

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

ON MONDAY 5 NOVEMBER 2012 AT 7:32PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

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

PRAYER

The Council Prayer was read by Rev Neil Checkley.

PRESENT

His Worship the Mayor, Councillor Mark Davies, Deputy Mayor, Councillor Ross Fowler OAM and Councillors Jim Aitken OAM, Bernard Bratusa, Prue Car, Kevin Crameri OAM, Marcus Cornish, Greg Davies, Maurice Giroto, Ben Goldfinch, Jackie Greenow, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 15 October 2012

337 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the minutes of the Ordinary Meeting of 15 October 2012 be confirmed.

DECLARATIONS OF INTEREST

Councillor Jim Aitken OAM declared a Pecuniary Interest in *Item 11 - Development Application DA12/0194 - Construction of a motel with four buildings comprising 77 dual key units, associated landscaping and on site parking with vehicular access from Billington Place, Emu Plains on part of Lot 1 DP 91022 and Lot 9 DP 807323 (No. 1-9) Lamrock Street, Emu Plains. Applicant: Pheonix Builders Pty Ltd; Owner: Pheonix Builders Pty Ltd* as he owns property in the vicinity of the area.

SUSPENSION OF STANDING ORDERS

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

Ms Jacqueline Powell

Item 11 – *Development Application DA12/0194 - Construction of a motel with four buildings comprising 77 dual key units, associated landscaping and on site parking with vehicular access from Billington Place, Emu Plains on part of Lot 1 DP 91022 and Lot 9 DP 807323 (No. 1-9) Lamrock Street, Emu Plains. Applicant: Pheonix Builders Pty Ltd; Owner: Pheonix Builders Pty Ltd.*

Ms Powell spoke in support of the recommendation and thanked the Council for their efforts. Ms Powell provided a brief history of the site and made a brief reference to the existing development proposal. Ms Powell also sought clarification on the ongoing use of the motel and whether there was a possibility of having the landscaping and fencing completed prior to works commencing on the site.

Mr Ken Ravenscroft

Item 13 – *Development Application DA12/0420 demolition of existing dwelling & erection of two storey dwelling with child care centre 24 places on ground floor at Lot 735 DP 259430 (No. 85) Warburton Crescent Werrington County Applicant: Kamal Musa Shahatit & Faridah Shahatit; Owner: Kamal Musa Shahatit & Faridah Shahatit*

Mr Ravenscroft spoke in opposition to the recommendation and expressed concerns about the positioning of the new dwelling proposed to be constructed, traffic issues and the provision of environmental requirements. Mr Ravenscroft highlighted issues about the reduced parking spaces to only five spaces and the available parking to the staff of the proposed child care centre. He also expressed concern about the child/ teacher ratio.

Ms Fiona Toose

Item 15 – *Nepean River Green Bridge - Submission to Roads and Maritime Services as part of Public Exhibition of Design Options*

Ms Toose, representing Penrith Rowing Club, spoke in support of the recommendation and provided a brief history of the Rowing Club and the importance of rowing in the City and also briefly described the competitions that are undertaken on the Nepean River. She expressed concerns that the Rowing Clubs did not receive notification from the Roads and Maritime Services (RMS) about the Nepean River Green Bridge Project. Ms Toose indicated that the proposed bridge designs would have an adverse effect on rowing competitions and on the safety of rowers. She expressed her concerns that the RMS only made three of a possible total of five designs available for public comment. She supported the construction of a bridge with reduced bridge pylons which are placed closer to the river bank so as to not affect the main river course. She commended to Council the recommendations proposed in the report.

RESUMPTION OF STANDING ORDERS

339 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marcus Cornish that Standing Orders be resumed, the time being 8:04pm.

MAYORAL MINUTES

1 [Local Government Association of NSW - Certificate of Service](#)

340 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM that the Mayoral Minute on Local Government Association of NSW - Certificate of Service be received.

Deputy Mayor, Councillor Ross Fowler OAM and Councillors Ben Goldfinch, Jim Aitken OAM, Jackie Greenow, Karen McKeown and Prue Car offered their congratulations to Councillors Greg Davies, John Thain and former Councillor Kaylene Allison on being presented with their service awards and they also expressed thanks to the families of Councillors Greg Davies, John Thain and former Councillor Kaylene Allison for their support and sacrifice.

Councillor John Thain responded by thanking and appreciating his fellow colleagues in congratulating him and congratulated Councillor Greg Davies for receiving the award of Emeritus Mayor and thanked him for guiding and mentoring him in his early years in Council.

Councillor Greg Davies responded and thanked his colleagues for their kind words. He also thanked his constituents for their support. He also thanked the many Councillor colleagues he has worked with over the past 17 years.

His Worship the Mayor, Councillor Mark Davies, presented Councillor John Thain with his Certificate of Service.

2 [Passing of Vera Mills](#)

341 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Passing of Vera Mills be received.

Councillor Jackie Greenow spoke in support of the Mayoral Minute.

His Worship the Mayor, Councillor Mark Davies called for a one minute silence to be observed at 8:24pm.

DELIVERY PROGRAM REPORTS

A LEADING CITY

1 [Audit Committee](#)

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

That:

1. The information contained in the report on Audit Committee be received.
2. The Audit Committee Charter quorum provisions be amended as detailed in the report.

2 2012 Local Government Association Annual Conference

343 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish

That:

1. The information contained in the report on 2012 Local Government Association Annual Conference be received.
2. A letter of appreciation be sent by the Mayor to the Chairperson of the Deerubbin Local Aboriginal Land Council thanking the DLALC for their attendance and support at the 2012 Local Government Association Conference.

3 Future of State Office Block, 2 - 6 Station Street, Penrith

344 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor John Thain

That:

1. The information contained in the report on Future of State Office Block, 2 - 6 Station Street, Penrith be received.
2. The Premier be requested to invest the proceeds from the sale of 2-6 Station Street, Penrith in the provision of essential infrastructure required to support planned housing and jobs delivery in Penrith, particularly within the WELL Precinct and Penrith City Centre.
3. The Local State Members of Parliament be requested to support Council's position on this matter and make representations to the Premier on Council's behalf.

A CITY OF OPPORTUNITIES

4 Councillor Representation on the Access Committee

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

That:

1. The information contained in the report on Councillor Representation on the Access Committee be received.
2. Council appoint Councillors Prue Car and Marcus Cornish as additional members to the Access Committee.

A GREEN CITY

5 [Energy Savings Action Plan 2012 - 2016](#)

346 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Energy Savings Action Plan 2012 - 2016 be received.
2. Council adopt the Energy Savings Action Plan 2012.
3. A report be brought back to Council on the status and workings of the Sustainability Revolving Fund set up to divert a proportion of savings made as a result of energy savings to provide funding for future initiatives.

A LIVEABLE CITY

6 [Establishment of Alcohol Free Zones and Alcohol Prohibited Areas](#)

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

That:

1. The information contained in the report on Establishment of Alcohol Free Zones and Alcohol Prohibited Areas be received.
2. The establishment of additional Alcohol Free Zones and Alcohol Prohibited Areas as detailed in the report be approved.
3. Signage be erected at each of the Alcohol Free Zones and Alcohol Prohibited Areas.

7 [Shared-Use Path on Mulgoa Road, Jamisontown - Section 67 Local Government Act 1993 - Works on Private Land](#)

348 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Shared-Use Path on Mulgoa Road, Jamisontown - Section 67 Local Government Act 1993 - Works on Private Land be received.
2. Council agree to the works to be undertaken on private property and that no charges be made to the Owners' Corporation of 7 Peter Court, Jamisontown for the construction works for the shared-use path as part of the *NSW Bike Plan – River Cities Program*.
3. The Owners' Corporation of 7 Peter Court, Jamisontown be advised of Council's resolution.

8 [Riley Street, Penrith - Proposed Temporary Road Closure for Special Event](#)

349 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Riley Street, Penrith - Proposed Temporary Road Closure for Special Event be received.
2. The event applicant be advised that this is a Class 1 Event under the “*Guide to Traffic and Transport Management for Special Events*”, and that all conditions and requirements specified in the Guide must be complied with prior to the event.
3. The Traffic Management Plan submitted by the event applicant detailing the proposed temporary road closures for the event to be held on 11 November 2012 be endorsed.
4. Approval be given for the temporary closure of Riley Street, Penrith, between Henry Street and Jane Street, from 10:00pm on Saturday 10 November 2012 to 10:00pm on Sunday 11 November 2012, subject to the following conditions:
 - a. A Transport Management Plan, including a Risk Management Plan, be lodged by the event applicant with the Roads and Maritime Services for concurrence, prior to the event. A copy of the Roads and Maritime Services concurrence must be submitted to Council prior to the event.
 - b. A Road Occupancy Licence must be obtained from the Roads and Maritime Services for the proposed road closure. The event applicant is advised that this is a separate and additional approval to that listed in condition 4a above.
 - c. The event applicant obtain separate approval from the NSW Police and submit a Schedule 1 form under the Summary Offences Act to the NSW Police prior to the event. A copy of the NSW Police approval must be submitted to Council prior to the event.
 - d. The applicant must submit to Council a copy of Public Liability Insurance (usually a Certificate of Currency) of minimum \$10 million, prior to the event. In addition, the applicant indemnify Council in writing against all claims for damage and injury which may result from the proposed event.
 - e. A detailed Traffic Control Plan shall be prepared by a qualified and certified professional and submitted to Council, the Roads and Maritime Services and NSW Police prior to the event. The Traffic Control Plan shall detail how a minimum 4.0m emergency lane is maintained at all times during the event.
 - f. The event applicant arrange to place barricades and provide Roads and Maritime Services accredited Traffic Controllers where required by the endorsed Traffic Management Plan. Where the Traffic Management and

Traffic Control Plans indicate Traffic Controllers are to be used, all Traffic Controllers must have current Roads and Maritime Services certification.

- g. The event applicant must provide advice to Council prior to the event that the event complies with the NSW Occupational Health & Safety Act 2000 and the NSW Occupational Health & Safety Regulations 2001.
 - h. The event applicant advertise the proposed temporary road closures in local newspapers a minimum of one week prior to the event.
 - i. The event applicant deliver an information letterbox drop and personal communication to all business proprietors, property owners/tenants, residents and other occupants in the affected streets one week prior to the event. Any concerns or requirements must be resolved by the applicant or referred back to Council for consideration. Should a matter not be able to be resolved, the event may be postponed.
 - j. The event applicant notify State Rail and State Transit Authority of the proposed event and submit a copy of the notification to Council prior to the event.
 - k. The event applicant notify Ambulance Service of NSW and fire brigade (NSW Fire Brigade and Rural Fire Service) and State Emergency Services of the proposed event and submit a copy of the notification to Council prior to the event.
 - l. The event applicant notify NSW Transport Infrastructure of the proposed event and submit a copy of the notification to Council prior to the event.
 - m. The event applicant notify private bus companies and coach organisations and taxi companies for the proposed event and submit a copy of the notification to Council prior to the event. Bus companies shall be requested to advertise the changed route for affected buses, at least one week prior to, and during the event.
 - n. Should the consultation process resolve to temporarily relocate bus stops or bus routes that were not indicated in the original Traffic Management Plan, a further report will be required to be submitted to the next available Local Traffic Committee meeting.
 - o. The event applicant shall ensure that noise control measures are in place as required by the Protection of the Environment Operations (Noise Control) Regulation 2000.
 - p. The event applicant is to ensure that competitors obey road rules and Police directions during the event.
- 5. All works as part of this approval are conducted at no cost to Council.
 - 6. The applicant be advised of Council's resolution.

15 Nepean River Green Bridge - Submission to Roads and Maritime Services as part of Public Exhibition of Design Options

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

That:

1. The information contained in the report on Nepean River Green Bridge - Submission to Roads and Maritime Services as part of Public Exhibition of Design Options be received.
2. Council call on the State Government, by way of formal submission as part of the public exhibition process for the design options to:
 - (a) eliminate the RMS design options;
 - (b) develop a survey plan identifying the required open corridor (“footprint”) for rowing on the Nepean River;
 - (c) undertake further design development of the Conybeare Morrison and KI Studio designs against the approved objectives for the bridge, including the rowing “footprint”; and
 - (d) ensure the process for further design development of these two designs includes extensive public consultation.
3. A report be brought back to Council providing information regarding the accessibility of the proposed Nepean River Green Bridge, including the designs of associated accessibility mechanisms such as access ramps, from both east and west approaches.
4. The Federal Member for Lindsay be forwarded a copy of the Council’s report and submission on the Nepean River Green Bridge; be requested if there are any opportunities for Federal Government funds to be made available to ensure that the Project delivers the adopted vision and objectives of the Nepean River Green Bridge.

A VIBRANT CITY

9 NSW Fire & Rescue Fire Safety Report

Councillor Tricia Hitchen left the meeting, the time being 9:23pm.

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

That:

1. The information contained in the report by NSW Fire & Rescue Fire Safety Report be received.
2. Council continue to monitor 57 Saddington Street, St Marys and Unit 2/233 Mulgoa Road, Jamisontown as part of its Fire Safety Audit Programme.

10 [McDonalds McHappy Day](#)

Councillor Tricia Hitchen returned to the meeting, the time being 9:24pm.

352 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on McDonalds McHappy Day be received.
2. Council provide support to the value of \$500 for the 2012 McDonalds McHappy Day.
3. An amount of \$300 be allocated from each Ward's voted works (totalling \$900) to support the 2012 McDonalds McHappy Day.

Having previously declared a Pecuniary Interest in Item 11, Councillor Jim Aitken OAM left the meeting, the time being 9:25pm.

11 [Development Application DA12/0194 - Construction of a motel with four buildings comprising 77 dual key units, associated landscaping and on site parking with vehicular access from Billington Place, Emu Plains on part of Lot 1 DP 91022 and Lot 9 DP/ 807323 \(No. 1-9\) Lamrock Street, Emu Plains. Applicant: Pheonix Builders Pty Ltd; Owner: Pheonix Builders Pty Ltd](#)

DA12/0194

353 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Demolition of Existing Dwelling & Construction of 4 buildings containing 77 dual key Motel, associated parking spaces and landscaping at 1-9 Lamrock Street Emu Plains be received.
2. That DA12/0194 for Demolition of Existing Dwelling & Construction of 4 buildings containing 77 dual key Motel, associated parking spaces and landscaping at 1-9 Lamrock Street EMU PLAINS NSW 2750, be approved as a deferred commencement consent (which will need to be complied within 12 months from the date of this consent) as outlined below under Schedule 1 & 2.

Schedule 1

- 2.01 Written confirmation is to be received from the SES stating that the proposed development can be incorporated into the Hawkesbury Nepean Flood Emergency Sub Plan and will not adversely impact on their ability to evacuate the Emu Plains low flood island.
- 2.02 Detailed plans of the proposed access to Billington Place shall be submitted to Penrith City Council to the satisfaction of Council's Engineering Services Department and Property Development Department. Detailed plans shall include, but not be limited to, cross-sections, long-sections, turning path templates for the largest service vehicle, drainage details, pavement details

and intersection details with Billington Place.

- 2.03 A revised detailed drainage plan shall be submitted to RailCorp for approval. Written confirmation is to be received from RailCorp stating that the drainage proposal is satisfactory. The drainage proposal must also be to the satisfaction of Penrith City Council. The plans must include details of water quality treatment systems that meet the objectives and controls of Development Control Plan 2010 Section C3.2. The plans must provide details that shall include, but not be limited to, plan locations, discharge points, hydraulic calculations, cross-sections and long-sections.

General Conditions

- 2.04 - A001 Approved Plans.
- 2.05 - A008 Works to BCA requirements
- 2.06 - A014 Lot Consolidation
- 2.07 - A019 Occupation Certificate
- 2.08 - A026 Advertising Sign (not for Residential)
- 2.09 - A032 Good in Buildings
- 2.10 - A038 Lighting Locations
- 2.11 - A039 Graffiti
- 2.12 - A046 Construction Certificate
- 2.13 - B001 Demolition of Existing Structures
- 2.14 - B002 AS for Demolition and Disposal
- 2.15 - B003 Asbestos
- 2.16 - B004 Dust Suppression
- 2.17 - B005 Mud/Soil
- 2.18 - B006 Hours of work
- 2.19 - D001 Implement Sediment and Erosion Control Measures
- 2.20 - D006 No Filling without Prior Approval
- 2.21 - D009 Covering Waste Storage area

- 2.22 - D010 Waste disposal
- 2.23 - D014 Plant & Equipment Noise
- 2.24 - E01A BCA Compliance
- 2.25 - E006 Disabled Access and Facilities
- 2.26 - G002 Section 73 Certificate
- 2.27 - G004 Integral Energy
- 2.28 - G005 Rain Water Tank Pumping
- 2.29 - H001 Stamped Plans & erection of site notice
- 2.30 - H002 All Forms of Construction
- 2.31 - H041 Hours of work
- 2.32 - H036 – Rainwater Tank
- 2.33 - H037 – Safe Supply of Water From Catchment
- 2.34 - H038 – Connection of Rainwater Tank Supply
- 2.35 - H039 – Rainwater Tank Pumps
- 2.36 - K101 – Works at no Cost to Council
- 2.37 - K203 – Roads Act Minor roadworks requiring approval of civil drawings
- 2.38 - K211 – Stormwater Discharge
- 2.39 - K214 – Flood Report
- 2.40 - K215- Flooding - Floor Level (26.5)
- 2.41 - K217 – Flood Compatible Materials (26.5)
- 2.42 - K218 – Flood Structural adequacy (1)
- 2.43 - K221 – Access, Car Parking and Manoeuvring
- 2.44 - K223 – Performance Bond
- 2.45 - K402 – Flooding – Surveyor Verification of floor (26.5)
- 2.46 - K403 – Flooding -Flood Proofing (26.5)

- 2.47 - K501 – Roads Authority Clearance
- 2.48 - K041 – Infrastructure restoration Bond (\$18,500)
- 2.49 - L001 General Landscaping
- 2.50 - L002 Landscape Construction
- 2.51 - L003 Report Requirement
- 2.52 - L006 AS requirement
- 2.53 - P001 Costs
- 2.54 - P002 Fees Associated with Council Land
- 2.55 - Q001 Notice of commencement and appointment of
PCA
- 2.56 - Q006 Occupation Certificate

Special Conditions

- 2.57 Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline".
- 2.58 The recommendations detailed in 'Part B: Demolition and Construction', 'Section 8.0: Discussion and Recommendations' of the "Acoustic Report" prepared by Acoustic Solution P/L dated 13 July 2012 (Ref. No. 2012-065 Rev.3) shall be implemented during the construction phase of the development.
- 2.59 All construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline":
 - Mondays to Fridays, 7am to 6pm
 - Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
 - No work is permitted on Sundays and Public Holidays.

Other construction works that are carried out inside a building that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise also apply to construction works.

2.60 Where a complaint has been raised regarding construction noise or vibration, the noise generating activities in question are to cease until such time as the complaint has been resolved and the outcome communicated to the complainant, or until a suitably qualified consultant has assessed and demonstrated the activities comply with the relevant criteria.

2.61 A completed Demolition and Construction Waste Management Plan shall be submitted to Penrith City Council for consideration and approval. Council must approve the plan before works can commence on site.

The Demolition and Construction Waste Management Plan shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.

The approved Demolition and Construction Waste Management Plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

2.62 All waste generated when the facility is in operation is to be recycled or disposed of in accordance with the approved Operational Waste Management Plan. All waste materials not specified in the Plan are to be disposed of at a lawful waste management facility.

2.63 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the "Acoustic Report" prepared by Acoustic Solutions P/L dated 13 July 2012 (Ref. No. 2012-065 Rev.3). The recommendations provided in Part A Section 4.0 of the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the development has been constructed to meet the noise criteria in accordance with the approved acoustic report and the relevant Australian Standards. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

2.64 Vehicular access from Lamrock Street is limited to only Emergency/SES/Police access to the subject development site.

2.65 All fencing along the northern, western and Lamrock Street boundaries are to be constructed of solid metal panels or rods and are to be provided as 'see-through' decorative fencing or similar. Details

shall be provided prior to the issue of a Construction Certificate.

- 2.66 Plants to be planted along the western, northern and eastern boundaries are to be of high canopy complementing with low plants that would provide passive surveillance to and from the development site. Details of the plants are to be submitted to Council for consideration and approval prior to the issue of a Construction Certificate.
- 2.67 A minimum of 8 secure bicycle parking spaces which are easily accessible from ground level must be provided in accordance with AS 2890.3 prior to the Occupation Certificate being issued.
- 2.68 All construction vehicles and activities must be fully contained within the site. No vehicles associated with the construction or demolition activities are to stand on Lamrock Street.
- 2.69 The required sight lines around the driveway entrance are not to be compromised by landscaping, fencing or signage.
- 2.70 All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads and Maritime Services or Council.
- 2.71 All driveways must be designed so that vehicles are able to enter and exit the development in a forward direction.
- 2.72 The stormwater drainage system shall be provided generally in accordance with the plans endorsed by Schedule 1.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

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

- 2.73 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the proposed development is compatible with Section 2 – Local Flood Study of the Flood Report prepared by Martens Consulting Engineers, reference number P1203470JR1V01, revision 1, dated 16/07/12.

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

- 2.74 All Garbage Collections are to be carried out from Billington Place.
- 2.75 Prior to the issue of a Construction Certificate a Construction

Management Plan shall be submitted to Penrith City Council demonstrating that the works will not have an adverse impact on the surrounding road network. A Roads Act Application shall be submitted to and approved by Penrith City Council for any road closures or road occupancy required by the development works as detailed by the Construction Management Plan.

- 2.76 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the design of the basement car park will not impede, dam or otherwise obstruct the passage of groundwater flows.
- 2.77 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the basement car park, including entrance driveways, is protected from inundation of flood waters up to 26.5m AHD.
- 2.78 Prior to the Commencement of Works a dilapidation report of all infrastructure within Lamrock Street and within Council owned land is to be submitted to Penrith City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street.
- 2.79 Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that a written sign-off has been received from Penrith City Council that all works have been satisfactorily been completed on Council owned land.
- 2.80 The garage floor level must be at a minimum of RL 26.10m AHD. Prior to the issue of a Construction Certificate the applicant must provide such documentary evidence as maybe required to satisfy the Principal Certifying Authority that compliance with this condition will be achieved.
- 2.81 Prior to the issue of an Occupation Certificate any damage to Council infrastructure within Lamrock Street and within Council owned land not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Penrith City Council.
- Any rectification works within Lamrock Street will require a Roads Act application. The application is to be submitted and approved by Penrith City Council prior to such works commencing. Any rectification works within Council owned land will require approval from Penrith City Council prior to such works commencing.
- 2.82 Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that all works and finished surface levels are in accordance with the approved flood studies.
- 2.83 Prior to the issue of an Occupation Certificate a Right of Carriageway shall be created across Council owned property, Lot 3 DP 234477, to a public road. The dimensions and location of this Right of Carriageway are subject to agreement with Council.
- 2.84 No work is to commence on site until such time as a person accredited

to prepare traffic control plans in accordance with AS1742.3 “Traffic Control Devices for Works on Roads” and the Roads and Traffic Authority's publication “Traffic Control at Worksites” has certified a Traffic Control Plan for the development and the site. The Traffic Control Plan shall be implemented during the demolition and construction phase of the development and a copy of such plan shall be available on site at all times.

A copy of the Traffic Control Plan shall accompany the Notice of Commencement to be submitted to Penrith City Council 2 days before any work including site clearing and demolition works is to commence on site.

- 2.85 Garbage rooms shall be constructed with masonry walls with smooth face cement rendering to the full height internally and be provided with a smooth concrete floor and shall be located within the site adjoining to the entrance/exit area to Billington Place. The floor shall be graded and drained to a floor waste connected to the sewer that shall be charged with a suitably located cold water hose cock. Access doors to the garbage store shall be tight fitting solid core or of non-combustible construction.
- 2.86 Prior to the issue of a Construction Certificate the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- 2.87 Prior to the issue of a Construction Certificate the applicant is to submit to RailCorp a plan showing all craneage and the other aerial operations for the development and must comply with all RailCorp requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
- 2.88 Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.
- 2.89 No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp.

Where the applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its approval has been granted.
- 2.90 Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the types of fencing and the method of

erection are to be to RailCorp's satisfaction prior to the fencing work being undertaken. RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.

- 2.91 A total of 103 off-street parking spaces are to be provided, linemarked and maintained for the development, generally in accordance with the approved schedule of external finishes. The parking space dimensions and manoeuvring areas are to comply with AS2890.1 and AS2890.2 the Building Code of Australia and the Commonwealth Disability Discrimination Act.

Of the 103 spaces, at least 2 parking spaces for persons with disabilities are to be provided in accordance with AS1428.1 and are to be located close to all pedestrian entrances to the building.

3. Council grant an easement for Right of Way 6 metres wide and variable over Lot 3 DP234477 Billington Place Emu Plains to benefit Lot 1 DP91022 and Lot 10 DP807323 Lamrock Street, Emu Plains. Council accept compensation in the amount of \$55,000 for the grant of the easement if Council agrees with recommendation No.2.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.
5. Those making submissions be advised 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 Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow
Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

12 Development Application DA12/0175 for a multideck carpark at Nepean Hospital (35-65) Derby Street Kingswood Applicant: NSW Health Infrastructure; Owner: Wentworth Area Health Services

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

That:

1. The information contained in the report on Development Application DA12/0175 for a multideck carpark at Nepean Hospital (35-65) Derby Street Kingswood be received.
2. A letter be written to all local State Members asking them to urgently look at the designs for the multideck carpark at Nepean Hospital (35-65) Derby Street, Kingswood.

13 Development Application DA12/0420 demolition of existing dwelling & erection of two storey dwelling with child care centre 24 places on ground floor at Lot 735 DP 259430 (No. 85) Warburton Crescent Werrington County Applicant: Kamal Musa Shahatit & Faridah Shahatit; Owner: Kamal Musa Shahatit & Faridah Shahatit DA12/0420

Councillor Jim Aitken OAM returned to the meeting, the time being 9:34pm.

Councillor Ben Goldfinch left the meeting, the time being 9:37pm.

Councillor Jackie Greenow left the meeting, the time being 9:38pm.

Councillor Tricia Hitchen left the meeting, the time being 9:39pm.

Councillors Ben Goldfinch and Jackie Greenow returned to the meeting, the time being 9:39pm.

Councillor Michelle Tormey left the meeting, the time being 9:42pm.

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

That:

1. The consideration of this matter be deferred to address the issues brought to the attention of Council by Mr Ravenscroft.
2. A site inspection of the site by Councillors be undertaken with the owner and concerned residents.
3. A memorandum be sent to all Councillors regarding the applicability of section 94 contributions to this proposed development.
4. A further report be brought back to Council addressing concerns raised by both the Councillors and Mr Ravenscroft concerning: the requirements for dwellings to have a garage; car parking provisions, access parking and traffic issues, toilet facilities, staff parking, site frontage compliance and SEPP 1 objections.

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

For	Against
Councillor Prue Car	
Councillor Greg Davies	
Councillor John Thain	
Councillor Karen McKeown	
Councillor Jackie Greenow	
Councillor Maurice Giroto	
Councillor Kevin Crameri OAM	
Councillor Jim Aitken OAM	
Councillor Ross Fowler OAM	
Councillor Ben Goldfinch	
Councillor Bernard Bratusa	
Councillor Marcus Cornish	
Councillor Mark Davies	

Councillors Tricia Hitchen and Michelle Tormey returned to the meeting, the time being 9:44pm

14 [Development Application 04/1679 Closure of Nepean Street, between Cranebrook Road and Camelot Drive, and opening of Laycock Street extension, Cranebrook](#) Applicant: Stockland Development Pty Ltd; Owner: Stockland Development Pty Ltd

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

That:

1. The information contained in the report on Development Application 04/1679 Closure of Nepean Street, between Cranebrook Road and Camelot Drive, and opening of Laycock Street extension, Cranebrook be received.
2. Council undertake further community notification to provide local residents, land owners and key stakeholders with further information on the timing and need for the closure.
3. A memorandum be sent to Councillor Kevin Crameri OAM detailing the history of the proposed closure of Nepean Street and when the matter was first brought to the Council.

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

For	Against
Councillor Prue Car	
Councillor Greg Davies	
Councillor John Thain	

Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow
Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

REQUESTS FOR REPORTS AND MEMORANDUMS

Councillor John Thain left the meeting, the time being 9:48pm.

Councillor Prue Car left the meeting, the time being 9:49pm.

Councillor John Thain returned to the meeting, the time being 9:49pm.

Councillor Prue Car returned to the meeting, the time being 9:58pm.

RR 1 Repairs of Sign at Penrith Whitewater Stadium

Councillor Marcus Cornish requested a memo reply to get the sign at the entrance to the Penrith Whitewater Stadium repaired and maintained.

RR 2 Pedestrian access from Waterside Estate to Penrith Lakes

Councillor Ross Fowler OAM requested a report to Council on the possible solutions that can be undertaken to allow for better pedestrian access from the Waterside Estate across Cranebrook Road to the Penrith Lakes environment.

RR 3 Access to Dunheved Industrial Centre

Councillor Ross Fowler OAM requested a report to Council on the current position and the progress in completing the Link Road off Christie Street to Dunheved Industrial Estate and details on Lend Leases' position.

RR 4 Urgent Report on Flooding and Flood Mitigation in the Nepean Valley

Councillor Jim Aitken OAM requested an urgent report briefing to Council on the effects and danger to residents, homes, businesses, jobs and lives by flooding in the Nepean Valley. This is in light of comments made by the CEO of Infrastructure NSW that flood mitigation of Nepean Valley and the Hawkesbury is an important matter.

RR 5 Monitoring of traffic and parking at Great Western Highway leading east, Emu Plains

Councillor Jim Aitken OAM requested Council staff monitor and bring a report back to Council on the traffic and parking at Emu Plains along the Great Western Highway leading east in front of the shops with the view of putting a report to the Roads and Maritime Services.

RR 6 Letter from Fujieda Mayor and student ambassadors to Fujieda

Councillor Jackie Greenow informed Council that the students from the Penrith Region who visited Fujieda, Japan were given a letter from the Mayor of Fujieda congratulating the students for being good ambassadors.

RR 7 Display cases at the Joan Sutherland Performing Arts Centre

Councillor Jackie Greenow informed Council that the International Friends have received items that are now displayed in cases on level 2 at the Joan Sutherland Performing Arts Centre. Councillor Greenow thanked the former CEO of the 'Joan', John Kirkman and Victoria Harbutt for their involvement in organising the display cases.

RR 8 Councillor photos at St Marys Office

Councillor Jackie Greenow advised that Councillor photos at the St Marys Office are not there and this needs to be followed up.

RR 9 Notification of Council Meeting items

Councillor Jackie Greenow requested for a memo reply or a report to Council outlining how residents can be informed earlier about agenda items being presented to Council Meetings.

RR 10 Urgent Report regarding escaping fauna from the former ADI site

Councillor Michelle Tormey requested an urgent report to Council on matters pertaining to the animal welfare of fauna situated within the former ADI site in the Lend Lease conservation area, and whether Lend Lease have any obligations with respect to this matter, and what Council will do to address this.

RR 11 Urgent Report regarding funding cuts to the Environmental Defenders Office (EDO) of NSW

Councillor Michelle Tormey requested an urgent report to Council addressing the funding cuts to EDO, the role of EDO, how EDO is currently funded, the implications of funding cuts and requesting that Council write to the NSW Government advocating for funding to continue to the EDO.

RR 12 Urgent Report on DA11/1096 – Boundary realignment

Councillor Greg Davies requested that DA11/1096 be referred to Council for determination as an urgent report.

RR 13 Construction of a stage for lease to the community

Councillor Greg Davies requested a memo reply or a report to Council be prepared on the construction of a stage that can be used to lend out for the use of the community at various functions and events held in the Penrith LGA.

RR 14 Purchase of a display chandelier

Councillor Greg Davies requested that Council refer to the Board of the Penrith Performing and Visual Arts Limited a request to purchase a display chandelier offered for purchase from a recent Art Show.

URGENT BUSINESS

UB 1 Committee of the Whole

Councillor Maurice Giroto advised that he had a matter of a confidential nature to be considered, and requested that it be considered in Committee of the Whole.

COMMITTEE OF THE WHOLE

357 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ben Goldfinch that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:05pm.

1 Presence of the Public

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

A Liveable City

2 [Aquatics Joint Governance Management Model](#)

This item has been referred to Committee of the Whole as the report refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

3 Urgent Business – Legal Matter

This item has been referred to committee of the whole as it 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 10:10pm and the General Manager reported that the Committee of the Whole met at 10:05pm on 5 November 2012, the following being present

His Worship the Mayor, Councillor Mark Davies, Deputy Mayor, Councillor Ross Fowler OAM and Councillors Jim Aitken OAM, Bernard Bratusa, Prue Car, Kevin Crameri OAM, Marcus Cornish, Greg Davies, Maurice Giroto, Ben Goldfinch, Jackie Greenow, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

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 [Aquatics Joint Governance Management Model](#)

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

CW2 That the information contained in the report on Aquatics Joint Governance Management Model be received.

3 Urgent Business – Legal Matter

RECOMMENDED on the MOTION of Councillor Maurice Giroto seconded Councillor Ross Fowler OAM

CW3 That Councillor Maurice Giroto's request and the information concerning the legal matter be received and that a memorandum be sent to all Councillors outlining the information sought.

ADOPTION OF COMMITTEE OF THE WHOLE

358 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Greg 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 10:11pm.

I certify that these 23 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 5 November 2012.

Chairperson

Date

