

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

ON MONDAY 22 JULY 2013 AT 7:33PM

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 OAM, Tricia Hitchen, John Thain and Michelle Tormey.

LEAVE OF ABSENCE

July 2013 to 11 August 2013 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 24 June 2013

177 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Marcus Cornish that the minutes of the Ordinary Meeting of 24 June 2013 be confirmed with the amendment to Item 5 – Local Government NSW Annual Conference 2013, adding the names of Councillor Ross Fowler OAM and Councillor Kevin Crameri OAM and removing the names of Councillor Maurice Giroto and Councillor John Thain.

DECLARATIONS OF INTEREST

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 7 – Proposed Concept Plan for a Mixed Use Development and Stage 1 works for Construction of a Masters Store by Parkview Penrith Pty Ltd at 164 Station Street, Penrith* as his wife works for Woolworths who own Masters stores.

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest - Significant in *Item 8 – Federal Government 2014/15 'Nation Building Black Spot Program' Nominations and Funding Acceptance of Projects under the 2013/14 ' State 50/50 Black Spot Program'* as some of the works will be occurring on Ninth Avenue, Llandilo which runs down the side of

his property.

Councillor Ben Goldfinch declared a Pecuniary Interest in *Item 7 – Proposed Concept Plan for a Mixed Use Development and Stage 1 works for Construction of a Masters Store by Parkview Penrith Pty Ltd at 164 Station Street, Penrith* as his family is involved in the hardware business. Councillor Goldfinch indicated he would leave the room for consideration of the matter.

Councillor Mark Davies declared a Pecuniary Interest in *Item 3 – Development Application 10/0725.21 Proposed modification to a dwelling design on Lot 13 (No. 6) Coachwood Drive, Claremont Meadows from Type B (2 storey) to Type D (Single storey)* as he is one of the owners of the property. Councillor Davies indicated he would leave the room for consideration of the matter.

Councillor Mark Davies declared a Pecuniary Interest in *Item 7 – Proposed Concept Plan for a Mixed Use Development and Stage 1 works for Construction of a Masters Store by Parkview Penrith Pty Ltd at 164 Station Street, Penrith* as he has a commercial agreement with Masters stores. Councillor Davies indicated he would leave the room for consideration of the matter.

Councillor Bernard Bratusa declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 12 – NSW Government Office of Communities - Sport and Recreation Participation and Facility Program* as the funding offered comes from the Minister's Portfolio of which he is employed. Councillor Bratusa indicated he would leave the room for consideration of the matter.

Councillor Bernard Bratusa declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 20 – 2013 Community Building Partnership Program* as the potential funding being offered comes from the Minister's Portfolio of which he is employed. Councillor Bratusa indicated he would leave the room for consideration of the matter.

Councillor Jim Aitken OAM declared a Non-Pecuniary Conflict of Interest – Significant in *Committee of the Whole Item 3 - Commercial Matter - Station Street, Penrith (Lot C DP 158845)* as he is a part of a syndicate which may be interested in the purchase of this property.

SUSPENSION OF STANDING ORDERS

178 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Kevin Cramer OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:40pm.

Adam Uszynski

**Item 6 - Development Application 12/0989 Residential attached dual occupancy (No.46)
Ironbark Drive, Cranebrook**

Mr Uszynski, an affected person, spoke in opposition to the recommendation for approval of the development application. Mr Uszynski stated that he does not believe the proposal fits in with the existing amenity of the area which is mostly compromised of single level dwellings and that he is concerned about the value of his property should this development be approved. Mr Uszynski raised concerns about the dual access of this property which he believes could have a significant affect on the availability of street parking in the area. Mr Uszynski concluded by stating that a number of residents in the area are concerned with the proposal.

Rod Burndred

**Item 6 - Development Application 12/0989 Residential attached dual occupancy (No.46)
Ironbark Drive, Cranebrook**

Mr Burndred, an affected person raised concerns with the proposal and in particular the management of the property and subsequent safety of people in the area particularly children and senior citizens. Mr Burndred suggested that the management of this property in the past has been poor, with a number of safety issues, police intervention and threats of violence. Mr Burndred acknowledged that he understood that the structure itself may comply with regulations, however expressed reservations about the management of the property and the doubling of the occupancy and the associated anti-social issues it may raise for surrounding residents.

RESUMPTION OF STANDING ORDERS

179 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Greg Davies that Standing Orders be resumed, the time being 7:58pm.

MAYORAL MINUTES

1 [Australasian Reporting Awards](#)

Deputy Mayor, Councillor Ross Fowler OAM and Councillor John Thain spoke in support of the Mayoral Minute.

180 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM that the Mayoral Minute on Australasian Reporting Awards be received.

2 [UWS Internship Award](#)

Deputy Mayor, Councillor Ross Fowler OAM spoke in support of the Mayoral Minute.

181 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM that the Mayoral Minute on UWS Internship Award be received.

3 [Australian Organics Recycling Award](#)

Deputy Mayor, Councillor Ross Fowler OAM spoke in support of the Mayoral Minute.

182 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM that the Mayoral Minute on Australian Organics Recycling Award be received.

REPORTS OF COMMITTEES

3 [Report and Recommendations of the Access Committee Meeting held on 12 June 2013](#)

183 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Tricia Hitchen that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 12 June, 2013 be adopted.

1 [Report and Recommendations of the Local Traffic Committee Meeting held on 1 July 2013](#)

184 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 1 July, 2013 be adopted.

2 [Report and Recommendations of the Policy Review Committee Meeting held on 8 July 2013](#)

185 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 8 July, 2013 be adopted with the exception of *Item 1 - Outcomes of public exhibition of draft amendment to Development Control Plan 2010 to include Panthers Penrith Precinct.*

186 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Ross Fowler OAM that *Item 1 - Outcomes of public exhibition of draft amendment to Development Control Plan 2010 to include Panthers Penrith Precinct* in the Report and Recommendations of the Policy Review Committee Meeting held on 8 July 2013 be adopted.

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

For

Against

Councillor Greg Davies
Councillor John Thain
Councillor Maurice Giroto
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Ross Fowler OAM

Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Jim Aitken OAM
Councillor Kevin Crameri OAM
Councillor Marcus Cornish
Councillor Mark Davies
Councillor Prue Car

187 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that Items 3 and 7 be considered first.

DELIVERY PROGRAM REPORTS

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

Having previously declared a Pecuniary Interest in Items 3 and 7, His Worship the Mayor, Councillor Mark Davies, vacated the Chair and left the meeting, the time being 8:12pm.

Councillor Ben Goldfinch left the meeting, the time being 8:12pm.

Deputy Mayor, Councillor Ross Fowler OAM took the chair for consideration of Items 3 and 7 the time being 8:12pm.

3 [Development Application 10/0725.21 Proposed modification to a dwelling design on Lot 13 \(No. 6\) Coachwood Drive, Claremont Meadows from Type B \(2 storey\) to Type D \(Single storey\).](#)

188 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marcus Cornish

That:

1. The report on the proposed modification to Development Consent 10/0725 for an integrated housing development for a 21-lot Torrens Title subdivision and construction of dwellings on Lot 159, 160 and 161 DP 1108846 at 18-22, 28-30 & 41-43 Central Park Drive, Claremont Meadows NSW 2747 be received.
2. The application for the proposed modification to Development Consent 10/0725 for an integrated housing development for a 21-lot Torrens Title subdivision and construction of dwellings on Lot 159, 160 and 161 DP 1108846 at 18-22, 28-30 & 41-43 Central Park Drive, Claremont Meadows NSW 2747 be approved as follows:

Amend Condition No.1 of DA10/0725 to read as follows:

1. The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form, Statement of Environmental Effects prepared by Cityscape Planning + Projects, BASIX

Certificates and any supporting information received with application, except as may be amended in red on the attached plans and by the following conditions.

- a) Subdivision and Dwellings on Lots 1-3, 5-12, and 14-21

Drawing Title	Plan No.	Prepared By	Date
Plan of Proposed Subdivision	32272-DETAIL	Matthew Freeburn land, Engineering & Mining Surveyors	08-06-2010
Site layout and streetscape analysis	Sheet 1 Revision A	Hotondo Homes	13.9.10
Lot 1 Site plan, ground floor plan, first floor plan, Section & Basix and elevations	Job No.210055 Sheet 1 to Sheet6 Issue A	Zac Homes	21.03.11
Lot 1 Landscape plan			
Lot 2 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	6.10
Lot 2 Landscape plan			
Lot 3 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	6.10
Lot 3 Landscape plan			
Lot 5 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	13.9.10
Lot 5 Landscape plan			
Lot 6 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	6.10
Lot 6 Landscape plan			
Lot 7 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	6.10
Lot 7 Landscape plan			
Lot 8 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	6.10
Lot 8 Landscape plan			
Lot 9 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	6.10
Lot 9 Landscape plan			
Lot 10 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	13.9.10
Lot 10 Landscape plan			
Lot 11 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	13.9.10
Lot 11 Landscape plan			
Lot 12 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	6.10
Lot 12 Landscape plan			
Lot 14 Site plan,	Job No.210068 Sheet	Zac Homes	26.10.11

Ground floor plan, Section & Basix, Elevations and Site Analysis	1 to Sheet 5 Issue B		
Lot 14 Landscape plan	Job No.210068 Sheet 1 Issue B	Zac Homes	26.10.11
Lot 15 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	6.10
Lot 15 Landscape plan			
Lot 16 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	6.10
Lot 16 Landscape plan			
Lot 17 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	6.10
Lot 17 Landscape plan			
Lot 18 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	6.10
Lot 18 Landscape plan			
Lot 19 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	6.10
Lot 19 Landscape plan			
Lot 20 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	6.10
Lot 20 Landscape plan			
Lot 21 Site plan, floor plan and elevations	Sheet 1 to Sheet 4	Hotondo Homes	6.10
Lot 21 Landscape plan			

(b) Lot 4 Dwelling Plans

Drawing Title	Plan No.	Prepared By	Date
Site Plan	Job No. 210058, Sheet. 1 (Issue C)	ZAC Homes	14.11.12
Site Analysis & Shadow Diagrams	Job No. 210058, Sheet. 1A (Issue C)	ZAC Homes	14.11.12
Site Management & Stormwater	Job No. 210058, Sheet. 1B (Issue C)	ZAC Homes	14.11.12
Landscape Plan	Job No. 210058, Sheet. 1C (Issue C)	ZAC Homes	14.11.12
Floor Plan	Job No. 210058, Sheet. 2 (Issue C)	ZAC Homes	14.11.12
Elevations (1 & 2)	Job No. 210058, Sheet. 3 (Issue C)	ZAC Homes	14.11.12

Elevations (3 & 4)	Job No. 210058, Sheet. 4 (Issue C)	ZAC Homes	14.11.12
Sections & Details	Job No. 210058, Sheet. 5 (Issue C)	ZAC Homes	14.11.12
External Colour Finishes	-	ZAC Homes	-
BASIX Certificate	456379S	-	22 November 2012

(c) Lot 13 Dwelling Plans

Drawing Title	Plan No.	Prepared By	Date
Site Plan (as amended in red)	Job No. 210067, Sheet. 1 (Issue A)	ZAC Homes	1.05.13
Site Analysis & Shadow Diagrams	Job No. 210067, Sheet. 1A (Issue A)	ZAC Homes	1.05.13
Stormwater Plan and Waste Management Plan	Job No. 210067, Sheet. 1B (Issue A)	ZAC Homes	1.05.13
Landscape Plan	Job No. 210067, Sheet. 1C (Issue A)	ZAC Homes	1.05.13
Floor Plan	Job No. 210067, Sheet. 2 (Issue A)	ZAC Homes	1.05.13
Elevations (1 & 2)	Job No. 210067, Sheet. 3 (Issue A)	ZAC Homes	1.05.13
Elevations (3 & 4)	Job No. 210067, Sheet. 4 (Issue A)	ZAC Homes	1.05.13
Sections & Details	Job No. 210067, Sheet. 5 (Issue A)	ZAC Homes	1.05.13
External Colour Finishes	-	ZAC Homes	-

BASIX Certificate	480845S_02	-	21 May 2013
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Amend Condition No.50 of DA10/0725 to read as follows:

50. The commitments listed in the relevant BASIX Certificates for the Dwellings on Lots 1-21 form part of the development consent, and are to be maintained during the life of the dwellings. Where the commitments require replacement, the replacement must be identical to or is at a higher star rating to that listed in the BASIX Certificate.

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

For

Against

Councillor Greg Davies
 Councillor John Thain
 Councillor Maurice Giroto
 Councillor Michelle Tormey
 Councillor Jackie Greenow OAM
 Councillor Ross Fowler OAM
 Councillor Tricia Hitchen
 Councillor Bernard Bratusa
 Councillor Jim Aitken OAM
 Councillor Kevin Crameri OAM
 Councillor Marcus Cornish
 Councillor Prue Car

7 [Proposed Concept Plan for a Mixed Use Development and Stage 1 works for Construction of a Masters Store by Parkview Penrith Pty Ltd at 164 Station Street, Penrith](#)

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

That:

1. The information contained in the report on Proposed Concept Plan for a Mixed Use Development and Stage 1 works for Construction of a Masters Store by Parkview Penrith Pty Ltd at 164 Station Street, Penrith be received.
2. Council make another submission strongly objecting to the amended proposal.
3. Council write to the State Member for Penrith, Stuart Ayres, the NSW Premier, Minister for Western Sydney, the Hon Barry O'Farrell MP and the Minister for Planning and Infrastructure, Minister Assisting the Premier on Infrastructure NSW, the Hon Brad Hazzard MP strongly opposing the development and seeking a response on the prohibited development and why the development is being dealt with under Part 3A of the Environmental Planning and Assessment Act 1979.

4. Council staff write to Parkview Penrith Pty Ltd seeking further meetings and reaffirming Council's commitment to work together towards a mutually beneficial solution.

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

For

Against

Councillor Greg Davies
Councillor John Thain
Councillor Maurice Girotto
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Ross Fowler OAM
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Jim Aitken OAM
Councillor Kevin Crameri OAM
Councillor Marcus Cornish
Councillor Prue Car

His Worship the Mayor, Councillor Mark Davies, returned to the meeting and took the chair, the time being 8:45pm.

Councillor Ben Goldfinch returned to the meeting, the time being 8:45pm

190 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish that Item 6 be dealt with next.

6 [Development Application 12/0989 Residential attached dual occupancy \(No.46\) Ironbark Drive, Cranebrook](#)

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

That:

1. The information contained in the report on Development Application 12/0989 Residential attached dual occupancy (No.46) Ironbark Drive, Cranebrook be received.
2. The matter be deferred until such time that a meeting can be arranged between Council, the Department of Housing, the Member for Londonderry, Bart Bassett MP and residents to allow for clear protocols to be put in place should future issues arise, and a copy of those protocols be included when the matter is brought back to Council.

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

For

Against

Councillor Greg Davies
Councillor John Thain
Councillor Maurice Girotto
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Jim Aitken OAM
Councillor Kevin Crameri OAM
Councillor Marcus Cornish
Councillor Mark Davies
Councillor Prue Car

Councillor Maurice Girotto left the meeting, the time being 8:48pm.

Councillor Ben Goldfinch left the meeting, the time being 8:49pm.

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

1 [Tender Reference 12/13-16, Provision of Childcare Cleaning Services](#)

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

That:

1. The information contained in the report on Tender Reference 12/13-16, Provision of Childcare Cleaning Services be received
2. The matter be deferred to allow for further information to be obtained.

Councillor Maurice Girotto returned to the meeting, the time being 8:50pm.

Councillor Ben Goldfinch returned the meeting, the time being 8:50pm.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

2 [Erskine Park Residential s94 Plan](#)

193 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Erskine Park Residential s94 Plan be received
2. Contributions remaining in the Erskine Park Residential Release Area Development Contributions Plan be allocated to projects either described in the relevant tables of this report or as determined by Council, consistent with the legal and State Government limitations applying to development contributions
3. The Erskine Park Residential Release Area Development Contributions Plan

be rescinded.

4. If any further contributions are paid in relation to existing development consents, these be allocated to additional park improvements (including accessible play equipment, seating, lighting and paths), or floodlighting of Peppertree Reserve.
5. Land at the rear of No.s 94-100 Explorers Way, Erskine Park no longer be acquired and the owner of that land be notified accordingly.
6. Council examine the futures of community facility land at Chameleon Drive and drainage land at Explorers Way, Ashwick Circuit and Fullers Place as part of the Property Department's overall assets review and be subject to the "Planning Proposal for Reclassification and Rezoning of Certain Lands" if appropriate.

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

For

Against

Councillor Greg Davies
Councillor John Thain
Councillor Maurice Giroto
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Jim Aitken OAM
Councillor Kevin Crameri OAM
Councillor Marcus Cornish
Councillor Mark Davies
Councillor Prue Car

4 [NSW Fire & Rescue Safety Report](#)

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

That:

1. The information contained in the report on NSW Fire & Rescue Safety Report be received.
2. Council continue to monitor all properties as part of its Fire Safety Audit Programme.

5 [Development Application 12/0433 - Demolition of existing structures and construction of a 6 storey mixed use building containing 2 commercial units and 35 apartments with basement parking at Lots 100 & 102 DP128213 \(No.167-171\) Queen Street, St Marys](#) Applicant: Padom Investments & Metropolitan Investments; Owner: Sondow &

Co Pty Ltd

195 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Development Application 12/0433 - Demolition of existing structures and construction of a 6 storey mixed use building containing 2 commercial units and 35 apartments with basement parking at Lots 100 & 102 DP128213 (No.167-171) Queen Street, St Marys be received.
2. Development Application DA12/0433 for the demolition of existing structures and construction of a 6-storey mixed use building containing 2 commercial units and 35 apartments with basement parking at Lots 100 & 101 D128213 (No.167-171 Queen Street, St Marys) be approved subject to the following conditions:

Standard Conditions

- 2.1
 - A001 Approved plans that are architecturally drawn
 - A014 Lot consolidation
 - A017 DA for use
 - A019 Occupation Certificate
 - A037 Positive covenants
 - A039 Graffiti
 - A043 Air conditioner for existing dwelling
 - A046 Obtain Construction Certificate before commencement of works
 - B001 Demolition of existing structures
 - B002 AS for demolition and disposal to approved landfill site
 - B003 Asbestos
 - B004 Dust
 - B005 Mud/Soil
 - B006 Hours of work
 - D001 Implement approved sediment & erosion control measures
 - D005 No filling without prior approval
 - D06A No filling without prior approval (bulk earthworks/major filling)
 - D009 Covering of waste storage area (Applies to building works/demolition)
 - D010 Appropriate disposal of excavated or other waste
 - D026 Liquid wastes
 - E01A BCA compliance for Class 2-9
 - E006 Disabled access and facilities
 - E008 Fire safety list with Construction Certificate
 - E009 Annual fire safety-essential fire safety (Class 2-9 buildings)
 - G002 Section 73 Certificate
 - G004 Integral Energy
 - H001 Stamped plans & erection of site notice 1 (Class 2-9)
 - H002 All forms of construction
 - H003 Traffic safety during construction or subdivision works

H011	Engineering plans & specifications
H022	Survey
H024	Glass installations AS1288
H041	Hours of work (other devt)
K202	Roads Act – Minor roadworks
K203	S138 Roads Act – roadworks requiring approval of civil drawings
K207	Car parking
K209	Stormwater Concept Plan
K211	Stormwater Discharge – Basement Car parks
K221	Access, Car Parking and Manoeuvring – General
K501	Roads Authority clearance
L001	General landscaping (Applies to most building works, not fitouts)
L002	Landscape construction
L003	Report requirement
L004	Bond for landscape works
L005	Planting of plant material (Applies to most building/subdivision, not fitouts)
L006	AS requirements (Applies to most building/subdivision, not fitouts)
L007	Tree protection measures–no TMP with DA (for minor development)
L008	Tree Preservation Order
N003	Section 94 Contributions - Cultural Facilities
N004	Section 94 Contributions - District Open Space
N005	Section 94 Contributions - Footpaths
N006	Section 94 Contributions – Local Open Space
N007	Section 94 Contributions – St Marys Town Centre - carparking
P001	Costs
P002	Fees associated with Council land (Applies to all works, add K019)
Q01F	Notice of Commencement & Appointment of PCA2

Special Condition

- 2.2 The applicant shall implement upgrading of the public domain up to the building facade of the development approved herein in accordance with Council's Streetscape Improvement Plan at their own cost. The public domain includes but not limited to street furniture, street trees and public domain pavement materials in Queen Street, St Marys.

The applicant shall liaise with Council's Landscape Architecture Supervisor in relation to the detailed design of the public domain.

For the long term maintenance of the public domain and up to the building facade, a positive covenant shall be registered over the property prior to the issue of an Occupation Certificate.

Documentation and associated legal paperwork shall be forwarded to Penrith City Council for consideration and endorsement which notes Council's interest in the positive covenant before the positive covenant is registered with Land and Property Information division of the Department of Lands.

- 2.3 **Prior to the issue of a Construction Certificate** detail is to be submitted to the Principal Certifying Authority confirming that measures are to be implemented to ensure the development is not impacted by salinity.
- 2.4 The loading bay and associated bollards are to be deleted, with amended plans to accompany the construction certificate application that demonstrate the removal of the bollards and loading bay. The setback, footpath and verge are to be treated with a compatible design and material to the Crana Street setback, footpath, and verge.
- 2.5 A dilapidation report detailing the condition of public infrastructure and adjoining development within 20m of the subject site is to accompany the application for a construction certificate. Prior to the issue of an occupation certificate a final dilapidation report is to be prepared, with any damage identified to be repaired at full cost the developer.
- 2.6 An access door from Retail tenancy 1 to the service areas/garbage area is to be provided to enable access to the lift core and waste storage areas.
- 2.7 The ramp leading to the garbage storage room must have a gradient no steeper than 1:14 and a width not less than 1.2m.

A personal access point is to be provided to the loading dock area that connects to the waste storage area, with the access point to be accessible using Councils Abloy locking system to enable domestic waste collection to occur. The locking system is to be installed and maintained at the owners' expense.

- 2.8 The landscape concept plans are to be revised as follows:
- (a) Species selection is to be revised to provide for species that are appropriate for the Western Sydney climate.
 - (b) Street trees are to be provided on Crana Street with the final species selection to be agreed with Councils Landscape section.
- 2.9 A Phase 2 Detailed Site Investigation for contamination is required to be carried out prior to **the issue of the Construction Certificate**. This investigation is to consider the requirements of the relevant NSW Environment Protection Authority Guidelines and be prepared by a

suitably qualified environmental consultant. The associated report needs to establish whether the site is suitable for its intended use and is to be submitted to Council for approval. If Penrith City Council is not the certifying authority, the assessment is still required to be submitted to Council for approval.

Should it be identified in the Phase 2 investigation that remediation works are required to be undertaken on the site, a separate development application is to be submitted to Council for this work. No work on the current development is to proceed until such time as this new application has been approved by Council, and Council has approved the Validation Report associated with the remediation works.

- 2.10 Prior to the issuing of the Construction Certificate a noise and vibration impact assessment is to be provided to Penrith City Council for approval. The assessment is to be prepared by a suitably qualified consultant and is to assess the noise and vibration impacts during construction, any potential impacts after the completion of the development and recommend mitigation measures which are to be implemented.

At minimum the assessment is to be provided and address the following:

- Vibration impacts on surrounding properties associated with the construction of the basement carpark. The vibration impacts must be assessed and comply with the relevant standards and guidelines.
- The impact of construction noise (including excavation into bedrock) on surrounding properties. Construction noise is to be assessed and comply with the relevant EPA guidelines and standards
- Assess the potential impact of road traffic noise on the residents in accordance with the EPA 'Road Traffic Noise Policy' and the projected traffic increase as noted in the Traffic Report prepared by Varga (dated 4/4/2012);
- Determined whether any noise is being produced by the on-site substation and any impact this may have on residents. Noise from the substation must comply with the Industrial Noise Policy.
- Address any potential impact from the proposed and existing commercial uses on the residential units. Noise from commercial activities are to comply with the provisions of the Industrial Noise Policy
- Any air conditioning units proposed for the development. Noise from air conditioning units are to comply with the provisions of the Industrial Noise Policy.

- 2.11 Any noise mitigation works required by the Noise Impact Assessment to ensure compliance is to be undertaken.
- 2.12 **Prior to the issue of an Occupation Certificate**, the applicant shall submit plans to Penrith City Council and approved by the Local Traffic Committee for the provision of a loading zone in West Lane.

Notes:

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

Allow eight (8) weeks for approval by the Local Traffic Committee.

- 2.13 The stormwater system, including any on-site detention or water quality treatment devices, shall be operated and maintained for its lifetime.

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

For

Against

Councillor Greg Davies
Councillor John Thain
Councillor Maurice Giroto
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Jim Aitken OAM
Councillor Kevin Crameri OAM
Councillor Marcus Cornish
Councillor Mark Davies
Councillor Prue Car

OUTCOME 3 - WE CAN GET AROUND THE CITY

Having previously declared a Pecuniary Interest Councillor Kevin Crameri OAM left the meeting, the time being 9:05pm.

8 [Federal Government 2014/15 'Nation Building Black Spot Program' Nominations and Funding Acceptance of Projects under the 2013/14 'State 50/50 Black Spot Program'](#)

196 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Prue Car

That:

1. The information contained in the report on Federal Government 2014/15 'Nation Building Black Spot Program' Nominations and Funding Acceptance of Projects under the 2013/14 'State 50/50 Black Spot Program' be received.
2. Council endorse the five projects listed in Table 1 of this report for submission to the Roads and Maritime Services for funding under the Federal Government's 2014/15 'Nation Building Black Spot Program'.
3. The Roads and Maritime Services be requested to investigate traffic safety on roads under its jurisdiction at locations indicated in Table 2 of this report.
4. Council write to the RMS and Minister for Roads requesting that higher consideration be given to the Road Safety Impact index for the prioritisation of future road safety projects (including the Black Spot Program) as ranking projects by this index gives Council and the community the greatest casualty and fatality accident prevention over the life of a project.
5. Council accept grant funding of \$165,000 offered for the successful Projects shown in Table 3, under the 'State 50/50 Funded State Black Spot Program' for the 2013/14 financial year.

9 [Roads and Maritime Services \(RMS\) 2013/14 Road Funding Grants](#)

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

That:

1. The information contained in the report on Roads and Maritime Services (RMS) 2013/14 Road Funding Grants be received.
2. The RMS 2013/14 Program Funding Block Grant of \$1,071,000 be accepted.
3. Council accept the grant of \$250,000, offered under the 2013/14 Roads and Maritime Services REPAIR Program, for the reconstruction of Roper Road, Colyton from Hewitt Street to Carlisle Avenue.
4. Council accept the grant of \$50,000, offered under the 2013/14 Roads and Maritime Services REPAIR Program, for the reconstruction of Dunheved Road, Werrington County from John Batman Avenue to 300m east.
5. The Supplementary Road component be allocated to the resurfacing of Llandilo Road, Berkshire Park (between Sixth Road and Richmond Road).
6. 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 2013/14".

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

Councillor Kevin Crameri OAM returned to the meeting, the time being 9:13pm.

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

198 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor

Marcus Cornish

That:

1. The information contained in the report on Establishment of Alcohol Free Zones and Alcohol Prohibited Areas be received.
2. Council support the establishment of Alcohol Free Zones and Alcohol Prohibited Areas at each of the locations proposed for the four (4) year period from 1 July 2013 to 30 June 2017.
3. A further report be prepared for a future Policy Review Committee or Councillor Briefing providing information on the number of liquor outlets in the City.

11 [Request for funding for All-Abilities Playground at Jordan Springs](#)

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

That:

1. The information in relation to the construction of an All Abilities Playground at Jordan Springs be received.
2. Council support the allocation of \$150,000 sourced from the Telecommunications Access Fund towards the construction of the All Abilities Playground at Jordan Springs
3. Council's Access Committee continues to be consulted through the design and development stages of this project.

Having previously declared a Non Pecuniary Interest Conflict of Interest – Less than Significant, Councillor Bernard Bratusa left the meeting, the time being 9:18pm.

20 [2013 Community Building Partnership Program](#)

200 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on 2013 Community Building Partnership Program be received.
2. Council endorse the submission of the following eight projects to the 2013 Community Building Partnership Program:

Londonderry:

1. Installation of new floodlights and field drainage embellishment to upgrade safety and capacity of fields at Andromeda Drive reserve.

Project cost estimate: \$125,000

Grant Request: \$25,000

Council Contribution: \$100,000 from Parks Asset Renewal Program

2. Tobruk Reserve, North St Marys – Playground replacement

Project cost estimate: \$75,000

Grant Request: \$37,500

Council Contribution: \$37,500 from Parks Asset Renewal Program

Mulgoa:

1. Upgrades at Kevin Dwyer Fields (Roper Road) including the completion of floodlight and canteen projects, upgrade of fields and provision of building security.

Project cost estimate: \$235,000

Grant Request: \$50,000

Council Contribution: \$185,000 combined from Telecommunications Access Fund, Building Asset Renewal and Parks Asset Renewal.

2. Upgrades to Saunders Park Athletics facility including Proposed work the reconstruction of the 100m sprint track utilising recycled organic material, replacement of two synthetic grass long jump pits and the construction of two new shot putt circles

Project cost estimate: \$30,000

Grant Request: \$15,000

Council Contribution: \$15,000 from Telecommunications Access Fund:

3. Automated Floodlight controls at six locations in the Mulgoa District.

Project cost estimate: \$28,000

Grant Request: \$14,000

Council Contribution: \$14,000 from Telecommunications Access Fund:

Penrith:

1. Hunter Field, Emu Plains Floodlight Upgrade

Project cost estimate: \$40,000

Grant Request: \$20,000

Council Contribution: \$20,000 from Parks Asset Renewal Program.

2. Hickeys Lane field drainage improvements

Project cost estimate: \$70,000

Grant Request: \$35,000

Council Contribution: \$35,000 from Parks Asset Renewal Program.

Smithfield:

1. Erskine Park Hall, Erskine Park door upgrades

Project cost estimate: \$12,000

Grant Request: \$6,000

Council Contribution: \$6,000 from Building Asset Renewal Program

OUTCOME 6 - WE'RE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT

12 [NSW Government Office of Communities - Sport and Recreation Participation and Facility Program](#)

201 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on NSW Government Office of Communities - Sport and Recreation Participation and Facility Program be received.
2. The sum of \$4,250 is allocated from the Recreation Reserve for the purpose of implementing the 'In to Tennis Program'.
3. A further report be prepared for the next Policy Review Committee meeting on the shortfall in funding for the St Clair Comets JRLFC project in relation to the storage containers located next to the amenities building, and detailing any potential funding options from Council. In addition a further report be prepared on the funding shortfall for a project for the St Marys Leagues Netball Club.

Councillor Bernard Bratusa returned to the meeting, the time being 9:25pm.

13 [Donations to Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Interstate and Overseas Travel](#)

202 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Maurice Giroto

That the information contained in the report on Donations to Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Interstate and Overseas Travel be received.

14 [Access Committee - Appointment of Community Member](#)

203 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Access Committee - Appointment of Community Member be received.

2. Emma Husar be appointed as a community member to Council's Access Committee.

15 NSW Government Transport - Roads and Maritime Services Better Boating Program - Grant Application

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

That:

1. The information contained in the report on NSW Government Transport - Roads and Maritime Services Better Boating Program - Grant Application be received
2. Council allocate \$75,000 from the Grant Reserve, subject to the grant application being successful, for the purpose of submitting a NSW Government Transport – Roads and Maritime Services Better Boating Program grant application to:
 - Develop concept designs, cost estimates and construction documentation to upgrade and extend the boat ramp at Tench Reserve with associated new road access.
 - Design and construct light water craft launching platforms.

Councillor Greg Davies left the meeting, the time being 9:30pm.

16 Sportsground Use Agreements

205 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Kevin Crameri OAM that the information contained in the report on Sportsground Use Agreements be received.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

18 2012-13 Loan Borrowing Program

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

That:

1. The information contained in the report on 2012-13 Loan Borrowing Program be received
2. Council be advised when the outcome of round 2 LIRS is announced

19 Summary of Investments & Banking for the period 1 June 2013 to 30 June 2013

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 June 2013 to 30 June 2013 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 June 2013 to 30 June 2013 be noted and accepted.
3. The graphical investment analysis as at 30 June 2013 be noted.
4. The Agency Collection Methods be noted

Councillor Jackie Greenow OAM left the meeting, the time being 9:33pm.

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

Councillor Jackie Greenow OAM returned to the meeting, the time being 9:36pm.

17 Constitutional Recognition Update

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

That:

1. The information contained in the report on Constitutional Recognition Update be received
2. Council reaffirm its position on Constitutional Recognition and support a 'Yes' Vote on the referendum through the Communication Plan detailed in Appendix 1 to the report.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Rail Corridor - Penrith and East Richmond

Councillor Marcus Cornish requested a report to Council on land which would be best suited for a rail line between Penrith and East Richmond or Clarendon Station.

RR 2 Glenmore Park Loch Lighting

Councillor Marcus Cornish requested a report to Council on lighting options for lights around the Loch at Glenmore Park.

RR 3 Traffic Count and Information - High Street to Henry Street, Penrith

Councillor Jim Aitken OAM requested a copy of hourly traffic counts of vehicles entering Henry Street, Penrith. Councillor Jim Aitken OAM also requested a report to Council on the effects of traffic movements created because of the closing off of High Street, Penrith and a list of the benefits created by this closure and who it might benefit.

RR 4 Street Sign Maintenance

Councillor Kevin Crameri OAM requested that the street signs on Andromeda Drive and Goldmark Crescent, Cranebrook be turned the correct way and that in future Council look into installing self tapper screws to stop the turning of the signs by vandals.

RR 5 Sealing of Water Street, Werrington

Councillor John Thain requested a report on the costing of sealing Water Street, Werrington given the new Kurrambee School and Werrington Arterial Road, left of the Great Western Highway.

RR 6 Traffic Issues - Northern Road and Andromeda Drive, Cranebrook

Councillor John Thain requested a memo reply concerning the new give way rules at the Northern Road and Andromeda Drive, Cranebrook and requested the Local Traffic Committee investigate this issue.

URGENT BUSINESS

RR 7 Leave of Absence

Councillor Jackie Greenow OAM requested leave of absence from 25 July 2013 to 4 August 2013 inclusive.

209 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Prue Car that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Mark Davies, ruled that the matter was urgent and should be dealt with at the meeting.

210 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Prue Car that Councillor Jackie Greenow OAM be granted leave of absence from 25 July 2013 to 4 August 2013 inclusive.

COMMITTEE OF THE WHOLE

211 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:00pm.

1 Presence of the Public

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

Outcome 2

2 [Log Cabin Hotel Site](#)

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.

Outcome 7

3 [Commercial Matter - Station Street, Penrith \(Lot C DP 158845\)](#)

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.

The meeting resumed at 10:44pm and the General Manager reported that the Committee of the Whole met at 10:00pm on Monday, 22 July 2013 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 OAM, Tricia Hitchen, 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 Log Cabin Hotel Site

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish CW2 that the information contained in the report on Log Cabin Hotel Site be received and the matter be advanced as outlined in the report.

Having previously declared a Non Pecuniary Conflict of Interest – Significant, Councillor Jim Aitken OAM left the meeting, the time being 10:25pm and did not return.

3 Commercial Matter - Station Street, Penrith (Lot C DP 158845)

Councillor Prue Car left the meeting, the time being 10:30pm and did not return.

Councillor Trish Hitchen left the meeting, the time being 10:37pm and did not return.

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marcus Cornish

CW3 That:

1. The information contained in the report on Commercial Matter - Station Street, Penrith (Lot C DP 158845) be received.
2. Council endorse the proposal outlined in this report and hand out.
3. A further report be presented to Council on the outcome of the contents of the report.
4. The Common Seal of the City of Penrith be placed on all necessary documentation.

ADOPTION OF COMMITTEE OF THE WHOLE

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 10:46pm.

I certify that these 26 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 22 July 2013.

Chairperson

Date