

CONFIRMED MINUTES

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

ON MONDAY 19 JULY 2010 AT 7:39PM

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 Acting Executive Officer.

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 - 21 June 2010

224 RESOLVED on the MOTION of Councillor Kaylene Allison seconded Councillor Marko Malkoc that the minutes of the Ordinary Meeting of 21 June 2010 be confirmed.

DECLARATIONS OF INTEREST

Councillor Kaylene Allison declared a Pecuniary Interest in *Item 10 - 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, as she is employed by the applicant.* Councillor Allison stated that she would leave the Chamber during consideration of this item and would not take part in the debate.

Councillor Ross Fowler OAM declared a Pecuniary Interest in *Item 2 - Report and Recommendations of the Policy Review Committee Meeting held on 28 June 2010 (Item 3 – Placement of Council's news page)* as he is a Director of one of the news papers discussed in the report. Councillor Fowler stated that he would leave the Chamber during discussion of this item.

Councillor Jim Aitken OAM declared a Pecuniary Interest in *Item 2 - Report and Recommendations of the Policy Review Committee Meeting held on 28 June 2010 (Item 3 – Placement of Council's news page)* as he is a Director of one of the news papers discussed in the report.

Councillor Jim Aitken OAM declared a Pecuniary Interest in *Item 13 - Development Application DA09/0550 for Multi-Unit Housing at Lot 1 DP 91022 & Lot 10 DP 807323 (No. 1 - 9) Lamrock Street, Emu Plains. Applicant: Phoenix Group; Owner: CSX Property Pty Ltd* as he has had business dealings with the developer.

SUSPENSION OF STANDING ORDERS

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

Mr Creese Syred

Item 7 - Proposal to Fence the Dog Off-Leash Exercise Area at Jamison Park, South Penrith

Mr Syred, an affected person, spoke in support of the recommendation to fence off the dog off-leash area at Jamison Park. Mr Syred stated that this would be beneficial for the local community as it would address safety issues for not only dog owners, but also for other residents using the footpath alongside the park, in particular small children and the elderly.

Mr Jason Kozlovsky

Item 7 - Proposal to Fence the Dog Off-Leash Exercise Area at Jamison Park, South Penrith

Mr Kozlovsky, an interested citizen, spoke in support of the fencing of the dog off-leash area at Jamison Park and commended Council for its provision of shade, water and seating in this area of the park. Mr Kozlovsky stated that residents of the area need somewhere local to walk their dogs safely off-leash, rather than having to drive to other local government areas to access such facilities.

Procedural Motion

226 RESOLVED on the MOTION of Councillor Prue Guillaume seconded Councillor Marko Malkoc that Mr Kozlovsky be granted an extension of time to complete his address, the time being 7:53 pm.

Mr Kozlovsky concluded his address by tabling photos of the well patronised Windsor dog off-leash area and noting its success with the local community.

Mr John Kliese

Item 7 - Proposal to Fence the Dog Off-Leash Exercise Area at Jamison Park, South Penrith

Mr Kliese, an affected person, spoke in support of the recommendation for a fenced dog off-leash area at Jamison Park and noted that the facility would be well used considering the high percentage of dog owners in the area. Mr Kliese noted the work that has been done in the park already, by way of providing shade, seats and water, and that all it needs to be complete is a fence.

Mr Peter Laybutt

Item 10 - 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

Mr Laybutt, town planner for the applicant, spoke in support of the recommendation. Mr Laybutt stated that the report and associated conditions represented the outcome of a very lengthy process of discussion and consultation with the local community. He stated that the application has been thoroughly assessed in environmental and technical aspects and has 'passed the test'. Mr Laybutt also stated that the environmental issues of concern to residents have been worked through and the modification is now of minimal environmental impact. Mr Laybutt also stated that the matter had been through consultation with the residents and Council. Mr Laybutt concluded by stating that the security and safety of the children attending the school was paramount.

Mr Richard Blissenden

Item 10 - 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

Mr Blissenden, the Principal of Corpus Christi Primary School, spoke in support of the recommendation. Mr Blissenden stated that community consultation had been extensive, with a meeting held by the school between neighbours, as well as Council's meeting with the community on-site. Mr Blissenden stated that importance needed to be placed on student safety and that access by emergency vehicles to the grass area and basketball courts at the rear of the building can only be provided via this driveway. Mr Blissenden concluded by stating that measures had now been taken to deal with resident concerns related to such matters as noise impacts, privacy, sunlight access, safety, security and crime prevention.

Mr Don Barnes

Item 10 - 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

Mr Barnes, an affected neighbour, spoke in opposition to the recommendation. Mr Barnes expressed his concerns regarding the need for the emergency access, when there was previously access provided to the rear of the property. Mr Barnes also raised concerns regarding the revegetation of land and lack of platform lighting in the car park. Mr Barnes also raised concerns over maintenance work occurring outside of hours.

Suneet Badhesha

Item 11 - Proposed variation of a restriction on the use of land and Development Application DA10/0128 - Proposed split level dwelling at Lot 31 DP 1083294 (No. 3) Manifold Crescent, Glenmore Park . Applicant: Hardeep Singh Badhesha; Owner: Hardeep Singh Badhesha

Suneet Badhesha, the applicant's spokesperson, requested that this matter be deferred for consideration at the next Ordinary meeting of Council so that the applicant could attend and address the meeting.

Ms Rae Moore

Item 13 - Development Application DA09/0550 for Multi-Unit Housing at Lot 1 DP 91022 & Lot 10 DP 807323 (No. 1 - 9) Lamrock Street, Emu Plains. Applicant: Phoenix Group; Owner: CSX Property Pty Ltd

Ms Moore, an affected person, spoke in support of the recommendation for refusal of the application. Ms Moore stated that the proposed development would not enhance the targeted area of Emu Plains as it would be an excessively large development, and could set a dangerous precedent, thus destroying the family oriented area that the residents currently enjoy. Ms Moore also expressed concerns about potential traffic congestion, creating further gridlock on Victoria Bridge, as well as the possibility of flooding in this area. Ms Moore concluded by requesting Council to reject the proposal.

Ms Jacqueline Powell

Item 13 - Development Application DA09/0550 for Multi-Unit Housing at Lot 1 DP 91022 & Lot 10 DP 807323 (No. 1 - 9) Lamrock Street, Emu Plains. Applicant: Phoenix Group; Owner: CSX Property Pty Ltd

Ms Powell, an affected person and neighbour, spoke in support of the recommendation to refuse the proposed development. Ms Powell expressed her four main objections to the proposal as being the scale and design of the development, which would be out of character with the surrounding residential dwellings; the possible considerable increase in traffic entering and exiting Lamrock Street; insufficient on-site parking with Lamrock Street which is too narrow to accommodate any extra parking; and issues of privacy and noise pollution.

Ms Powell concluded by stating that the proposed development would have an adverse impact on all of Emu Plains, not just the Lamrock Street area.

Mr Roger Fryer

Item 13 - Development Application DA09/0550 for Multi-Unit Housing at Lot 1 DP 91022 & Lot 10 DP 807323 (No. 1 - 9) Lamrock Street, Emu Plains. Applicant: Phoenix Group; Owner: CSX Property Pty Ltd

Mr Fryer, an affected person, spoke in support of the recommendation to refuse the proposed development. Mr Fryer noted that he was speaking on behalf of residents of the affected area of Emu Plains. Mr Fryer stated the main objections of the residents as: scale and design of the proposal being out of character with the area; a significant increase in vehicular movements; noise pollution, including traffic and people; significant overshadowing of adjacent properties; parking issues; flooding issues and solar access. Mr Fryer concluded by stating that residents viewed the proposal as a significant overdevelopment of the site.

RESUMPTION OF STANDING ORDERS

227 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown that Standing Orders be resumed, the time being 8:36 pm.

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MAYORAL MINUTES

1 Local recognised in 2010 Queens Birthday Honours

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228 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM that the Mayoral Minute on Local recognised in 2010 Queens Birthday Honours be received.

2 Council's trainees shine once again in NSW Training Awards

229 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM that the Mayoral Minute on Council's trainees shine once again in NSW Training Awards be received.

The Mayor then presented Harold Dulay with the Training Award. Harold responded by thanking Council for the opportunity of being a trainee at Penrith City Council.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Access Committee Meeting held on 2 June 2010

230 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Prue Guillaume that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 2 June, 2010 be adopted.

2 Report and Recommendations of the Policy Review Committee Meeting held on 28 June 2010

Having previously declared a Pecuniary Interest in this matter, Councillors Ross Fowler OAM and Jim Aitken OAM left the meeting, the time being 8:46 pm.

231 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 28 June, 2010 be adopted, subject to an amendment to *Item 3 – Placement of Council's news page*, so that it now reads:

“That:

- 1. The information contained in the report on Placement of Council's news page be received.*
- 2. The weekly Council news page be placed in the Western Weekender for a trial period of 12 months in the Early General News section of the paper.*
- 3. A further report be brought to a future Advertising Working Party discussing recruitment advertising and KPIs for the internal monitoring program to ensure the Western Weekender is being delivered on time to all residents.”*

Councillors Ross Fowler OAM and Jim Aitken OAM returned to the meeting, the time being 8:48 pm.

3 Report and Recommendations of the Local Traffic Committee Meeting held on 5 July 2010

232 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 5 July, 2010 be adopted.

4 Report and Recommendations of the Policy Review Committee Meeting held on 12 July 2010

233 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marko Malkoc that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 12 July, 2010 be adopted.

DELIVERY PROGRAM REPORTS

Procedural Motion

The Mayor vacated the Chair and left the meeting at 8:55 pm and the Deputy Mayor, Councillor Ross Fowler OAM took the chair.

234 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM that the order of business be altered to allow consideration of Items 7, 14, 10,11, 12 and 13 before any other debate, and that Item 16 be considered after the conclusion of the Committee of the Whole.

A LEADING CITY

2 Community Management and Development Seminar - Xicheng District Beijing

235 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Tanya Davies that the information contained in the report on Community Management and Development Seminar - Xicheng District Beijing be received.

3 Loan Borrowing Program

236 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Tanya Davies that the information contained in the report on Loan Borrowing Program be received.

4 Summary of Investments and Banking for the period 1 June to 30 June 2010

237 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Tanya Davies

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 June to 30 June 2010 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 June 2010 to 30 June 2010 be noted and accepted.
3. The graphical investment analysis as at 30 June 2010 be noted.
4. The Agency Collection Methods as at 30 June 2010 be noted.

1 Audit Committee

238 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on Audit Committee be received.
2. The Audit Committee Charter be amended by adding provisions concerning the Deputy Chairperson as detailed in the report.

The Mayor returned to the Chair at 8:57 pm.

A LIVEABLE CITY

7 Proposal to Fence the Dog Off-Leash Exercise Area at Jamison Park, South Penrith

239 RESOLVED on the MOTION of Councillor Prue Guillaume seconded Councillor Tanya Davies

That:

1. The information contained in the report on the Proposal to Fence the Dog Off-Leash Exercise Area at Jamison Park, South Penrith be received.
2. The current dog off-leash exercise area in Jamison Park be fenced, as detailed in the report, subject to available funding.
3. The project for the fencing of the dog off-leash area in the amount of \$22,000 be submitted as one of the projects in the current round of the Regional and Local Community Infrastructure Program 2010/11.

Councillors Jim Aitken OAM, Tanya Davies and Prue Guillaume left the meeting, the time being 9:08 pm.

A LEADING CITY

14 Regional and Local Community Infrastructure Program (RLCIP) Round 3

Councillor Jim Aitken OAM returned to the meeting, the time being 9:10 pm.

240 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Regional and Local Community Infrastructure Program (RLCIP) Round 3 be received.
2. Council endorse the projects in Table 1 of this report identified as Priority A and Priority B for preparation of submissions to RLCIP Round 3 by the 30 July closing date.

A VIBRANT CITY

Having previously declared a Pecuniary Interest in Item 10, Councillor Kaylene Allison left the meeting, the time being 9:10 pm.

10 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

Councillors Prue Guillaume and Tanya Davies returned to the meeting, the time being 9:13 pm.

241 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain

That:

1. The information contained in the report on 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 be received.
2. The 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 be approved subject to the following amended and additional conditions:

Amend Condition 13 to read:

- 2.1 The portion of the access driveway on the southern side of the site, beyond the eastern extremity of the existing multi-sport court, shall be removed and reinstated with landscaping after completion of Stage 2 of the development. Details in accordance with Section 2.6 (Landscape) of Penrith Development Control Plan 2006 shall be submitted prior to the issue of a Construction Certificate for the proposed vehicle turning head at the new end point of the driveway. Acoustic boundary fencing in lieu of the existing boundary fencing and related landscaping shall be provided to the southern property boundary in accordance Drawing Number S9601 (Issue C, dated 2 June 2009) prepared by Quinn O'Hanlon Architects & Planners, as amended by the following conditions. The overland stormwater flow path shall be fenced with open-style fencing only to ensure the overland flow path is not impeded in times of heavy rainfall.

The required fencing and landscaping works shall be satisfactorily completed prior to the issue of the final Occupation Certificate for the development

Add the following new conditions:

- 2.2 The southern access driveway shall only be used between the hours of 7am and 6pm on weekdays, with no use on weekends permitted. Emergency vehicles are permitted to use the driveway outside these hours in emergency situations
- 2.3 The southern access driveway shall only be used by emergency and service vehicles. Service vehicles are vehicles that are associated with the servicing or maintenance of school property
- 2.4 The use of the southern access driveway by waste or recycling collection vehicles is not permitted
- 2.5 The 2m high sound barrier is to be installed within 30 days from the date of consent. Certification is to be provided to Council on the construction of this sound barrier within 14 days after completion
- 2.6 The southern access driveway shall be gated and locked at all times

- and opened only when required by staff
- 2.7 In order to limit the level of overshadowing from the fence line on the adjoining rear yards, the proposed southern boundary fencing shall be reduced in height to 2m
 - 2.8 In order to maintain appropriate levels of safety, security and crime prevention to the properties adjoining the southern access driveway, it will be necessary for the southern driveway access to be gated outside of normal school hours
 - 2.9 No grevillea or wattle species shall be planted to the rear or either side of No. 7 Barrett Place. Alternative plant species shall be planted in this location
 - 2.10 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
 - 2.11 A Construction Certificate shall be issued by the Certifying Authority to include the following civil works:
 - (a) Access road and sealed pavement for all areas of vehicular accessCivil design drawings shall be prepared strictly in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards
 - 2.12 Prior to the issue of the final Occupation Certificate, the Principal Certifying Authority shall ensure that all civil works have been satisfactorily completed in accordance with the Construction Certificate, Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and relevant conditions of the development consent
 - 2.13 The existing tree marked in red on Drawing Number S9601 (Issue C, dated 2 June 2009) prepared by Quinn O'Hanlon Architects & Planners shall be retained on the site and protected in accordance with the minimum tree protection standards prescribed in Section 2.6 (Landscape) of Penrith Development Control Plan 2006
 - 2.14 The northern side of the southern access driveway shall be fenced with open-style fencing to limit the use of the driveway by school children. Details shall be submitted prior to the issue of a Construction Certificate for the proposed vehicle turning head at the new end point of the driveway
 - 2.15 Artificial lighting of the southern access driveway shall not be permitted at any time
 - 2.16 Right turn movements from the southern car park access point shall not be permitted for vehicles exiting the site. Suitable signage advising motorists accordingly shall remain in place at all times
3. The individuals and petitioners who made a submission in relation to the

subject Section 96 Application and the previous Section 82A Application be advised of Council's decision and of the consideration given to their concerns.

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 Marko Malkoc
Councillor Kevin Crameri OAM

- 11 Proposed variation of a restriction on the use of land and Development Application DA10/0128 - Proposed split level dwelling at Lot 31 DP 1083294 (No. 3) Manifold Crescent, Glenmore Park . Applicant: Hardeep Singh Badhesha; Owner: Hardeep Singh Badhesha DA10/0128**

Councillor Kaylene Allison returned to the meeting, the time being 9:16 pm.

242 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Tanya Davies that consideration of this item be deferred so that an on-site inspection may take place.

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

For

Against

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 Marko Malkoc
Councillor Kevin Crameri OAM

- 12 Development Application DA09/0714 proposed construction of 30 residential apartments over three levels and basement at Lot 3, 10 & 11 DP 38418 (No. 1 - 3) Putland Street and (No. 2) Sainsbury Street, St Marys. Applicant: SCC Holdings Pty Ltd; Owner: SCC Holdings Pty Ltd & HSC Holdings Pty Ltd**

DA09/0714

243 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Robert Ardill

That:

1. The information contained in the report on Development Application DA09/0714 proposed construction of 30 residential apartments over three levels and basement at Lot 3, 10 & 11 DP 38418 (No. 1 - 3) Putland Street and (No. 2) Sainsbury Street, St Marys be received.
2. The objection to the development standard in Clause 11(4) of Penrith Urban Lands Local Environmental Plan 1998 in accordance with State Environmental Planning Policy 1 be supported.
3. Development Application DA09/0714 proposed construction of 30 residential apartments over three levels and basement at Lot 3, 10 & 11 DP 38418 (No. 1 - 3) Putland Street and (No. 2) Sainsbury Street, St Marys be granted development consent subject to the following standard and special conditions:

SCHEDULE – 1

3.1 Standard Conditions

A001 Approved plans
A014 Lot consolidation
A039 Graffiti
A046 Obtain Construction Certificate
B001 Demolition of existing structures
B002 Demolition and disposal to landfill site
B003 Asbestos
B004 Dust (referring to excavation and basement construction)
B005 Mud/soil
D001 Sediment and erosion control measures
D009 Covered waste storage area
D010 Disposal of excavated waste
D014 Plant and equipment noise
E01 ABCA compliance for Class 2-9
E002 BCA issues to be addressed
E009 Annual fire safety statement
F006 Water tank and nuisance
G001 Services
G002 Section 73
G004 Integral Energy
H001 Stamped plans and erection of site notice
H002 Site requirements for construction
H022 Survey certificate
H024 Glass installations
H025 Construction of garbage rooms
H033 Clothes lines
H036 Rainwater tank
H037 Safe supply of water

H038 Connection of rainwater tank supply
H039 Rainwater tank pumps
H041 Hours of work
L001 General landscaping
L002 Landscape construction
L003 Report requirement
N001 S94 Penrith City Wide Plan
P001 Applicants cost
P002 Council Fees - Amended
Q001F Notice of commencement
Q006 Occupation Certificate for Class 2-9
Q010 BASIX Certificate

Special Conditions

Lighting and Surveillance

- 3.2 Prior to the issue of an Occupation Certificate, the development shall be provided with lighting in the following manner:
- a) Entrances and exits to all units , communal space, walkways and the basement car park including driveways shall be well lit to clearly illuminate these areas
 - b) Lighting shall be consistent in order to reduce the contrast between shadows and illuminated areas.
 - c) Lighting shall be contained within the property boundary and no light shall be projected upwards
 - d) All lighting shall be vandal resistant
 - e) Cameras shall be installed in and around the property including car park. Digital or video technology shall be used to record images from the cameras. Recording equipment shall be installed in a secure area to avoid tampering.

Car Parking

- 3.3 Prior to the Occupation Certificate the basement car park shall be treated in the following manner:
- a) Vehicle access to the basement car park shall be accessible by tenants/residents/business operators of the building and their authorised guests only. Access to the car parking area shall be controlled by an automatic roller shutter with residents and patrons having access control devices.
 - b) The car park shall be well lit and all surfaces shall be painted in light colour to reflect as much light as possible

- c) A security system shall be installed on the pedestrian entry/exit points to the basement, including lifts and internal/external stair wells.
- d) All surfaces shall be painted in light coloured paint or finished in light grey concrete to reflect as much light as possible
- e) All potential entrapment points shall be avoided, e.g. under stairs, blind corners and wide columns. Adequate lighting and mirrors shall be used when certain design features are unavoidable.

Internal courtyard

- 3.4 Access to the communal space shall be restricted to residents and their authorised guests only and access control measures shall be in place to restrict public access.

Waste Management

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

Street Numbering

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

Encroachment

- 3.7 The building shall not encroach on any land beyond the boundaries of the site.

Site Facilities

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

Air Conditioning Units

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

Miscellaneous

- 3.10 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.
- 3.11 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.
- 3.12 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 and gutter crossing in Putland Street.
 - (b) Provision of path paving for the full property frontage in Putland Street.
 - (c) Removal of redundant vehicular crossings and reinstatement of kerb and gutter in both Putland Street and Sainsbury Street.
 - (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).

3.13 A Construction Certificate shall be issued by a Certifying Authority to include the following civil works.

- (a) Stormwater drainage
- (b) Car park
- (c) 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.

3.14 Stormwater drainage from the site shall be discharged to the:

- (a) Street 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.

3.15 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:

- (a) The proposed development will not concentrate or divert overland flows onto adjoining properties.
- (b) The crest in the access ramp to the basement car park shall be 250mm above the top of kerb and be protected against the ingress of new overland flows.

Details prepared by a qualified person, demonstrating compliance with these conditions, shall form part of any Construction Certificate issued.

3.16 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 including driveways, access ramp grades & widths, turn paths, sight distance requirements, overhead clearances for people with a disability, pier locations with respect to parking bays, aisle widths, parking bay grades and parking bay dimensions (allowing for full door opening) are in accordance with AS 2890.1 and Penrith City Council's Development Control Plan.

3.17 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage easement have been designed clear of the zone

of influence.

- 3.18 No buildings (including but not limited to porches, verandas, roofs, eaves and gutters) are to encroach upon the existing drainage easement in Lot 3 DP 38418.
- 3.19 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.
- 3.20 Prior to the Commencement of Works a dilapidation report of all Council owned infrastructure fronting the development in Putland Street and Sainsbury Street is to be submitted to Penrith City Council. The report is to include, but not limited to, footpaths, kerb and gutter, pavement and street trees and is to extend 10m either side of the development.
- 3.21 Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 3.22 Prior to the connection of private drainage to Council's drainage system (i.e. the existing pipeline that is located within the drainage easement of Lot 3 DP 38418), 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.
- 3.23 A Survey Certificate shall be submitted to the Principal Certifying Authority when the building is constructed to floor level verifying that the building (including but not limited to porches, verandas, roofs, eaves and gutters) do not encroach upon the drainage easement in Lot 3 DP 38418.
- 3.24 Prior to the issue of an Occupation Certificate, the following service authority clearances, stating that services are available to all development lots, shall be obtained and submitted to Penrith City Council:
- Section 73 Compliance Certificate under the Sydney Water Act 1994 ; and
 - Notification of Arrangement from Integral Energy; and
 - Provisioning Certificate from the telecommunications service provider.
- 3.25 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.

- 3.26 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 Putland Street and Sainsbury Street will require a Roads Act application. The application is to be submitted and approved by Penrith City Council prior to such works commencing.
- 3.27 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.
- 3.28 The Occupation Certificate shall not be issued until all conditions of consent except those relating to ongoing operational matters, have been completed.
- 3.29 That painted brickwork shall be used in lieu of natural brickwork and a new colour scheme shall be submitted to Council for approval prior to the issue of a construction certificate. Details of: windows, doors, pergola and balustrade shall also be submitted along with the above information.
- 3.30 The horizontal sun shading devices on the east and west elevations are to be removed or redesigned to better integrate with the building. Details to be submitted to Council for approval.
- 3.31 The windows with colonial glazing bars are to be removed and replaced with a window design that is better integrated with the façade design.

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

Against

Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Cramer OAM

Having previously declared an Pecuniary Interest in Item 13, Councillor Jim Aitken OAM left the meeting, the time being 9:18 pm.

**13 Development Application DA09/0550 for Multi-Unit Housing at Lot 1
DP 91022 & Lot 10 DP 807323 (No. 1 - 9) Lamrock Street, Emu Plains.
Applicant: Phoenix Group; Owner: CSX Property Pty Ltd DA09/0550**

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

244 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Prue Guillaume

That:

1. The information contained in the report on Development Application DA09/0550 for Multi-Unit Housing at Lot 1 DP 91022 & Lot 10 DP 807323 (No. 1 - 9) Lamrock Street, Emu Plains be received.
2. Development Application DA09/0550 for Multi-Unit Housing at Lot 1 DP 91022 & Lot 10 DP 807323 (No. 1 - 9) Lamrock Street, Emu Plains, be refused for the following reasons:

- 2.1 The application is not satisfactory for the purpose of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act as the proposal is inconsistent with the following provisions of State Environmental Planning Policy No.65:

Part 2- Design quality principles:-

- Clause 9 – Principle 1- Context
- Clause 10 – Principle 2- Scale
- Clause 11 – Principle 3- Built form
- Clause 12 – Principle 4- Density
- Clause 14 – Principle 6- Landscape
- Clause 15 – Principle 7- Amenity
- Clause 18 – Principle 10- Aesthetics

and the Residential Flat Design Code Part 1- -Local context- Primary Development Controls

- Building depth
- Building separation
- Street setbacks

- 2.2 The application is not satisfactory for the purpose of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act as the proposal is inconsistent with the provisions of Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River as it fails to demonstrate that the water quantity and quality requirements of the SREP 20 will be achieved.
- 2.3 The application is not satisfactory for the purpose of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act as the proposal is inconsistent with the following provisions of Penrith Development Control Plan 2006:
 - Part 2.10 (Flood Liable Land) Part A, Clauses 2 (a), (b), (d) and (f) – Aims and objectives and Part B clauses 3.9(a) and 3.9(d) as there are concerns relating to flooding, flood liability and risk to life.
 - Part 4.6 (Apartment Development) Part B Clause 2.2 (c) and (e)

as the development fails to respect the form and character of the established neighbourhoods to an appropriate design and development and to ensure that development does not detract significantly from the quality of existing dwellings and private open spaces.

- Part 6.9 (Emu Plains Commercial Area) Clause 6.2.1 as development fails to incorporate dwellings of a scale and character which complement those existing in the surrounding area.

2.4 The application is not satisfactory for the purpose of Section 79C(1)(a)(iv) of the Environmental Planning and Assessment Act as the proposal does not meet the matters prescribed by the Regulations in Clause 50 (1A) (8)(a) the Environmental Planning and Assessment Act in that the application was not accompanied by a design verification statement in which the qualified designer verifies:

- (a) that he or she designed, or directed the design, of the residential flat development, and
- (b) that the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65—Design Quality of Residential Flat Development are achieved for the residential flat development

2.5 The application is not satisfactory for the purpose of Section 79C(1)(b) of the Environmental Planning and Assessment Act in terms of the likely adverse impact upon the existing natural and built environment relating to flooding impacts including lack of safe evacuation access from the site for occupants and SES personnel and the potential impacts upon the evacuation of the existing Emu Plains residents.

2.6 The application is not satisfactory for the purpose of Section 79C(1)(c) of the Environmental Planning and Assessment Act as the site is not suitable for the scale of the proposed development for the following reasons:

- Inconsistent with the character of the area
- High density dwellings out of character
- Excessive height and bulk of the proposed buildings
- Adverse solar access and overshadowing impacts
- Adverse privacy impacts
- Site identified as part of a low flood island with potential risk to life and property

2.7 The application is not satisfactory for the purpose of Section 79C (1) (e) of the Environmental Planning and Assessment Act as the proposed development is not in accordance with the NSW Floodplain Development Manual (Appendix G9.5) which indentified the site as a

low flood island in the floodplain with potential risk to life and property resulting from flooding and therefore not in the public interest.

3. Persons who made a submission be advised of Council's decision and of the consideration given to their concerns.

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

For

Against

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

A GREEN CITY

5 Increased energy consumption from Energy Saving Action Plan facilities

Councillor Jim Aitken returned to the meeting, the time being 9:28 pm.

Councillor Mark Davies left the meeting, the time being 9:28 pm.

245 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marko Malkoc that the information contained in the report on Increased energy consumption from Energy Saving Action Plan facilities be received.

Councillor Greg Davies returned to the meeting, the time being 9:29 pm.

6 Tender for the Supply and Distribution of Biodegradable Bags

Councillor Mark Davies returned to the meeting, the time being 9:30 pm.

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

That:

1. The information contained in the report on the Tender for the Supply and Distribution of Biodegradable Bags be received.
2. Because We Care Pty Ltd be the preferred tenderer for the supply and delivery of biodegradable bags, as outlined in this report.
3. PMP Limited be the preferred tenderer for the distribution of biodegradable to all households, as outlined in this report.
4. The Acting Waste & Community Protection Manager and the Group Manager – Legal & Governance be authorised to negotiate a contract with Because We Care Pty Ltd and PMP Limited to be signed by the General Manager.
5. The purchase and distribution of biodegradable bags, as identified in the report, be funded from Council's 2010-11 Waste and Sustainability Improvement Payment (WaSIP) and the balance from the Domestic Waste Reserve.

15 Penrith Recycled Water Scheme Stage 2

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

That:

1. The information contained in the report on Penrith Recycled Water Scheme Stage 2 be received.
2. Council support the acceptance of the grant from DEWHA on the basis of the grant and funding agreement incorporating:
 - a. A first stage allocation of \$250,000 for Council to undertake the required detailed design, costing and risk assessment, and
 - b. A provision that progression of the project to construction is subject to a favourable confirmation of costs and a satisfactory risk assessment being confirmed by Council.
3. The Common Seal of the Council of the City of Penrith be affixed to any necessary documentation.
4. Council express its appreciation to the staff responsible for the preparation of this report.

A LIVEABLE CITY

8 Establishment of additional Alcohol Free Zones and Alcohol Free Areas

248 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Establishment of additional Alcohol Free Zones and Alcohol Free Areas be received.
2. Council support the establishment of Alcohol Free Zones and Alcohol Free Areas at the locations identified in this report.
3. Signage be erected to prohibit the consumption of alcohol at each of the identified locations.
4. Additional requests for Alcohol Free Zones and Alcohol Free Areas be reviewed on a quarterly or six-monthly basis if required.

9 Formation of the Penrith Floodplain Advisory Committee

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

That:

1. The information contained in the report on Formation of the Penrith Floodplain Advisory Committee be received.
2. Expressions of interest be invited from the members of the existing Rural Lands Floodplain Advisory Committee to participate in the new Penrith Floodplain Advisory Committee.
3. Council also undertake advertising seeking expressions of interest from the community and other stakeholders to fill any vacancies on the new Penrith Floodplain Advisory Committee.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Use of Council Parks and Reserves by Training Groups

Councillor Marko Malkoc requested a report to Council regarding the organising and charging of training groups that use Council parks and reserves, including investigating the practice of other councils across the Sydney area.

RR 2 Paperless Meetings

Councillor Marko Malkoc requested a report to the next meeting of Council, investigating the ways in which Penrith City Council can update its practices to provide for a paperless meeting, with the current technology available, the report to include costing on new wireless devices, along with the costing of current meetings and the savings available in the long term.

RR 3 Desborough Road, St Marys - Pedestrian Crossing

Councillor Greg Davies requested that an urgent report be brought to Council detailing the reasons for the removal of the pedestrian crossing on Desborough Road, St Marys, and outlining the consultation process, the minutes recording Council's approval of the removal, the attendance at that meeting, when the resolution was passed, and proposals for discussion with residents over reasons for the removal or alternative options.

URGENT BUSINESS

UB 1 Leave of Absence

Councillor Ben Goldfinch requested Leave of Absence for Monday 26 July 2010.

250 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that the matter be brought forward and dealt with as an urgent matter.

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

251 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that Leave of Absence be granted to Councillor Ben Goldfinch for Monday 26 July 2010.

UB 2 Rural Fire Service Field Day - 8 and 9 August 2010

Councillor Ross Fowler OAM requested that an amount of \$520 be allocated, in equal amounts from each Ward's voted works, to cover the cost of hiring the Berkshire Park Hall to hold the RFS Field Day on 8 and 9 August 2010.

252 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that the matter be brought forward and dealt with as an urgent matter.

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

253 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that an amount of \$520 be allocated, in equal amounts from each Ward's voted works, to cover the cost of hiring the Berkshire Park Hall to hold the RFS Field Day on 8 and 9 August 2010.

COMMITTEE OF THE WHOLE

254 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Tanya Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:42 pm.

Councillor Tanya Davies left the meeting, the time being 9:44 pm.

1 Presence of the Public

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

A Leading City

2 Commercial Matter - Sale of Lemongrove Gardens Hostel and Lemongrove Retirement Village

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

3 Commercial Matter - Council Property - Leasing of Part of 54 Henry Street Penrith to The Benevolent Society

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 Liveable City

4 Commercial Matter - Tender - Howell Oval Cricket Pavilion

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 10:22 pm and the General Manager reported that the Committee of the Whole met at 9:42 pm on 19 July 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, 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 Commercial Matter - Sale of Lemongrove Gardens Hostel and Lemongrove Retirement Village

Councillor Tanya Davies returned to the meeting, the time being 9:47 pm.

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

CW2 That:

1. The information contained in the report on Commercial Matter - Sale of Lemongrove Gardens Hostel and Lemongrove Retirement Village be received.
2. Council advance the consultation on this matter with all relevant parties in accordance with the conditions outlined in this report.

3 Commercial Matter - Council Property - Leasing of Part of 54 Henry Street Penrith to The Benevolent Society

RECOMMENDED on the MOTION of Councillor Ben Goldfinch seconded Councillor John Thain

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Part of 54 Henry Street Penrith to The Benevolent Society be received.
2. Council grant the NSW Benevolent Society a 5 year lease with a 5 year option over part of 54 Henry Street Penrith in accordance with the terms and conditions outlined in the report.
3. Council continue to seek appropriate tenant for the remaining part of the building.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

4 Commercial Matter - Tender - Howell Oval Cricket Pavilion

RECOMMENDED on the MOTION of Councillor Robert Ardill seconded Councillor Marko Malkoc

CW4 That the information contained in the report on Commercial Matter - Tender - Howell Oval Cricket Pavilion be received.

ADOPTION OF COMMITTEE OF THE WHOLE

255 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ben Goldfinch that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

16 Tender - Howell Oval Cricket Pavilion

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

That:

1. The information contained in the report on Tender - Howell Oval Cricket Pavilion be received.
2. Bilas Knight Pty Ltd be accepted as the successful tenderer for the construction of Howell Oval Cricket Pavilion in the amount of \$2,185,920 (GST exclusive) excluding car park and landscaping component of the tender.
3. The Common Seal of Council be affixed to any necessary documents.
4. All other tenderers be contacted and advised of Council's decision and be thanked for submitting a tender.
5. The General Manager be authorised to sign any necessary documentation associated with the Federal grant offer for this project.

There being no further business the Chairperson declared the meeting closed the time being 10:23 pm.

I certify that these 29 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 19 July 2010.

Chairperson

Date