

CONFIRMED MINUTES

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

ON MONDAY 22 FEBRUARY 2010 AT 7:34PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

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

PRAYER

The Council Prayer was read by Rev Neil Checkley.

PRESENT

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

APOLOGIES

32 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Jim Aitken OAM that the apology from Councillor Robert Ardill be accepted.

CONFIRMATION OF MINUTES - Ordinary Meeting - 1 February 2010

33 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that that the minutes of the Ordinary Meeting of 1 February 2010 be confirmed with the following amendment, in respect of Mayoral Minute 3:

“An AMENDMENT was moved by Councillor Greg Davies seconded Councillor Prue Guillaume. His Worship the Mayor ruled that according to Bluett's Guide to Local Government amendments do not need to be accepted and ruled that the amendment not be accepted.”

CONFIRMATION OF MINUTES - Extraordinary Council Meeting - 15 February 2010

34 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc that the minutes of the Extraordinary Council Meeting of 15 February 2010 be confirmed.

DECLARATIONS OF INTEREST

His Worship the Mayor, Councillor Kevin Crameri OAM declared a Pecuniary Interest in Item 11 - *Development Application DA08/1205 Proposed Educational Establishment (School) for 150 Students with Associated Agricultural Studies Area, Landscaping, Car Parking, Sewerage and Demolition of Existing Dwelling at Lot 227, 227A & 228 DP 2147 (No. 227) Seventh Avenue, Llandilo . Applicant: Stephen E Joyce; Owner: Meadowbank Education Incorporated (MET) Kellyville Campus Pty Ltd* as he lives in the area.

Councillor Ross Fowler OAM declared a Pecuniary Interest in the Committee of the Whole Item 3 - *Council Property - Lease of Shop 6, Allen Arcade, 140-142 Henry Street, Penrith* as he is the Auditor of the proposed lessee of the property.

SUSPENSION OF STANDING ORDERS

35 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kaylene Allison that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:57pm.

Mr Stephen Joyce

Development Application DA08/1205 Proposed Educational Establishment (School) for 150 Students with Associated Agricultural Studies Area, Landscaping, Car Parking, Sewerage and Demolition of Existing Dwelling at Lot 227, 227A & 228 DP 2147 (No. 227) Seventh Avenue, Llandilo . Applicant: Stephen E Joyce; Owner: Meadowbank Education Incorporated (MET) Kellyville Campus Pty Ltd.

Mr Stephen Joyce, the applicant spoke in support of the recommendation and highlighted that it is proposed that the school would be small scale with only 150 students. Mr Joyce stated that they have undertaken consultation with neighbours, including two resident meetings, and have worked with Council for a good outcome for all stakeholders including designing a development sympathetic to the surrounding area. Mr Joyce spoke of the School's willingness to integrate with the local community, and outlined actions taken to minimise the impact on the local community. Mr Joyce concluded by asking Councillors for their support for the proposal.

Ms Lisa Xeureb

Development Application DA08/1205 Proposed Educational Establishment (School) for 150 Students with Associated Agricultural Studies Area, Landscaping, Car Parking, Sewerage and Demolition of Existing Dwelling at Lot 227, 227A & 228 DP 2147 (No. 227) Seventh Avenue, Llandilo . Applicant: Stephen E Joyce; Owner: Meadowbank Education Incorporated (MET) Kellyville Campus Pty Ltd.

Ms Lisa Xuereb, affected neighbour, spoke on behalf of the Berkshire Park Community Action Group in opposition to the recommendation stating that the development does not suit the area. Ms Xuereb raised concerns that the School will not integrate into the local community as very few students from Llandilo will actually attend the School. Ms Xuereb highlighted that there are very few quiet rural areas around any more and that this School will change the rural landscape.

Mr Nicholas Gatt

Development Application DA08/1205 Proposed Educational Establishment (School) for 150 Students with Associated Agricultural Studies Area, Landscaping, Car Parking, Sewerage and Demolition of Existing Dwelling at Lot 227, 227A & 228 DP 2147 (No. 227) Seventh Avenue, Llandilo . Applicant: Stephen E Joyce; Owner: Meadowbank Education Incorporated (MET) Kellyville Campus Pty Ltd.

Mr Nicholas Gatt, affected neighbour spoke in opposition to the recommendation stating that the choice of the locals in the area is very important, and they do not want this development. Mr Gatt believes the increase in traffic has the potential to cause accidents and injury in the local area. Mr Gatt claimed there is no need for a School in the area as there are already sufficient ones in place and that the area does not want to change.

Mr Ray Madden

Development Application DA08/1205 Proposed Educational Establishment (School) for 150 Students with Associated Agricultural Studies Area, Landscaping, Car Parking, Sewerage and Demolition of Existing Dwelling at Lot 227, 227A & 228 DP 2147 (No. 227) Seventh Avenue, Llandilo . Applicant: Stephen E Joyce; Owner: Meadowbank Education Incorporated (MET) Kellyville Campus Pty Ltd.

Mr Ray Madden, affected neighbour spoke in opposition to the recommendation and highlighted that the original notification of the application was not sufficient for residents to comment. Mr Madden stated that the area is one of the few rural areas that have remained untouched and is steeped in history. Mr Madden claimed that while the zoning allows for the development there are other more favourable zonings which would suit the site.

36 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kath Presdee that an extension of time be granted to Mr Ray Madden, the time being 8:15 pm.

Mr Madden continued, claiming that the buildings proposed for the School are non rural in character and raised concerns as to how long the number of students will remain at 150. Mr Madden also expressed concerns about the sewage line and whether it will be sufficient and appropriate given the landscape and usage.

RESUMPTION OF STANDING ORDERS

37 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Tanya Davies that Standing Orders be resumed, the time being 8:18pm.

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REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 1 February 2010

38 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Prue Guillaume that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 1 February, 2010 be adopted.

DELIVERY PROGRAM REPORTS

Procedural Motion

39 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Jim Aitken OAM that Item 11 be moved and dealt with first on the agenda.

A GREEN CITY

- 11 Development Application DA08/1205 Proposed Educational Establishment (School) for 150 Students with Associated Agricultural Studies Area, Landscaping, Car Parking, Sewerage and Demolition of Existing Dwelling at Lot 227, 227A & 228 DP 2147 (No. 227) Seventh Avenue, Llandilo . Applicant: Stephen E Joyce; Owner: Meadowbank Education Incorporated (MET) Kellyville Campus Pty Ltd DA08/1205**

His Worship the Mayor, Councillor Kevin Crameri OAM having previously declared a Pecuniary Interest left the meeting the time being 8:19pm.

The Deputy Mayor, Councillor Ross Fowler OAM, took the Chair for consideration of the item, the time being 8:19pm.

40 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Development Application DA08/1205 Proposed Educational Establishment (School) for 150 Students with Associated Agricultural Studies Area, Landscaping, Car Parking, Sewerage and Demolition of Existing Dwelling at Lot 227, 227A & 228 DP 2147 (No. 227) Seventh Avenue, Llandilo be received
2. The development application be approved subject to the following conditions of consent:

Standard conditions

Note: These can be accessed on Council's website by visiting http://www.penrithcity.nsw.gov.au/uploadedFiles/Website/Your_Council/Publications/2005standardconditions.pdf

- 2.1 A001 – Approved plans and recommendations within listed reports
A004 – Staged Construction

- Stage 1

- a) Written approval from water and electricity service providers
- b) Private Pipeline Agreement for the proposed private sewer line
- c) Roads Act Approvals and Engineering Construction Certificate for the private sewer line
- d) Construction and certification of the private sewer line

No works (including demolition) are to be undertaken on the site, except as necessary for the above referred private sewer.

- Stage 2

- a) Engineering Construction Certificate for drainage on the site of 227, 227A and 228 in DP 2147
- b) Construction Certificate for remaining works
- c) Construction and Certification of works

A011 – Engineering Works DCP

A012 – Food shop (for the canteen component)

A014 – Consolidation of Lot 227, 227A and 228 in DP 2147

A019 – Occupation Certificate

A026 – Advertising

A039 – Removal of Graffiti

A046 – Obtain a Construction Certificate

A Construction Certificate is not to be issued for any work other than the construction of the private sewer line until the private sewer line construction is completed and certified as satisfactory

B001 – Demolition of dwelling on Lots 227 & 227A DP 2147

B002 – Demolition and disposal of approved landfill

B003 – Asbestos

B004 – Dust

B005 – Mud/Soil

B006 – Hours of work

C002 – Archival Recording

D001 – Sediment and erosion control measures

D002 – Spray grass

D005 – No filling without prior approval

D006 – No fill without validation certificate

D009 – Covering of waste storage area

D010 – Appropriate disposal of excavated or other waste

D013 – Acoustic Level (refer to Report No. 3688 prepared by RSA Acoustics as recorded on 24 October to 31 October 2009 and additional information provided by RSA Acoustics on the 29th of April 2009)

D026 – Liquid wastes

E01A – BCA compliance for Class 2-9

E002 – BCA issues to be addressed

- In the Senior School, there should not interconnection between 3 storeys in accordance with Clause D1.12 and there should be separation of ascending and descending flights in Stair 1 in accordance with Clause D2.4
- Documentary evidence to indicate compliance with the energy efficiency provisions of Section J is required

E006 – Disabled access and facilities

- In this regard, disabled persons access must be provided between the Junior and Senior Schools and to the staff courtyards of the Senior School

E009 – Annual Fire Safety

G002 – Section 73 Certificate (Sydney Water)

G004 – Integral Energy

H001 – Stamped plans and erection of site notice

H002 – All forms of construction

H003 – Traffic Management

H041 – Hours of work

H011 – Engineering plans and specification

H036 – Rainwater tanks (as amended)

The rainwater tank(s) is to be:

- structurally sound and constructed in accordance with AS/NZS 3500 1.2-1998: *National Plumbing and Drainage - Water Supply - Acceptable Solutions*,
- Certified by a suitably qualified structural engineer attesting to the adequate construction of the tank for its proposed use;
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "*Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003*" and the *NSW Code of Practice: Plumbing and Drainage*.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the manufacturer's specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted **prior to the issue of the Occupation Certificate**.

H038 – Connection of rainwater supply

H039 – Rainwater tank pumps

I003 – Roads Act Approval 1

- a) Opening of the road reserve for the provision of services including stormwater and sewerage;
- b) Placing of hoardings, containers, waste skips, etc, in the road reserve

I004 – Roads Act Engineering

- a) Provision of heavy-duty vehicular footway crossings with minimum width to AS2890.2 for heavy rigid vehicles allowing for left turn movements to and from the site without crossing the nominal centreline in Seventh

Avenue

- b) Provision for 2.5m road widening, kerb & gutter, drainage and verge regrading on the northern side of Seventh Avenue for a minimum of 90m west of the eastern boundary to allow for 5.5 m of pavement from the nominal centreline to the proposed face of kerb. The pavement shall be designed for 5×10^5 ESA's
- c) Provision of localised pavement widening to achieve a basic right turn treatment on the southern side of Seventh Avenue opposite the proposed entry driveway
- d) Provision of necessary upgrades and overlay to the full width of Seventh Avenue road pavement for 90m west of the eastern boundary for to achieve a pavement design life of 5×10^5 ESA's and a uniform finish
- e) Provision of a concrete footpath 2.5m wide on the northern side of Seventh Avenue to correspond with the extent of proposed kerb and gutter works
- f) Provision of drainage tail-out and table drain regrading in Seventh Avenue
- g) Provision of line marking and kerbside restrictions subject to separate approval

K002 – Works-as-executed plans

K025 – Pavement Seal (sealed with bituminous pavement)

K027 – Car parking provision (43 car spaces)

- Any disabled parking needs to be as close as possible to the main building and separate paths and pram ramps need to be provided to link the disabled bay to the main buildings

K036 – Performance Bond

K037 – Maintenance Bond

K039 – Road Safety Audit

K040 – Line marking and sign posting

L001 – Landscape Plan (refer to plan provided by Special Condition 2.17)

L002 – Landscape Construction

L003 – Report Requirement (Implementation and Maintenance)

L005 – Planting of plant material

L006 – Australian Standard

L007 – Tree Protection Measures

L008 – Tree Preservation Order

L012 – Existing landscaping to be retained and maintained

P001 – Costs

P002 – Fees associated with Council land (Prior to the issue of a Construction Certificate)

Q001 – Notice of commencement and appointment of PCA
(delete last paragraph)

Q006 – Occupation Certificate (delete after NSW Fire Brigades)

Special Conditions

2.2 The development is to comply with and implement any recommendations outlined in the Flora and Fauna Impact Assessment prepared by Keystone Ecological dated January 2009

2.3 The development is to comply with and implement any recommendations outlined in the Environmental Site Assessment prepared by Aargus Australia dated January 2009

2.4 The following is required in accordance with advice received from the Sydney Regional Development Advisory Committee:

- a) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, and parking bay dimensions) is to be in accordance with AS2890.1-2004 and AS2890.2-2002 for heavy vehicles
- b) Bicycle parking and associated facilities need to be provided on the site
- c) The site should be able to cater for a 12.5m bus turning circle to cater for any sporting events, school excursions or for the public school bus system should the need arise in the future. This would also cater for waste removal should it ever need to occur on site
- d) A dedicated delivery area is to be provided on site catering for at least an 8.8m service vehicle. If the drop off area is to be used for this purpose then deliveries are to occur outside of school pick up and drop off times
- e) Clear signage is to be provided on site to adequately control the entry and exit points and to guide vehicles and pedestrians to appropriate locations throughout the site
- f) The required site lines to pedestrians or other vehicles in or around the car park or entrances are not to be compromised by landscaping, signage, fencing or display materials
- g) School zones must be installed along all roads with a direct access point (either pedestrian or vehicular) from the school. School Zones must not be provided along roads adjacent to the school without a direct access point
- h) The Roads and Traffic Authority (RTA) is responsible for speed management along all public roads within the state of New South Wales. That is, the RTA is the only authorised organisation that

can approve speed zoning changes and authorise installation of speed zoning traffic control devices on the road network within New South Wales

Therefore, the Developer must obtain written authorisation from the RTA to install the School Zone signs and associated pavement markings and/or remove/relocate any existing Speed Limit signs

To obtain authorisation the Developer must submit the following, at least six (6) weeks prior to student occupation of the site, for review and approval by the RTA:

- A) A copy of Council's development conditions of consent
- B) The proposed school commencement/opening date
- C) Two (2) sets of detailed design plans showing the following:
 - School property boundaries
 - All adjacent road carriageways to the school property
 - All proposed school access points to the public road network and any conditions imposed/proposed on their use
 - All existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings)
 - All existing and proposed street furniture and street trees
- i) School Zone signs and pavement marking patches must be installed in accordance with RTA's approval/authorisation, guidelines and specifications
- j) All School Zone signs and pavement markings must be installed prior to student occupation of the site
- k) All School Zone signs and pavement markings are to be installed at no expense to the RTA
- l) The developer must maintain records of all dates in relation to installing, altering, removing traffic control devices related to speed
- m) Following installation of all School Zone signs and pavement marking the Developer must arrange an inspection with the RTA for formal handover of the assets to the RTA. The installation date information must also be provided to the RTA at the same time. Note: Until the assets are formally handed-over and accepted by the RTA, the RTA takes no responsibility of the School Zones/assets
- n) All works /regulatory signposting associated with the proposed development are to be at no cost to the RTA

- 2.5 An Operational Management Plan (OMP) is to be provided for Councils consideration and approval that details the following:
- a) After hour access, security and surveillance measures
 - b) Response to emergencies including evacuation
 - c) Small scale agriculture proposed on the site including numbers and types of animals and trees to be located on site
 - d) Animal management practices including, but not limited to, care (particularly in times where the school is not operating), feeding, emergency response
 - e) Site maintenance including rubbish collection
 - f) Measures employed to reduce the impact from lighting
- 2.6 The following is required in accordance with the terms of concurrence issued by the NSW Roads and Traffic Authority:
- a) The proposed sewer line under The Northern Road must be installed by road under boring and located at least a minimum depth of 1.2m below the Road
 - b) The proposed sewer line (and its installation) must not affect the existing traffic signal facility at the intersection of The Northern Road/Ninth Avenue
 - c) Prior to the commencement of the works associated with the under boring of The Northern Road the contractor for the works will be required to contact the RTA's Project Engineer, External Works – Suppiah Thillai on Ph: 8849 2114 or Fax: 8849 2766 for a Road Opening Permit
 - d) Any proposed temporary/partial road closures will require the applicant to apply for a Temporary Road Occupancy License by contacting the Transport Management Centre's Planned Incidents Unit on (02) 8396 1513 during office hours (8am to 4pm) or 131 700 after hours
 - e) All works associated with the sewer line installation as well as the proposed development are to be at no cost to the RTA
- 2.7 Written confirmation is to be submitted to Council for consideration and approval prior to the issue of any Construction Certificate from relevant service providers including energy and water that confirms connection and capacity to cater for the proposed development
- 2.8 A Private Pipeline Agreement is to be entered into with Penrith Council. This is to include, but is not limited to, location of construction within Council's road allocation, certification requirements, road opening permits, ongoing management and any other detail required by Council. The development and any agreements shall be at no cost to Council
- 2.9 Entrances/exits to all buildings, walkways, car park and the gated entry/exit must be well lit to clearly illuminate these areas that make

up the public domain areas of the school

Lighting must be:

- a) Consistent in order to reduce the contrast between shadows and illuminated areas
- b) Vandal resistant
- c) Contained within the property boundary and no light should be projected upwards

2.10 The following vegetation is to be avoided:

- a) Vegetation with top to bottom foliage. Low ground cover or high canopied vegetation is to be utilised as this type of planting allows clear lines of sight
- b) Medium height (under 2 metres) planting as it provides places of concealment
- c) Vegetation that hinders sightlines to car parks, walkways, playgrounds and playing fields. Use low shrubs or ground covers

2.11 Teaching staff must have clear vision to the entry of all classrooms and the office staff must be able to have clear vision to the school entrance and car park areas. Similarly, visitors to the school must be able to clearly identify the administrative office of the school

Entrances to all student/adult toilet blocks must be clear of all screening to allow surveillance by students and staff

2.12 Signage for the facility should be clearly identified to ensure easy location by emergency services

2.13 Fencing must be black and made of a material that is easy to see through to promote surveillance opportunities and secure the school after hours. Mesh fencing is not supported

2.14 The following security measures are to be implemented:

- b) All doors and windows must be fitted with security locks
- c) Rooms containing computer and other electronic equipment must have additional security treatments including security screens on windows and alarms
- d) After hours random security patrols must be conducted on a regular basis. Additional patrols are to be implemented during school holiday periods
- e) Sensor lights must be installed to detect movement around the property after hours

2.15 All waste must be secured within the property. Bins will need to be stored within a secure position and not at risk of vandalism

2.16 School Management will be available at a mutually convenient time, at the invitation of Penrith City Council and/or the NSW Police, to discuss and action agreed Community Safety and Security issues in

- conjunction with other local stakeholders in the area should the need arise
- 2.17 An amended landscape plan is to be provided prior to the issue of any Construction Certificate that demonstrates, to Council's satisfaction, the following:
- a) Consistency between the recommendations within the Flora and Fauna Report referred in Standard Condition A001
 - b) Compliance with Special Condition 2.10
 - c) The drip-line of vegetation is to be setback a minimum of 5 metres from adjoining property boundaries
 - d) The screen planting proposed between the building and property boundary along the eastern elevation is to be amended to provide for mature trees, that do not exceed a height of three (3) to five (5) metres with intermittent feature plantings not exceeding a height at maturity of seven (7) metres
 - e) The height at maturity and species of all proposed vegetation is to be nominated on the plan. Vegetation forward of the building line is not to include vegetation capable of attaining a height at maturity greater than one (1) metre
- 2.18 Prior to the issue of an Occupation Certificate signage which is clearly visible from the public road shall be placed within the development site. The signage shall indicate that the western vehicular access is to be used for ingress purposes only and appropriately signposted "Entry Only". The eastern vehicular access is to be used for egress purposes only and appropriately signposted "No Entry"
- 2.19 In the event of on-going noise complaints relating to the development being received by Council, the owner and/or occupier of the school and related development may be required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community
- The noise impact assessment report is to be prepared and provided to Council within 45 days of being requested. The assessment report is to be approved by Council, with any recommendations being implemented in accordance with the approved assessment report
- 2.20 A Construction Certificate shall be issued by a Certifying Authority to include the following civil works
- (b) On-site detention system
 - (c) Stormwater drainage
 - (d) Stormwater pre-treatment system
 - (e) Earthworks
 - (f) Car park
 - (g) Retaining walls
 - (h) Paving works
 - (i) Access roads

(j) Linemarking and signage

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

- 2.21 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the site drainage and on-site detention system has been designed generally in accordance with the concept plans lodged for development approval, prepared by Lean Lackenby & Hayward, drawing no. 59118 DR, rev C dated 4/06/2009 and drawing no. 59118 EW, rev B dated 4/06/2009 and Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works

The drainage system directing flows to the on-site detention system shall be designed to convey 1 in 100 year flows and to ensure the entrapment of gross pollutants prior to entry to the storage system

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

- 2.22 Prior to the issue of an Occupation Certificate the Certifying Authority shall ensure that:

- The on-site detention system has been constructed in accordance with the details approved by the Construction Certificate, Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and conditions of development consent
- Any variations to the approved design are satisfactory or that suitable remedial works have been undertaken
- The on-site detention system 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 completed on-site detention system shall be provided as part of the works-as-executed drawings

- 2.23 Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system 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 format as described in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works

- 2.24 The water quality treatment system as indicated on the drainage concept plan prepared by Lean Lackenby & Hayward, drawing no. 59118 DR, rev C dated 4/06/2009 shall be operated and maintained in accordance with the manufacturers specifications

- 2.25 All verge areas are to be turfed for the full width from back of kerb to property boundary at the completion of the works
- 2.26 The use of the building and the site is for the use as a school to cater for a maximum intake of 150 students and 18 staff at any one time only
- 2.27 The hours of operation are from 7:30am to 4pm for students and from 7am to 6pm for teachers Monday to Friday. A maximum of four (4) parent teacher evenings each year and two (2) management meetings each month consisting of twelve (12) personnel are permitted to be held at night only. A maximum of four (4) activities associated with the approved use of the site as a school are permitted each year on a Saturday and are to be held between 8am and 4pm. At these functions all vehicles are to be accommodated on site. Use of the site on a Sunday is not permitted
- 2.28 The assembly hall must not be used as a place of public entertainment, a place of entertainment or to hold concerts without the prior consent of Council
- 2.29 Prior to the issue of any Construction Certificate and the issue of an operational approval for the pumping station and associated infrastructure by Penrith City Council, a detailed operation management plan for the sewage management system is to be submitted and approved by Council. The operation management plan is to contain at minimum:
- A detailed emergency response procedure for any failures in the system and/or sewer line.
 - A response mechanism to any excessive or offensive odour caused by the system
 - Details of all maintenance and servicing requirements for the system
 - Emergency contact details
 - System specifications
 - Details of the sewer agreement with Sydney Water
 - Any other relevant details that ensures the system operates in accordance with the relevant standards and legislation.

The approved plan is to be complied with at all times

- 2.30 Prior to the issue of any Construction Certificate, details of the sewer pumping station and associated infrastructure are to be provided and approved by Council. Those details must include:
- The location of the pumping station and associated infrastructure (including tanks and pumps); and
 - The design specifications of the pumping station and associated infrastructure (including tanks and pumps).

The pumping station and associated infrastructure (including tanks and pumps) must be designed and located so that it does not create offensive odour and noise as defined under the Protection of the Environment Operations Act 1997

- 2.31 Offensive odour, as defined by the Protection of the Environment Operations Act 1997, from activities and infrastructure that form part of the development are not to be detected beyond the boundaries of the property. This includes the sewerage system
- 2.32 The sewer line and associated pumping station is to comply with Sydney Water Requirements at all times

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

For

Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Greg Davies
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor John Thain
Councillor Karen McKeown
Councillor Ross Fowler OAM
Councillor Kaylene Allison
Councillor Jim Aitken OAM
Councillor Prue Guillaume
Councillor Jackie Greenow
Councillor Kath Presdee

Against

A LEADING CITY

1 2009-10 Operational Plan - December Quarter Review

His Worship the Mayor, Councillor Kevin Crameri OAM returned to the meeting and took the Chair the time being 8:36pm.

41 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Prue Guillaume

That:

- 1. The information contained in the report on 2009-10 Operational Plan - December Quarter Review be received.
- 2. The 2009-10 Operational Plan Review as at 31 December 2009, including the revised estimates identified in the recommended budget, be adopted.

2 Abandonment of Sundry Debts

'42 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Abandonment of Sundry Debts be received.
2. These debts totalling \$26,851.75 are irrecoverable as outlined above and should be written off accordingly.

3 NSW Local Infrastructure Fund

'43 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on NSW Local Infrastructure Fund be received.
2. That Council delegate the General Manager to sign the Department of Planning's agreement for the loan of \$4,566,000.
3. The Council write a letter to the Minister for Planning thanking the Minister for the loan made available to the Council.

4 Support for Earth Hour 2010

'44 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Support for Earth Hour 2010 be received.
2. Council participate in and promote Earth Hour 2010 in the terms indicated in the report.

5 Summary of Investments for the period 1 January to 31 January 2010

'45 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Summary of Investments for the period 1 January to 31 January 2010 be received
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 January 2010 to 31 January 2010 be noted and accepted.
3. The graphical investment analysis as at 31 January 2010 be noted.

A CITY OF OPPORTUNITIES

6 Youth Week 2010 - Proposed Activities and Funding

46 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Youth Week 2010 - Proposed Activities and Funding be received.
2. That Council endorse the recommended projects and funding amounts as outlined in Table 1 of this report.

A LIVEABLE CITY

7 Draft Local Development Contributions Guidelines

Councillor Kath Presdee left the meeting, the time being 8:56pm.

Councillor Kath Presdee returned to the meeting, the time being 8:58pm.

47 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Draft Local Development Contributions Guidelines and regulation changes be received.
2. Council adopt the submission to the draft Local Development Contributions Guidelines shown at Attachment A to this report and that it be forwarded to the Department of Planning by 26 February 2010.
3. A copy of the report be sent to local members of Parliament making strong representations that the use of CPI rather than land value is not appropriate, and asking them for their comment and what they are doing with respect to the Development Contributions Plan.
4. A copy of the report be sent to the Local Government Association and the National Growth Centres Alliance to ensure that those organisations understand the concerns Council has and seeking their support for Council's position.
5. A copy of the report be sent to the NSW State Premier.
6. The Council officers be congratulated for the report.

8 Tender Reference 30-09/10A Supply & Installation of Heating & Ventilation Plant at Ripples Aquatic Centre

48 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Tender Reference 30-09/10A Supply & Installation of Heating & Ventilation Plant at Ripples Aquatic Centre be received
2. A Contract for the Supply and Installation of Heating & Ventilation Plant be awarded to Crest Air Conditioning Pty Ltd for the lump sum fixed cost of \$523,667 (ex GST)

9 NSW Communities - Sport and Recreation Facility Grant

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

That:

1. The information contained in the report on NSW Communities - Sport and Recreation Facility Grant be received
2. Council endorse the submission of the grant applications to NSW Communities – Sport and Recreation Facilities Grant program for the development of an amenities building at Rance Oval and a playing field at Roper Road.
3. A further report will be submitted to Council on the successful grants and proposed matching funding requirements

A VIBRANT CITY

10 Annual Reporting on Energy and Water Consumption at Council Facilities for 2008-09

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

That:

1. The information contained in the report on Annual Reporting on Energy and Water Consumption at Council Facilities for 2008-09 be received
2. The outstanding cost effective actions outlined in the Energy and Water Savings Action Plans are implemented in the 2009-10 financial year.
3. A further report be prepared detailing the potential reasons for the major consumption variations and the cost implications of these variations.

The Mayor made a statement regarding his proposed membership of the Local Government Party.

His Worship the Mayor, Councillor Kevin Crameri OAM raised an urgent matter relating to a grant application made by the Council to the State Government in respect of Chameleon Drive, Erskine Park. The Mayor indicated that a Report had been presented to the Council's Ordinary Meeting of 1 February 2010 regarding the grant application, but at the time the Council had not resolved to allocate funds to match the grant funds of \$13,000 towards the path paving at Chameleon Drive, Erskine Park.

The Mayor advised the Meeting that the funding authority required a resolution of the Council that it would match the grant funds of \$13,000 received, and therefore the Mayor declared the matter was urgent.

His Worship the Mayor, Councillor Kevin Crameri OAM called for a MOTION that Council resolve to accept the grant of \$13,000.00 from the Community Building Partnership for path paving at Chameleon Drive, Erskine Park, with matching funds drawn by forward funding from Council's 2010-11 Path Paving Construction Program.

The MOTION was PUT by Councillor Jim Aitken OAM and Seconded Councillor Tanya Davies that Council resolve to accept the grant of \$13,000.00 from the Community Building Partnership for path paving at Chameleon Drive, Erskine Park, with matching funds drawn by forward funding from Council's 2010-11 Path Paving Construction Program.

His Worship the Mayor, Councillor Kevin Crameri OAM, ruled that the matter was urgent and should be dealt with at the meeting.

51 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Tanya Davies that Council resolve to accept the grant of \$13,000.00 from the Community Building Partnership for path paving at Chameleon Drive, Erskine Park, with matching funds drawn by forward funding from Council's 2010-11 Path Paving Construction Program.

QUESTIONS WITHOUT NOTICE

QWN 1 Public Access to Regatta Centre

Councillor Ross Fowler OAM requested a report be brought back to Council regarding public access to the Regatta Centre.

QWN 2 Refurbishment works to male toilets at Kingsway Fields

Councillor Jackie Greenow requested a memo reply concerning the condition of the male toilets at Kingsway fields outlining what work is required to bring it up to an acceptable standard.

QWN 3 Code of Meeting Practice - Standing Orders

Councillor John Thain requested a memo reply to all Councillors regarding the Council's Code of Meeting Practice and Standing Orders.

QWN 4 Waste Services Committee meeting - Agenda Item

Councillor John Thain requested that an item be placed on the next Waste Services Committee to discuss polystyrene packaging from supermarkets. Councillor Thain suggested that Council staff might raise this matter with WSROC.

QWN 5 Three Bin Waste System information update

Councillor Greg Davies requested that Council advise residents through the Council website and social media outlets that Council have agreed to supply a weekly residual service on request at cost. The logistics of supplying that service be addressed at the Waste Services Committee on Wednesday 24 February 2010. Additionally, Clr Davies requested that information as to the supply of that additional service be available on Thursday 25 February 2010.

QWN 6 Requests for Assistance

Councillor Greg Davies requested that an amount of \$200.00 be allocated equally from each wards voted works to assist with the running of the annual Fishfest event. Councillor Greg Davies also requested that in future this amount be allocated in the annual budget.

52 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that the matter be brought forward and dealt with as an urgent matter.

His Worship the Mayor, Councillor Kevin Crameri OAM, ruled that the matter was urgent and should be dealt with at the meeting.

53 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that an amount of \$200.00 be allocated equally from each wards voted works to assist with the Fishfest event.

Councillor Greg Davies requested that Hall hire fees be allocated from North Ward Voted works for the use of Castlereagh hall for the usage by the Local P&C.

54 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken

OAM that the matter be brought forward and dealt with as an urgent matter.

His Worship the Mayor, Councillor Kevin Cramer OAM, ruled that the matter was urgent and should be dealt with at the meeting.

55 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that hall hire fees for Castlereagh Hall be allocated from North Ward voted works to assist the local P&C with usage.

Councillor Greg Davies requested a report be brought back to Council on the request from the Nepalese community for a fee reduction on the hire of a Council Hall, after the Mayor discusses the matter with representatives of the Nepalese community.

QWN 7 Naming of Mini Rugby League Fields at Peppertree Reserve - Erskine Park

Councillor Greg Davies requested consideration be given to naming the new mini rugby league fields at Peppertree reserve in honour of Mr Bill Borg for recognition of his hard work and involvement with local junior rugby league over many years. It was agreed that a report on this matter will be presented to the Council's Meeting on 22 March 2010.

QWN 8 Footpath - Coreen Avenue and Train Station

Councillor Greg Davies requested a report to Council on footpath access from Coreen Avenue to Penrith Station, this report to include costings and a timeframe on any rectification works.

QWN 9 Development Applications Review - Llandilo

Councillor Kath Presdee requested a report to Council reviewing the Development Applications processed in Llandilo for housing and sheds, providing figures of numbers of applications, delegated approvals and refusals for 2007, 2008 and 2009 and also providing details regarding connectivity within Llandilo and infrastructure links such as bike paths.

QWN 10 Impact of New Fair Work Act

Councillor Kath Presdee requested a report to Council addressing the impact on Council's controlled entities in relation to the introduction of the new Fair Work Act and modern awards.

QWN 11 Options for E-Waste disposal

Councillor Kath Presdee requested a report to the Waste Services Committee outlining the options for disposal of E-Waste such as computers and other electrical items.

QWN 12 Traffic Issues – Muru Drive and Surveyors Creek Road

Councillor Prue Guillaume requested a report to the Local Traffic Committee to investigate accidents on Glenmore Parkway, between Muru Drive and Surveyors Creek Road, and strategies to prevent future accidents.

QWN 13 Padre Pio Parish – Congratulations

Councillor Prue Guillaume requested that Council congratulate the Padre Pio Parish at Glenmore Park on the completion of the new church.

QWN 14 Bus Stop - Evan Street

Councillor Prue Guillaume requested that the Local Traffic Committee be thanked for resolving to approve a bus stop on Evan Street, near Smith Street and asked to be kept informed in respect of the erection of the bus stop.

COMMITTEE OF THE WHOLE

56 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Mark Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:36pm.

1 Presence of the Public

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

A Leading City

2 Council Property - Option Lease of Shop 7 at Allen Arcade, 140-142 Henry Street, Penrith

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

3 Council Property - Lease of Shop 6, Allen Arcade, 140-142 Henry Street, Penrith

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

The meeting resumed at 9:39pm and the General Manager reported that the Committee of the Whole met at 9:36pm on Monday, 22 February 2010, the following being present

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Jim Aitken OAM,

Kaylene Allison, Greg Davies, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, 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 Council Property - Option Lease of Shop 7 at Allen Arcade, 140-142 Henry Street, Penrith

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown

CW2 That:

1. The information contained in the report on Council Property - Option Lease of Shop 7 at Allen Arcade, 140-142 Henry Street, Penrith be received
2. Council grant the first 3 year option period lease to Australian Hearing Services at Shop 7, Allen Arcade, 140-142 Henry Street, Penrith in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

3 Council Property - Lease of Shop 6, Allen Arcade, 140-142 Henry Street, Penrith

Having previously declared a Pecuniary Interest, Councillor Ross Fowler OAM left the meeting the time being 9:39pm.

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Prue Guillaume

CW3 That:

1. The information contained in the report on Council Property - Lease of Shop 6, Allen Arcade, 140-142 Henry Street, Penrith be received
2. Council grant Nepean Independent Living Committee Incorporated a 3 year lease with a 3 year option over Shop 6 at Allen Arcade, 140-142 Henry Street, Penrith in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

Councillor Ross Fowler OAM, returned to the meeting the time being 9:39pm.

ADOPTION OF COMMITTEE OF THE WHOLE

57 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Prue Guillaume that the recommendations contained in the Committee of the Whole and shown as CW1, CW2 & CW3 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:42pm.

I certify that these 24 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 22 February 2010.

Chairperson

Date