirements for construction
	H003	Traffic management
	H013	Structural engineering details
	H017	Loads on existing buildings
	H022	Survey certificate
	H024	Glass installations
	H025	Construction of garbage rooms
	H033	Clothes lines
	H041	Hours of work

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I003	Roads Act Approval 1
I004	Roads Act engineering
K001	Engineering Works DCP
K002	Works As Executed
K005	Easement to Council
K006	Footings and Easements
K019	Connection to Council's system
K025	Pavement seal
K028	Car park staging strategy
K029	'IN' Crossings
K030	'OUT' Crossings
K036	Maintenance Bond
K037	Performance Bond
L001	General landscaping
L002	Landscape construction
L003	Report requirement
N001	S94 - Cultural Facilities - \$8,736
N002	S94 - District Open Space - \$111,440
N003	S94 - Footpath - \$6,216
N004	S94 - Local Open Space - \$40,250
N005	S94 - Town Centre - \$9,401
	<i>S94 contribution total \$176,043</i>
P001	Applicants cost
P002	Council Fees - Amended
Q001	Notice of commencement
Q006	Occupation Certificate for Class 2-9
Q010	BASIX Certificate

### **Special Conditions**

#### ***Lighting***

- 2.2 Prior to the issue of an Occupation Certificate, the development shall be provided with lighting in the following manner:
- a) Entrances and exits to all units , communal space, walkways and the basement car park should be well lit to clearly illuminate these areas
  - b) Lighting shall be consistent in order to reduce the contrast between shadows and illuminated areas
  - c) Lighting shall be contained within the property boundary and no light shall be projected upwards
  - d) All lighting shall be vandal resistant

#### ***Car Parking***

- 2.3 Prior to the Occupation Certificate the basement car park shall be treated in the following manner:

- a) Vehicle access to the basement car park shall be accessible by tenants/residents/business operators of the building and their authorised guests only. Access to the car parking area from East Lane shall be controlled by an automatic roller shutter with residents and commercial occupants having access control devices
- b) The car park shall be well lit and all surfaces shall be painted in light colour to reflect as much light as possible
- c) Access to waste rooms and storage areas shall be restricted to authorised persons only with access restricted through the use of a security swipe card system or similar
- d) A security system shall be installed on the pedestrian entry/exit points to the basement, including lifts and internal/external stair wells
- 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 shall be avoided, eg. under stairs, blind corners and wide columns. Adequate lighting and mirrors shall be used when certain design features are unavoidable
- g) The lifts shall have restricted access to tenants/residents/business operators and shall be fitted with emergency alarms and phones

***Internal courtyard***

- 2.4 Access to the internal courtyard shall be restricted to residents and their authorised guests only and access control measures shall be in place to restrict public access

***Waste Management***

- 2.5 Prior to the issue of an Occupation Certificate the development shall provide for waste management in the following manner:
- a) The residential and commercial waste storage shall be separated
  - b) The garbage room shall be provided with a separate double door other than the roller door to the car park for access by Council's waste collection contractors. This access door shall be provided with an ABLOY locking system to be installed by Council at the developer's expense. Council and/or collection contractors will hold the master key. Details shall be provided with the application for a construction certificate
  - c) Automatic lighting and appropriate mechanical ventilation system shall be installed in the garbage room
  - d) The floor of the garbage room shall be graded and drained to a floor waste and connected to the sewer to the requirements of

Sydney Water

**Street Numbering**

- 2.6 Prior to the issue of an Occupation Certificate, the building shall be clearly identified with street numbers visible to assist visitors and emergency services

**Lot Consolidation**

- 2.7 Prior to the issue of an Occupation Certificate, Lot 2 DP 1129843 and Lot 1 DP 998451 shall be consolidated as one lot. 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 and Penrith City Council prior to the issue of an occupation certificate for the development

**Privacy**

- 2.8 All windows facing the central atrium shall have sill heights of 1.7 m. Details shall be submitted with the application for a construction certificate

**Acoustic**

- 2.9 A detailed acoustic design report that shows compliance with the requirements of Environment Protection Authority's 'Environmental Criteria for Road Traffic Noise' shall be submitted to Council and approval obtained prior to the issue of a construction certificate

**Site Facilities**

- 2.10 Facilities such as letterboxes and telecommunication infrastructure shall be provided for individual apartments. Details shall be provided with the application for a construction certificate

**Air Conditioning Units**

- 2.11 No air conditioning units shall be visible from street frontages and lanes

**Miscellaneous**

- 2.12 The existing transition pit on the western side of Pipe No.1 is not to be retained. The existing 900mm that is blocked with sand bags is still in use, and the sand bags are to be removed. A new transition pit is to be constructed, capable of handling flows from the proposed 1050mm and existing 900mm. Details of the pit are to be submitted and approved prior to the issue of operational consent
- 2.13 Overland flows shall be safely conveyed through the site and not concentrated or diverted into adjoining properties. A detailed overland flow analysis shall be conducted, demonstrating how the proposed drainage system can manage the flow results found in the analysis without adversely affecting the adjoining property by the proposed development. The analysis shall take into account a 50% blockage rate and shall be submitted and approved by Council prior to the issue of

operational consent

- 2.14 All car parking and manoeuvring must be in accordance with AS 2890 and Councils requirements. Full details must be submitted with the Construction Certificate. The layout of the car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, and parking bay dimensions) shall be in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002 for servicing area
- 2.15 Before an Occupation Certificate is issued for the development, a positive covenant shall be registered on the affected properties for the overland flow path in the following terms: For the purpose of the positive covenant “structure and works” shall mean the overland flow path constructed on the land as detailed on the plans approved by Council including pavement and fencing. The registered proprietors covenant with the Council of the City of Penrith (Council) that they will maintain and repair the structure and works on the land keep the structure and works clean and free of goods, materials, plant and machinery
- 2.16 The fin wall and balcony projections on the western façade of the building shall be reduced to 300mm. Details shall be submitted with the application for a construction certificate
- 2.17 The windows on the western façade shall be provided with external metal sunscreens and high performance glazing. External sunscreens shall also be provided on the eastern façade to minimize the morning sun penetration into the following unit windows:
- Ground Floor - Unit 3 Lounge and Bed 1, Unit 25 Lounge and Bed 1
  - First Floor - Unit 7 Lounge and Bed 1, Unit 8 Bed 2, Unit 30 Lounge and Bed 1, Unit 29 Bed 2
  - Second Floor - Unit 12 Lounge and Bed 1, Unit 13 Bed 2, Unit 35 Lounge and Bed 1, Unit 34 Bed 2

Details shall be submitted with the application for a construction certificate

- 2.18 An underground rainwater re-use tank shall be provided. Details shall be submitted with the application for a construction certificate
- 2.19 Details of achieving the required insulation levels for thermal and acoustic performance shall be provided with the application for a Construction Certificate. Apartment entry doors shall be provided with acoustic seals
- 2.20 Double glazing shall be incorporated, for acoustic reasons, on all the windows facing the internal courtyard and atrium. Details shall be

- submitted with the application for a construction certificate
- 2.21 Additional landscaping shall be provided below the balconies of the adaptive commercial units on the King St frontage. Details shall be submitted with the application for a construction certificate
  - 2.22 Prefabricated metal screens shall be provided in the existing basement wall openings instead of “filling in” with new block work. Details shall be submitted with the application for a construction certificate
  - 2.23 Security access off King St shall be provided for the future tenants of the adaptive commercial units so that the entry lobby remains secure
  - 2.24 One car wash bay shall be incorporated in the development to cater for washing of cars. Details shall be submitted with the application for a construction certificate
  - 2.25 One disabled car parking space shall form part of the 8 visitor spaces provided off Gidley St. Details shall be submitted with the application for a construction certificate.
3. A condition be added which provides for the allocation and marking of car parking spaces for specific units, with visitor and commercial parking spaces to also be marked. The applicant to provide details on the allocation of car parking spaces within the development prior to the issue of a Construction Certificate.
  4. An additional condition be provided which regulates where builders park during the construction process so that they do not have an impact on adjoining land uses.
  5. Standard Condition N005 be amended to reflect car parking contribution for 2 car parking spaces, that amount being \$14,032.
  6. A condition be added which ensures that no visitor parking will use East Lane.

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

**For**  
Councillor Jim Aitken OAM  
Councillor Robert Ardill  
Councillor Kevin Crameri OAM  
Councillor Greg Davies  
Councillor Mark Davies  
Councillor Tanya Davies  
Councillor Jackie Greenow  
Councillor Prue Guillaume  
Councillor Karen McKeown  
Councillor Kath Presdee

**Against**  
Councillor Marko Malkoc

Councillors Ben Goldfinch, John Thain and Kaylene Allison returned to the meeting, the time being 8:56 pm.

- 12 Development Application DA09/0711 Defqon One off music event on 19 September 2009 Lot 21 DP 1092147 Sydney International Regatta Centre (No. 153 - 233) Old Castlereagh Road, Castlereagh. Applicant: Q Dance Australia; Owner: Department of Planning DA09/0711**

Councillor Greg Davies left the meeting, the time being 8:57 pm.

297 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Robert Ardill

That:

1. The information contained in the report on Development Application DA09/0711 Defqon One off music event on 19 September 2009 Lot 21 DP 1092147 Sydney International Regatta Centre (No. 153 - 233) Old Castlereagh Road, Castlereagh be received.
2. The subject Development Application be approved, subject to the imposition of the following conditions:

**Special Conditions**

- 2.01 The development must be implemented substantially in accordance with the stamped-approved plans issued by Penrith City Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.
- 2.02 This consent permits the running of one (1) Music Festival to be held on 19 September 2009. Should the applicant wish to continue beyond this number, a separate application for development approval, demonstrating compliance with all conditions of this consent, must be lodged, and approval obtained, prior to operation.
- 2.03 All entertainment and trading including the operation of a PA and speaker system is to cease at 10:00pm on 19 September 2009 (to allow background noise levels to be achieved prior to midnight).
- 2.04 The development shall comply with the provisions of the Building Code of Australia at all times, with respect to smoke and flame index of materials, emergency lighting, exit signs and fire fighting facilities.
- 2.05 The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
- 2.06 The event shall comply with all the requirements and undertakings given to and approved by the NSW Police.
- 2.07 Dust suppression and minimisation strategies must be employed to manage potential dust nuisances within the sites. This is to apply to parking areas, access roads and within the festival site.
- 2.08 All signage associated with the music festival shall be removed upon completion of the event.
- 2.09 Event organisers will be available at a mutually convenient time, at the invitation of Penrith City Council and/or Penrith Police, to discuss and action agreed Community Safety or Security issues in conjunction

with other local Penrith stakeholders should the need arise.

- 2.10 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”.
- 2.11 The temporary tent structures and stages, when erected, are to fully comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia. A Structural Engineer’s Certificate is to be submitted to Council, certifying the structural adequacy of the structures, prior to the event.
- 2.12 Emergency lighting and illuminated exit signs shall be provided in the tent in accordance with Australian Standard AS 2293.1–2005, with certification submitted to Council prior to the event.
- 2.13 All electrical services shall comply with Clause NSW H102.14 of the Building Code of Australia with certification submitted to Council prior to the event.
- 2.14 The event structures are to be inspected by Council prior to 19 September 2009. Fees for this inspection are to be paid, as detailed in Council’s Fees and Charges, and will be invoiced accordingly.
- 2.15 The event shall be managed in accordance with the requirements of Schedule 3A - Places of Public Entertainment of the Environmental Planning and Assessment Regulation 2000.
- 2.16 Portable fire extinguishers shall be provided in all areas in accordance with Australian Standard AS 2444–2001, with certification submitted to Council prior to the event.
- 2.17 Two NSW Rural Fire Service Category 1 fire trucks are to be provided on the site, one at the eastern end and the other at the western end.
- 2.18 Access to the site for the NSW Fire Brigades is to be made available from the eastern end and from the western end of the site, to the satisfaction of the Brigades.
- 2.19 Amended plans for the VIP area, to indicate compliance with the Building Code of Australia, shall be submitted to Council a minimum of one week before the event.
- 2.20 Further details for the emergency response plan shall be submitted to Council prior to the event. The details are to include a list of the Wardens for the event, the chain of command and interaction with the emergency services who will be present for the event, and a sequence of events to detail the actions that would be taken in the event of an emergency.

- 2.21 Temporary sanitary facilities shall be provided for the event, with the number of facilities in addition to the permanent facilities available in the buildings, determined in accordance with Table F2.3 of the Building Code of Australia.
- 2.22 A sign is to be displayed in a prominent position in the tent that specifies the following:
- a. The maximum number of persons, as specified in the development consent, that are permitted in any part of the building used as a place of public entertainment;
  - b. The name, address and telephone number of the council of the area in which the building is located.  
Penrith City Council  
Civic Centre  
601 High Street  
Penrith NSW 2750  
PO Box 60  
Penrith NSW 2751  
(02) 4732 7777
- 2.23 Emergency vehicle access to the site through McCarthys Lane is maintained at all times.
- 2.24 Notification to the relevant bodies of any changes in current planned usage of pyrotechnics.
- 2.25 Notification to the relevant bodies of any changes to planned sphere of operations of the helicopter, including refuelling.
- 2.26 Bins to be provided at Penrith Station and removed at the conclusion of the event.
- 2.27 Marque to be set up with water filled barriers to direct the pedestrians towards the bus entry point.
- 2.28 All vehicles are to be located close the north eastern except the event shuttle buses, to ensure safe passage and manoeuvrability for the buses.

***Toilets***

- 2.29 An adequate supply of potable water must be supplied with respect to toilet, shower and refreshment facilities (non-potable water should not be used without prior approval).
- 2.30 The provisions of toilets to the event are to comply with Supplementary information for DEFQON1 CONCERT - SYDNEY INTERNATIONAL REGATTA CENTRE Prepared by Q-DANCE AUSTRALIA PTY LTD dated August 2009.

- 2.31 Toilet locations must be well-marked and well-lit.
- 2.32 Entrances to toilets should be well lit and clear of all screening to allow surveillance by the public, staff and security
- 2.33 All toilets including portable toilets are required to be cleaned as appropriate.
- 2.34 Ensure that the effluent from the portable toilets is removed off the site to an appropriate facility to accept such waste. The waste shall be transported and disposed of by appropriately licensed facilities.
- 2.35 Portable toilets are to be provided at Penrith Station. The number and location are to be provided to Council prior to the event commencing.

*Noise*

- 2.36 Noise levels from the premises shall not exceed the relevant noise criteria detailed Sound Management Investigation and Provisional Sound Management Plan – prepared by Auditoria dated 11 August 2009. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design, construction and the conducting of the event. Prior to the event, a certificate is to be obtained from a qualified acoustic consultant certifying that the event has been designed and constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to Council with the Event Acoustic Report within sixty (60) days from the date of the event.
- 2.37 A noise complaint hotline by the event organisers is to be made available to the surrounding area in case noise nuisance occurs. Any complaints are to be reported to the event manager and where necessary action is to be taken to resolve the noise nuisance. The event manager if so required by an authorised officer, the acoustic consultant or the NSW Police Force, must have the authority to order the reduction of noise level produced.
- 2.38 On a weekend prior to the event, the Rating Background Level must be determined at suitable and appropriately representative locations within the following suburbs:
  - Mt Riverview
  - Yellow Rock
  - Cranebrook – Residential
  - Cranebrook – Rural (ie Properties off Church Lane, Cranebrook)
  - Waterside Estate
  - Emu Heights

Details of the Rating Background Noise Levels for these Suburbs are to be provided to Council prior to the event.

- 2.39 The services of a suitably qualified consultant is to be engaged to

conduct noise testing during the event and provide an Event Acoustic Report to be submitted to Penrith City Council within sixty (60) days of the event.

- 2.40 The Event Acoustic Report is to comply with Australian Standard AS1055 Acoustics - Description of measurement of environmental noise, New South Wales Environment Protection Authority Industrial Noise Source Policy 2000 and the Sound Management Investigation and Provisional Sound Management Plan – prepared by Auditoria dated 11 August 2009.
- 2.41 Noise testing is to be conducted and included in the Event Acoustic Report provided to Penrith City Council at specified testing locations as outlined in Sound Management Investigation and Provisional Sound Management Plan – prepared by Auditoria dated 11 August 2009.
- 2.42 Noise testing is to be conducted during the event at the receiver locations used to determine the Rating Background Levels for Mt Riverview, Yellow Rock, Cranebrook – Residential, Cranebrook – Rural, Waterside Estate, Emu Heights.

This monitoring is to be undertaken a minimum of twice during the daytime period and twice during the evening period at each of those locations. Daytime and Evening are periods as defined by the NSW Industrial Noise Policy. In addition the noise testing is to have consideration to Amenity and Intrusive Noise as defined in the Industrial Noise Policy.

Should the noise testing identify any amenity and/or intrusive noise related concerns, then these are to be communicated to the event organiser as soon as possible and immediate action must be taken to resolve these concerns. Details of this compliance noise testing and any concerns raised and action taken are to be included in the Event Acoustic Report.

The noise readings are to be measured at all points in accordance with the New South Wales Environment Protection Authority Industrial Noise Source Policy 2000 and Sound Management Investigation and Provisional Sound Management Plan – prepared by Auditoria dated 11 August 2009. The readings are to additionally comply with Australian Standard AS1055.2 Acoustics- Description of measurement of environmental noise.

***Helicopter Flights***

- 2.43 The Helicopter Flights are to be conducted over a period of no longer than 3 hours on the day of the event. The hours of operation for the helicopter flights are to be provided to Council prior to the event.
- 2.44 The Helicopter Flights are to be undertaken as outlined in the letter from

HeliAust dated 21 August 2009 and must comply with all the relevant Legislation and Australian Standards.

***Food Safety***

- 2.45 To comply with Clause 4 of Food Safety Standards 3.2.2 each temporary food business is to notify food business details to the NSW Food Authority prior to the commencing any food handling operations. This may be completed on the Food Authority website ([www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au))
- 2.46 To ensure that the temporary food business meet with the requirements of Food Safety Standards 3.2.2 and 3.2.3, the food stall operators are to comply with the requirements of the NSW Food Authority's guidelines "Food Handling Guidelines for Temporary Events."
- 2.47 All temporary food outlets must complete and return Council's "Application to Sell Food" form at least 48 hours prior to operating.
- 2.48 Solid and liquid waste storage and disposal must be carried out in accordance with the Local Government Act 1993 and Protection of the Environment Operations Act 1997.
- 2.49 Food premises, stalls or food vending vehicles must have hand washing facilities supplied with warm water, with liquid soap and paper towel. Potable water must be used for hand washing.
- 2.50 Food premises, stalls or food vending vehicles must have a temperature measuring device onsite that is capable of measuring to +/-1°C.
- 2.51 Food products are required to be stored in vermin and insect proof storage areas. All foods are to be protected and covered.

***Safety and Security***

- 2.52 Lighting is to be provided within the car park at Penrith Station for the duration of the event.
- 2.53 The applicant must provide a combination of security personnel and paid Policing for the duration of the event. This includes 140 security guards on the island, in addition to the development of a security and crowd management plan for the Penrith Bus Interchanges and adjoining precincts.
- 2.54 'Sniffer dogs' should be provided as proposed to assist in drug detection at the event. Training should also be provided for security and event staff to assist in the detection of drug-induced intoxication.
- 2.55 The guidelines contained in the Alcohol Management Plan must be adhered to by security and event staff to promote responsible

- consumption of alcohol and minimise opportunities for alcohol-related antisocial behaviour to occur.
- 2.56 Security personnel must be provided at each bar area for crowd control and to monitor intoxicated persons and minimise alcohol-related antisocial behaviour.
- 2.57 Glass containers must not be permitted, with plastic containers or cans to be used instead. All cans must be opened at the bar.
- 2.58 Eskies shall not be permitted into the event.
- 2.59 Bags shall be searched upon entry in accordance with the 'Entry Patron Search' procedures provided by the applicant.
- 2.60 Alcohol must not be brought in to the event, but must only be purchased on site from the licensed vendors.
- 2.61 Bar areas must comply with all RSA and legislative requirements concerning the sale and service of alcohol.
- 2.62 Free water must be provided at all bar areas, as proposed by the applicant.
- 2.63 All staff must be RSA trained and all appropriate lighting signage must be displayed at all bar areas.
- 2.64 The Crowd Control procedures provided in the Security Management Plan must be adhered to by security and event staff throughout the event.
- 2.65 The 'Medical Major Incident Plan' and 'Medical Plan' provided by the applicant must be followed by all event staff. Training should be provided to staff to ensure they are familiar with the plans and steps that should be followed in the event of an incident or emergency. Records should be kept of all recorded incidents at the event, and should include details such as the date, location and time of incident, description of incident, contact details of person involved, and action taken.
- 2.66 Temporary fencing around the perimeter of the lake edge should be staffed at all times by security personnel.
- 2.67 Lighting should be provided to clearly illuminate entry and exit points, food stalls, toilets, first aid areas and stages.
- 2.68 Generators should be installed to provide light in a power outage and to power the public address system
- 2.69 Clear signage should be displayed throughout the event to clearly indicate entry/exit points, public transport locations, emergency help

points, toilets, first aid, stage locations, telephones, vendors and licensed/non-licensed areas.

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

**For**  
Councillor Jim Aitken OAM  
Councillor Kaylene Allison  
Councillor Robert Ardill  
Councillor Kevin Crameri OAM  
Councillor Mark Davies  
Councillor Tanya Davies  
Councillor Ben Goldfinch  
Councillor Jackie Greenow  
Councillor Prue Guillaume  
Councillor Marko Malkoc  
Councillor Karen McKeown  
Councillor Kath Presdee  
Councillor John Thain

**Against**

- 14 Development Application DA09/0178 - Proposed staged development for the construction of two (2) four-storey apartment buildings containing forty-six (46) units with sixty (60) parking spaces in a basement and associated landscaping Lot 88 Sec F DP 1573 and Lot 2 DP 524925 (No. 34 - 38) Albert Street, Werrington. Applicant: EPS Constructions Pty Ltd; Owner: Semcorp (Aust) Pty Ltd, Elie Kaltoum, Mass Holdings Pty Ltd and Naames Pty Ltd** **DA09/0178**

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298 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain

That:

1. The information contained in the report on Development Application DA09/0178 - Proposed staged development for the construction of two (2) four-storey apartment buildings containing forty-six (46) units with sixty (60) parking spaces in a basement and associated landscaping Lot 88 Sec F DP 1573 and Lot 2 DP 524925 (No. 34 - 38) Albert Street, Werrington be received
2. The subject Development Application be approved, subject to the following conditions:

**Standard Conditions**

- 2.1
- |      |   |
|------|---|
| A001 | (Approved plans that are architecturally drawn)                         |
| A004 | (DA Staging)  |
| A009 | (Residential Works DCP (no specific section))                           |
| A014 | (Lot consolidation)   |
| A043 | (Air conditioner for existing dwelling)                                 |
| A046 | (Obtain a Construction Certificate before commencement of works)        |
| B001 | (Demolition of existing structures)                                     |
| B002 | (AS for demolition and disposal to approved landfill site)              |
| B003 | (Asbestos)  |
| B004 | (Dust)  |
| B005 | (Mud/Soil)  |
| B006 | (Hours of work)   |
| D001 | (Implement approved sediment & erosion control measures)                |
| D003 | (Fencing protection to part of site or adjoining property)              |
| D007 | (Filling of land)   |
| D008 | (Filling compaction)  |
| D009 | (Covering of waste storage area (Applies to building works/demolition)) |
| D010 | (Appropriate disposal of excavated or other waste)                      |
| D014 | (Plant and equipment noise)   |
| E01A | (BCA compliance for Class 2-9)  |
| E009 | (Annual fire safety-essential fire safety (Class 2-9 buildings))        |
| G002 | (S.73 Sydney Water Certificate)   |
| G004 | (Integral Energy)   |
| H001 | (Stamped plans & erection of site notice 1 (Class 2-9))                 |
| H002 | (All forms of construction)   |
| H003 | (Traffic safety during construction or subdivision works)               |
| H022 | (Survey)  |
| H025 | (Construction of garbage rooms)   |
| H041 | (Hours of work (other development))                                     |
| I003 | (Roads Act approval 1)  |

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I004	(Roads Act approval 2)
K002	(WAE drawings & certificates)
K027	(Car parking)
K036	(Performance bond)
K037	(Maintenance bond)
L001	(General landscaping (Applies to most building works, not fitouts))
L002	(Landscape construction)
L003	(Report requirement)
L005	(Planting of plant material)
L006	(AS requirements (Applies to most building/subdivision, not fitouts))
N001	Section 94 - Cultural Facilities - \$10,983
N002	Section 94 - District Open Space - \$140,096
N003	Section 94 - Footpath Construction in Established Residential Areas - \$7,815
N004	Section 94 - Local Open Space - \$50,600
	<i>Total contribution \$209,494</i>
P001	(Costs)
P002	(Fees associated with Council land (Applies to all works, add K019))
Q01F	(Notice of Commencement & Appointment of PCA2)
Q006	(Occupation Certificate for Class 2-9)
Q010	(BASIX Certificate)

### Special Conditions

- 2.2 To maintain the privacy of the occupants of the development and the adjoining properties, the applicant shall provide:
- (a) Fixed obscure glazing to a height of 1.5 metres measuring from the finished floor level, to the east and west-facing bedroom windows on the ground and first floors of Block A and Block B
  - (b) Obscure glazing to all balcony balustrades
- 2.3 The applicant shall setback the front fence 1metre from the front boundary and provide landscaping between the front boundary and the repositioned front fence
- 2.4 The applicant shall reduce the void to the southern side of Block B to minimise the impact of car fumes being discharged from the basement parking level and provide steel louvre screens to prevent water entering the basement carpark. Drawing No. 03D Development Plan and Drawing No. 04D Ground Floor Plan for Block B shall be amended and submitted with an application for a Construction Certificate
- 2.5 The applicant shall make the following provisions to the garbage storage rooms in the basement level:
- Doors leading out of the garbage rooms shall be fitted with a

- device to hold the doors in a fully open position
  - Security locks fitted to the doors of the garbage rooms shall be the Abloy Locking System used by Council for multi-unit dwelling garbage rooms. The cost of the system (supply, installation and keys) is the responsibility of the applicant
  - The ramp leading to the garbage rooms shall not be steeper than 1:14
- 2.6 The proposal shall make the following provisions to ensure compliance with the requirements of Section 2.2 Crime Prevention Through Environmental Design of the Penrith Development Control Plan 2006
- (a) Lighting
    - Entrances/exits to all units, communal space and walkways shall be well lit to clearly illuminate these areas where people are most vulnerable.
    - Lighting shall be consistent in order to reduce the contrast between shadows and illuminated areas
    - Lighting shall be vandal resistant
    - Lighting shall be contained within the property boundary and no light should be projected upwards
  - (b) Communal Open Space and Children's Play Area
    - Access to the communal open space shall be restricted to residents and their authorised guests only, and access control measures should be in place to restrict public access
  - (c) Landscaping
    - Vegetation with top to bottom foliage shall be avoided. Low ground cover or high canopied vegetation is preferred
    - Medium height (under 2 metres) planting shall be avoided to minimise concealment opportunities
    - Dense vegetation shall not be used to screen courtyards
  - (d) Fencing
    - Any fencing to the frontage of the property shall be of a material that is either of a low height or of a material that is easy to see through. (eg, dark coloured contemporary metal fencing)
  - (d) Balconies
    - All balconies doors (particularly ground floor) shall be well secured and shall not reveal vulnerable break and enter points
    - Balconies shall not be accessible from outside the building, and adequate barriers should be used to restrict access between balconies

- (e) Building identification
    - The buildings and apartments shall be clearly numbered and identified to assist visitors and emergency services
  - (f) Graffiti
    - Anti-graffiti coatings shall be used for the external surfaces of the building, particularly the surfaces at ground level
- 2.7 All carparking and manoeuvring areas associated with the subject development including driveways, access ramp grades & widths, circulating roadways, turn paths, sight distance requirements, overhead clearances for people with a disability, aisle widths, parking bay grades and parking bay dimensions (allowing for full door opening) shall be in accordance with AS 2890.1- 2004; AS2890.2 – 2002 for the servicing area; and Council’s requirements. Full details demonstrating compliance shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate
- 2.8 Prior to any construction or activity that may disturb the soil, the applicant shall make arrangement with Deerubbin Local Aboriginal Land Council for a qualified representative to be present on-site
- 2.9 If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office
- 2.10 The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommended in that area of the site
- 2.11 Submit a revised salinity report prepared in accordance with the standard practice under the provisions of ‘Site Investigation for Urban Salinity’ developed by Department of Land and Water Conservation 2002. The recommendations of the revised salinity report shall be implemented and incorporated in the design of the sub-structure and submitted with an application for a Construction Certificate.

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

**For**  
Councillor Jim Aitken OAM  
Councillor Kaylene Allison  
Councillor Robert Ardill  
Councillor Kevin Crameri OAM  
Councillor Mark Davies

**Against**

Councillor Tanya Davies  
Councillor Ben Goldfinch  
Councillor Jackie Greenow  
Councillor Prue Guillaume  
Councillor Marko Malkoc  
Councillor Karen McKeown  
Councillor Kath Presdee  
Councillor John Thain

- 15 Development Application DA08/1340 - Erection of Stage 2 of an approved concept masterplan comprising of 78 Independent Living Units, a community facility and studio workshop - Lot 1 DP 1130750, (Nos.50-52) Manning Street, Kingswood . Applicant: Anglican Retirement Village; Owner: Anglican Retirement Village**

**DA08/1340**

Councillor Greg Davies returned to the meeting, the time being 9:00 pm

299 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Development Application DA08/1340 - Erection of Stage 2 of an approved concept masterplan comprising of 78 Independent Living Units, a community facility and studio workshop - Lot 1 DP 1130750, (Nos.50-52) Manning Street, Kingswood be received.
2. DA08/1340 be approved, subject to the imposition of the following conditions:

A001 - Approved plans that are architecturally drawn  
A019 - Occupation Certificate  
A038 - Lighting locations  
A046 - Construction Certificate  
B004 - Dust  
B005 - Mud/Soil  
C003 - Uncovering relics  
D001 - Implement approved sediment & erosion control measures  
D006 - No filling without prior approval  
D009 - Covering of waste storage area  
D010 - Appropriate disposal of excavated or other waste  
D014 - Plant and equipment noise  
E01A - BCA compliance for Class 2-9  
E002 - BCA issues to be addressed  
E006 - Disabled access and facilities  
E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)  
F007 - Hairdresser  
G002 - Section 73  
G004 - Integral Energy  
H001 - Stamped plans & erection of site notice 1 (Class 2-9)  
H002 - All forms of construction  
H041 - Hours of work (other devt)  
H011 - Engineering plans & specifications  
H025 - Construction of garbage rooms  
K004 - Easement Creation  
L001 - General landscaping  
L002 - Landscape construction  
L003 - Report requirement  
L005 - Planting of plant material  
L006 - AS requirements  
L007 - Tree protection measures  
L008 - Tree Preservation Order  
P001 - Costs  
P002 - Fees associated with Council land  
Q001- Notice of Commencement & Appointment of PCA  
Q006- Occupation Certificate for Class 2-9

**Special Conditions**

- 2.01 Pursuant to Staged Concept DA consent 07/1281, a maximum of 30 Independent Living Units (ILU) are permitted to have access to Manning Street and the remaining dwellings are required to obtain access from the south.

Controlled access to restrict vehicular access through the site shall be incorporated into the design of the internal street network to ensure that a maximum 30 dwellings would access Manning Street and the remainder of the dwellings would access the south of the site. The controlled access would be in the form of a controlled boom gate that is operable to permit access for emergency/service vehicles only.

Prior to the Construction Certificate for development in Stages 2B, 2C and 2D within Stage 2 shall not be issued, until such time that legal access to Caddens Road is constructed to AS2890, Council's engineering specifications and Landcom's design requirements over Lot 23 DP 602607. Prior to the issue of an Occupation Certificate, the road is to be dedicated as a public road to Council.

- 2.02 The following matters shall be incorporated into the development for the purposes of Crime Prevention through Environmental Design:

***Lighting***

Entrances/exits to all units, recreational areas, communal spaces and any walkways shall be well lit to clearly illuminate these areas where people are most vulnerable. All lighting shall be vandal proof.

Lighting shall be contained within the property boundary and no lights shall be projected upwards. No lighting shall be projected in such a manner that it would create glare issues for vehicles or pedestrians.

***Landscaping***

In order to improve surveillance, provide clear lines of sight and avoid concealment areas in the public areas, along proposed and existing footpaths and along the frontages of the site. Vegetation with top to bottom foliage shall be avoided, low ground cover or high canopied vegetation shall be planted.

***Building Identification***

The building shall be clearly identified and sign posted to assist visitors and emergency services. This includes ensuring that all independent living units are clearly numbered and directional signs provided to assist emergency services to locate the units in the event of an emergency.

***Walkways/Common Areas***

All walkways within the development should be open and clear of walled areas and possible entrapment spots.

All walkways should be clearly able to be viewed from building windows unhindered by vegetation or other obstructions.

Access to 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.

#### ***Access Control***

All rear access doors and windows will need to be treated with dead locks and window locks to avoid vulnerable break and enter points. As a development specifically designed for seniors, visitor identification “peep holes” should be installed on all front doors.

#### ***Security***

A security management plan should be provided by the applicant outlining the use of security personnel, alarm systems, CCTV cameras and other measures to enhance security of this facility, including independent living units, common areas and community centre.

- The boundary of the property should be clearly defined by boundary fences preferably of an open style construction. This would allow greater visibility to and from the street, restricts unauthorised access and clearly defines territorial space
- Gates should be secured with quality hardened or alloy chains and padlocks
- All gates should be kept shut and locked when not in use
- Fences and gates should be regularly maintained to assist with the protection of the property.
- Information regarding the different type of locks available can be obtained by contacting Australian Standards.
- The street numbers and business identification should be located at the front of the premises. This will allow for quick response by emergency services if required.
- The owner of the location should contact their Crime Prevention Officer at Penrith Local Area Command to complete a key holder register. This will allow police to have a point of call/contact for after hours, if an incident occurs at the location.
- Foliage against the proposed walkway between Manning Street and Ring Road near the UWS building shall be trimmed to reduce concealment opportunities and increase visibility when travelling to and from the premises.

- 2.03 The applicant shall liaise with the relevant adjoining property owners residing on Manning Street, Maculata Place and Gilja Glen for the types of preferred fencing that shall be erected along the common property boundaries. Arrangements shall be made with each property owner with reasonable costs negotiated with each party.

- 2.04 The construction of the pedestrian/cycleway through the site shall be completed once residential development occurs over the Caddens Release Area to the south of the site. Notification shall be made to Council prior to commencement of any construction work relating to the pedestrian/cycleway.

Prior to the construction of the pedestrian/cycleway, the following items shall be addressed and submitted to Penrith City Council where applicable:

- (a) The preparation and submission of a Management Plan for the ongoing maintenance of the pedestrian/cycleway.
  - (b) The preparation and submission a deed of agreement between Penrith City Council and Anglican Retirement Village outlining responsibilities including, but not limited to maintenance, insurance, liability etc. Reference shall be made on the 88B Instrument.
  - (c) The preparation and submission of a 'Right of Way' in favour of Penrith City Council over the pedestrian/cycleway.
- 2.05 The serviced self-care dwellings shall be restricted to the housing of older people and/or people with a disability in accordance with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Prior to the issue of an Occupation Certificate, a restriction shall be placed on the 88B Instrument to this effect.
- 2.06 All domestic waste that is generated at the subject site shall be managed by Anglican Retirement Villages and undertaken by a private waste contractor only. Prior to the issue of an Occupation Certificate, a restriction shall be placed on the 88B Instrument to this effect.
- 2.07 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for WELL Contributions Plan. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$2,334,406.00 is to be paid to Council prior to an Occupation Certificate being issued for the first stage of construction of Stage 2 (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for WELL Contributions Plan may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 2.08 All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.
- 2.09 Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate plans and details for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 2.10 Stormwater runoff from parking, uncovered paved areas shall be directed to a stormwater pre-treatment system. The treatment devices shall be designed to remove the following pollutant loadings:
- 90% Litter
  - 85% Suspended Solids
  - 65% Phosphorous
  - 45% Nitrogen
  - 90% Oil & grease

Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate:

- (a) Specification & installation details of the stormwater pre-treatment system; and
- (b) The approval of an operation and maintenance manual/ programme for the proposed device.

A copy of the approved operation and maintenance manual/ programme shall be submitted to Penrith City Council with notification of the Construction Certificate issue.

- 2.11 A Construction Certificate shall be issued by a Certifying Authority to include the following civil works.
- (a) On-site detention system
  - (b) Roads and drainage
  - (c) Stormwater drainage
  - (d) Stormwater pre-treatment system
  - (e) Overland flowpath
  - (f) Interallotment drainage
  - (g) Earthworks
  - (h) Car parks
  - (i) Retaining walls
  - (j) Paving works
  - (k) Access roads for rights of carriageway
  - (l) Sealed pavement for all areas of vehicular access.

- (m) Linemarking and signage
- (n) Footpaths and cycleways.

Civil design drawings shall be prepared strictly in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.

- 2.12 The 2.5m wide cycleway shall be constructed in accordance with Council's Parks Construction and Maintenance Manager's requirements, i.e. 125mm thick with one layer of SL72 reinforcing mesh on 30mm compacted sand layer on compacted sub-grade.

The boundary of the Public Open Space on the western side of the development shall be fenced with palisade type fencing. All fencing and retaining walls shall be constructed on Anglican Retirement Village land outside the Public Open Space.

- 2.13 The driveways into Units 71/72 and Units 73/74 shall be constructed as heavy duty in accordance with Council's Vehicle Crossover Specification.

- 2.14 The proposed stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

- 2.15 On-site detention shall be provided generally in accordance with the Civil Engineering Report lodged for development approval, prepared by C & M Consulting Engineers reference number R00227-2 revision B dated August 2009.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a qualified Hydrologic/Hydraulic Engineer and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

The proposal is that the southern catchment is to drain to the Caddens Release Area Trunk Drainage system. If the trunk drainage in Caddens Release Area is not available when ARV wishes to proceed with the works in the southern catchment, then an OSD basin shall be required to be constructed on the subject property as part of the

development works.

- 2.16 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, pedestrian access, carparking and manoeuvring areas associated with the subject development are in accordance with AS 2890.1, AS2890.2 and Penrith City Council's Development Control Plan.
- 2.17 Single garages shall be a minimum 3.2m wide x 5.4m long clear internal dimensions. Double garages shall be a minimum 5.8m wide x 5.4m long clear internal dimensions.
- 2.18 Prior to the commencement of works on site, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 2.19 Prior to the Commencement of Works a dilapidation report of all Council owned infrastructure fronting the development in Manning Street is to be submitted to Penrith City Council. The report is to include, but not limited to, footpaths, kerb and gutter, pavement and street trees and is to extend 10m either side of the development.
- 2.20 Work on the development shall not commence until:
  - a Construction Certificate has been issued,
  - a Principal Certifying Authority has been appointed for the project, and
  - any other matters prescribed in the development consent for the development and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement is to be submitted to Penrith City Council two (2) days prior to commencement of engineering works or clearing associated with the development.

- 2.21 Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 2.22 Street lighting is to be provided for all new and existing streets of the proposed development. Street lighting is to be designed and installed in accordance with Penrith City Council and the electrical authority standards.
- 2.23 Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Penrith City Council's

Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

- 2.24 All filling shall be undertaken in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and AS 3798. All earthworks will require supervision by a Geotechnical Engineer to a minimum of Level 2 Geotechnical Supervision in accordance with the requirements of AS3798 and certification of the completed earthworks.
- 2.25 Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".
- 2.26 All drainage swales and table drains shall be turfed.
- 2.27 All land required for vehicle access and parking is to be concreted or sealed with a bituminous pavement.
- 2.28 Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all road works have been inspected and approved by Penrith City Council.
- 2.29 After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation / Subdivision Certificate where Council is not the Principal Certifying Authority.

- 2.30 Prior to the issue of the Occupation Certificate the Principal Certifying Authority shall ensure that all civil works have been satisfactorily completed in accordance with the Construction Certificate, Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works, and relevant conditions of the development consent.
- 2.31 After completion of all engineering works, CCTV footage (DVD format) and an inspection report (SEWRAT format – prepared by a NATA accredited service provider), of all drainage pits and pipelines is to be submitted to the Principal Certifying Authority. A copy of the CCTV footage and inspection report is also to be submitted to Penrith City Council if Council is not the Principal Certifying Authority. The CCTV footage is to ascertain the condition of the pits and pipelines at the end of the construction period. Any damaged infrastructure or defective materials shall be repaired or replaced in accordance with

Penrith City Council's directive.

- 2.32 Prior to the issue of an Occupation Certificate the Certifying Authority shall ensure that the on-site detention and stormwater pre-treatment systems:
- Have been constructed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and Construction Certificate conditions of development consent.
  - Will operate satisfactorily with regard to any variations or that suitable remedial works have been undertaken.
  - Will operate in accordance with the design intent and Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

- 2.33 Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention / stormwater pre-treatment systems, shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.
- 2.34 Prior to the issue of an Occupation Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be restored under the supervision of Penrith City Council. Any rectification works within Manning Street will require a Roads Act application. The application is to be submitted and approved by Penrith City Council prior to such works commencing.
- 2.35 Prior to the issue of an Occupation Certificate and installation of regulatory / advisory line marking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Notes:

Contact Penrith City Council's Development Engineering Unit on (02) 4732 7777 for further information on this process.

Allow eight (8) weeks for approval by the Local Traffic Committee.

- 2.36 Prior to the issue of an Occupation Certificate directional signage and line marking shall be installed indicating directional movements and the location of parking to the satisfaction of the Principal Certifying Authority.

2.37 The applicant shall provide Council with an annual traffic report once the southerly connection is formalised through the Caddens Release Area which addresses the amount of traffic from the development and adjacent land accessing Manning Street. Should the amount of traffic using Manning Street exceed that anticipated by traffic reports prepared by Transport and Traffic Planning Associates, December 2007 and 2008 then mitigating measures are to be put in place to restore the amount of traffic movement from and through the site to the levels nominated.

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

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

**For**  
Councillor Jim Aitken OAM  
Councillor Kaylene Allison  
Councillor Robert Ardill  
Councillor Kevin Crameri OAM  
Councillor Greg Davies  
Councillor Mark Davies  
Councillor Tanya Davies  
Councillor Ben Goldfinch  
Councillor Jackie Greenow  
Councillor Prue Guillaume  
Councillor Marko Malkoc  
Councillor Karen McKeown  
Councillor Kath Presdee  
Councillor John Thain

**Against**

**16 Development Application DA07/1281.03 - Section 96 Modification to the approved "Seniors Living" Retirement Village - Lot 1 DP 1130750, (Nos.50-52) Manning Street, Kingswood . Applicant: Anglican Retirement Village; Owner: Anglican Retirement Village DA07/1281.03**

300 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain

That:

1. The information contained in the report on Development Application DA07/1281.03 - Section 96 Modification to the approved "Seniors Living" Retirement Village - Lot 1 DP 1130750, (Nos.50-52) Manning Street, Kingswood be received.
2. DA07/1281.03 which proposes a Section 96 Modification to the approved "Seniors Living" Retirement Village be approved subject to the following amendments:

**Delete Condition No.1 and replace with the following which reads: -**

*“1. The development must be implemented in accordance with the stamped-approved masterplan known as DA07/1281\_Rev D, dated 19 August 2009, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.*

***As amended on 7 September 2009 under Section 96 of the Environmental Planning and Assessment Act 1979.”***

**Delete Condition No.4 and replace with the following which reads: -**

*“4. Documentary Evidence is to be submitted to Penrith City Council of the Registration of a Right of Way from O'Connell Street or alternatively a licence between the Anglican Retirement Village and University prior to the issue of the Occupation Certificate.*

*With respect to development within Stage 2 of the concept masterplan pursuant to DA07/1281, a maximum of 30 Independent Living Units (ILUs) are permitted to have access to Manning Street and the remaining dwellings are required to obtain access from the south of the subject site.*

*Prior to the Construction Certificate for Stage 2 development that have vehicular access to the south only, the following matters shall be resolved as follows: -*

- *Documentary evidence is to be submitted to Penrith City Council that demonstrates that legal access to Caddens Road is secured in favour of Anglican Retirement Village over Lot 23 DP 602607.*
- *The submission of plans detailing the construction of the road to Caddens Roads in accordance with Council's engineering specifications and Landcom's design requirements*

*Prior to the issue of an Occupation Certificate, the road is to be dedicated to Penrith City Council.*

*As amended 20 March 2008 and 7 September 2009 under Section 96 of the Environmental Planning and Assessment Act 1979.”*

3. Those who made a submission be advised of Council’s determination.

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

<b>For</b>	<b>Against</b>
Councillor Jim Aitken OAM	
Councillor Kaylene Allison	
Councillor Robert Ardill	
Councillor Kevin Crameri OAM	
Councillor Greg Davies	
Councillor Mark Davies	
Councillor Tanya Davies	
Councillor Ben Goldfinch	
Councillor Jackie Greenow	
Councillor Prue Guillaume	
Councillor Marko Malkoc	
Councillor Karen McKeown	
Councillor Kath Presdee	
Councillor John Thain	

Councillor Robert Ardill left the meeting, the time being 9:04 pm.

**17 Fire Safety Assessments and the NSW Fire Brigade**

301 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Fire Safety Assessments and the NSW Fire Brigade be received.
2. The action being taken by the Development Services Manager be endorsed.
3. Council submit a late motion to the 2009 Local Government Association Annual Conference requesting that the Association make representations to the Minister for Planning in relation to this matter.

Councillor Robert Ardill returned to the meeting, the time being 9:05 pm.

**18 Fire Safety Assessments of 84-90 Old Bathurst Road, Emu Heights; 8 Robertson Place, Jamisontown; 1-5 Regentville Road, Jamisontown; 6 Bromley Road, Emu Heights and 15-23 Quarry Road, Erskine Park. Owner: SP 81530; Palmic Enterprises P/L; SP 78559; Rennie Holdings P/L; Trust Company of Australia Ltd**

302 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Fire Safety Assessments of 84-90 Old Bathurst Road, Emu Heights; 8 Robertson Place, Jamisontown; 1-5 Regentville Road, Jamisontown; 6 Bromley Road, Emu Heights and 15-23 Quarry Road, Erskine Park be received.
2. Council prepare a Notice of Intention to Serve an Order No. 6 under Section 121B of the Act on the owners of the properties 8 Robertson Place Jamisontown; 1-5 Regentville Road Jamisontown; and 6 Bromley Road Emu Heights, incorporating all items identified by the Brigade and Council.
3. Council Officers inspect the buildings at 15-23 Quarry Road, Erskine Park as soon as practicable and report the results to the next Council meeting and issue a Notice of Intention to Serve an Order under Section 121B of the Act on Trust Company of Australia Ltd, incorporating all items identified by the Brigade and Council..
4. The Brigade be advised of the action taken by Council.

## **A LIVEABLE CITY**

### **21 Proposed additional Alcohol Free Zones and Alcohol Free Areas**

303 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Proposed additional Alcohol Free Zones and Alcohol Free Areas be received.
2. Council support the progression of the consultation process for the establishment of additional Alcohol Free Zones and Alcohol Free Areas at each of the locations proposed by this report.
3. A further report be submitted to Council on completion of the advertising and consultation period.

### **22 Western Sydney Area Assistance Scheme (WSAAS) Grant for the Domestic Violence Resource project**

304 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Western Sydney Area Assistance Scheme (WSAAS) Grant for the Domestic Violence Resource project be received.
2. The \$60,000 WSAAS funding for the Domestic Violence Resource Project be accepted.
3. Council write a letter thanking the NSW Minister for Community Services for the grant funding.

### **23 Various Tenders for the Provision of Materials and Services**

305 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Various Tenders for the Provision of Materials and Services be received.
2. All recommendations contained in the Appendix to this report be accepted and agreements established with each of the recommended suppliers as noted for an initial period of 2 years with an option to extend the agreements for a further 12-month period subject to satisfactory performance.
3. The City Works Manager is authorised to seek supply from the next lowest tenderer should the nominated supplier not be able to supply the goods or services or not be able to supply within a suitable timeframe.
4. In respect of bulk material/ quarry products the product most suitable in regard to quality, price and availability for the required work be obtained from the appropriate company included on the panel of approved suppliers.

### **24 Tender Reference 16-08/09 CBD Cleaning Services**

306 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Tender Reference 16-08/09 CBD Cleaning Services be received.
2. A contract for a period of two (2) years with an option to extend the agreement for a further one (1) year period (with provision for rise & fall) subject to satisfactory performance be awarded to Corporate Commercial Pty Ltd for the annual cost of \$246,425.92 for the provision of public domain cleaning services within the Penrith and St Marys CBDs.

**25 Naming of a Park in Illawong Avenue, Penrith**

'307 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Naming of a Park in Illawong Avenue, Penrith be received.
2. Council endorse the naming of the park on Illawong Avenue, Penrith as Stewart Park.
3. A new sign reflecting the name of the park as Stewart Park be installed.

Councillor Marko Malkoc left the meeting, the time being 9:08 pm.

**19 Establishment of a New Cumberland Zone Rural Fire Service Headquarters at Jeanette Street, Regentville**

'308 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Tanya Davies

That:

1. The information contained in the report on Establishment of a New Cumberland Zone Rural Fire Service Headquarters at Jeanette Street, Regentville be received.
2. Council accept the grant funding of \$400,000 and finalise funding agreements with Blacktown and Fairfield City Councils for the construction of the Cumberland Zone Rural Fire Service Headquarters at Jeanette Street, Regentville.
3. Council write to the Minister for Emergency Services, thanking him for the timely announcement of the funding that will enable the Cumberland Zone to construct the building early, before the fire season begins.

**20 Penrith CBD - Proposed Temporary City Centre Christmas Shuttle Bus**

'309 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown that this matter be deferred for consideration at a future Policy Review Committee meeting.

Councillor Marko Malkoc returned to the meeting, the time being 9:11 pm.

**26 Tender Reference 01-09.10 Supply & Delivery of One (1) Dual Control Suction Street Sweeper**

310 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Tender Reference 01-09.10 Supply & Delivery of One (1) Dual Control Suction Street Sweeper be received.
2. An order be placed with Schwarze Industries Pty Ltd for the supply and delivery of a model A6500XL Road Sweeper for the lump sum purchase cost of \$263,499.
3. The existing unit to be replaced is returned to Schwarze Industries Pty Ltd as a trade in at a value of \$60,000 to be offset against the capital cost of the new unit.

## **QUESTIONS WITHOUT NOTICE**

### **QWN 1 Signage at Roundabouts**

Councillor Tanya Davies requested that the Local Traffic Committee investigate the possible provision of signage at roundabouts in the Penrith area, and in particular at the intersection of Glenmore Parkway & Sir John Jamison Circuit, and Glenmore Parkway & Northern Road, Glenmore Park, to advise drivers to 'give way to alternate drivers at peak times'.

### **QWN 2 St Marys Spring Festival**

Councillor Kevin Crameri OAM requested a memo reply concerning the Council signs that were placed on the Bennet Wagon used at the St Marys Spring Festival this year, which obscured the entire Wagon from view. Councillor Crameri OAM requested that this matter be rectified for future festivals. Councillor Crameri OAM also requested that a letter be sent to Mrs Norma Thorburn and her team congratulating them on the successful organisation of this Festival over the many years that she has been co-ordinating the event, and also requesting that Mrs Norma Thorburn details, for future events, the activities and events that need to be completed for a successful Festival.

### **QWN 3 Llandilo Rural Fire Service Brigade Station**

Councillor Kevin Crameri OAM requested a memo reply concerning the list submitted by the Llandilo Rural Fire Service which details items that need to be repaired at the Brigade Station, with a view to most of these being completed before the Brigade holds their open day.

### **QWN 4 St Marys Spring Festival**

Councillor Jackie Greenow expressed her appreciation of this Festival to the organising committee and Council staff who assisted with this event.

### **QWN 5 Advising Community of Business Paper Agenda Items**

Councillor Jackie Greenow requested a report to Council/memo reply on the possibility of advising members of the public about upcoming business paper/agenda items in a more timely manner, enabling them to make arrangements to attend Council meetings at which these items would be presented.

**QWN 6 James Burns**

Councillor John Thain requested an urgent report to Council, giving consideration to naming the bridge on the M4 Motorway over the Nepean River after the Explorer, James Burns.

**QWN 7 End of Term for Current Mayor**

Councillor John Thain thanked Councillor Jim Aitken OAM for his efforts during his term as Mayor (and also for his continuing support for seniors meetings).

**QWN 8 Maintenance to footpath at Shakespeare Drive, St Clair**

Councillor Greg Davies requested a memo reply on maintenance works required to the footpath on Shakespeare Drive, St Clair in the vicinity of the Australia Post Box.

**QWN 9 Fencing of Reserve in Erskine Park**

Councillor Greg Davies requested information as to when a report, requested by him on 3 August 2009, would be presented to Council on the cost of fencing the reserve in Erskine Park that is bounded by Kestrel Crescent and Whistler Crescent, to prevent access by vehicles and resultant antisocial behaviour.

**QWN 10 Changes to Garbage Collection Service**

Councillor Kath Presdee requested a memo reply providing information on the number of residents that have not had their bin lids changed from black to green to enable pick up of green waste. Councillor Presdee suggested that Council advertise an amended timeframe in the Mayoral Column, if necessary.

**QWN 11 Leave of Absence**

Councillor Kaylene Allison requested Leave of Absence from 29 September 2009 to 1 November 2009 inclusive.

**COMMITTEE OF THE WHOLE**

311 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Prue Guillaume that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:30 pm.

Councillors Greg Davies and Marko Malkoc left the meeting, the time being 9:30 pm and did not return.

Councillor Kath Presdee left the meeting, the time being 9:30 pm.

**1 Presence of the Public**

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

*A Leading City*

**2 Commercial Matter - Council Property Lot 101 DP 876202 and Lot 11 DP 129190 Great Western Highway, Kingswood**

*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.*

**3 Personnel Matter – Item 1 – Organisation Structure**

*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 10:10 pm and the General Manager reported that the Committee of the Whole met at 9:30 pm on 7 September 2009, the following being present

His Worship the Mayor Councillor Jim Aitken OAM, Councillors Kaylene Allison, Robert Ardill, Kevin Crameri OAM, Mark Davies, Tanya Davies, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Karen McKeown, Kath Presdee 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 Lot 101 DP 876202 and Lot 11 DP 129190 Great Western Highway, Kingswood**

Councillor Kath Presdee returned to the meeting, the time being 9:33 pm.

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property Lot 101 DP 876202 and Lot 11 DP 129190 Great Western Highway, Kingswood be received.
2. Council agree to the sale of the land in accordance with the figure outlined in the Summary of the report, with a condition that 9,228 square metres as open space / drainage is dedicated back to the Council prior to completion of the development.
3. The Common Seal of the Council of the City of Penrith be placed on the necessary documentation.

### **3 Personnel Matter – Item 1 – Organisation Structure**

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown

CW3 That:

1. The information contained in the report on Organisation Structure be received.
2. Council redetermine the structure outlined in this report.
3. Resources be allocated in accordance with Council's adopted Delivery Program 2009-2013, and adopted annual Operational Plans.
4. Council determine the senior staff to be the General Manager and two Directors.
5. A further report be presented to Council's Senior Staff Committee regarding the nature and contents of Senior Staff contracts and Council's role in determining those contract conditions.

### **ADOPTION OF COMMITTEE OF THE WHOLE**

312 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that the recommendation contained in the Committee of the Whole and shown as CW1, CW2 and CW3 be adopted.

### **QWN 12 Red Cross Volunteers**

Councillor Kevin Crameri OAM requested that Council write to the Red Cross to ensure that all necessary support is provided to the volunteers to assist in a transition to a new role which the Red Cross may have.

There being no further business the Chairperson declared the meeting closed the time being 10:20 pm.

I certify that these 46 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 7 September 2009.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date