

CONFIRMED MINUTES

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

ON MONDAY 19 APRIL 2010 AT 7:37PM

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 the Rev Neil Checkley.

PRESENT

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, 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

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 22 March 2010

94 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the minutes of the Ordinary Meeting of 22 March 2010 be confirmed.

DECLARATIONS OF INTEREST

Councillor Kaylene Allison declared a Pecuniary Interest in *Item 19 - Section 96 Application DA06/1014.05 for the Retention of the Existing Southern Access Driveway at Corpus Christi Primary School at Lot 1 DP 1144668 (No. 86 - 94) Andromeda Drive, Cranebrook* as she is employed by the Catholic Church. Councillor Allison stated that she would not take part in discussion on this matter and would leave the Chamber.

Councillor Ross Fowler OAM declared a Pecuniary Interest in *Item 14 - Development Application DA07/1570 Section 96 Proposed Mixed Use Development over three stages Lot 1 DP 884193 (No. 614 - 632) High Street and (No. 83 - 85) Union Road, Penrith* as he is a Director of a company of which the applicant is also a Director. Councillor Fowler OAM stated that he would not take part in discussion on this matter and would leave the Chamber.

His Worship the Mayor, Councillor Kevin Cramer OAM, declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 20 – Review of Development Applications Processed in Llandilo* as he is a resident and landowner of Llandilo.

Councillor Jim Aitken OAM – refer to declaration preceding *Item 5 in Committee of the Whole - Commercial Matter*.

Councillor Ross Fowler OAM – refer to declaration preceding *Item 5 in Committee of the Whole - Commercial Matter*.

SUSPENSION OF STANDING ORDERS

95 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ben Goldfinch that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:43 pm.

Mr Spencer Buchanan

Item 13 – Development Application DA09/0148 Torrens title Subdivision of one into two lots at Lot 4 DP 571754 (No. 14) Fourth Avenue, Llandilo

Mr Buchanan, applicant and consultant to the owner, spoke in support of the application. Mr Buchanan outlined the reasons for the SEPP1 objection and in particular the circumstances relating to property tenure. Mr Buchanan requested Council to support the proposal for subdivision on the basis of circumstances.

Mr Vince Hardy

Item 14 - Development Application DA07/1570 Section 96 Proposed Mixed Use Development over three stages Lot 1 DP 884193 (No. 614 - 632) High Street and (No. 83 - 85) Union Road, Penrith

Mr Hardy, applicant and urban planning consultant, spoke in support of the recommendation and stated that the proposed development would provide much needed mixed use development for the Penrith CBD. Mr Hardy then thanked Council officers for their timely consideration of the application.

Mr David Workman

Item 14 - Development Application DA07/1570 Section 96 Proposed Mixed Use Development over three stages Lot 1 DP 884193 (No. 614 - 632) High Street and (No. 83 - 85) Union Road, Penrith

Mr Workman, a consultant acting on behalf of an objector, spoke against the recommendation for approval of the application, stating that the objection was in regard to the modification

only, in that the objector considered it would represent a significant departure from that originally approved, particularly in terms of land use composition. Mr Workman stated that the objector had concerns relating to potential view loss, safety, sustainability, pedestrian amenity and accessibility. Mr Workman concluded by requesting that the application be refused or determination deferred until such time as all issues raised have been adequately addressed.

Mr Jonathan Moody

Item 18 - Development Application DA09/0960 for proposed Torrens Titled Subdivision of existing Strata Titled Dual Occupancy at Lot 1 & 2 SP73768 (No. 101) Ladbury Avenue, Penrith

Mr Moody, an applicant/spokesperson, spoke in opposition to the recommendation for refusal of the application. Mr Moody provided a brief history of the property, and stated that he required a release from the strata title to Torrens Title to enable him to undertake improvements on his home.

Mr Peter Laybutt

Item 19 - Section 96 Application DA06/1014.05 for the Retention of the Existing Southern Access Driveway at Corpus Christi Primary School at Lot 1 DP 1144668 (No. 86 - 94) Andromeda Drive, Cranebrook

Mr Laybutt, spokesperson for the applicant, spoke in support of the recommendation for approval. Mr Laybutt stated the access driveway was important to the school to provide emergency access for student safety as well as ongoing effective maintenance of the school. Mr Laybutt commended the report and recommendations, noting that key issues raised such as noise impacts, privacy, sunlight access, safety, security and crime prevention have been addressed by the applicant. Mr Laybutt then answered questions regarding the consultation process and the ongoing concerns of residents.

Mr Donald Barnes

Item 19 - Section 96 Application DA06/1014.05 for the Retention of the Existing Southern Access Driveway at Corpus Christi Primary School at Lot 1 DP 1144668 (No. 86 - 94) Andromeda Drive, Cranebrook

Mr Barnes, an affected neighbour, spoke in opposition to the recommendation for approval, stating that the school already has adequate emergency access in Cassar Crescent, Cranebrook. Mr Barnes was concerned that the southern access driveway did not include an adequate buffer zone between the student access and houses. Mr Barnes raised other issues of concern such as traffic congestion due to the driveway being two-way; the existing fence needs to be built higher, and conditions not being enforced after hours. Mr Barnes concluded by reiterating that the access driveway does not need to be retained as there is access off Cassar Crescent.

RESUMPTION OF STANDING ORDERS

96 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Jim Aitken OAM that Standing Orders be resumed, the time being 8:12 pm.

NOTICES OF MOTION

1 Penrith Press Article of 26 March 2010

Councillor Greg Davies requested that this Motion be WITHDRAWN, as the questions raised have been answered in a memo to all Councillors and in advertisements placed in local newspapers.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Waste Services Committee Meeting held on 25 March 2010

97 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Marko Malkoc that the recommendations contained in the Report and Recommendations of the Waste Services Committee meeting held on 25 March, 2010 be adopted.

2 Report and Recommendations of the Policy Review Committee Meeting of 29 March 2010

98 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 29 March, 2010 be adopted.

3 Report and Recommendations of the Local Traffic Committee Meeting held on 12 April 2010

99 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Tanya Davies that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 12 April, 2010 be adopted.

DELIVERY PROGRAM REPORTS

A LEADING CITY

1 NSW Local Infrastructure Fund

100 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Tanya Davies

That:

1. The information contained in the report on NSW Local Infrastructure Fund be received.
2. The Common Seal of the Council of the City of Penrith be affixed to those documents that are necessary to finalise these borrowings of \$4,566,000.

3 Amendments to 2010 Meeting Calendar

101 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Tanya Davies

That:

1. The information contained in the report on Amendments to 2010 Meeting Calendar be received.
2. The 2010 Meeting Calendar be altered as follows:
 - the Ordinary Council Meeting scheduled for 12 July 2010 be changed with the Policy Review Committee Meeting on 19 July 2010; and
 - the Ordinary Council Meeting scheduled for 9 August 2010 be changed with the Policy Review Committee Meeting on 16 August 2010.

5 22nd Women, Management and Work Conference - 29 to 30 July 2010

102 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Tanya Davies that the information contained in the report on 22nd Women, Management and Work Conference - 29 to 30 July 2010 be received.

6 Australian Local Government Women's Association (ALGWA) NSW Branch State Conference

103 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Tanya Davies that the information contained in the report on Australian Local Government Women's Association (ALGWA) NSW Branch State Conference be received.

8 Summary of Investments for the period of 1 March to 31 March 2010 and Agency Collection Methods

'104 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Tanya Davies

That:

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

2 Regional and Local Community Infrastructure Program Round 2

'105 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Prue Guillaume

That:

1. The information contained in the report on Regional and Local Community Infrastructure Program Round 2 be received.
2. Council endorse acceptance of the \$721,000 grant funds.
3. The Minister for Infrastructure, Transport, Regional Development and Local Government be thanked for the grant.

4 International Links Program 2010

'106 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Robert Ardill

That:

1. The information contained in the report on International Links Program 2010 be received.
2. His Worship the Mayor, Councillor Kevin Crameri, OAM and Councillor Mark Davies attend Stage 1 to China and Korea, accompanied by a business delegation arranged by the Penrith Business Alliance, and Councillor Kevin Crameri OAM attend Stage 2 which is a visit to the City's international partners in Japan accompanied by a community delegation organised by the Penrith International Friendship Committee.

7 NSW Government Metropolitan Transport Plan

Councillor Marko Malkoc left the meeting, the time being 8:29 pm and did not return.

107 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on the NSW Government Metropolitan Transport Plan be received.
2. Council's Acting Design and Technical Advice Manager be given the delegated authority to finalise Council's submission on the *Metropolitan Transport Plan – 'Connecting the City of Cities'* to the State Government in terms of the comments outlined in the report.
3. Council write to the current local representatives for our State requesting their support to work with the Council to ensure that key omissions in the *Metropolitan Transport Plan – 'Connecting the City of Cities'* are brought back on the agenda, including an immediate prioritisation of the transport corridors, and measures to improve security and safety on trains.

A CITY OF OPPORTUNITIES

9 Penrith City Council 'Planning for an Ageing Community' Strategy

108 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Penrith City Council 'Planning for an Ageing Community' Strategy be received.
2. The draft 'Planning for an Ageing Community' Strategy be adopted with the amendments and additions as identified in the report, and with an addition to Table 1 at 4.4.2 to expand the action with the following words: "... *and co-ordinate with agencies ways to overcome the impact of social isolation*" .
3. A communications strategy be developed and implemented to ensure the wide distribution of the final strategy report.

10 Mobile Playvan Annual Report

109 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Mobile Playvan Annual Report be received.
2. The Mobile Playvan staff and the Children's Services Manager, Ms Janet Keegan, be congratulated on outcomes achieved in 2009.

11 Funding Contribution for Don Bosco Youth and Recreation Centre, St

Marys

110 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Funding Contribution for Don Bosco Youth and Recreation Centre, St Marys be received.
2. Council commence negotiations with the Don Bosco Youth and Recreation Centre at St Marys to renew the partnership service deed of agreement that clearly outlines the annual reporting requirements of the Don Bosco Centre, and that this agreement be for the period 2009-10 to 2014-15.
3. The annual recurrent financial contribution to the Don Bosco Centre of \$33,200 (exclusive of GST) be adopted as the base contribution for this five year agreement.
4. The new agreement continue to include a clause stating that Council's financial contribution can be reviewed, following an agreed upon procedure, at any time and may increase, decrease or cease following the review.
5. The renewed agreement be developed consistent with this report to the satisfaction of Council's Community and Cultural Development Manager and Legal Officer.
6. The Common Seal of Penrith City Council be affixed to all necessary documents.
7. A further report be presented to Council detailing the issue of indexation of funding for the Don Bosco Youth and Recreation Centre.
8. Council thank the Don Bosco Youth and Recreation Centre for the considerable recreational activities it provides for youth in the St Marys area.

A GREEN CITY

12 Sydney Water Priority Sewerage Program (Londonderry & Agnes Banks) and Proposed Scheme Connection Incentives

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

That:

1. The information contained in the report on Sydney Water Priority Sewerage Program (Londonderry & Agnes Banks) and Proposed Scheme Connection Incentives be received.
2. Council cover the cost of the final pump out of septic tanks (including solids removal) at the rates quoted by Remondis. The free service for final pump outs provided to residential premises connecting to the Scheme within the first 12 months of connections be made available by Sydney Water, with funding for this service to be provided from the Sullage Reserve.
3. The current subsidy for sullage collection services (pump out) be withdrawn after the sewerage Scheme has been available for connection to properties for a period of 12 months.

13 Development Application DA09/0148 Torrens title Subdivision of one into two lots at Lot 4 DP 571754 (No. 14) Fourth Avenue, Llandilo. Applicant: Planning Options Australia Pty Ltd; Owner: Anna Maria W Pennings, Kristine Joanne Monsieur & Paul Anthony Monsieur DA09/0148

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

That:

1. The information contained in the report on Development Application DA09/0148 Torrens title Subdivision of one into two lots at Lot 4 DP 571754 (No. 14) Fourth Avenue, Llandilo be received.
2. The State Environmental Planning Policy No.1 objection to the Development Standard be supported.
3. The application be referred to the Department of Planning for concurrence in accordance with the requirements of the guidelines for concurrence provisions.
4. Upon receipt of concurrence from the Department of Planning, Development Application DA09/0148 at Lot 4 DP 571754 (No 14) Fourth Avenue, Llandilo for Torrens Title Subdivision of one lot into two lots be determined under delegated authority as applicable at the time by the appropriate Council officer.

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

For
Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Kevin Cramer OAM

Against

Having previously declared a Pecuniary Interest in Item 14, Councillor Ross Fowler OAM left the meeting, the time being 8:58 pm.

14 Development Application DA07/1570 Section 96 Proposed Mixed Use Development over three stages Lot 1 DP 884193 (No. 614 - 632) High Street and (No. 83 - 85) Union Road, Penrith. Applicant: Cityscape Planning & Projects; Owner: J Cowan, D Crossman, Coffey Engineering Group Pty Ltd

DA07/1570

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

That:

1. The information contained in the report on Development Application DA07/1570 Section 96 Proposed Mixed Use Development over three stages Lot 1 DP 884193 (No. 614 - 632) High Street and (No. 83 - 85) Union Road, Penrith be received.
2. Council in accordance with provisions of Clause 32 vary the requirement for the design competition under Clause 26 (4).
3. Council vary floor space ratio to the proposal under Clause 26(6) of Penrith City Centre LEP 2008.
4. The application to modify Consent DA 07/1570 pursuant to Section 96 of the Environmental Planning and Assessment Act for the approved mixed use development consisting of Stage 1 & 2 at Lot 1 DP 884193 (No. 614 -632) High Street, Penrith, and 83-85 Union Road, Penrith be approved subject to the following amended and added conditions as follows:

Condition No.1 be amended to reflect the modified plan and to read as:

The development must be implemented substantially in accordance with architectural plans prepared by Watermark Architecture and Interiors Pty Ltd, dated February 2010, and numbered A001, A002, A003 Issue 3; A098 Issue 3; A099 Issue 3; A100 Issue 3; A101 Issue 3; A102 Issue 3; A103 Issue 3; A104 Issue 3; A105 Issue 3; A106 Issue 3; A500 Issue 3; A501 Issue 3; A502 Issue 3; A600 Issue 3; landscape plans prepared by Site Image Landscape Architects, dated 12 October, 2007, numbered Z1667, L01, Issue G, and L02, Issue F; hydraulic plans prepared by Steve Paul and Partners, numbered SY070033-SW-001-PR-01, dated 4 September, 2008, and as amended by the following plans

Condition No. 49 - Car parking spaces are to be provided and allocated in the following way:

- Both Stage 1 & Stage 2 - 149 spaces for commercial and 73 spaces for retail; 41 spaces residential;
- Should residential spaces be reallocated from commercial/retail spaces, a contribution for car parking will be applied as per the applicable rate in the Civic Improvements Plan 2008, unless otherwise approved by Council.
- All off-street parking spaces are to be provided, paved, line marked and maintained generally in accordance with the approved schedule of external finishes.
- The parking space dimensions and manoeuvring areas are to comply with AS2890.1, the Building Code of Australia and the Commonwealth Disability Discrimination Act.

Condition Nos. 69 to 80 of original consent inclusive relating to S94 contributions and Condition No. 49 relating to car parking of original

consent shall be amended to read as follows which will reflect the amended areas and number of residential apartments.

Condition No. 69 - This condition is imposed in accordance with Penrith City Council's Civic Improvement Plan 2008 - Multiple Dwellings. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$170,205.00** (including 1% administration) is to be paid to Council **prior to a Construction Certificate being issued for STAGE 1 of this development** (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 Civic Improvement Plan 2008 may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Condition No. 70 - This condition is imposed in accordance with Penrith City Council's Civic Improvement Plan 2008 - commercial office use. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$594,270.00** (including 1% administration) is to be paid to Council **prior to a Construction Certificate being issued for STAGE 1 of this development** (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 Civic Improvement Plan 2008 may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Condition No. 71 - This condition is imposed in accordance with Penrith City Council's Civic Improvement Plan 2008 - retail use. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$65,880.00** (including 1% administration) is **to be paid to Council prior to a Construction Certificate being issued for STAGE 1 of this development** (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 Civic Improvement Plan 2008 may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Condition No. 72 - This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$65,320.00** (including administration) is to be paid to Council **prior to a Construction Certificate being issued for STAGE 1 of this development** (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 District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Condition No. 73 - This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$5,119.00** is to be paid to Council **prior to a Construction Certificate being issued for STAGE 1 of this development** (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 Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Condition No. 74 - This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Library

Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$14,410.00** is to be paid to Council **prior to a Construction Certificate being issued for STAGE 1 of this development** (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 Library Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Condition No. 75 - This condition is imposed in accordance with Penrith City Council's Civic Improvement Plan 2008 - Multiple Dwellings. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$145,890.00** (including 1% administration) is to be paid to Council **prior to a Construction Certificate being issued for STAGE 2 of this development** (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 Civic Improvement Plan 2008 may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Condition No. 76 - This condition is imposed in accordance with Penrith City Council's Civic Improvement Plan 2008 - commercial office use. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$1,164,825.00** (including 1% administration) is to be paid to Council **prior to a Construction Certificate being issued for STAGE 2 of this development** (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 Civic Improvement Plan 2008 may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Condition No. 77 - This condition is imposed in accordance with Penrith City Council's Civic Improvement Plan 2008 - retail use. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$129,600.00** (including 1% administration) is to be paid to Council **prior to a Construction Certificate being issued for STAGE 2 of this development** (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 Civic Improvement Plan 2008 may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Condition No. 78 - This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$58,788.00** (including administration) is to be paid to Council **prior to a Construction Certificate being issued for STAGE 2 of this development** (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 District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Condition No. 79 - This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$4,666.00** is to be paid to Council **prior to a Construction Certificate being issued for STAGE 2 of this development** (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 Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Condition No. 80 - This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for Library Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$13,133.00** is to be paid to Council **prior to a Construction Certificate being issued for STAGE 2 of this development** (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 Library Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

4.1 The following new conditions be imposed:

Condition No. 80a - This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for Commercial Car Parking. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$331,272.00** is to be paid to Council **prior to a Construction Certificate being issued for STAGE 2 of this development** (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 Commercial Car Parking may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Condition No. 80b - This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for Commercial Car Parking. Based on the current rates detailed in the accompanying

schedule attached to this Notice, **\$423,292.00** is to be paid to Council **prior to a Construction Certificate being issued for STAGE 1 of this development** (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 Commercial Car Parking may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Condition No. 20a - Amended elevations incorporating vertical architectural elements/fenestrations along the High Street elevations that are in similar nature as proposed along the Stage 2 building elevation in order to reduce the visual impact of horizontal dominance and improve the street elevation. Details are to be submitted to Council for consideration and approval **along with Construction Certificate**.

Condition No. 20b - The pedestrian link at level 1 is to be deleted from the plan in order to improve the height of the pedestrian passage under the building to two storeys and making the linking element between the two buildings more substantial and its width to be made lightly wider. Details of this are to be shown on the amended plans and elevations and **shall be submitted with the Construction Certificate**.

Condition No. 20c - The parking restrictions for all roads fronting the development should be reassessed to ensure that the restrictions suit the post development usage. Any changes to current parking arrangements need to be endorsed by the local traffic Committee.

5. All those who have made submissions 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 Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jim Aitken OAM

Against
Councillor Jackie Greenow

Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Kevin Crameri OAM

Councillor Ross Fowler OAM returned to the meeting, the time being 8:59 pm.

- 15 Development Application DA10/0034 proposed first floor dwelling addition at Lot D DP 398660 (No. 37) Joseph Street, Kingswood. Applicant: Tim Harrington; Owner: Paul Blissett & Lynda Conroy DA10/0034**

114 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Prue Guillaume

That:

1. The information contained in the report on Development Application DA10/0034 proposed first floor dwelling addition at Lot D DP 398660 (No. 37) Joseph Street, Kingswood be received.
2. The SEPP 1 objection relating to the maximum external wall height be supported.
3. Development Application 10/0034 seeking consent for the construction of a First Floor Addition at 37 Joseph Street, Kingswood be approved subject to the attached conditions:

Standard Conditions

- 3.1 A001 - Approved Plans
 - A008 – Works to BCA requirements
 - A009 – Residential Works DCP
 - A043 - Air Conditioner for existing dwelling
 - D009 – Covering Waste Storage area
 - D010 – Waste disposal
 - E001 – BCA compliance
 - E005 – Smoke Alarms
 - H01F – Stamped plans and erection of site notice
 - H002 - All forms of construction
 - H011 – Engineering plans and specifications
 - H013 – Further details of building components
 - H015 – Termite protection
 - H017 – Loads on existing buildings
 - H022 - Survey
 - H030 – Roof colours
 - H041 – Hours of work
 - K016 – Stormwater
 - L008 - Tree Preservation Order
 - L012 – General landscaping
 - P001 – Costs
 - P002 - Fees
 - Q001 – Notice of commencement and appointment of PCA
 - Q005 - Occupation Certificate

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

For

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

Against

- 16 Development Application DA09/1225 for a Multi-Unit Housing Development at Lot 3 DP 551445, (No. 3) Judith Close, Werrington. Applicant: Phillip Neville; Owner: Teldraw Pty Ltd and Paul Burgess DA09/1225**

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

That:

1. The information contained in the report on Development Application DA09/1225 for a Multi-Unit Housing Development at Lot 3 DP 551445, (No. 3) Judith Close, Werrington be received.
2. The objection pursuant to *State Environmental Planning Policy No. 1 – Development Standards* to Council’s development standard relating to the minimum lot width for multi-unit housing under Clause 11(4) of *Penrith Local Environmental Plan 1998 (Urban Land)* be supported.
3. Development Application DA09/1225 for a Multi-Unit Housing Development at Lot 3 DP 551445, (No. 3) Judith Close, Werrington be approved subject to the following conditions:

Standard Conditions

- | | | |
|-----|------|---|
| 3.1 | A001 | Approved plans |
| | A008 | Works to BCA requirements |
| | A009 | Residential works DCP |
| | A019 | Occupation Certificate |
| | A038 | Lighting locations |
| | A039 | Graffiti |
| | A043 | Air conditioning unit |
| | A046 | Obtain Construction Certificate before commencement of works |
| | B001 | Demolition of existing structures |
| | B002 | Australian Standard for demolition and disposal to approved landfill site |
| | B003 | Asbestos |
| | B004 | Dust |
| | B005 | Mud/soil |
| | B006 | Hours of demolition work |
| | D001 | Implement approved sediment and erosion control measures |
| | D002 | Spry grass |
| | D005 | No filling without prior approval |
| | D006 | Validation of fill material |
| | D007 | Filling of land |
| | D009 | Covering of waste storage area |
| | D010 | Appropriate disposal of excavated or other waste |

D014	Plant and equipment noise
E001	BCA compliance
F006	Water tank and nuisance
G002	Section 73
G004	Integral Energy
G005	Rainwater tank plumbing
H001	Stamped plans and erection of site notice
H002	Provision of site facilities prior to commencement of construction works
H005	Ancillary matters
H006	Implement waste management plan
H022	Survey Certificate
H024	Glass installations to comply with AS 1288
H033	Clothes drying facilities
H036	Rainwater tank
H037	Safe supply of water from catchment
H038	Connection of rainwater tank supply
H039	Rainwater tank pumps
H041	Hours of construction work
K027	Car parking
L001	Approved landscaping plans
L002	Landscaping construction
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
L008	Tree preservation order
L010	Tree protection measures
N001	Section 94 contributions (Cultural Facilities) - \$321
N003	Section 94 contributions (District Open Space) - \$5,019
N004	Section 94 contributions (Footpath Construction) - \$228
N005	Section 94 contributions (Local Open Space) - \$1,817
P001	Costs
P002	Fees associated with Council land
Q01F	Notice of commencement and appointment of PCA
Q006	Occupation Certificate

Q010 BASIX Certificate

Special Conditions

- 3.2 All civil works shall be designed and constructed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.
- 3.3 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.
- 3.4 Prior to the issue of a Construction Certificate, a Roads Act application including payment of appropriate application and inspection fees shall be lodged with Penrith City Council as the Roads Authority, for the following works:
- (a) Provision of a heavy-duty vehicular crossing.
 - (b) Provision of private drainage connection to Council's road drainage system.
 - (c) Removal of redundant vehicular crossings and reinstatement of kerb and gutter.
 - (d) Opening the road reserve for the provision of services including stormwater.
 - (e) Placing of hoardings, containers, waste skips, etc. in the road reserve.
 - (f) Replacement of damaged kerb and gutter for the full property frontage.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's City Works Department on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

- 3.5 A Construction Certificate shall be issued by a Certifying Authority to include the following civil works:
- (a) Stormwater drainage.
 - (b) Paving works.
 - (c) Sealed pavement for all areas of vehicular access.

Civil 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.

- 3.6 Stormwater drainage shall be discharged to:
- (a) The existing site drainage system.
- 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.
- 3.7 Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that vehicular access, pedestrian access, car parking and manoeuvring areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2 and Penrith City Council's Development Control Plan.
- 3.8 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.
- 3.9 Prior to the commencement of works, a dilapidation report of all Council owned infrastructure fronting the development in Judith Close 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.
- 3.10 Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 3.11 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.
- 3.12 Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.
- 3.13 Prior to the issue of an 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.
- 3.14 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 Judith Close will require a Roads Act application. The application is to be submitted and

approved by Penrith City Council prior to such works commencing.

- 3.15 Prior to the issue of an Occupation Certificate, a checklist and supporting documentation shall be submitted to the Principal Certifying Authority demonstrating that each condition of the development consent has been satisfactorily addressed. The Occupation Certificate shall not be issued until all conditions of consent, except those relating to ongoing operational matters, have been completed.

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

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

Against

- 17 Development Application DA10/0026 for Alterations and Additions to an Existing Child Care Centre at Lot 1164 DP 713808 (No. 35) Sunflower Drive, Claremont Meadows. Applicant: Jahangir Shamsabad and Charlene Shamsabad; Owner: Jahangir Shamsabad and Charlene Shamsabad**

DA10/0026

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

That:

1. The information contained in the report on Development Application DA10/0026 for Alterations and Additions to an Existing Child Care Centre at Lot 1164 DP 713808 (No. 35) Sunflower Drive, Claremont Meadows be received.
2. The objection pursuant to *State Environmental Planning Policy No. 1 – Development Standards* to the landscaped area development standard under Clause 12(3) of *Penrith Local Environmental Plan 1998 (Urban Land)* be supported.
3. Development Application DA10/0026 for Alterations and Additions to an Existing Child Care Centre at Lot 1164 DP 713808 (No. 35) Sunflower Drive, Claremont Meadows be approved subject to the following conditions:

Standard Conditions

- | | | |
|-----|-------|---|
| 2.1 | A001 | Approved plans |
| | A008 | Works to BCA requirements |
| | A009 | Residential works DCP |
| | A011 | Engineering works DCP |
| | A012 | Food shop |
| | A019 | Occupation Certificate |
| | A020 | Use of building |
| | A021 | Business registration |
| | A026 | Advertising sign |
| | A029 | Hours of operation |
| | A039 | Graffiti |
| | A043 | Air conditioning unit |
| | A046 | Obtain Construction Certificate before commencement of works |
| | B002 | Australian Standard for demolition and disposal to approved landfill site |
| | D001 | Implement approved sediment and erosion control measures |
| | D005 | No filling without prior approval |
| | D009 | Covering of waste storage area |
| | D010 | Appropriate disposal of excavated or other waste |
| | D014 | Plant and equipment noise |
| | E001A | BCA compliance (Class 2-9) |
| | E002 | BCA issued to be addressed |

E006	Disabled access and facilities
E009	Annual fire safety – essential fire safety (Class 2-9 buildings)
F022	Commercial kitchens (kitchen exhaust system)
H001	Stamped plans and erection of site notice
H002	Provision of site facilities prior to commencement of construction works
H006	Implementation of waste management plan
H013	Further details of building components
H024	Glass installations to comply with AS 1288
H041	Hours of construction work
K016	Stormwater
K025	Pavement seal
K027	Car parking
L001	Approved landscaping plans
L002	Landscaping construction
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree preservation order
L012	Existing landscaping
P001	Costs
P002	Fees associated with Council land
Q01F	Notice of commencement and appointment of PCA
Q006	Occupation Certificate

Special Conditions

- 2.2 The development shall comply with the following community safety and CPTED (Crime Prevention Through Environmental Design) matters:
- (a) The new window that will replace the garage door, in addition to all existing windows and doors, shall have suitable locks installed to avoid vulnerable break and enter points
 - (b) The new external storage shed shall be well secured
 - (c) All existing gates to side or rear access points shall be lockable
 - (d) The new landscaping in the form of shrubs to the front of the car parking area shall be low in height. Dense vegetation with

- concentrated top to bottom foliage shall be avoided. The use of low vegetation will improve surveillance, provide clear lines of sight and avoid concealment areas along the frontage of the site
- (e) The existing planting adjoining the front fencing to Sunflower Drive shall remain in place to minimise opportunities for graffiti and malicious damage. The vegetation shall be wall hugging to avoid opportunities for concealment
 - (f) The existing external lighting facing the driveway area shall have a wide beam of illumination which reaches to the beam of the next light, or the perimeter of the area being traversed (i.e. the car parking area)
 - (g) Lighting shall be directed towards access/egress routes to illuminate potential offenders as well as the areas where people are most vulnerable
 - (h) Lighting shall be contained within the property boundary and no light shall be projected upwards
 - (i) Where appropriate, movement sensitive and diffused lights shall be used
 - (j) All lighting shall be vandal resistant where practical
- 2.3 Prior to the issue of a Construction Certificate, a detailed landscape plan for the development shall be submitted and approved. The landscape plan shall be designed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 2 landscape works. The landscape plan shall be in accordance with the relevant provisions of Section 2.6 (Landscape) of Penrith Development Control Plan 2006. The landscape plan shall make provision for additional shrub planting in front of car space 8
- 2.4 Prior to the issue of a Construction Certificate, a waste management plan for the development shall be submitted and approved. The waste management plan shall be in accordance with the relevant provisions of Section 2.9 (Waste Planning) of Penrith Development Control Plan 2006
- 2.5 The child care centre alterations and additions shall comply with the requirements of the Children's Services Regulation 2004 and shall be appropriately licensed by Community Services (formerly DoCS) prior to the commencement of operation
- 2.6 The child care centre shall accommodate a maximum of 24 children aged 2 to 6 years and 3 staff members at any one time
- 2.7 The stacked car parking spaces shall be for "staff parking only" and shall signposted or marked accordingly
- 2.8 Appropriate sight lines shall be maintained from the driveway in accordance with AS 2890.1 (2004)
- 2.9 The car parking area design shall comply with the provisions of AS 2890.1 and AS 2890.2

- 2.10 The recommendations relating to the development contained in the Noise Statement dated 16 January 2010 prepared by Pollution Control Consultancy and Design shall be satisfactorily implemented. Certification from a suitably qualified acoustic consultant stipulating that the recommendations have been satisfied shall be submitted prior to the issue of an Occupation Certificate
- 2.11 The construction of the new stud wall in the existing garage shall comply with the following requirements:
 - (a) Weepholes and flashing shall be provided at the base of the cavity
 - (b) Flashing shall be provided between the inside of the engaged piers and the internal wall linings
- 2.12 The front exit door shall be capable of being opened by a single-handed downward action without the need to resort to a key in accordance with Clause D2.21 of the Building Code of Australia, at all times that the building is occupied
- 2.13 Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that vehicular access, pedestrian access, car parking and manoeuvring areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2 and Penrith City Council's Development Control Plan
- 2.14 A designated hand wash basin must be supplied within the food preparation area for hand washing only. It must be supplied with warm water through a common spout in compliance with AS 4674-2004 and Food Safety Standard 3.2.3. The hand wash basin must also be supplied with soap and paper towel. The hand wash basin must be hands free as required by AS 4674-2004
- 2.15 Where an external garbage bay will be operated, the garbage area must be constructed and maintained in accordance with the requirements of Food Safety Standard 3.2.3 and the Protection of the Environment Operations Act 1997. Specifically, external garbage storage areas are to be paved, graded, drained to a waste disposal system and provided with a hose tap to facilitate cleaning
- 2.16 To ensure the dishwasher is effectively able to sanitise food utensils and equipment, it must be capable of reaching 80°C for 2 minutes, 75°C for 10 minutes or 70°C for 15 minutes in the rinse cycle as required by AS 4674-2004
- 2.17 As required by AS 4674-2004, mechanical ventilation shall be provided in accordance with AS 1668, Parts 1 and 2, to the dishwasher if it vents steam into the surrounding area to the extent that there is, or likely to be, condensation collecting on walls and ceilings. If required, the installer of the exhaust system shall certify and submit appropriate documentation to Council prior to the issue of the Occupation Certificate that the system has been installed in accordance with AS 1668
- 2.18 All floors within the food business are to be constructed, finished and

appropriately coved in accordance with AS 4674-2004

- 2.19 All walls within the food business are to be of solid construction and finished in accordance with AS 4674-2004
- 2.20 The ceiling is to be constructed in accordance with AS 4674-2004. Please note drop-in panels are not permitted
- 2.21 The premises shall be proofed against the entry of pests in accordance with AS 4674-2004
- 2.22 In addition to the hand wash basin located in the food preparation area, a hand wash basin with warm water through a common spout in compliance with AS 4674-2004 and Food Safety Standard 3.2.3 must be installed within or immediately adjacent to the toilet. This hand wash basin must also be supplied with soap and paper towel. All hand wash basins must be hand free as required by AS 4674-2004.

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

For

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

Against

- 18 Development Application DA09/0960 for proposed Torrens Titled Subdivision of existing Strata Titled Dual Occupancy at Lot 1 & 2 SP73768 (No. 101) Ladbury Avenue, Penrith . Applicant: Freeburn Surveying; Owner: Mr & Mrs Nielsen & Ms I Georgakopoulos**

DA09/0960

117 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies that consideration of this matter be deferred and a further report be presented to Council.

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

For

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

Against

Having previously declared a Pecuniary Interest in Item 19, Councillor Kaylene Allison left the meeting, the time being 9:03 pm.

- 19 Section 96 Application DA06/1014.05 for the Retention of the Existing Southern Access Driveway at Corpus Christi Primary School at Lot 1 DP 1144668 (No. 86 - 94) Andromeda Drive, Cranebrook. Applicant: Catholic Education Office; Owner: Trustees of the Roman Catholic Church** **DA06/1014.05**

118 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that consideration of this matter be deferred until an on-site meeting has been held.

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

For	Against
Councillor Prue Guillaume	
Councillor Karen McKeown	
Councillor Kath Presdee	
Councillor Greg Davies	
Councillor John Thain	
Councillor Jackie Greenow	
Councillor Jim Aitken OAM	
Councillor Ross Fowler OAM	
Councillor Robert Ardill	
Councillor Mark Davies	
Councillor Ben Goldfinch	
Councillor Tanya Davies	
Councillor Kevin Crameri OAM	

His Worship the Mayor, Councillor Kevin Crameri OAM, reiterated his previous declaration of a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 20 – Review of Development Applications Processed in Llandilo* as he is a resident and landowner of Llandilo.

20 Review of Development Applications Processed in Llandilo

Councillor Robert Ardill left the meeting, the time being 9:06 pm.

Councillor Kaylene Allison returned to the meeting, the time being 9:06 pm.

Councillor Robert Ardill returned to the meeting, the time being 9:07 pm.

119 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor John Thain that the information contained in the report on Review of Development Applications Processed in Llandilo be received.

A LIVEABLE CITY

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

120 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow that the information contained in the report on Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel for the period October 2009 – March 2010 be received.

22 Great River Walk Stage 7 Grant Application (2010)

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

That:

1. The information contained in the report on Great River Walk Stage 7 Grant Application (2010) be received.
2. Council endorse the lodgement of the application for the 2010 Metropolitan Greenspace Program grant for the Great River Walk Stage 7 (2010).

23 Tender Reference 32-09/10 for the provision of Hired Plant and Equipment

122 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Tanya Davies

That:

1. The information contained in the report on Tender Reference 32-09/10 for the provision of Hired Plant and Equipment be received.
2. The tenders received from Action Cranes Pty Ltd, Allards Plant Hire Pty Ltd, Aqua Assets Pty Ltd, Australian Grader Hire, Barry Bros. Specialised Services Pty Ltd, Centenary Cranes Pty Ltd, CivworX, Coates Hire Operations Pty Limited, Cockerill Contracting Pty Ltd, Conplant Pty Ltd, Debner Cranes Pty Ltd, Down Under Pipeline Surveys Pty Ltd, E&B Tipper Hire, Edson Tilt Tray Service, Envirocivil Pty Ltd, Everwilling Cranes Pty Ltd, Groundforce Excavations & Earthmoving P/L, Harley Cranes Pty Ltd, J Fairall Earthmoving Pty Ltd, Kennards Hire Pty Ltd, Kingston Plant Hire Pty Ltd, Level - N - Load Plant Hire Pty Ltd, Mace Plant Hire Pty Ltd, Maxhire , Morag Bray & Noel Bray, Mozaf Pty Ltd, On Line Pipe & Cable Locating, P & M Galea Pty Ltd, Penrith City Cranes Pty Ltd, Premiair Compressor Services Pty Ltd Trading as Premiair Hire, R D Works Pty Ltd, Raygal Pty Ltd, Road Construction, SBH Australia Pty Limited, Sharpe Bros (Aust) Pty Ltd, Spyder Excavations Pty Ltd, Stanton Corporation Pty Ltd, SydneyWide Pipe Cleaning Pty Ltd, The Watercart Specialists Pty Ltd, Total Drain Cleaning Services Pty Ltd, Transpacific Industrial Solutions Pty Ltd, Tresfold Pty Ltd and Veolia Water Network Services for offer to hire plant and equipment be accepted for a period of twenty four (24) months commencing 1 July 2010 and the tenderer with the required equipment meeting the selection criteria of price (including transport costs), availability, suitability for work, age and condition of plant and equipment and past performance be hired as and when required.

Procedural Motion – Item 9 of Report and Recommendations of the Policy Review Committee Meeting held on 29 March 2010

Councillor Jackie Greenow referred to a memo, dated 19 April 2010, from Council's Environmental Health Manager about the nomination of a Councillor representative to the Office of the Hawkesbury Nepean Stakeholder Committee.

123 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Greg Davies that Councillor John Thain be nominated as Council's representative to the Office of Hawkesbury Nepean Stakeholder Committee (as referred to in Item 9 of the Report and Recommendations of the Policy Review Committee Meeting held on 29 March 2010).

Councillor John Thain left the meeting, the time being 9:21 pm.

QUESTIONS WITHOUT NOTICE

QWN 1 M4 Cycling Safety - Erskine Park Off Ramp

Councillor Greg Davies requested that consideration be given by the Local Traffic Committee to the provision of a verge or other modifications to the off ramp from the M4 at Erskine Park Road, to improve safety for cyclists.

QWN 2 Noise from Waste Collection Service - Sainsbury Street, St Marys

Councillor Greg Davies requested a memo reply to all Councillors concerning complaints of noise from waste collection trucks, prior to 6.00 am, in the area of Sainsbury Street, St Marys.

Councillor John Thain returned to the meeting, the time being 9:23 pm.

QWN 3 Rejection of application for Use of St Marys Community Hall

Councillor Greg Davies requested an urgent memo reply as to the reasons for the rejection of a New Year's Eve hiring application of the St Marys Community Hall for an Anglo-Indian cultural celebration.

Councillor Greg Davies left the meeting, the time being 9:24 pm.

QWN 4 Referral of Item to Committee of the Whole

Councillor John Thain requested consideration of a commercial matter in Committee of the Whole as the matter 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.

QWN 5 Alternative and Supplementary Electricity Supply to Residents

Councillor John Thain requested a comprehensive report to Council looking at models and ways of attracting partners in alternative and supplementary electricity co-generator plants etc as a way of supplying electricity to residents.

QWN 6 Parking Issues - Preston Street, Jamisontown

Councillor Prue Guillaume requested that the Local Traffic Committee investigate and report back on parking issues on Preston Street, Jamisontown that are affecting Dunn & Farrugia employees and customers.

QWN 7 Speeding Issues - St Andrews Drive, Glenmore Park

Councillor Prue Guillaume requested a memo reply as to the possibility of adding St Andrews Drive, Glenmore Park to the roster for the mobile speed unit.

Councillor Greg Davies returned to the meeting, the time being 9:27 pm.

QWN 8 Tree Planting at Surveyors Creek Softball Facility

Councillor Prue Guillaume requested a memo reply concerning the shade trees being planted at the Surveyors Creek Softball Facility.

QWN 9 Traffic Calming Devices

Councillor Kevin Crameri OAM requested an urgent report to Council concerning the use of traffic calming devices within the City that are being mistakenly used as pedestrian crossings.

QWN 10 Mayo Road, Llandilo

Councillor Kevin Crameri OAM requested a report to Council considering the possibility of renaming part of Mayo Road, Llandilo.

QWN 11 Nordoff-Robbins Foundation Charity Event

Councillor Ross Fowler OAM requested that an amount of \$950 be allocated equally from each Ward's voted works towards purchasing a table for 10 at the Nordoff-Robbins annual charity ball to be held on 1 July 2010.

124 RESOLVED on the MOTION of Councillor Ross Fowler OAM 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.

125 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that an amount of \$950 be allocated equally from each Ward's voted works towards purchasing a table for 10 at the Nordoff-Robbins annual charity ball to be held on 1 July 2010.

QWN 12 Leukaemia Foundation Charity Ball

Councillor John Thain requested that an amount of \$550 be allocated equally from each Ward's voted works towards hire of St Marys Memorial Hall for the Leukaemia Foundation's Charity Ball to be held on 20 August 2010.

126 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow 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.

127 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow that an amount of \$550 be allocated equally from each Ward's voted works towards

hire of St Marys Memorial Hall for the Leukaemia Foundation's Charity Ball to be held on 20 August 2010.

COMMITTEE OF THE WHOLE

128 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Jim Aitken OAM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:31 pm.

Councillors Greg Davies, Robert Ardill and Prue Guillaume left the meeting, the time being 9:31 pm.

Councillor Tanya Davies left the meeting, the time being 9:31 pm and did not return.

1 Presence of the Public

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

A Leading City

2 Commercial Matter - Leasing of Part of Council Depot at 44-59 Copeland Street, Kingswood to Great Community Transport Incorporated

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.

A Green City

3 Commercial Matter - Organics Processing/Treatment Contract

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.

4 Penrith Recycled Water Scheme Stage 2

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.

5 Commercial Matter

This item has been referred to Committee of the Whole as it 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 10:05 pm and the Acting General Manager reported that the Committee of the Whole met at 9:31 pm on 19 April 2010, the following being present

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Greg Davies, Mark Davies, Ross Fowler OAM, 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 - Leasing of Part of Council Depot at 44-59 Copeland Street, Kingswood to Great Community Transport Incorporated

Councillor Greg Davies returned to the meeting, the time being 9:34 pm.

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kaylene Allison

CW2 That:

1. The information contained in the report on Commercial Matter - Leasing of Part of Council Depot at 44-59 Copeland Street, Kingswood to Great Community Transport Incorporated be received.
2. Council grant Great Community Transport Incorporated a 5 year Licence Agreement with a 5 year option over part of 44-59 Copeland Street, Kingswood in accordance with terms and conditions as outlined in the report.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

3 Commercial Matter - Organics Processing/Treatment Contract

Councillor Robert Ardill returned to the meeting, the time being 9:35 pm.

Councillor Prue Guillaume returned to the meeting, the time being 9:36 pm.

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

CW3 That:

1. The information contained in the report on Commercial Matter - Organics Processing/Treatment Contract be received.
2. Council authorises both the Group Manager – Legal & Governance and the Manager Waste & Community Protection to sign the contract variation agreement to the Organics Processing/Treatment Contract as detailed in this report.
3. A memo be provided to all Councillors on the contamination strategy, including timeframes and the proposed warning steps to minimise contamination.

4 Penrith Recycled Water Scheme Stage 2

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

CW4 That:

1. The information contained in the report on Penrith Recycled Water Scheme Stage 2 be received.
2. Council continue discussion with Panthers with the aim of securing their commitment to the proposed Scheme.
3. Council formally request DEWHA to structure the grant and funding agreement to:
 - a. Allow a first round allocation of \$250,000 for Council to undertake the required detailed design and risk assessment;
 - b. Include a clause within the funding agreement where progression of the project is subject to costs being confirmed within the grant allocation of \$2.7 million and a satisfactory risk assessment.

Councillors Jim Aitken OAM and Ross Fowler OAM declared an interest in Item CW5 as they are shareholders in a newspaper circulating within Council's area, and left the meeting, the time being 9:54 pm and did not return.

5 Commercial Matter

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Kath Presdee

CW5 That the matters raised by Councillor John Thain be received and noted.

ADOPTION OF COMMITTEE OF THE WHOLE

129 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

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

I certify that these 36 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 19 April 2010.

Chairperson

Date