

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

ON MONDAY 16 DECEMBER 2013 AT 7:03PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

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

PRAYER

The Council Prayer was read by the Rev Neil Checkley.

PRESENT

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

LEAVE OF ABSENCE

December 2013 to 21 December 2013 inclusive.

APOLOGIES

345 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Kevin Crameri OAM that an apology be received for Councillor Tricia Hitchen.

CONFIRMATION OF MINUTES - Ordinary Meeting - 25 November 2013

346 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Karen McKeown that the minutes of the Ordinary Meeting of 25 November 2013 be confirmed with the deletion of the words "*Councillor Jim Aitken OAM returned to the meeting, the time being 8:55pm*" from page 24 of the confirmed minutes.

DECLARATIONS OF INTEREST

There were no declarations of interest.

MAYORAL MINUTES

1 [Esme Evans retires from WSROC](#)

Councillors Jim Aitken OAM, Karen McKeown, Ben Goldfinch, Jackie Greenow OAM, Marcus Cornish and John Thain spoke in support of the Mayoral Minute.

Councillor Jim Aitken OAM left the meeting, the time being 7:15pm.

Councillor Jim Aitken OAM returned to the meeting, the time being 7:16pm.

347 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on Esme Evans retires from WSROC be received.

2 [National Disability Award](#)

Councillors Jackie Greenow OAM and Prue Car spoke in support of the Mayoral Minute.

348 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jackie Greenow OAM that the Mayoral Minute on National Disability Award be received.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Local Traffic Committee Meeting held on 2 December 2013](#)

349 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 December, 2013 be adopted.

2 [Report and Recommendations of the Penrith Community Safety Partnership Meeting held on 4 December 2013](#)

350 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Greg Davies that the recommendations contained in the Report and Recommendations of the Penrith Community Safety Partnership meeting held on 4 December, 2013 be adopted.

3 [Report and Recommendations of the Policy Review Committee Meeting held on 9 December 2013](#)

351 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Maurice Giroto that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 9 December, 2013 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

1 [Tender Reference 13/14-01 Provision of Ground and Lawn Maintenance Services](#)

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

Bernard Bratusa

That:

1. The information contained in the report on Tender Reference 13/14-01 Provision of Ground and Lawn Maintenance Services be received.
2. Newleaf Community Renewal Inc be awarded the contract for an annual amount of \$115,386.00 ex GST for the Provision of Ground and Lawn Maintenance Services.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

2 Development Application 13/0279 - Proposed Mixed Use Development at Lot 11 DP 1162271 (No. 83-85) Union Road, Penrith. Applicant: Tom Zeaiter Constructions P/L Owner: Tom Zeaiter Constructions P/L & TCZ Investments P/L

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

That:

1. The information contained in the report on Development Application 13/0279 - Proposed Mixed Use Development at Lot 11 DP 1162271 (No. 83-85) Union Road, Penrith. Applicant: Tom Zeaiter Constructions P/L Owner: Tom Zeaiter Constructions P/L & TCZ Investments P/L be received.
2. Council accept the applicant's submission to vary Clause 21 Height of Buildings of *Penrith City Centre LEP 2008*, as strict compliance with the standard is unreasonable and unnecessary in the circumstances.
3. Development Application DA13/0279 - Development for Mixed Used Buildings consisting of construction of 8 storey mixed use building comprising of 48 apartments and 2 commercial units with basement car parking and associated works at Lot 11, DP 1162271, 83-85 Union Road, Penrith be granted approval in accordance with Environmental Planning and Assessment Act 1979, subject to the following standard and special conditions and advisory notes, in schedules A:

SCHEDULE A –

Standard Conditions (amended where necessary to reflect Stage number)

- 3.1 A001 approved plans – architectural plans prepared by David Collett plans numbered DA/A01B; DA/A02C; DA/03B to DA/A10B; DA/A11A; DA/A12B; DA/A13; DA/14A; DA/A15; DA/A16B; DA/A17A; DA/A18; DA/A18A; DA/A19; DA/A19A; DA/A20; DA/A21; Landscape Plans No. L-01 and L-02 Issue B prepared by RFA Landscape Architects, dated 12 January, 2013,; hydraulic plans prepared by Farwest Consulting Engineers, numbered 122677 - SM-01

& 02 Issue B, dated 23 January, 2013.

- A017 DA for use of commercial units
- A0119 Occupation Certificate
- A026 Advertising sign
- A039 Graffiti
- A038 Lighting Locations
- A046 Construction Certificate
- B004 Dust (referring to excavation and basement construction)
- B005 Mud/soil
- D001 Sediment and erosion control measures
- D009 Covered waste storage area
- D010 Disposal of excavated waste
- D014 Plant and equipment noise
- E01A BCA compliance for Class 2-9
- E006 Disabled access and facilities
- E008 Fire safety list
- E009 Annual Fire Safety-essential
- F006 Water tank and nuisance
- G002 Section 73
- G004 Integral Energy
- G005 Rain water tank plumbing
- H001 Stamped plans and erection of site notice
- H002 Site requirements for construction
- H003 Traffic management
- H033 Clothes lines
- H041 Hours of work
- H011 Structural engineering plans and specifications
- H036 Rain water tank
- H037 Safe supply of water
- H038 Connection of rainwater
- H039 Rainwater tank pump
- K202 (b, e, f, g) Roads Act
- K209 Storm water plan
- K211 Stormwater discharge – basement
- K406 Drainage connection
- K501 Road Authority Clearance
- K041 Bond for damages
- K027 Car park– 2 spaces for commercial; 3 visitors (2 accessible) 48 spaces residential.
- K041 Restoration Bond (\$36,750.00)
- L001 General landscaping (prepared by RFA Landscape Architects, dated 12 January, 2013)
- L002 Landscape construction
- L003 Report requirement (i, ii, iv)
- N001 S94 CIP 2008 Multiple Dwelling \$422,928.00
- N001 S94 CIP 2008 Commercial office use \$46,475.00
- N001 S94 District Open Space \$164,526.00
- N001 S94 Cultural Facilities \$14,474.00
- N001 S94 1 x Commercial car park \$20,004.00

- P001 Applicants cost
- P002 Council Fees - Amended
- Q001 Notice of commencement
- Q006 Occupation Certificate for Class 2-9
- Q010 BASIX Certificate

Special Conditions

- 3.1 Prior to the issue of a Construction Certificate a detailed sample of the material and colour of the schedule of external finishes is to be provided to Council for consideration and approval. The materials used for the exterior of the buildings shall be of high standard.
- 3.2 Prior to Issue of the Construction Certificate the certifier shall ensure that a crest be provided in the driveway to the basement car park a minimum of 150mm above the Top of Kerb level to provide for adequate protection against flooding from external stormwater runoff.
- 3.3 The parking spaces are to be utilised to service the development, and under no circumstances are parking spaces to be allocated to external parties. If this is to occur, Council reserves the right to levy a monetary contribution for each space not utilised to service the development. The contribution will be in accordance with Council's Section 94 contribution plan for the site.
- 3.4 Prior to the release of the construction certificate, details of the side boundary fences and any front fences shall be provided to Council for consideration and approval. Eastern boundary fence shall be of 2.10m height to reduce potential loss of privacy to adjoining eastern property.
- 3.5 Subleasing of car parking spaces is not permitted by this Consent.
- 3.6 Prior to the issue of a Construction Certificate, Signage indicating location of visitor, commercial and residential parking at ground level is to be shown on the plan and all signs shall be installed in appropriate locations prior to the occupation of the development.
- 3.7 The required sight lines around the driveway entrance are not to be compromised by street trees, landscaping or fencing. In this respect a full time "No Stopping" restrictions must be provided 8-10 metres either side of the exit driveway in Union Road, with the installation of signage at no cost to the RMS or Council.
- 3.8 Prior to the issue of an Occupation Certificate of the development shall be provided with lighting in the following manner:
 - Lighting shall be 'vandal resistant' to limit breakage and vandalism;
 - Lighting shall take into account all vegetation and landscaping,

- and pedestrian pathways;
 - Lighting shall be designed in accordance with Australian Standards;
 - All entries/exits to complex shall be well lit;
 - Lighting shall be consistent in order to reduce the contrast between shadows and illuminated areas;
 - Lighting shall be contained within the property boundary and no light shall be projected upwards (uplighting of landscaping shall be restricted to tree canopy only).
 - No lighting shall be projected in such a manner that it would create glare issues for vehicles or pedestrians.
 - Pedestrian access routes shall be well lit and identifiable
 - Adequate illumination shall be provided for directional signage and building identification.
 - All street awnings shall be fitted with under awning lighting.
- 3.9 Prior to the Occupation Certificate, both buildings shall be clearly identified with street numbers visible to assist visitors and emergency services.
- 3.10 Prior to the Occupation Certificate , the basement car park shall be treated in the following manner:
- Clear signage is to be provided to identify the entrance/exit to the basement car park for tenants/residents only.
 - A security gate system shall be installed on the building entry/exit point, e.g. for use with swipe card or intercom security system in order to minimise opportunities for unauthorised access.
 - Vehicle access to the basement car park shall be accessible by tenants/residents. A security system shall be installed on the entry point to the basement from Union Lane, e.g. use with swipe card or appropriate security system. An intercom security system shall be installed in basement level of the car park.
 - All surfaces within the basement area shall be painted in light coloured paint or finished in light grey concrete to reflect as much light as possible.
 - All potential entrapment points shall be avoided, e.g. under stairs, blind corners and wide columns. Adequate lighting and mirrors should be used when certain design features are unavoidable.
 - All areas of the car park (including lift lobbies, stairwells, garbage rooms and storage areas) must be well-lit, with consistent lighting to prevent shadowing or glare.
 - Signage must be in place to clearly identify exit and access points, the location of lifts and stairwells.
 - Dense, medium height vegetation with top to bottom foliage shall be avoided, particularly around walkways. The use of low-

level planting or high canopied vegetation will improve surveillance, provide clear lines of sight and avoid any potential concealment areas. This is particularly important for common landscaped areas.

- Entrances to the apartment blocks must be clearly visible and legible to users through design features and signage.
- The commercial properties must be clearly signed with street numbers and signage.
- Commercial/Office areas should have appropriate security systems in place, including alarms linked to a monitoring service, access control systems (e.g. security swipe cards) and appropriate cash handling procedures.
- Graffiti resistant coatings must be used to external surfaces where possible, including signage, fencing, street furniture, retaining walls etc.

3.11 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 Union Lane or Union Road.

3.12 All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads and Maritime Services or Council.

3.13 Prior to the issue of a Construction Certificate, the followings as outlined below must be approved by Council and installed prior to an Occupation Certificate being issued:

- (i) Design of the driveway from Union Lane must cater for fully laden garbage trucks (21 tonnes). Design details are to be provided to Council for consideration and approval.
- (ii) An “Entry Only “ sign along Union Lane driveway and “Exit Only” sign Along Union Road driveway shall be installed.
- (ii) The proposed access door to the garbage storage rooms are to be provided with an ABLOY locking system to be installed by Council at the developer’s expense. Council and/or collection contractors will hold the master key.
- (iii) A dedicated storage area for commercial garbage and recycling bins provided and be separate to domestic waste storage areas.
- (iv) All waste/recycling storage rooms, collection points and garbage chutes are to be clearly signed.
- (v) Sufficient space must be provided in each commercial space for the interim storage of garbage and recyclables.

3.14 After occupation, waste storage and servicing will ensure the following operations:

- Right of access onto the site by Council’s waste collection contractors is to be provided and Council and its contractors

must be indemnified against any property damage or personal injury.

- Bins are not to be placed on the street for collection.
- Waste bins and waste collection areas are not to be accessible to the public or left unsupervised for collection.

- 3.15 Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of:
- 1.5m wide path paving in Union Road for the full frontage of the property
 - Full width path paving in Union Lane for the full property frontage
- Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Advices

- 4 Any temporary loading zones required during construction be the subject of a separate application to the Local Traffic Committee and payment of the appropriate fees.
5. Those persons who lodged submissions be notified of Council's decision.

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

For

Against

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Jim Aitken OAM
Councillor Ben Goldfinch
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Ross Fowler OAM

Councillor Kevin Crameri OAM

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

3 [Penrith Cricket Club - Grounds Maintenance Subsidy](#)

354 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin

Crameri OAM

That:

1. The information contained in the report on Penrith Cricket Club - Grounds Maintenance Subsidy be received
2. Council Officers work with the Penrith Cricket Club to enable the request for an increase to the grounds maintenance subsidy to be a part of the 2014-15 budget development.
3. Council allocate a total of \$10,000 to the Penrith Cricket Club to be funded equally from each Ward's voted works for 2013/2014.

4 Library Working Party

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

That:

1. The information contained in the report on Library Working Party be received.
2. The Library Working Party be reconvened, and Council appoint Councillors Ross Fowler OAM, Tricia Hitchen, Bernard Bratusa, Michelle Tormey, John Thain, Kevin Crameri OAM and Marcus Cornish and any other interested Councillors to the Library Working Party.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

5 Decision Making Arrangements During the Christmas/New Year Council Recess

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

That:

1. The information contained in the report on Decision Making Arrangements During the Christmas/New Year Council Recess be received.
2. Development Applications which would normally warrant reporting to Council between 17 December 2013 and 3 February 2014 inclusive be determined under the General Manager's delegation by the General Manager, after consultation with the Mayor, or in his absence the Deputy Mayor.
3. A report be presented to the Ordinary Council Meeting (if required) to be held on 3 February 2014 relating to the operations of the organisation during this period.

6 Preparations and Settings for 2014-15 Operational Plan

357 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim

Aitken OAM

That:

1. The information contained in the report on Preparations and Settings for 2014-15 Operational Plan be received
2. Council make initial identification of particular matters to be considered in the preparation of the Draft 2014-15 Operational Plan.
3. Preparation of the Draft 2014-15 Operational Plan continue in the terms discussed in this report and outlined in the *Annual Budget Guidelines* (attached).

7 [Classification of Property - 44 Station Street, Penrith](#)

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

That:

1. The information contained in the report on Classification of Property - 44 Station Street, Penrith be received.
2. In accordance with the provisions of Section 31(2) of the Local Government Act 1993, Council classify 44 Station Street, Penrith, Lot C DP 158845 as Operational.

8 [Commercial Matter - Easement for Water Supply over Lot 1223 DP 1171492 - William Hart Crescent, North Penrith](#)

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

That:

1. The information contained in the report on Commercial Matter - Easement for Water Supply over Lot 1223 DP 1171492 - William Hart Crescent, North Penrith be received
2. Council grant the easement for water supply 3m wide over Lot 1223 DP 1171492 William Hart Crescent, North Penrith.
3. Urban Growth NSW is to be responsible for all costs associated with the creation of the easement including survey and plan registration.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documents.

9 [Summary of Investments & Banking for the period of 1 November 2013 to 30 November 2013](#)

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

That:

1. The information contained in the report on Summary of Investments &

Banking for the period of 1 November 2013 to 30 November 2013 be received

2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 November 2013 to 30 November 2013 be noted and accepted.
3. The graphical investment analysis as at 30 November 2013 be noted.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Victoria Bridge Kerb

Councillor Marcus Cornish requested that the kerb on Victoria Bridge be painted white for better identification in the dark and wet and that the matter be referred to the Local Traffic Committee.

RR 2 Theme Park

Councillor Maurice Giroto requested a report to Council considering the feasibility for a theme park to be located in the Penrith Local Government Area.

RR 3 Traffic Light Phasing - High Street and Station Street, Penrith

Councillor Kevin Cramer OAM requested that the traffic light phasing westbound on High Street and Station Street, Penrith be increased from 9 seconds to allow additional traffic to move through.

RR 4 Bus Stop Sign - Llandilo

Councillor Kevin Cramer OAM requested a memo reply concerning the relocation of the bus stop sign at Llandilo near the phone box to the Northern side of the pole so it can be seen more easily.

RR 5 Swimming Pool Registration

Councillor Karen McKeown requested a report to Council on the progress of the registering of swimming pools in the Penrith Local Government Area, including information on how Council will resource the compliance.

RR 6 Bus Stop Advertising

Councillor John Thain requested a memo to all Councillors providing information on bus stop advertising, including if it is permitted and who is the consent authority.

RR 7 Mick Fanning

Councillor John Thain requested that the Mayor write a letter to Mick Fanning congratulating him on winning the 2013 World Surfing Title.

RR 8 High Street, Penrith - Bicentenary

Councillor Greg Davies requested a memo reply with information about whether any bicentenary celebrations are or can be arranged for High Street, Penrith.

RR 9 Colour Drawings

Councillor Greg Davies requested colour copies of drawings and images to significant Development Applications prior to being reported to Council.

RR 10 Wianamatta Regional Park - Emus

Councillor Prue Car requested an urgent report to the first meeting of 2014 about the relocation of emus from the Wianamatta Regional Park and the transfer of land to the NSW Government.

URGENT BUSINESS

UB 1 Proposed Wianamatta Regional Park - Emu Removal Issues

Councillor Michelle Tormey requested that:

1. The Council oppose the removal of emu's from the proposed Wianamatta Regional Park
2. The Council write to the Minister for the Environment, Robyn Parker MP, requesting that she rescind the licence granted to Lend Lease for the purpose of relocating the emu's off site.
3. The Council write to local member for Londonderry, Bart Bassett MP, Member for Penrith, Stuart Ayres MP and Member for Mulgoa, Tanya Davies requesting their support to oppose the removal of emu's from the proposed Wianamatta Regional Park.

361 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Prue Car that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Ross Fowler OAM, ruled that the matter was not urgent and should not be dealt with at the meeting.

There being no further business the Chairperson declared the meeting closed the time being 8:10pm.

I certify that these 12 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 16 December 2013.

Chairperson

Date