

CONFIRMED MINUTES

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

ON MONDAY 16 AUGUST 2010 AT 7:34PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

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

PRAYER

The Council Prayer was read by the Rev Neil Checkley.

PRESENT

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

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Robert Ardill for the period 26 July 2010 to 20 August 2010 inclusive.

APOLOGIES

'257 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jackie Greenow that the apology from Councillor Marko Malkoc be accepted.

Councillor Mark Davies left the meeting, the time being 7:37 pm.

CONFIRMATION OF MINUTES - Ordinary Meeting - 19 July 2010

'258 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the minutes of the Ordinary Meeting of 19 July 2010 be confirmed.

DECLARATIONS OF INTEREST

Councillor Kaylene Allison declared a Pecuniary Interest in *Item 12 – Ninth Avenue, Llandilo - Xavier College Walkathon - Friday 3 September, 2010* as she is employed by the Catholic Education Office. Councillor Allison stated that she would leave the Chamber during consideration of this item and would not take part in the debate.

Councillor Jim Aitken OAM declared a Non-Pecuniary Conflict of Interest - Significant in *Item 4 – Development Application DA09/0525 - Three (3) Lot Torrens Title Subdivision - Lot 98 DP 238269, Lot 100 DP 591759, Nos. 27 & 45 Greenhaven Drive, Emu Heights. Applicant: Werrington Trust Pty Ltd; Owner: Tresaire Pty Ltd* as he has had business dealings with the developer.

Councillor Jim Aitken OAM declared a Non-Pecuniary Conflict of Interest – Significant in *Item 15 – Development Application No. DA09/0810 Alterations and Additions and adaptive re-use of Heritage building for commercial purposes at Lot 11 DP 1056135 (No. 113) Great Western Highway, Emu Plains. Applicant: Hubert Architects Pty Ltd; Owner: Penrith City Council* as he has had business dealings with the developer.

Councillor Mark Davies returned to the meeting, the time being 7:38 pm.

Councillor Tanya Davies declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 17 - Section 96 Application DA09/0221.01 for Modifications to a Proposed Community Facility at Lots 7, 8 and 9 DP 247158 (No. 46) Bringelly Road and Lots 5 and 6 DP 250412 (No. 49) First Street, Kingswood. Applicant: Mission Australia; Owner: Mission Australia* as her mother-in-law is employed by Mission Australia.

Councillor Mark Davies declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 17 - Section 96 Application DA09/0221.01 for Modifications to a Proposed Community Facility at Lots 7, 8 and 9 DP 247158 (No. 46) Bringelly Road and Lots 5 and 6 DP 250412 (No. 49) First Street, Kingswood. Applicant: Mission Australia; Owner: Mission Australia* as his mother is employed by Mission Australia.

SUSPENSION OF STANDING ORDERS

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

Ms Kristina McColl

Item 4 - Development Application DA09/0525 - Three (3) Lot Torrens Title Subdivision - Lot 98 DP 238269, Lot 100 DP 591759, Nos.27 & 45 Greenhaven Drive, Emu Heights. Applicant: Werrington Trust Pty Ltd; Owner: Tresaire Pty Ltd.

Ms McColl, an affected person and member of Emu Heights Escarpment Group, spoke in support of the recommendation to refuse the proposed development. Ms McColl thanked the committee members of Emu Heights Escarpment Group and residents of the area for their ongoing support in protecting the escarpment. Ms McColl went on to provide a brief summary of the aims of the Group and how the report by Council officers has reflected their concerns.

Mr Trevor Robey

*Item 4 - Development Application DA09/0525 - Three (3) Lot Torrens Title Subdivision - Lot 98 DP 238269, Lot 100 DP 591759, Nos.27 & 45 Greenhaven Drive, Emu Heights.
Applicant: Werrington Trust Pty Ltd; Owner: Tresaire Pty Ltd.*

Mr Robey, and interested citizen, spoke in support of the recommendation to refuse the proposed development and highlighted several points made in the report and recommendations and stated the importance of preserving the City's amenity of bushland backdrop in this area. Mr Robey expressed the view that it was gratifying to residents that the report covered issues of concern to them in this report, in particular the protection of natural heritage.

Mr David Haskew

*Item 4 - Development Application DA09/0525 - Three (3) Lot Torrens Title Subdivision - Lot 98 DP 238269, Lot 100 DP 591759, Nos.27 & 45 Greenhaven Drive, Emu Heights.
Applicant: Werrington Trust Pty Ltd; Owner: Tresaire Pty Ltd.*

Mr Haskew, the consulting town planner on behalf of the applicant, spoke in support of the proposed development. Mr Haskew provided a brief background to the application and detailed the steps that have been taken by the applicant to mitigate any environmental impacts. Mr Haskew requested that Council defer consideration of the application so that areas of concern could be further addressed by the applicant in consultation with Council officers.

Councillor Mark Davies left the meeting, the time being 7:58 pm.

Mr Vasilios Gouriotis

Item 16 - Development Application DA08/1327 - Proposed erection of a Shopping Centre comprising of a Supermarket and Speciality Shops at Lots 1, 2 & 3 DP 504928, Lot E, F & G DP 390228 and Lot 3 DP 214333 (No. 1) Park Road, Wallacia. Applicant: Vasilios Gouriotis; Owner: Effie Gouriotis & Andrew Gouriotis.

Mr Gouriotis, the applicant, spoke in support of the proposed development. Mr Gouriotis stated that his family has lived and worked in the area for over 30 years and that the proposal would be run by the family, providing a great benefit to the local community and will create employment opportunities for the local area.

Councillor Mark Davies returned to the meeting, the time being 8:00 pm.

Mr Gouriotis concluded by saying that the proposed development would provide a revitalised shopping centre and that it would be of significant importance to the Wallacia area.

Mr Simon Coffey

Item 18 - Development Application DA10/0667 - Proposed Music Event to be held 18 September 2010 and annually for a five (5) year period - Sydney International Regatta Centre - Lot 21 DP 1092147 (No. 152-233) Old Castlereagh Road, Castlereagh. Applicant: Q-Dance Australia; Owner: Department of Planning.

Mr Coffey, the organiser of the Defqon music event, spoke in support of the application to hold the event at the Regatta Centre. Mr Coffey stated that the applicant wanted a unique venue in which to hold this event and to provide an exciting music event for 18-30 year olds. Mr Coffey outlined the economic benefits for the Penrith area and also detailed the measures which have been put in place to address noise issues.

RESUMPTION OF STANDING ORDERS

260 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that Standing Orders be resumed, the time being 8:10 pm.

Councillor Greg Davies left the meeting, the time being 8:11 pm.

MAYORAL MINUTES

1 Visitor Centre wins gold in Greater Sydney Tourism Awards

Councillor Greg Davies returned to the meeting, the time being 8:15 pm.

261 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on Visitor Centre wins gold in Greater Sydney Tourism Awards be received.

Councillor Jim Aitken congratulated the team for winning the Award and suggested that the Mayor held an afternoon tea for all the staff and volunteers involved with the Visitor Information Centre.

2 Local doctor retires after 43 years outstanding service to our community

262 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM that the Mayoral Minute on Local doctor retires after 43 years outstanding service to our community be received.

3 Helen Brownlee OAM honoured

263 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM that the Mayoral Minute on Helen Brownlee OAM honoured be received.

4 The Passing of the Hon. Roy Smith MLC

264 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on The Passing of the Hon. Roy Smith MLC be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Penrith Valley Community Safety Partnership Meeting held on 30 June 2010

265 RESOLVED on the MOTION of Councillor Kaylene Allison seconded Councillor Jackie Greenow that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 30 June, 2010 be adopted.

2 Report and Recommendations of the Local Traffic Committee Meeting held on 2 August 2010

266 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 August, 2010 be adopted.

3 Report and Recommendations of the Policy Review Committee Meeting held on 9 August 2010

267 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 9 August, 2010 be adopted.

In respect to Item 1 of the *Report and Recommendations of the Policy Review Committee Meeting held on 9 August 2010*, Councillor John Thain requested clarification on the Biodiversity Conservation Corridor connecting the Wianamatta Regional Park to the former Air Services Australia site. The Manager – Sustainability & Planning advised as follows:

“Mr Mayor, I refer Councillors to a memo that I circulated today which acknowledged an error in a report to the Policy Review Committee of 9 August. The report related to an opportunity to secure a biodiversity conservation corridor between the Wianamatta Regional Park and the former Air Services site.

One of the maps provided in that report identified a possible location for a biodiversity corridor and it separately labelled the lands over which a corridor might be provided as “Deerubbin Land” and “Private Land”. Now the labelling of the land in this way could

be interpreted as drawing a distinction between the tenure of the land in each case.

However, as I reinforced in the memo, land that has been the subject of a successful land rights claim under State legislation is “private land”. As such, the Deerubbin land is, clearly, also “private land and it attracts all the same rights, entitlements and responsibilities as any other land in private ownership.

Any unintended suggestion or implication drawn to the contrary is regretted and I will ensure that any future reference to land that has been subject to a successful land rights claim is clear regarding its status as private land.”

DELIVERY PROGRAM REPORTS

A CITY OF OPPORTUNITIES

Procedural Motion

268 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM that the order of business be altered to allow consideration of Item 4 before any other debate.

Having previously declared a Non-Pecuniary Conflict of Interest – Significant in this matter, Councillor Jim Aitken OAM left the meeting, the time being 8:30 pm.

- 4 Development Application DA09/0525 - Three (3) Lot Torrens Title Subdivision - Lot 98 DP 238269, Lot 100 DP 591759, Nos. 27 & 45 Greenhaven Drive, Emu Heights. Applicant: Werrington Trust Pty Ltd; Owner: Tresaire Pty Ltd**

DA09/0525

269 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on Development Application DA09/0525 - Three (3) Lot Torrens Title Subdivision - Lot 98 DP 238269, Lot 100 DP 591759, Nos.27 & 45 Greenhaven Drive, Emu Heights be received.
2. Development Application DA09/0525 - Three (3) Lot Torrens Title Subdivision - Lot 98 DP 238269, Lot 100 DP 591759, Nos.27 & 45 Greenhaven Drive, Emu Heights be refused for the following reasons:
 - 2.1 The proposed development is inconsistent with the objectives of the 7(e) Environmental Protection zone under the Penrith Local Environmental Plan No.226 in that the proposed development would cause a significant detriment to the visual character and scenic value of the Blue Mountains Escarpment, lack of consideration of drainage and poor urban design outcomes from the proposed dwelling (*Section 79C(1)(i) of the Environmental Planning and Assessment Act 1979*).
 - 2.2 The proposed development does not meet the provisions outlined in Clause 12 - Subdivision within Zone No. 7(e) of the Penrith Local Environmental Plan No.226 as it is considered that subdivision was not contemplated for the site (*Section 79C(1)(i) of the Environmental Planning and Assessment Act 1979*).
 - 2.3 The proposed development is inconsistent with Clause 6 - Specific planning policies and recommended strategies of the Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No.2 - 1997) in respect to consideration relating to:
 - Insufficient information to conduct a detail and accurate assessment of water quality and water quantity, impacts;
 - Deficient information relating to impacts of flora and fauna;
 - Significant impact to the riverine scenic quality as a result of vegetation removal;
 - Inconsistency with the prescribed subdivision pattern outlined in the applicable planning instruments.(*Section 79C(1)(i) of the Environmental Planning and Assessment Act 1979*).
 - 2.4 The proposed development is inconsistent with the objectives of the E2 Environmental Conservation Zone of the Draft Penrith Local Environmental Plan 2008 in respect of the consideration of the existing vegetation and scenic value of the area (*Section 79C(1)(ii) of the Environmental Planning and Assessment Act 1979*).
 - 2.5 The proposed development is inconsistent with Clause 4.1 – Minimum Subdivision Lot Size of the Draft Penrith Local Environmental Plan

- 2008 in that the proposed development would not achieve the Development Standard (*Section 79C(1)(ii) of the Environmental Planning and Assessment Act 1979*).
- 2.6 The proposed development does not meet the provisions outlined in Section 6.8 – Blue Mountains Eastern Escarpment Siting Design and Management of the Penrith Development Control Plan 2006 as it is considered that subdivision was not contemplated for the site and the proposal would result in poor urban design outcomes to adjoining development (*Section 79C(1)(iii) of the Environmental Planning and Assessment Act 1979*).
- 2.7 The proposed development has not provided sufficient information to conduct a detailed and accurate assessment of the impacts to flora and fauna associated with the site (*Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979*).
- 2.8 The proposed development would add pressure to the bushland areas to the west as a consequence of clearing and encroachment of urban development and would provide adequate amenity to existing development to the east of the site (*Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979*).
- 2.9 The proposed development would cause a significant impact to the Blue Mountains Escarpment as the removal of trees to accommodate development would diminish the visual and environmental buffer established at the site (*Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979*).
- 2.10 The site is unsuitable for the proposed development having regard to the substantial constraints that apply to the site that results poor urban design, visual amenity and ecological outcomes (*Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979*).
- 2.11 The proposed development would be inappropriate having regard to the submissions received in response to the proposed development (*Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979*).
- 2.12 The proposal would create an undesirable precedent for inappropriate subdivision and development which is not in the public interest (*Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979*).
3. Those making a submission be notified of Council's recommendation.
4. A further report come to Council regarding a request to the NSW Government and Opposition to support incorporation of all the forested land on the Eastern Escarpment into the World Heritage listed Blue Mountains National Park.

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 Ross Fowler OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Kevin Cramer OAM

A LEADING CITY

Councillor Jim Aitken OAM returned to the meeting, the time being 8:32 pm.

1 2009-2010 Operational Plan - June Quarter and Year End Review

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

That:

1. The information contained in the report on 2009-2010 Operational Plan - June Quarter and Year End Review be received.
2. The 2009-10 Operational Plan Review as at 30 June 2010 be adopted, subject to adjustment of the Employee Leave Entitlements Reserve to 20%, in accordance with Council's policy by 30 June 2011.
3. The voting of funds and estimates of income for 2009-10 be amended to reflect the revised estimates, expenditures and revotes as detailed in the Operational Plan Review
4. Council revote the works as detailed in the Recommended Revoted Works Lists for inclusion in the 2010-11 Operational Plan.

2 Council Property - Easement to Drain Water over Lot 25 DP 31478,

Nos. 16-18 Collins Street, St Marys

'271 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown

That:

1. The information contained in the report on Council Property - Easement to Drain Water over Lot 25 DP 31478, Nos. 16-18 Collins Street, St Marys be received.
2. Council grant an easement to drain water over Open Space land on Lot 25 DP 31478, Nos. 16-18 Collins Street, St Marys to benefit proposed Lot 11 in the subdivision of Lot 1 DP1031030 at No. 27 Monfarville Street, St Marys.
3. Payment of compensation by the applicant to Council in the amount of \$20,000 be required for the grant of the easement over Lot 25 DP 31478, Nos. 16-18 Collins Street, St Marys.
4. The applicant be responsible for all drainage costs, survey, legal and registration costs associated with the creation of the easement.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation to effect registration of the easement.

3 Summary of Investments & Banking for the Period 1 July to 31 July 2010

'272 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM

That:

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

A LIVEABLE CITY

7 RTA 2010/2011 Road Funding Grants

'273 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on RTA 2010/2011 Road Funding Grants be received.
2. The RTA 2010/11 Program Funding Block Grant in the amount of \$986,000 be accepted.
3. Council accept the grant of \$250,000, offered under the 2010/2011 Roads and Traffic Authority REPAIR Program, for the reconstruction of Forrester Road, North St Marys, between 200m north of Commonwealth Crescent and Christie Street.
4. The Supplementary Road Component in the amount of \$156,000 be allocated to the resurfacing of Second Ave, Llandilo (between Third Ave and Mayo Road).
5. The Common Seal of the Council of the City of Penrith be affixed to the "Agreement for Block Grant Assistance to Council for Regional Roads 2010/2011".

10 Urban Sustainability Project Grant Report

'274 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ben Goldfinch that the information contained in the report on Urban Sustainability Project Grant Report be received.

5 NSW Communities - Sport and Recreation Facilities Grant Program Results

'275 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow

That:

1. The information contained in the report on NSW Communities - Sport and Recreation Facilities Grant Program Results be received.
2. Council accept the grant from NSW Communities - Sport and Recreation Facilities Grant Program Results Program of \$100,000 to develop a playing field at Roper Road.
3. Council thank the Member for Mulgoa, the Hon. D Beamer MP, for her support for the grant funds received for the development of a playing field at Roper Road.

6 Federal Government 2011/2012 "Auslink Black Spot Program"

Submissions

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

That:

1. The information contained in the report on Federal Government 2011/2012 "Auslink Black Spot Program" Submissions be received.
2. Council endorse the six projects listed under Table 1 of this report for submission to the Roads and Traffic Authority for funding under the Federal Government 2011/2012 "Auslink Black Spot Program".
3. The Roads and Traffic Authority be requested to investigate traffic safety on roads under its jurisdiction at locations indicated in Table 2 of this report.

8 Desborough Road, St Marys - Review of Pedestrian Safety near St Marys South Public School

'277 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain

That:

1. The information contained in the report on Desborough Road, St Marys - Review of Pedestrian Safety near St Marys South Public School be received.
2. Council write to St Marys South Public School Principal providing copies of this report together with the two previous Local Traffic Committee reports (3 August 2009 and 1 February 2010).
3. This matter be further investigated by the Local Traffic Committee including direct consultation with the local community.

Councillor Mark Davies left the meeting, the time being 9:06 pm.

9 New cricket practice nets, Jamison Park

Councillor Mark Davies returned to the meeting, the time being 9:10 pm.

'278 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on New cricket practice nets, Jamison Park be received.
2. The \$10,000 shortfall be met equally from each Ward's voted works.

11 Parks and Leisure Association 2010 National Conference

279 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Parks and Leisure Association 2010 National Conference be received.
2. Council nominate Councillor Ben Goldfinch and any other interested and available Councillors to attend the Parks and Leisure Association Annual National Conference.

Having previously declared a Pecuniary Interest in Item 12, Councillor Kaylene Allison left the meeting, the time being 9:15 pm.

12 Ninth Avenue, Llandilo - Xavier College Walkathon - Friday 3 September, 2010

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

That:

1. The information contained in the report on Ninth Avenue, Llandilo - Xavier College Walkathon - Friday 3 September, 2010 be received.
2. The Class 3 Special Event for the Xavier College Walkathon on Friday, 3 September 2010 be endorsed subject to the following conditions:
 - (a) All emergency service authorities and Westbus be advised by the organiser prior to the event.
 - (b) The organiser ensure that participants obey all Police directions and road rules during the event.
 - (c) The organiser indemnify Council against all claims for damage or injury which may result from conducting the event.
 - (d) A copy of the Public Liability Insurance of \$10 million be forwarded to Council's Risk Management Co-ordinator.
3. The applicant be advised of Council's resolution.

Councillor Kaylene Allison returned to the meeting, the time being 9:17 pm.

Councillor Kath Presdee left the meeting, the time being 9:18 pm.

A VIBRANT CITY

13 Request for Sponsorship of the 2010 NSWRL U16 Youth Development Cup

'281 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Request for Sponsorship of the 2010 NSWRL U16 Youth Development Cup be received
2. Sponsorship assistance of \$3,000 be provided from the City Marketing Budget.

14 Request for sponsorship of Formula One boat race series in Penrith Valley

'282 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Request for sponsorship of Formula One boat race series in Penrith Valley be received.
2. Sponsorship funding of \$10,000 be approved from the City Marketing Budget.

Having previously declared a Non-Pecuniary Conflict of Interest - Significant in Item 15, Councillor Jim Aitken OAM left the meeting, the time being 9:18 pm.

15 Development Application No. DA09/0810 Alterations and Additions and adaptive re-use of Heritage building for commercial purposes at Lot 11 DP 1056135 (No. 113) Great Western Highway, Emu Plains. Applicant: Hubert Architects Pty Ltd; Owner: Penrith City Council DA09/0810

Councillor Karen McKeown returned to the meeting, the time being 9:19 pm.

283 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Development Application No. DA09/0810 Alterations and Additions and adaptive re-use of Heritage building for commercial purposes at Lot 11 DP 1056135 (No. 113) Great Western Highway, Emu Plains be received.
2. Development Application No. DA09/0810 Alterations and Additions and adaptive re-use of Heritage building for commercial purposes at Lot 11 DP 1056135 (No. 113) Great Western Highway, Emu Plains be approved subject to the following conditions:

Standard Conditions

2.1 A001 – Approved Plans

A011 – DCP Construction

A026 – Advertising Sign

A039 - Graffiti

A046 – Construction Certificate

B002 – As for demolition and disposal to approved landfill site

B003 – Asbestos

C003 – Uncovering relics

D001 – Erosion and Sediment Control

D002 – Spray Grass

D009 – Covering of waste storage area

E01A – BCA Compliance (class 2-9)

E006 – Disabled access and facilities

E009 – Annual fire safety statement – essential fire safety (class 2 -9)

H001 – Stamped plans and erection of site notice

H002 (a)&(b) – All forms of construction

H003 – Traffic Safety during construction

H041 – Hours of work (other development)

H036 – Rainwater tank

H037 – Safe supply of water from catchment areas

H038 – Connection of rainwater tank supply

H039 – Rainwater tank pumps

I003 – Roads Act Approval 1

(b) Provision of a heavy-duty gutter crossing 7.4m wide.

(e) Provision of a heavy-duty vehicular footway crossing 6.0m wide.

- (f) Reinstatement of concrete footpath 1.2m wide in the Great Western Highway for the full property frontage.
- (g) Reinstatement of redundant gutter and vehicular crossings.
- (h) Opening of the road reserve for the provision of services including stormwater.
- (i) Placing of hoardings, containers, waste skips, etc. in the road reserve.

K002 - WAE

K009 – On Site Detention

K014 – Flood Proofing RL26.5 AHD

K019 – Connection to Council’s System

K025 – All land required for vehicular access and parking is to be concreted or sealed with a bituminous pavement.

K027 – Car Parking

L002 – Landscape Construction

L005 – Planting of plant material

L008 – Tree preservation order

L010 – Retain existing trees

P001 – Applicants Cost

P002 – Council Fees – Amended

Prior to the **issue of a Construction Certificate**, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

Q01F – Certification

Special Conditions

- 2.2 All car parking and manoeuvring must be in accordance with AS 2890 and Council’s requirements. Accessible spaces are to be located closet to the entrance to the building. Full details demonstrating compliance must be submitted with the Construction Certificate.
- 2.3 The proposed future use is not to attract a parking rate higher than 1 space per 40m² floor area, unless additional on-site parking spaces are provided.
- 2.4 All vehicles are to enter and exit the development in a forward direction.
- 2.5 Subject to consultation with Blue Mountains Bus Company, arrangements are to be made with Council’s Building Projects Coordinator to relocate the existing bus shelter further to the south, in an appropriate position that does not hinder sight distances from the new driveway. A plan showing the new location shall be submitted to Council’s Traffic Section.

- 2.6 The required sight lines to pedestrians and vehicles around the driveway entrance are not to be comprised by landscaping, signage, fencing or display materials, or the relocated bus shelter.
- 2.7 A separate development application shall be submitted to, and approved by Council for uses of the building other than professional offices. Details of any proposed professional office use are to be submitted to Council prior to commencement of the use. Council may require a separate development application depending on the nature and scale of use.
- 2.8 A detailed structural engineer's report on the structural adequacy of the buildings shall be submitted with the Construction Certificate application. The report shall specify all the works required to make the building structural adequate and to enable the issue of a certificate of structural adequacy for the buildings on completion of the works. A copy of the structural engineer's certificate of adequacy for the building shall be submitted to Council.
- 2.9 The first floor of the main building shall only be used for storage purposes and shall not be used as a habitable room.
- 2.10 The existing well shall remain sealed to prevent access by any persons.
- 2.11 The design and construction of the proposed new driveway on Great Western Highway shall be in accordance with AS2890.1 – 2004 and the RTA's requirement (6m wide at the kerblines).
- The redundant driveway along the Great Western Highway frontage of the site shall be removed with kerb and gutter reinstated to the RTA's requirements.
- Details of further requirements of the proposed driveway and kerb & gutter can be obtained from the RTA's Project Services Manager, Traffic Projects Section, Parramatta (ph: 02 8849 2144).
- A certified copy of the design plans (driveway, kerb & gutter) shall be submitted to the RTA for consideration and approval prior to the release by Council of construction certificate(s) for the development or commencement of any works.
- 2.12 The No Stopping restrictions on the south western side of the Great Western Highway at the traffic signals at Old Bathurst Road are to be extended to the end of the existing kerb and gutter to allow traffic to pass vehicles that are stopped waiting to turn right into the driveway. The restriction should be implemented prior to the commencement of any works relating to the proposed development. Prior to the installation of the parking restrictions the applicant is to contact the RTA's Traffic Management Services on phone 8849 2294 for a works instruction.
- 2.13 The bus shelter and bus zone signage are to be relocated in consultation with the bus company and Council's Local Traffic Committee.

- 2.14 The bus shelter is to be located/designed so as to not restrict sight distance for vehicles leaving the proposed driveway.
- 2.15 All vehicles are to be clear from the edge of carriageway and footpath before being required to stop.
- 2.16 The vehicle and pedestrian sightlines on the Great Western Highway shall be maintained for vehicles exiting the driveway and conform to the requirements of AS2890.1 – 2004.
- 2.17 Council shall ensure that post development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development application discharge.

Should there be changes to the RTA's drainage system then detailed plans and hydraulic calculations of the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Traffic Authority
PO Box 973
Parramatta CBD 2124

A plan checking fee will be payable and a performance band may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

- 2.18 All works/regulatory signage associated with the proposed development are to be at no cost to the RTA.
- 2.19 All demolition and construction vehicles and activities are to be contained wholly within the site as a work permit will not be approved along the Great Western Highway.
- 2.20 A construction certificate for the provision of engineer works (on-site detention system and car park) is to be approved by the certifying authority. Engineering design drawings are to be prepared strictly in accordance with Penrith Development Control Plan Part 2.3 Engineering Works and the Guidelines for Engineering Works for Subdivisions and Developments Part 1 – Design.
- 2.21 You are advised that Council's adopted flood level for this location is RL 26.0 AHD. Use of this building should reflect the flood risk.
- 2.22 A landscape plan prepared by a qualified landscaping consultant reflecting the conservation management plan is to be submitted to and approved by Council with the Construction Certificate.
- 2.23 All recommendations in the arborists report by Australian Tree Consultants Pty Ltd dated 18 December 2009 are to be adopted with details included with the Construction Certificate application.
- 2.24 The protection of trees is to be undertaken in accordance with AS4970-2009 and must be erected prior to any site works.

- 2.25 Within the Tree Protection Zone prior to construction certificate, the area is to be treated with osmocote and 10kg of composted/pelletised chicken manure spread evenly over the area. The area must then be mulched to a depth of between 50-75mm with 'no fines' leaf mulch. The area is to be maintained until completion of works and issue of occupation certificate.
- 2.26 No incursions into the Tree Protection Zone are permitted without consultation from the Council Tree Management Officer.
- 2.27 Four suitable replacement trees as approved by Councils Tree Management Officer are to be planted on property prior to issue of Occupation Certificate.
- 2.28 An excavation permit is to be sought from the NSW Heritage Council under section 140 of the Heritage Act 1977 prior to the issue of a Construction Certificate.
- 2.29 Prior to issue of Construction Certificate the following items are to be provided to Council for approval:
- (i) Strategy for pest/termite control for underfloor inspections.
 - (ii) Boundary fencing, including front fence 1:20 details to be provided.
 - (iii) Front Verandah to be split sandstone in lieu of brick paving. Details at 1:20 scale to be provided.
- 2.30 All conservation and restoration works shall be undertaken in accordance with the following guidelines and reports:
- *Australian ICOMOS Charter for the conservation of Places of Cultural Significance – The Burra Charter.*
 - *Otto Cserhalmi & Partners Pty Ltd – Specification of material and workmanship for the restoration of an adaption of Former Post Office, Emu Plains, July 1984.*
 - *Otto Cserhalmi & Partners Pty Ltd – Specification of material and workmanship for the restoration of an adaption of Former Post Office, Emu Plains, July 1986.*
 - *Otto Cserhalmi & Partners Pty Ltd – Specification of material and workmanship for the restoration of an adaption of Former Post Office, Emu Plains, July 1987.*
 - *Hubert Architects Pty Ltd – Former Emu Plains Post Office Conservation Management Plan, 25 October 2002.*
 - *Hubert Architects Pty Ltd – Former Emu Plains Post Office Schedule and Specification of Works for DA, 18 August 2009.*
 - *Hubert Architects Pty Ltd – Former Emu Plains Post Office Schedule of Finishes, 20 August 2010.*

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 Ross Fowler OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Kevin Cramer OAM

Councillor Jim Aitken OAM returned to the meeting, the time being 9:20 pm.

- 16 Development Application DA08/1327 - Proposed erection of a Shopping Centre comprising of a Supermarket and Speciality Shops at Lots 1, 2 & 3 DP 504928, Lot E, F & G DP 390228 and Lot 3 DP 214333 (No. 1) Park Road, Wallacia. Applicant: Vasilios Gouriotis; Owner: Effie Gouriotis & Andrew Gouriotis**

DA08/1327

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

That:

1. The information contained in the report on Development Application DA08/1327 - Proposed erection of a Shopping Centre comprising of a Supermarket and Speciality Shops at Lots 1, 2 & 3 DP 504928, Lot E, F & G DP 390228 and Lot 3 DP 214333 (No. 1) Park Road, Wallacia be received.
2. DA08/1327 be granted a Deferred Commencement Consent with the following conditions:

Schedule A – Deferred Commencement

- A. A Section 140 permit under the NSW Heritage Act 1977 is to be obtained prior to any excavation of the site. A copy of this permit shall be submitted to Council including relevant documentation which supports this permit.
- B. The recommendations outlined in the Historical Archaeological and Impact Assessment prepared by Archaeological & Heritage Management Solutions Pty Ltd dated December 2008 shall be completed and details of provision within the development for interpretation of the site's heritage values are to be submitted to Council for consideration and approval.

Schedule B – Conditions of Consent

- | | | |
|------|------|--|
| 2.1 | A003 | Approved plans that are architecturally drawn as amended by Schedule 1 |
| 2.2 | A014 | Lot consolidation |
| 2.3 | A017 | DA for use |
| 2.4 | A019 | Occupation Certificate |
| 2.5 | A026 | Advertising sign (not for residential) |
| 2.6 | A032 | Goods in buildings |
| 2.7 | A038 | Lighting locations |
| 2.8 | A039 | Graffiti |
| 2.9 | A046 | Construction Certificate |
| 2.10 | B001 | Demolition of existing structures |
| 2.11 | B002 | AS for demolition and disposal to approved landfill site |
| 2.12 | B003 | Asbestos |
| 2.13 | B004 | Dust |
| 2.14 | B005 | Mud/Soil |
| 2.15 | B006 | Hours of work |
| 2.16 | C001 | Employment of conservation architect |
| 2.17 | C002 | Archival recording |
| 2.18 | C003 | Uncovering relics |
| 2.19 | D001 | Implement approved sediment & erosion control measures |
| 2.20 | D005 | Approval required prior to any filling |
| 2.21 | D006 | No filling without prior approval |

- 2.22 D009 Covering of waste storage area (Applies to building works/demolition)
- 2.23 D010 Appropriate disposal of excavated or other waste
- 2.24 D013 Noise (Environmental Noise Impact Assessment prepared by Renzo Tonin and Associates dated 19 December 2008),
- 2.25 D014 Plant and equipment noise
- 2.26 E01A BCA compliance for Class 2-9
- 2.27 E006 Disabled access and facilities
- 2.28 G003 Section 73 Certificate
- 2.29 G004 Integral Energy
- 2.30 H001 Stamped plans & erection of site notice 1 (Class 2-9)
- 2.31 H002 All forms of construction
- 2.32 H041 Hours of work
- 2.33 H011 Engineering plans & specifications
- 2.34 H022 Survey
- 2.35 H025 Construction of garbage rooms
- 2.36 L001 General landscaping (Applies to most building works, not fitouts)
- 2.37 L002 Landscape construction
- 2.38 L003 Report requirement
- 2.39 L005 Planting of plant material
- 2.40 L006 AS requirements
- 2.41 L008 Tree Preservation Order
- 2.42 Q01F Notice of Commencement & Appointment
- 2.43 Q006 Occupation Certificate for Class 2-9

2.44 Crime Prevention through Environmental Design (CPTED) shall be addressed by incorporating the following elements and details submitted to Council prior to issue of a Construction Certificate: -

Outdoor plaza area

- Suitable gates/grills shall be installed to restrict public access to the area after hours. The type of fencing used should be open in style to enable passive surveillance of these areas.

Lighting

- Outdoor lighting in the public domain shall be installed in accordance with CPTED principles.

Car parking

- The basement car park shall be fitted with lockable security gates to restrict access to vehicles/persons outside of operational hours.
- Signs shall be installed to clearly state the opening/closing times for the car park.
- All surfaces of the basement car park shall be painted in light coloured paint or finished in light grey concrete to reflect light.
- Adequate lighting and mirrors shall be installed near potential blind areas including under stair cases, wide columns and blind corners.
- The plant room/storage area and waste bin/recycling areas of the

basement car park shall be restricted from public access.

- Emergency phone/help points shall be provided in the basement car park.
- The lift doors shall be transparent and fitted with appropriate safety features, including emergency stop buttons, alarms and telephones, in accordance with Australian Standards.
- Signage advising customers to lock their vehicles and remove valuables shall be installed in the car parks

Security

- High quality CCTV shall be installed in conjunction with quality lighting to cover all areas accessible by the public including shop entrances and both car parks.
- Each store shall be fitted with security fittings and alarm system.
- Rear entry points to shops shall be locked at all times and access restricted to staff only.

Toilets

- Entrances to toilets shall be clear of any screening to allow sufficient passive surveillance.
- Toilet cubicle doors should open outward to allow access in an emergency. Doors should also have spring-opening hinges to allow doors to remain open when not in use.
- Rear of toilet doors should have hooks located half way down to ensure handbags cannot be accessed over the top of the door.
- Doors shall be installed to a sufficient gap between the floor and ceiling.
- Avoid creating areas where items such as drug paraphernalia can be hidden (e.g. suspended ceilings)
- Toilet fittings shall be installed flush to walls to avoid tampering or stashing of items.

Graffiti

- Graffiti resistant paints/surfaces shall be used on the external surfaces to minimise opportunities for graffiti vandalism.
- Any graffiti to the building should be reported to Police and removed rapidly to discourage repeat incidents.

Landscaping

- Dense vegetation and shrubs with top to bottom foliage shall be avoided with low ground cover or high canopied vegetation being preferred to enable clear sightlines and maintain visibility.
- Public seating shall be of a sturdy material and shall be treated with anti-graffiti coatings to deter graffiti and vandalism.

Waste

- All bins shall be well secured with lockable lids.

Building Identification & Signage

- All shops shall be clearly identified by signage that is large and clearly visible.
- 2.45 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.
- 2.46 All road works, drainage works utility adjustments, regulatory signage and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council or the Road & Traffic Authority (RTA).
- 2.47 Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate plans and details for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 2.48 Stormwater runoff from parking, uncovered paved areas shall be directed to stormwater pre-treatment systems. The treatment devices shall be designed to remove the following pollutant loadings:
- 90% Litter
 - 85% Suspended Solids
 - 65% Phosphorous
 - 45% Nitrogen
 - 90% Oil & grease

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

- (a) Specifications & installation details of the stormwater pre-treatment systems.
- (b) The approval of an operation and maintenance manuals/ programmes for the proposed devices.

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

- 2.49 The swept path of the longest vehicle (including semi-trailers) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with the requirements of Austroads. In this regard, a plan shall be submitted to Council for approval, which demonstrates that the proposed development complies with this requirement.
- 2.50 Prior to the issue of a Construction Certificate for building works the

Principal Certifying Authority and/or Certifying Authority shall ensure that a Roads Act application, including the payment of appropriate fees for the following works, has been lodged with, and approved by Penrith City Council.

- Provision of a new kerb inlet pit and piped drainage under the kerb and gutter in Park Road, connecting to the existing kerb inlet pit outside the golf club. The new kerb inlet pit shall be constructed clear of the golf club's driveway.
- Provision of road pavement construction in the form of a deceleration / left turn lane on the approach to the Park Road access driveway in accordance with Australian Standards and the RTA Road Design Guide including kerb and gutter, drainage and pedestrian ramps both sides of the vehicular access.
- Provision of a double width access driveway in Park Road in accordance with the requirements of AS2890
- Provision of a new pedestrian refuge island and line marking in Park Road. Pedestrian and vehicle sight distance (in particular sight distance to the new pedestrian refuge) shall be maximised in accordance with the Australian Standard. The pedestrian refuge island and pram ramps shall be relocated to a position mid way between the pathway from the New Speciality Shop 1 and the pathway from Car Parking Area 2 the footway shall be fenced with an appropriate style of fence to direct pedestrians to the pedestrian refuge.
- Provision of a new pram ramp on the southern side of Park Road to line up with the new pedestrian refuge island.
- Removal of the refuge islands, pram ramps and connecting pathways in Park Road at the eastern and western ends of the site and on both sides of Park Road.
- Line marking and signage
- Provision of new path paving for the full property frontage.
- Provision of private drainage connection to Council's road drainage system.
- Removal of redundant vehicular crossings and reinstatement of kerb and gutter.
- Opening the road reserve for the provision of services including stormwater.
- Placing of hoardings, containers, waste skips, etc. in the road reserve.
- Replacement of damaged kerb and gutter for the full property frontage.
- Landscaping in the road reserve.

Pedestrian and vehicle sight distance (in particular sight distance to the new pedestrian refuge in Park Road) shall be maximised and in accordance with Australian Standards and the RTA Road Design Guide.

Penrith City Council shall approve all works completed on the footway area. Contact Council's City Works Department on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

- 2.51 Certified copies of the civil design plans of the proposed deceleration/left turn lane, new pedestrian refuge/median island, pram ramps and access driveways off Mulgoa Road and Park Road shall be submitted to the RTA for consideration and approval prior to the release of the construction certificate (Roads Act Approval) by Council and any commencement of road works.

The design plans shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice and shall be endorsed by a suitably qualified and chartered Engineer (i.e. who is registered with the Institute of Engineers Australia)

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

- (a) Stormwater drainage
- (b) Stormwater pre-treatment system
- (c) Earthworks
- (d) Car park
- (e) Retaining walls
- (f) Sealed pavement for all areas of vehicular access.
- (g) Line marking and signage

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

- 2.53 Stormwater drainage from the site shall be discharged to the street drainage systems in Mulgoa Road and Park Road.

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 drainage design shall ensure that post development stormwater discharge from the subject site draining into the RTA drainage system does not exceed the pre-development discharge.

Investigation shall be undertaken to ensure that the existing street drainage has the capacity to accept the discharges from the subject site in the one in five year storm event.

Detailed design plans and hydraulic calculations of the stormwater drainage system shall be submitted to the RTA and Council for

approval prior to the commencement of any works.

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

- 2.54 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, AS2890.2 and Penrith City Council's Development Control Plan.
- 2.55 All vehicles shall enter and leave the site in a forward direction.
- 2.56 The vehicle manoeuvring design shall ensure that all vehicles, including semi-trailers, are able to be wholly contained within the site before being required to stop.
- 2.57 Prior to the issue of any Construction Certificate a performance bond is to be lodged with Penrith City Council for civil works in Mulgoa Road and Park Road.

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note:

Contact Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

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

Prior to the issue of the Construction Certificate, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in any plans approved with the Construction Certificate.

- 2.59 Prior to the commencement of works on site, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 2.60 Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and

Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

2.61 Prior to the Commencement of Works a dilapidation report of all Council owned infrastructure fronting the development in Park Road and Mulgoa Road is to be submitted to Penrith City Council. The report is to include, but not limited to, footpaths, kerb and gutter, pavement and street trees and is to extend 10m either side of the development.

2.62 Work on the site shall not commence until:

- a Construction Certificate has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent have been complied with.

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

2.63 Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

2.64 All existing (aerial) and proposed services for the development are to be located or relocated underground in accordance with relevant authority's regulations and standards.

2.65 Prior to the connection of private drainage to the street drainage system, an inspection is to be carried out by Penrith City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

2.66 All filling shall be undertaken in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and AS 3798.

2.67 Prior to the issue of any Occupation Certificate Lot/s 1, 2 & 3 in Deposit Plan 504928, Lots E, F & G in Deposited Plan 390228 and Lot 3 in Deposited Plan 213444 are to be consolidated as one lot via

registration of a plan with the Land and Property Information division of the Department of Lands.

2.68 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 and RTA.

2.69 After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings marked in red on a copy of the stamped Construction Certificate drawings, signed, certified and dated by a registered surveyor or the design engineer together with copies of compliance documentation shall be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

2.70 Prior to the issue of the Occupation Certificate the Principal Certifying Authority shall ensure that all civil works have been satisfactorily completed in accordance with the Construction Certificate, Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works, and relevant conditions of the development consent.

2.71 Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the stormwater pre-treatment systems, shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

2.72 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 Mulgoa Road and Park Road will require a Roads Act application. The application is to be submitted and approved by Penrith City Council prior to such works commencing.

2.73 Prior to the issue of an Occupation Certificate and installation of regulatory / advisory line marking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Notes:

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

2. Allow eight (8) weeks for approval by the Local Traffic Committee.
- 2.74 Prior to the issue of a Construction Certificate, marked pedestrian crossings shall be provided on the site having regard to pedestrian desire lines.
- 2.75 Prior to the issue of a Construction Certificate, convex mirrors shall be installed in locations where sight distance is restricted particularly for :
 1. Vehicle movements from the basement car park area into the basement ramp from Park Road.
 2. Vehicle movements from the ground level car park to the basement ramp from park Road.
- 2.76 Prior to the issue of an Occupation Certificate, signage which is clearly visible from the public road shall be placed within the development site.
- 2.77 Prior to the issue of an Occupation Certificate directional signage and line marking shall be installed on the site indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.
- 2.78 Prior to the issue of the Occupation Certificate a maintenance bond is to be lodged with Penrith City Council for footpaving.

The signage shall indicate that the exit ramp from the underground loading dock into Mulgoa Road be signposted "No Entry Exit Only".

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note:

Contact Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

- 2.79 Prior to the issue of a Subdivision Certificate an 88B instrument shall be submitted to the Principal Certifying Authority with the subdivision plan. The 88B instrument shall incorporate but not be limited to the following:

- a) Positive covenant for water quality control systems

Details of non standard wording can be obtained from Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Council shall be nominated as the only authority permitted to modify,

vary or rescind the above restrictions, covenants and easements.

- 2.80 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.

- 2.81 All plant and equipment associated with the development shall not be in view from the public domain. Should any additional plant and equipment is to be installed, all steps shall be taken to ensure it is visually and acoustically screened.

- 2.82 Conditions outlined in correspondence issued from the Sydney Regional Development Advisory Committee dated 23 December 2009 shall be adhered to at the relevant stages of the development.

- 2.83 Prior to issuing of the construction certificate an acoustic compliance report is to be provided and approved by Council addressing the noise associated with the chosen mechanical plant and equipment associated with the development. The mechanical plant and equipment is to be designed and installed so that it complies with the noise criteria's set out in the Environmental Noise Impact Assessment prepared by Renzo Tonin and Associates dated 19 December 2008. Should any noise mitigation measures be required to ensure compliance with the relevant noise criteria, these measures are to be approved by Council before implementation.

- 2.84 The loading dock shall be restricted to the following hours only: -

7:00am to 10:00pm - Monday to Saturday and
8:00am to 8:00pm - Public Holidays and Sunday

Any alterations to the above hours will require further consent from Penrith City Council.

3. Delegated authority be provided to Council's Development Services Manager to enable the issue of an operative Development Consent on receipt of satisfactory information as outlined in Schedule A of the Deferred Commencement Consent.
4. Persons who have made a submission be notified of Council's decision.

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 Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Kevin Cramer OAM

- 17 Section 96 Application DA09/0221.01 for Modifications to a Proposed Community Facility at Lots 7, 8 and 9 DP 247158 (No. 46) Bringelly Road and Lots 5 and 6 DP 250412 (No. 49) First Street, Kingswood. Applicant: Mission Australia; Owner: Mission Australia DA09/0221.01**

285 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Section 96 Application DA09/0221.01 for Modifications to a Proposed Community Facility at Lots 7, 8 and 9 DP 247158 (No. 46) Bringelly Road and Lots 5 and 6 DP 250412 (No. 49) First Street, Kingswood be received.
2. Section 96 Application DA09/0221.01 for Modifications to a Proposed Community Facility at Lots 7, 8 and 9 DP 247158 (No. 46) Bringelly Road and Lots 5 and 6 DP 250412 (No. 49) First Street, Kingswood be approved subject to the following amended and additional conditions:

Amend Condition 1 to read as follows:

- 2.1 The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form, the BASIX Certificate and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Drawing No.	Issue	Prepared By	Dated
Cover Sheet/Location Plan	2007-01-C001	C	4d Arch. & Design	12/02/10
Site/Roof Plan	2007-01-A001	D	4d Arch. & Design	12/02/10
Ground Floor Plan	2007-01-A002	D	4d Arch. & Design	12/02/10
First Floor Plan	2007-01-A003	D	4d Arch. & Design	12/02/10
Elevations	2007-01-A010	D	4d Arch. & Design	12/02/10
Sections	2007-01-A020	D	4d Arch. & Design	12/02/10
Site Analysis Plan	2007-01-A100	A	4d Arch. & Design	13/03/09
Shadow Diagrams	2007-01-A200	A	4d Arch. & Design	13/03/09
Shadow Diagrams	2007-01-A201	A	4d Arch. & Design	13/03/09
South-West Perspective (Photomontage)	2007-01-A300	A	4d Arch. & Design	13/03/09
External Play & Store Structures	2007-01-A400	A	4d Arch. & Design	24/04/09
Finishes Schedule	-	-	4d Arch. & Design	13/03/09
Landscape Site Plan	08/1373/DA1	A	Paul Scrivener	12/03/09
Landscape	08/1373/DA2	A	Paul	12/03/09

Elevations			Scrivener	
Detail Planting Plan A	08/1373/DA3	A	Paul Scrivener	12/03/09
Detail Planting Plan B	08/1373/DA4	A	Paul Scrivener	12/03/09
Landscape Details & Notes	08/1373/DA5	A	Paul Scrivener	12/03/09
Stormwater Drainage Cover Sheet & Legend	0708-0040-C00	B	LHO Group	12/03/09
Stormwater Drainage Site Plan	0708-0040-C01	B	LHO Group	12/03/09
Stormwater Drainage Roof Plan	0708-0040-C02	B	LHO Group	12/03/09
Stormwater Drainage Details	0708-0040-C03	B	LHO Group	12/03/09
Sediment & Erosion Control Plan	0708-0040-C04	B	LHO Group	12/03/09
Waste Management Plan	-	-	4d Arch. & Design	12/03/09
Subdivision Plan 1	2007-01-SD001	A	4d Arch. & Design	12/02/10
Subdivision Plan 2	2007-01-SD002	A	4d Arch. & Design	12/02/10

NOTE: The landscape plans and stormwater drainage plans shall be amended to reflect the site layout on the approved site plan.

Amend Condition 28 to read as follows:

- 2.2 The residential units in the Family Accommodation Centre shall only be used for short to medium-term accommodation of families who are homeless or at risk of homelessness. Should it be intended to use or sell the residential units as private long-term tenancies as part of a future Development Application, Council will at this time levy for the payment of any applicable Section 94 contributions. Prior to the issue of an Occupation Certificate, a positive covenant in these terms shall be registered on the land title of proposed Lot 2 in accordance with Section 88E of the Conveyancing Act 1919.

Amend Condition 68 to read as follows:

- 2.3 An Engineering Construction Certificate for the provision of engineering works for the on-site detention systems is to be approved by the Certifying Authority. Engineering design drawings are to be prepared strictly in accordance with Penrith Development Control

Plan 2006, Part 2.3 Engineering Works, and the Guidelines for Engineering Works for Subdivisions and Developments, Part 1 - Design.

Add new Condition 70A as follows:

- 2.4 Where the disposal of drainage involves the provision of drains across lot boundaries, drainage easements shall be provided. The width of the drainage easement is to be in accordance with Penrith City Council's Engineering Works Development Control Plan and Guidelines for Engineering Works for Subdivisions and Developments, Part 1 – Design and Part 2 – Construction.

The easement shall be registered with the Land and Property Information Division of the Department of Lands prior to the issue of an Occupation Certificate. A copy of the registered easement for drainage is to be submitted to the Certifying Authority and Penrith City Council, if Council is not the Certifying Authority.

Amend Condition 71 to read as follows:

- 2.5 On-site detention systems shall be provided on each lot to restrict stormwater discharges from each site to pre-development flows. The systems are to provide for all storms up to and including the 1% AEP event. In addition, positive covenants shall be registered on each lot for the on-site detention systems before an Occupation Certificate is issued for the development.

Engineering details and supporting calculations for the on-site detention systems are to be prepared by a qualified Hydrologic/Hydraulic Engineer and are to accompany the Construction Certificate application for the development in the form of an Engineering Construction Certificate.

{Note: If Penrith City Council is the Certifying Authority for the Construction Certificate for the entire development on the site, the Construction Certificate application fee shall include the fee for the On-Site Detention System.}

On-site detention system levels are critical and should be carefully checked prior to construction to ensure they are built in accordance with approved plans and will have the required volume of storage.

Submission of WAE plans

On completion of the on-site detention systems, Works-As-Executed (WAE) plans, prepared by a registered surveyor or the design engineer, are to be submitted to the Principal Certifying Authority. If Penrith City Council is not the Principal Certifying Authority, a copy of the WAE plans is to be submitted to Council prior to occupation. The WAE plans are to be certified by the designer of the system and are to clearly make reference to:

- the works having been constructed in accordance with the approved plans, and
- the actual storage volumes and orifice sizes provided, and
- any variation to the approved design and required remedial works,

and

- the anticipated performance of the system with regard to the design intent.

Registration of Positive Covenant

Before an Occupation Certificate is issued for the development, positive covenants shall be registered on each property for the on-site detention systems in the following terms...

Amend Condition 79 to read as follows:

- 2.6 The blind aisle for the residential garages shall be amended to include a 1m extension for turning manoeuvres in accordance with the requirements of AS 2890.1. Single garages within each lot shall comply with Penrith Development Control Plan 2006 for full door opening (i.e. 3.2m x 5.4m).

Add new Condition 89A as follows:

- 2.7 Prior to the issue of a Subdivision Certificate, the original linen plan of subdivision and ten (10) copies shall be submitted to the Principal Certifying Authority.

All necessary easements, restrictions and covenants shall be included on the linen plan and accompanying 88B Instrument.

All dedications of roads/drainage are to be undertaken at no cost to Penrith City Council.

The following information is to be shown on one (1) copy of the plan.

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

Add new Condition 89B as follows:

- 2.8 Prior to the issue of a Subdivision Certificate, an 88B Instrument in accordance with Section 88B of the Conveyancing Act 1919 shall be submitted to the Principal Certifying Authority with the linen plan of subdivision. The 88B Instrument shall address all necessary easements, restrictions and covenants.

Where appropriate, Council shall be nominated as the only authority permitted to modify, vary or rescind relevant easements, restrictions and covenants.

Add new Condition 89C as follows:

- 2.9 Prior to the issue of a Subdivision Certificate, the following service authority clearances shall be submitted to the Principal Certifying Authority:
- A Section 73 Compliance Certificate from Sydney Water under the Sydney Water Act 1994;

- A letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- A letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

Add new Condition 89D as follows:

- 2.10 A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. The Subdivision Certificate will not be issued if any relevant conditions in this consent are outstanding.

Amend Condition 93 to read as follows:

- 2.11 The commitments listed in the BASIX Certificate for the dwellings (Certificate No. 236929M_02, dated 24/3/10), and forming part of the development consent, are to be implemented and maintained during the life of the dwellings. Where the commitments require replacement, the replacement must be identical to or at a higher star rating to that listed in the BASIX Certificate.

3. The individual 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

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 Ben Goldfinch
Councillor Kevin Crameri OAM

Against

Councillors Tanya Davies and Mark Davies abstained from voting on this matter.

- 18 Development Application DA10/0667 - Proposed Music Event to be held 18 September 2010 and annually for a five (5) year period - Sydney International Regatta Centre - Lot 21 DP 1092147 (No. 152-233) Old**

**Castlereagh Road, Castlereagh. Applicant: Q-Dance Australia; Owner:
Department of Planning**

DA10/0667

286 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Development Application DA10/0667 - Proposed Music Event to be held 18 September 2010 and annually for a five (5) year period - Sydney International Regatta Centre - Lot 21 DP 1092147 (No. 152-233) Old Castlereagh Road, Castlereagh is received.
2. Development Application 10/0667 seeking consent for a Music Event to be held on 18 September 2010 and annually for a five (5) year period at Development Application DA10/0667 - Proposed Music Event to be held 18 September 2010 and annually for a five (5) year period - Sydney International Regatta Centre - Lot 21 DP 1092147 (No. 152-233) Old Castlereagh Road, Castlereagh be approved subject to the following conditions:
 - 2.1 The development must be implemented substantially in accordance with the stamped-approved plans issued by Penrith City Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.
 - 2.2 This consent permits the running of a one day annual music event to be held in September for a period of five (5) years. This consent is limited to a period of 5 years from the date to which the consent operates. Should the applicant wish to continue beyond this number, a separate application for development approval, demonstrating compliance with all conditions of this consent, must be lodged, and approval obtained, prior to operation.
 - 2.3 At least sixty (60) days prior to the event occurring on an annual basis updated and site plans, management plans, structural certificates and other supporting documentation are to be submitted for Council's consideration.
 - 2.4 All entertainment and trading including the operation of a PA and speaker system is to cease at 11:00pm on the day of the event (to allow background noise levels to be achieved prior to midnight).
 - 2.5 The development shall comply with the provisions of the Building Code of Australia at all times, with respect to smoke and flame index of materials, emergency lighting, exit signs and fire fighting facilities.
 - 2.6 The development shall comply with the Environmental Planning and Assessment Act, 1979 at all times.
 - 2.7 The event shall comply with all the requirements and undertakings given to and approved by the NSW Police.
 - 2.8 Dust suppression and minimisation strategies must be employed to manage potential dust nuisances within the sites. This is to apply to parking areas, access roads and within the event site.
 - 2.9 Event organisers will be available at a mutually convenient time, at the invitation of Penrith City Council and/or Penrith Police, to discuss and action agreed Community Safety or Security issues in conjunction with

- other local Penrith stakeholders should the need arise.
- 2.10 All emergency services and key agencies involved in providing services for this event should also be provided with a copy of the site plan at least two (2) weeks prior to the event. This includes local Police, Fire, Ambulance, Hospital and transport providers.
- 2.11 Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 “Design for Access and Mobility”.
- 2.12 The temporary tent structures and stages, when erected, are to fully comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia. A Structural Engineer’s Certificate is to be submitted to Council prior to the event, certifying the structural adequacy of the structures.
- 2.13 Emergency lighting and illuminated exit signs shall be provided in the tent in accordance with Australian Standard AS 2293.1–2005, with certification submitted to Council prior to the event.
- 2.14 All electrical services shall comply with Clause NSW102.14 of the Building Code of Australia with certification submitted to Council prior to the event.
- 2.15 The event structures are to be inspected by Penrith City Council at least 48 hours before the event operates for the public. Fees for the inspection are to be paid, as detailed in Penrith City Council’s Fees and Charges, and will be invoiced accordingly.
- 2.16 Further details of the Emergency Management Plan shall be submitted to Council prior to the event. The details are to include a list of the Wardens for the event, the chain of command and interaction with the emergency services who will be present for the event, and a sequence of events to detail the actions that would be taken in the event of an emergency.
- 2.17 The event shall be managed in accordance with the requirements of Schedule 3A - Places of Public Entertainment of the Environmental Planning and Assessment Regulation 2000.
- 2.18 Portable fire extinguishers shall be provided in all areas in accordance with Australian Standard AS 2444–2001, with certification submitted to Council prior to the event.
- 2.19 Two NSW Rural Fire Service Category 1 fire trucks are to be provided on the site, one at the eastern end and the other at the western end.
- 2.20 Access to the site for the NSW Fire Brigades is to be made available from the eastern end and from the western end of the site, to the satisfaction of the Brigades.
- 2.21 A sign is to be displayed in a prominent position in the tent that specifies the following:
- The maximum number of persons, as specified in the

development consent, that are permitted in any part of the building used as a place of public entertainment;

- The name, address and telephone number of the council of the area in which the building is located.

*Penrith City Council
Civic Centre
601 High Street
Penrith NSW 2750
PO Box 60
Penrith NSW 2751
(02) 4732 7777*

- 2.22 Emergency vehicle access to the site through McCarthys Lane is maintained at all times.
- 2.23 Notification to the relevant bodies of any changes in current planned usage of pyrotechnics.
- 2.24 Notification to the relevant bodies of any changes to planned sphere of operations of the helicopter, including refuelling.
- 2.25 Bins are to be provided at Penrith Station and removed at the conclusion of the event. The area utilized by the event at Penrith Station is to be satisfactorily cleaned to that of pre-event conditions.
- 2.26 Appropriately places barriers are to be used to direct the pedestrians towards the bus entry point at Penrith Station.

Transport Management

- 2.27 The Transport Management Plan for the class 2 event be endorsed subject to the event obtaining appropriate Roads and Traffic Authority and Police Approval, with subsequent Traffic Management Plans being resubmitted to the Local Traffic Committee a minimum of three months ahead of each annual event.
- 2.28 Sydney International Regatta Centre submit the Transport Management Plan for the event to the Roads and Traffic Authority for approval prior to the event.
- 2.29 The organisers submit a final Traffic Management Plan to Council, the Roads and Traffic Authority and Police for information purposes a minimum of six weeks prior to the event being held.
- 2.30 The organisers obtain separate Roads and Traffic Authority approval.

Infrastructure

- 2.31 Prior to the event commencing a performance bond is to be lodged with Penrith City Council annually for the existing pavement and associated civil infrastructure along the access road from the roundabout at Coreen Avenue to the development site.
- 2.32 The value of the bond is to be \$5000 and will be administered in accordance with Penrith City Council's Bond Policy.
- 2.33 Note:

- 2.34 Contact Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.
- 2.35 Prior to the event commencing a dilapidation report of all Council owned infrastructure along the access road from the roundabout at Coreen Avenue to the development site is to be submitted to Penrith City Council annually. The report is to include, but not limited to, kerb and gutter, pavement, street trees, sign posts and any civil infrastructure associated with the access road. The dilapidation report is to be undertaken in consultation with Penrith City Council. Please telephone Council's City Works Department on 4732 7777 to arrange an inspection prior to compilation of the dilapidation report.
- 2.36 Prior to the refund of the performance bond, 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. An inspection is to be undertaken by Penrith City Council's City Works Department prior to commencement of restoration works. Please telephone Council's City Works Department on 4732 7777 to arrange an inspection.

Toilets

- 2.37 Temporary sanitary facilities shall be provided for the event, with the number of facilities in addition to the permanent facilities available in the buildings, determined in accordance with Table F2.3 of the Building Code of Australia.
- 2.38 The provisions of toilets to the event are to comply with Supplementary information from Anna Christie dated 9th August 2010.
- 2.39 An adequate supply of potable water must be supplied with respect to toilet, shower and refreshment facilities (non-potable water should not be used without prior approval).
- 2.40 Entrances to toilets should be well lit and clear of all screening to allow surveillance by the public, staff and security. This increases patrons' sense of safety and decreases the likelihood of inappropriate activities occurring in the toilets (e.g. drug trafficking and use).
- 2.41 All toilets including portable toilets are required to be cleaned as appropriate.
- 2.42 Ensure that the effluent from the portable toilets is removed off the site to an appropriate facility to accept such waste. The waste shall be transported and disposed of by appropriately licensed facilities.
- 2.43 Portable toilets are to be provided at Penrith Station.

Noise

- 2.44 Noise levels from the premises shall not exceed the relevant noise criteria detailed Sound Management Investigation and Sound Management Plan 2010 Defqon 1 Festival – Issue E - prepared by Auditoria dated 06 August 2010. The recommendations provided in the above-mentioned acoustic report shall be implemented and

incorporated into the design, construction and the conducting of the event. Prior to the event, a certificate is to be obtained from a qualified acoustic consultant certifying that the event has been designed and constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted and approved by Council three (3) days prior to the event.

- 2.45 In addition to the noise monitoring positions outlined in section B.9.1 of the and Sound Management Plan 2010 Defqon 1 Festival – Issue E - prepared by Auditoria dated 06 August 2010, an additional noise monitoring position is to be located to the east of the site.
- 2.46 Sound limiter equipment is to be used for all sound amplification systems used as part of the event. The sound limiter equipment is to be set and locked by a qualified acoustic consultant at a level which ensures that the compliance criteria set in the Sound Management Plan 2010 Defqon 1 Festival – Issue E - prepared by Auditoria dated 06 August 2010 are met at all times.
- 2.47 Noise monitoring is not to cease until the end of the soft close period at 11pm.
- 2.48 Noise generated by the activity after 10pm is not to exceed the Sleep Disturbance Criteria provided in the Environmental Protection Authorities Industrial Noise Policy. In the event that the continuous noise monitoring detects any exceedance, the noise levels are to be reduced immediately.
- 2.49 A noise complaint hotline by the event organisers is to be made available to the surrounding area in case noise nuisance occurs. Any complaints are to be reported to the event manager and where necessary action is to be taken to resolve the noise nuisance. The event manager if so required by an authorised officer, the acoustic consultant or the NSW Police Force, must have the authority to order the reduction of noise level produced.
- 2.50 The services of a suitably qualified consultant is to be engaged to conduct noise testing during the event and provide an Event Acoustic Report to be submitted to Penrith City Council within sixty (60) days of the event.
- 2.51 The Event Acoustic Report is to comply with Australian Standard AS1055 Acoustics - Description of measurement of environmental noise, New South Wales Environment Protection Authority Industrial Noise Source Policy 2000 and the Sound Management Investigation and Provisional Sound Management Plan – prepared by Auditoria dated 11 August 2009.
- 2.52 Noise testing is to be conducted and included in the Event Acoustic Report provided to Penrith City Council at specified testing locations as outlined in Sound Management Plan 2010 Defqon 1 Festival – Issue E - prepared by Auditoria dated 06 August 2010.
- 2.53 Noise testing is to be conducted during the event at the receiver locations used to determine the Rating Background Levels for Mt

Riverview, Yellow Rock, Cranebrook – Residential, Cranebrook – Rural, Waterside Estate, Emu Heights.

- 2.54 This monitoring is to be undertaken a minimum of twice during the daytime period and twice during the evening period at each of those locations. Daytime and Evening are periods as defined by the NSW Industrial Noise Policy. In addition the noise testing is to have consideration to Amenity and Intrusive Noise as defined in the Industrial Noise Policy.
- 2.55 Should the noise testing identify any amenity and/or intrusive noise related concerns, then these are to be communicated to the event organiser as soon as possible and immediate action must be taken to resolve these concerns. Details of this compliance noise testing and any concerns raised and action taken are to be included in the Event Acoustic Report.
- 2.56 The noise readings are to be measured at all points in accordance with the New South Wales Environment Protection Authority Industrial Noise Source Policy 2000 and Sound Management Investigation and Provisional Sound Management Plan – prepared by Auditoria dated 11 August 2009. The readings are to additionally comply with Australian Standard AS1055.2 Acoustics- Description of measurement of environmental noise.

Helicopter Flights

- 2.57 The Helicopter Flights are to be conducted over a period of no longer than specified hours of operation being within 10am and 5pm on the day of the event.
- 2.58 The Helicopter Flights are to undertaken in accordance in the letter from recommendations from HeliAust reference (Defqon1 18/9/10) received 6/9/10 and must comply with all the relevant Legislation and Australian Standards. Any changes to the approved flights are to be provided to Council for consideration.

Food Safety

- 2.59 To comply with Clause 4 of Food Safety Standards 3.2.2 each temporary food business is to notify food business details to the NSW Food Authority prior to the commencing any food handling operations. This may be completed on the Food Authority website (www.foodauthority.nsw.gov.au)
- 2.60 To ensure that the temporary food business meet with the requirements of Food Safety Standards 3.2.2 and 3.2.3, the food stall operators are to comply with the requirements of the NSW Food Authority's guidelines "Food Handling Guidelines for Temporary Events."
- 2.61 All temporary food outlets must complete and return Council's "Application to Sell Food" form at least 48 hours prior to operating.
- 2.62 Solid and liquid waste storage and disposal must be carried out in accordance with the Local Government Act 1993 and Protection of the Environment Operations Act 1997.

- 2.63 Food premises, stalls or food vending vehicles must have hand washing facilities supplied with warm water, with liquid soap and paper towel. Potable water must be used for hand washing.
- 2.64 Food premises, stalls or food vending vehicles must have a temperature measuring device onsite that is capable of measuring to +/-1°C.
- 2.65 Food products are required to be stored in vermin and insect proof storage areas. All foods are to be protected and covered.

Safety and Security

- 2.66 The final Crowd Management Plan is to be provided to Council prior to the event.
- 2.67 During bump in and bump out periods that occur prior to and following the event, the applicant should ensure all equipment and staging materials are appropriately secured to reduce opportunities for malicious damage and theft.
- 2.68 The applicant must provide a combination of security personnel and paid Policing for the duration of the event. This includes 365 security guards on the island, in addition to the development of a security and crowd management plan for the Penrith Bus Interchanges and adjoining precincts.

Drug and Alcohol Management

- 2.69 'Sniffer dogs' should be provided as proposed to assist in drug detection at the event. Training should also be provided for security and event staff to assist in the detection of drug-induced intoxication.
- 2.70 The guidelines contained in the Alcohol Management Plan must be adhered to by security and event staff to promote responsible consumption of alcohol and minimise opportunities for alcohol-related antisocial behaviour to occur.
- 2.71 Security personnel must be provided at each bar area for crowd control and to monitor intoxicated persons and minimise alcohol-related antisocial behaviour.
- 2.72 Glass containers must not be permitted, with plastic containers or cans to be used instead. All cans must be opened at the bar.
- 2.73 Eskies shall not be permitted into the event.
- 2.74 Bags shall be searched upon entry in accordance with the 'Entry Patron Search' procedures provided by the applicant.
- 2.75 Alcohol must not be brought in to the event, but must only be purchased on site from the licensed vendors.
- 2.76 Bar areas must comply with all RSA and legislative requirements concerning the sale and service of alcohol.
- 2.77 Free water must be provided at all bar areas and bottle refilling stations.

- 2.78 All staff must be RSA trained and all appropriate lighting signage must be displayed at all bar areas.

Crowd Management

- 2.79 The Crowd Control procedures provided in the Security Management Plan must be adhered to by security and event staff throughout the event.
- 2.80 Event organisers must be able to communicate with the crowd both for public announcements and in emergencies.

Major and Medical Incidents

- 2.81 The 'Medical Major Incident Plan' and 'Medical Plan' provided by the applicant must be followed by all event staff. Training should be provided to staff to ensure they are familiar with the plans and steps that should be followed in the event of an incident or emergency.
- 2.82 Records should be kept of all incidents at the event, and should include details such as the date, location and time of incident, description of incident, contact details of person involved, and action taken.

Emergency Response Plan

- 2.83 The 'Emergency Response Plan' provided by the applicant must be followed by all event staff and as indicated, circulated to key emergency services for comment. In addition to the plan, a scenario planning workshop has been scheduled and should be conducted annually prior to the event. It will provide an opportunity to consider logistics and the interplay of various operational teams – security, medical, event management, traffic and the police.

Temporary Fencing

- 2.84 Temporary fencing around the perimeter of the lake edge should be staffed by security personnel, as proposed by the applicant, to minimise the risk of people entering or throwing objects into the water.
- 2.85 If security gates are proposed to control access, emergency service providers such as Police, Fire Brigade and Ambulance will need to be liaised with to ensure they can gain access.
- 2.86 Fencing design should maximise natural surveillance to reduce the likelihood of crime being committed.

Lighting and Power

- 2.87 Lighting is to be provided within the car park at Penrith Station for the duration of the event.
- 2.88 Lighting should be provided to clearly illuminate entry and exit points, food stalls, toilets, first aid areas and stages.
- 2.89 Generators should be installed to provide light in a power outage and to power the public address system. The latter may permit directions to be given to spectators in a power failure, thereby alleviating panic.
- 2.90 Access to the main lighting or house lights is essential in case of an

emergency. The location of the controls for these lights, and the operation of the controls, must be known to those on-site responsible for emergencies.

- 2.91 A team of certified electricians must be available on-site for the event.
- 2.92 Adequate lighting is provided so as to enable Police, Security and
- 2.93 Medical staff to monitor activities and respond where required during the event.

Signage

- 2.94 Clear signage should be displayed throughout the event to clearly indicate entry/exit points, public transport locations, emergency help points, toilets, first aid, stage locations, telephones, vendors and licensed/non-licensed areas.
- 2.95 All signage associated with the event shall be removed upon completion of the event.

- 3. Those persons who have made a submission be advised of the determination.

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 Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies

Councillor Kevin Crameri OAM

REQUESTS FOR REPORTS AND MEMORANDUMS

Councillor Ben Goldfinch left the meeting, the time being 9:32 pm.

RR 1 Bus Shelter - Mulgoa Road & Fairlight Road, Mulgoa

Councillor Tanya Davies requested a report to the Local Traffic Committee investigating the location of a bus shelter at the corner of Mulgoa and Fairlight Roads, Mulgoa, as there are concerns about the shelter being situated in a less than safe location. Councillor Davies also requested that an onsite meeting be held with Council officers, residents and herself at approximately 8.20 am to view the situation.

RR 2 Access to Penrith Mazda site from Mulgoa Road, Penrith

Councillor Greg Davies requested an update on a previously requested report on reasons for allowing access to the Penrith Mazda site on Mulgoa Road, Penrith.

Councillor Ben Goldfinch returned to the meeting, the time being 9:34 pm.

RR 3 Wireless Towers – Internet Broadband Access

Councillor Prue Guillaume requested a report to Council investigating how many wireless towers may have to be built in the Penrith LGA, to accommodate internet broadband access, if the Coalition wins the Federal Election on 21 August 2010, and who would act as the consent authority for such development.

URGENT BUSINESS

UB 1 Leave of Absence

Councillor Karen McKeown requested Leave of Absence for the period 17 August 2010 to 21 September 2010 inclusive.

287 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM 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.

288 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM that Leave of Absence be granted to Councillor Karen McKeown for the period 17 August 2010 to 21 September 2010 inclusive.

UB 2 Leave of Absence

Councillor Ross Fowler OAM requested Leave of Absence for the period 3 September 2010 to 21 September 2010 inclusive.

289 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.

290 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that Leave of Absence be granted to Councillor Ross Fowler OAM for the period 3 September 2010 to 21 September 2010 inclusive.

UB 3 Passing of Ruth Hutchens and Sister Mary Louise's mother

Councillor Jackie Greenow advised the meeting of the passing of Ruth Hutchens and Sister Mary Louise's mother and requested that letters of condolence from the Mayor be sent to their families.

UB 4 Fundraising Event for Guide Dogs Society

Councillor Jackie Greenow requested that an amount of \$550 be allocated, in equal amounts from each Ward's voted works to cover the cost of hiring the St Marys Memorial Hall for the fundraising dance for the Guide Dogs Society to be held on 10 September 2010.

291 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler OAM 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.

292 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler OAM that an amount of \$550 be allocated, in equal amounts from each Ward's voted works to cover the cost of hiring the St Marys Memorial Hall for the fundraising dance for the Guide Dogs Society to be held on 10 September 2010.

UB 5 Fundraising Event - Penrith Carer Car

Councillor Ross Fowler OAM requested that an amount of \$1,000 be allocated, in equal amounts from each Ward's voted works to cover the cost of a table of 8 at the Rotary Club of Nepean's fundraising event for the Penrith Carer Car, to be held at Penrith Paceway on 28 October 2010.

293 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.

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

294 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that an amount of \$1,000 be allocated, in equal amounts from each Ward's voted works to cover the cost of a table of 8 at the Rotary Club of Nepean's fundraising event for the Penrith Carer Car, to be held at Penrith Paceway on 28 October 2010.

UB 6 Letter of Condolence - Bill Ball

Councillor Greg Davies advised the meeting of the passing of Bill Ball and requested that a letter of condolence from the Mayor be sent to his family.

COMMITTEE OF THE WHOLE

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

Councillor Prue Guillaume left the meeting, the time being 9:42 pm and did not return.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Greg Davies seconded Councillor Ross Fowler OAM 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 Legal Matter - Permanent Road Closures of Malabine, Nardu & Baronessa Lanes, South Penrith to Adjoining Owners

This item has been referred to Committee of the Whole as the report refers to

information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 9:54 pm and the General Manager reported that the Committee of the Whole met at 9:42 pm on 16 August 2010, the following being present

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Jim Aitken OAM, Kaylene Allison, Greg Davies, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Jackie Greenow, 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

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 agree to the sale in accordance with the figures and conditions as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all the necessary documentation.

3 Legal Matter - Permanent Road Closures of Malabine, Nardu & Baronesa Lanes, South Penrith to Adjoining Owners

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee

CW3 That:

1. The information contained in the report on Legal Matter - Permanent Road Closures of Malabine, Nardu & Baronesa Lanes, South Penrith to Adjoining Owners be received.
2. Council approve the sale of land to the adjoining owners of Malabine, Nardu & Baronesa Lanes South Penrith as outlined in the table contained within the report.
3. Council finalise the permanent road closures of Malabine, Nardu & Baronesa Lanes, South Penrith.
4. The Common Seal of the City of Penrith be placed on all necessary documentation.

ADOPTION OF COMMITTEE OF THE WHOLE

296 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Tanya Davies that the recommendation contained in the Committee of the Whole and shown as CW1, CW2 and CW3 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:54 pm.

I certify that these 49 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 16 August 2010.

Chairperson

Date