

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

ON MONDAY 28 APRIL 2014 AT 7:32PM

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 and Councillors Bernard Bratusa, Prue Car, Kevin Crameri OAM, Greg Davies, Mark Davies, Maurice Giroto, Ben Goldfinch, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey (arrived 7:38pm).

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Marcus Cornish for the period 19 April 2014 to 30 April 2014 inclusive.

APOLOGIES

90 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Mark Davies that apologies be received for Councillors Jim Aitken OAM and Jackie Greenow OAM.

CONFIRMATION OF MINUTES - Ordinary Meeting - 24 March 2014

91 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain that the minutes of the Ordinary Meeting of 24 March 2014 be confirmed.

DECLARATIONS OF INTEREST

Councillor John Thain declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 12 - Penrith Valley Regional Sports Centre - ClubGrants Category 3 Submission* as he is Council's representative on the Board of the Penrith Valley Regional Sports Centre Limited.

His Worship the Mayor, Councillor Ross Fowler OAM declared a Pecuniary Interest in *Item 12 - Penrith Valley Regional Sports Centre - ClubGrants Category 3 Submission* as he is the Auditor of the company subject to the report. Councillor Ross Fowler OAM indicated he would vacate the Chair and leave the room for consideration of this matter.

Councillor Michelle Tormey arrived to the meeting, the time being 7:38pm.

SUSPENSION OF STANDING ORDERS

92 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:38pm.

Mr Peter Laybutt

Item 1 - DA12/0786.02 Section 96 Modification to adjust the boundary of an approved 2 lot subdivision and amend condition 6 (c) of the consent 86-94 Andromeda Drive, Cranebrook

Item 2 - Development Application DA13/0288.01 Proposed section 82A review of determination 86-94 Andromeda Drive, Cranebrook

Mr Laybutt, the owner's applicant, spoke in support of the recommendation and gave a brief background of the Xavier College site before it's relocation to the Ninth Avenue, Llandilo site. Mr Laybutt outlined that the proposal is on a site which has been zoned for residential development and is essentially surrounded by properties of a nature and scale similar to the proposal.

Mr Laybutt advised that following Council's meeting of 24 March 2014 a request was made for clarification of two matters (adequacy of the school playground area and the planned vegetation management plan) and that these have been addressed in the Report tonight.

Mr Laybutt concluded by stating that the only submission received in regard to the applications had been addressed in the Council's report and that he commended the proposal and its significant environmental merit.

Mr Robert White

Item 6 – Request for Physical Closure of Mackay Lane, Emu Plains

Mr White, an affected neighbour, spoke in support of the recommendation and questioned how closing the laneway 24/7 would protect child safety, in addition to questioning why the school had not spoken to any residents through this process. Mr White claimed that the school has a long list of invasions on crown land and invasions affecting his quality of life.

Mr White concluded his address by questioning why the school no longer has a good neighbour policy and stated that he has never witnessed any suspicious behaviour in this laneway and requested Councillors to support the recommendation.

Mrs Carmel Mifsud

Item 6 – Request for Physical Closure of Mackay Lane, Emu Plains

Mrs Mifsud, an affected neighbour, spoke in support of the recommendation and asked what action the school has taken to ensure safety prior to requesting the laneway closure. Mrs Mifsud claimed that the alternate routes proposed posed increased safety issues and as she had two young children these would not be viable options.

Mrs Mifsud concluded by stating she believed the school has other options available to them apart from the closure and is disappointed the school hadn't spoken to affected residents.

Mrs Mifsud asked the Council to consider the increased safety risks created by closing the laneway.

Ms Narelle Jarman

Item 6 – Request for Physical Closure of Mackay Lane, Emu Plains

Ms Narelle Jarman, an affected neighbour, spoke in support of the recommendation and in particular noted the consequences any laneway closure would have on many of the elderly residents in the area. Mrs Jarman claimed that closing the laneway would not assist with loitering as this is mostly done by parents at drop off and pick up times and that the majority of neighbouring residents did not want the laneway closed. Ms Jarman stated that the residents were concerned with the traffic in the laneway and safety of the children.

93 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Cramer OAM that an extension of time be granted to enable the speaker to complete her address, the time being 8:01pm.

Ms Jarman concluded by stating her disappointment in the school for not engaging with local residents.

Ms Sue Veling

Item 6 – Request for Physical Closure of Mackay Lane, Emu Plains

Ms Veling, the applicant's spokesperson, spoke against the recommendation and requested that Council consider closure of the laneway. Ms Veling stated that there is wide support within the greater school community for the closure. Ms Veling continued in her address highlighting that the only solution viable to protect the safety of school students is for the full closure of the laneway. Ms Veling underlined a number of reasons for this such as controlling access to unwelcomed visitors, runaway students and vehicle access. Ms Veling stated that it was understood some local residents may be inconvenienced but a significant number would also not be affected and in addition there may be improvements to incidents of graffiti, damage to property and late night noise.

94 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Bernard Bratusa that an extension of time be granted to enable the speaker to complete her address, the time being 8:10pm.

Ms Veling concluded by stating the laneway is mainly used by students and that the school has been proactive in consultation with affected residents, the Parish, Emu Plains Public School and Penrith City Council. Ms Veling requested Council to consider the safety of the school children and approve the application for the laneway closure.

RESUMPTION OF STANDING ORDERS

95 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies that Standing Orders be resumed, the time being 8:17pm.

COUNCILLOR KAREN MCKEOWN LEFT THE MEETING, THE TIME BEING 8:25PM.
COUNCILLOR KAREN MCKEOWN RETURNED TO THE MEETING, THE TIME BEING 8:31PM.

NOTICES OF MOTION

1 [Badgerys Creek - Second Airport](#)

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

That:

1. Council write to the Hon Tony Abbott MP, Prime Minister of Australia and the Hon Warren Truss MP, Minister for Infrastructure and Regional Development as well as Ms Fiona Scott MP, Member for Lindsay, asking the following question:

‘At what stage will a new EIS be released for the proposed Badgerys Creek airport site and when will Council be invited to have input?’
2. Council enter into a procurement process to obtain a suitably qualified Consultant to review the EIS and Flight Paths for the proposed Badgerys Creek Airport.
3. In the event that the EIS supports a second airport that Council oppose a 24 hour second airport with no curfew.
4. Council Officers are encouraged to communicate with both State and Federal Departments to maximise the economic benefits that will accrue from the airport for Western Sydney.
5. Council write to the local State and Federal Members of Parliament seeking support for the proposed Infrastructure improvements announced whether the EIS supports a second airport or not.
6. On receipt of an EIS, that a Councillor Briefing be held, followed by Council holding residents forums outlining what the EIS means.

2 [Privatisation of New South Wales Electricity Network](#)

97 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Prue Car that Council support the ‘Stop the Selloff’ community campaign opposing the State Government’s plans to privatise the New South Wales electricity network, ie TransGrid, Ausgrid, Essential Energy and Endeavour Energy.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Penrith Community Safety Partnership Meeting held on 12 March 2014](#)

98 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Penrith Community Safety Partnership meeting held on 12 March, 2014 be adopted.

2 [Report and Recommendations of the Local Traffic Committee Meeting held on 7 April 2014](#)

99 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Prue Car that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 7 April, 2014 be adopted.

3 [Report and Recommendations of the Policy Review Committee Meeting held on 14 April 2014](#)

100 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 14 April, 2014 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

1 [DA12/0786.02 Section 96 Modification to adjust the boundary of an approved 2 lot subdivision and amend condition 6 \(c\) of the consent 86-94 Andromeda Drive, Cranebrook](#)

101 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies

That:

1. The information contained in the report on DA12/0786.02 Section 96 Modification to adjust the boundary of an approved 2 lot subdivision and amend condition 6 (c) of the consent 86-94 Andromeda Drive, Cranebrook be received.
2. DA12/0786.02 be approved and Condition 6 of the consent be amended as follows:
 - 2.1 The linen plan of subdivision is to be supported by an 88B instrument creating a Restriction as to User or easement regarding the following:
 - a) Access to The Northern Road is prohibited.
 - b) No further development of Lot 101 can occur unless appropriate provision is made for access, services and drainage
 - c) The existing vegetation areas are to be retained and managed in accordance with the Vegetation Management Plan reference 610.11706V2.0 prepared by SLR Global Environmental Solutions and dated 16 January 2014.

Council shall be nominated as the only authority permitted to modify, vary or rescind such restriction as to user.

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 Michelle Tormey Councillor Maurice Giroto

Councillor John Thain
Councillor Karen McKeown
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Ross Fowler OAM

Councillor Kevin Crameri OAM

2 [Development Application DA13/0288.01 Proposed section 82A review of determination 86-94 Andromeda Drive, Cranebrook](#)

102 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies

That:

1. The information contained in the report on Development Application DA13/0288.01 Proposed section 82A review of determination 86-94 Andromeda Drive, Cranebrook be received.
2. DA13/0288.01 be approved subject to the following conditions.

GENERAL

- 2.1 The development must be implemented substantially in accordance with the following plans and documents:
 - Subdivision Plan, reference Job No. I117, P12-1 Rev A, prepared by Insites and dated 18 October 2013;
 - Landscape Plans, reference 13633-LCD01-02-B, prepared by NBRS and Partners and dated 17 January 2014;
 - Vegetation Management Plan, reference 610.11706 V2.0, prepared by SLR Global Environmental Solutions and dated 16 January 2014;
 - Acoustic Assessment prepared by Acoustic Logic and dated January 2014;
 - Stormwater Drainage Strategy Report, prepared by Insites and dated November 2013;

Stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.
- 2.2 The 'road widening stormwater treatment area' indicated on the approved plan of subdivision is to be nominated as a residue allotment (and not road reserve or drainage reserve) on the final plan of subdivision.
- 2.3 Prior to the issue of a Subdivision Certificate the applicant is to enter into a deed of agreement with Penrith City Council for the maintenance of the erosion and sedimentation / bio retention basin. The deed shall indemnify Council against any claims made during the maintenance period.

ENVIRONMENTAL MATTERS

- 2.4 All land that has been disturbed by earthworks is to be spraygrassed or similarly treated to establish a grass cover.
- 2.5 No fill material is to be imported to the site without the prior approval of

Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury-Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

- 2.6 An 88B instrument is to be registered against all lots that stipulates the following:
- Any future dwelling is to be constructed to comply with the noise levels obtained in the Acoustic Assessment prepared by Acoustic Logic (ref 20130425.2/101A/R1/YK, Rev 1 dated 10/10/2013);
 - Any future dwelling is to be constructed to comply with the acoustic construction treatments contained in Table 3 of the Acoustic Assessment prepared by Acoustic Logic (ref 20130425.1/2806A/R1/YK, Rev 1 dated 28/6/2013).

UTILITY SERVICES

- 2.7 All services (water, sewer, electricity, telecommunications and gas), including the provision of service conduits and stub mains, are to be installed within the proposed public roads before final inspection of the engineering works.

Prior to the release of the linen plan, the following service authority clearances shall be obtained:

- a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. This is required prior to the issue of the Subdivision Certificate and
- a letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

These clearances are to be submitted to the Principal Certifying Authority.

CONSTRUCTION

- 2.8 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

- Signage but no more than 2 signs stating the above details is to be erected:
- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed **when the Subdivision Certificate has been issued for the development.**

- 2.9. Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:
- 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 carried out inside a building/tenancy and 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 all construction works.

ENGINEERING

- 2.10. The disposal of drainage to Lots 14-19 involves the provision of drains across the existing school site that is to be excised off and registered as a separate allotment. A drainage easement is to be registered over the school site to facilitate drainage and connection to Councils trunk drainage system for Lots 14-19.

The width of the drainage easement is to be in accordance with Penrith City Council's Engineering Works Development Control Plan and Guidelines for Engineering Works for Subdivisions and Developments, Part 1-Design and Part 2-Construction. The easement shall be registered with the Land and Property Information division of the Department of Lands **prior to the issue of a Construction Certificate**. A copy of the registered easement for drainage is to be submitted to the Certifying Authority and Penrith City Council, if Council is not the Certifying Authority.

- 2.11. All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.
- 2.12. **Prior to the issue of a Construction Certificate** a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:

- a) Opening the road reserve for the provision of services including stormwater.
- b) Placing of hoardings, containers, waste skips, etc. in the road reserve.
- c) Replacement of damaged kerb and gutter for the full property frontage.
- d) Utility lead in works.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's **City Works Department** on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

- 2.13. **Prior to the issue of a Construction Certificate** for building or subdivision works the Principal Certifying Authority and/ or Certifying Authority shall ensure that a 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 the following works.

- The development is to upgrade the road drainage system in Cassar Crescent to cater for the additional stormwater flows as a result of the development. The installation of the upgraded pipe system will require the construction of new kerb and gutter.
- New intersection at Cassar Crescent and proposed road 1, this shall include any associated line-marking and regulatory road signage
- Adjustment of any access driveways and kerb alignments to effect the new intersection
- All disturbed areas within the existing road reserve shall be turfed

Civil design drawings are to be prepared strictly in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Note:

1. Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
2. Contact Penrith City Council's **Development Engineering Unit** on (02) 4732 7777 to ascertain applicable fees.

- 2.14. Subdivision works shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Insites, reference number I117EG Sheet 1-3 Rev A, dated 8/10/2013.

Any Construction Certificate/s issued by the Certifying Authority shall include but not be limited to the following subdivision works.

- a) Roads and drainage

- b) Stormwater drainage
- c) Stormwater pre-treatment systems
- d) Inter-allotment drainage
- e) Earthworks
- f) Paving works

Engineering plans, supporting calculations and relevant certification for the subdivision works shall be prepared by suitably qualified people and must accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the subdivision works have been designed in accordance with Penrith City Council’s Design Guidelines and Construction Specification for Civil Works.

- 2.15. **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Penrith City Council’s Design Guidelines and Construction Specification for Civil Works and the following criteria:

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m wide)	ESA
1	14	7	3.5	Northern side	5 x 10 ⁴

- 2.16. A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate application.

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

- 2.17. The stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Insites, reference number I117EG, sheet 2-3, revision A, dated 08.10.2013.

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.

- 2.18 Stormwater runoff from parking, uncovered paved areas shall be directed to a stormwater pre-treatment system. The treatment devices shall be

designed to remove expected pollutant loadings in accordance with the Department of Environment, Climate Change & Water's 'Managing Urban Stormwater - Environmental Targets/ Treatment Techniques- October 2007' publications.

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

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the proposed device

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

- 2.19. **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.
- 2.20. Inter-allotment drainage shall be provided for all lots that are unable to be drained by gravity to the street system. Inter-allotment drainage is to be constructed with a maximum pit spacing of 40m. A stub connection shall be provided for lots without a pit with location details to be provided on the works as executed drawings.
- 2.21. **Prior to the commencement of works on site**, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 2.22. **Prior to commencement of works** a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

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

Note:

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

- 2.23. **Work on the subdivision shall not commence until:**

- a Construction Certificate (if required) has been issued,

- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

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

- 2.24. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 2.25. All existing (aerial) and proposed services for the development are to be located or relocated underground in accordance with relevant authorities regulations and standards.
- 2.26. Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.
- 2.27. **Prior to the connection of private drainage to Council's drainage system**, an inspection is to be carried out by Penrith City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.
- 2.28. Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".
- 2.29. **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.
- 2.30. After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

- 2.31. Prior to the issue of select a Subdivision Certificate the Principal Certifying Authority shall ensure that the:
- a) Stormwater pre-treatment system/s
 - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

- 2.32. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

a) Stormwater pre-treatment system/s

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

- 2.33. **Prior to the issue of a Subdivision Certificate** and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Notes:

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

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

- 2.34. **Prior to the issue of a Subdivision Certificate** street signs are to be erected at road intersections.

Note:

Proposed road names can be selected from an approved list. An application for other names, in accordance with Penrith City Council's Street Naming Policy, can also be made. The regulations imposed under the Roads Act require that the proposed road names are advertised on two occasions; firstly as a proposal, and secondly as an official naming. This process means that you must pay the required advertising fee to Council before the Council can commence this process. Applications for road naming should be made as soon as possible to ensure that this process does not delay the issue of a Subdivision Certificate.

- 2.35. **Prior to the issue of the Subdivision Certificate** a bond for the final layer of outstanding asphalt works (AC Bond) is to be lodged with Penrith City Council.

The final layer of asphalt on all roads shall not to be placed without the written consent of Council (Consent will generally be provided when 80% of the housing within the subdivision has been completed).

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

Note:

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

- 2.36. **Prior to the issue of the Subdivision Certificate** an Outstanding Works Bond for the construction, landscaping and implementation of the Bio-retention Basin is to be lodged with Penrith City Council.

The Outstanding Works bond will be refunded once the stormwater pre-treatment treatment system works have been completed to Council's satisfaction and a separate Maintenance Bond has been lodged with Penrith City Council.

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

Note:

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

- 2.37. **Prior to the issue of a Subdivision Certificate)** a maintenance bond is to be lodged with Penrith City Council for all civil works which includes a new road and intersection works, drainage upgrade in Cassar Crescent and the Bio-retention system.

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

Note:

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

- 2.38. Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:
- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines.
 - b) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
 - c) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with Penrith City Council.
 - d) Surveyor's Certificate certifying that all pipes and services are located

wholly within the property or within appropriate easements and that no services encroach boundaries.

- e) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification.
- f) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:

Compaction reports for road pavement construction:

- 1 Compaction reports for bulk earthworks and lot regrading.
- 2 Soil classification for all residential lots
- 3 Statement of Compliance

- 2.39. The bio-retention basin is to be maintained by the proponent as a sediment basin until 80% of housing construction is completed and retain in the ownership of the proponent. After 80% of housing has been constructed the sediment basin is to be decommissioned and the bio-retention basin completed. After completion of the bio-retention basin has occurred, the proponent is to maintain the bio-retention basin for a period of 3 years after which time handover is permitted (see separate conditions relating to handover).

Prior to the release of the Subdivision Certificate, an outstanding works bond is required to be paid by the developer and will attract a 200% loading on the cost of works associated with the maintenance and conversion of the bio-retention basin. This will be returned upon completion of handover.

- 2.40. Prior to the handover of the assets, Council requires all of the following conditions to be met:
- The WSUD assets / measures are constructed and operate in accordance with the approved design specifications / parameters and any other specific design agreements previously entered into with Council
 - The performance of the WSUD measure(s) has been validated, which must include the provision of a Performance Validation Report supporting the performance of the WSUD measure
 - Where applicable, the build up of sediment has resulted in no more than a 10% reduction of operational volume
 - Asset inspections for defects has been completed and, if any defects are found, rectified to the satisfaction of Council
 - The WSUD infrastructure is to the satisfaction of Council, structurally and geotechnically sound (this will require the submission of documents demonstrating that such infrastructure has been certified by suitably qualified persons)
 - Design drawings have been supplied in a format acceptable to Council
 - Works as Executed (WAE) drawings have been supplied for all infrastructure in a format and level of accuracy acceptable to Council

- Other relevant digital files have been provided (e.g. design drawings, surveys, bathymetry, models etc)
 - Landscape designs have been supplied, particularly those detailing the distribution of functional vegetation, i.e. vegetation that plays a role in water quality improvement (clearance certificates from the landscape architect will need to be supplied)
 - The condition of the infrastructure and associated with the land complies with the approved design specification.
 - Filter media infiltration rates are within 10% of the rates of the design parameters for the filtration system concerned)
 - Comprehensive operation and maintenance manuals (including indicative costs) have been provided. The plan should include details on the following:
 - i. Site description (area, imperviousness, land use, annual rainfall, topography etc)
 - ii. Site access description
 - iii. Likely pollutant types, sources and estimated loads
 - iv. Locations, types and descriptions of measures proposed
 - v. Operation and maintenance responsibility
 - vi. Inspection methods (including inspection checklists)
 - vii. Maintenance methods (frequency, equipment and personnel requirements);
 - viii. Landscape and weed control requirements
 - ix. Operation and maintenance costs;
 - x. Waste management and disposal options; and
 - xi. Reporting.
- 2.41. Prior to the issue of a Construction Certificate, the following information is to be submitted to Council for review:
- Council should be given an opportunity to review and approve the proposed GPT so that considerations of the life cycle costs can be made. The proponent should provide Council with a detailed operation and maintenance manual which includes estimated costing
 - Detailed construction plans including all calculations, drawings and designs which are consistent with the design parameters used in the modelling and approved concept designs from the Development Application, and
 - An Erosion and Sedimentation Control Plan.
- 2.42. The proponent is responsible for the construction of the bioretention basin and installation of the proposed GPT. The construction is to be done in a way which reflects the concept design and calculations outlined in the *Stormwater Drainage Strategy Report for the proposal Version 4 November 2013*.
- The developer is to construct the bio retention basin once 80% of the lots are constructed.
- 2.43. **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure the civil plans are detailed with low-profile roll top kerb in accordance with Councils' engineering guidelines.
- 2.44. **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that the sag point shown at CH 20.072m is relocated to

approximately CH 30.00m within the proposed road 1. The sag point shall align with the kerb inlet pits.

- 2.45. **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that a concrete access driveway is detailed to the end of the access handle for proposed lot 19.

LANDSCAPING

- 2.46 The trees identified for retention shall be retained and duly protected during the construction of the development. Tree protection measures shall:
- be installed before any works can commence on site including the clearing of site vegetation, and
 - be certified by the author of the Vegetation Management Plan or a qualified Arborist) before any works can commence on site. The Certificate or other suitable documentation shall be submitted to the Principal Certifying Authority a minimum 2 days **prior to the commencement of site works**. A copy of the Certificate or written documentation is to be submitted to Council with the "Notice of Commencement".
- 2.47. All recommendation and activities of the approved Vegetation Management Plan prepared by SLR Global Environmental Solutions and dated 16/1/2014 form conditions of consent for this development. These are (full detail is located within the VMP):
- a. Initial Works - On approval of DA
 - i. Collect baseline monitoring data (photos and quadrat)
 - ii. Re-locate Cumberland Plain Land Snails and natural habitat from the development area to the *Vegetation Management Area* (VMA)
 - iii. Remove rubbish and refuse, and re-locate any detected Cumberland Plain Land Snails to the enhanced natural habitat within the *Vegetation Management Area*
 - iv. Collect and store seeds and seedlings of native plants from within the development area (in particularly the *Grevillea juniperina*)
 - b. Initial Works - From Release of *Subdivision Certificate*
 - i. Permanently fence and erect signage around the entire VMA. No other fences are to be in the VMA. The fence is to be of a welded see-trough metal style. Signage is to say: "The vegetation beyond this point is ecologically important (including trees, shrubs and groundcovers). ANY unauthorised disturbance (damage, pollution, dumping) is subject to significant fines AND/OR imprisonment."
 - ii. Implement an intensive weed removal program in the VMA as per the VMP.
 - iii. Prepare bare soil and highly disturbed portions of the VMA for replanting as per the VMP
 - iv. Plant those prepared areas with stored/translocated vegetation

- previously collected from the development area
- c. Maintenance Period (Post Establishment Period - commencing 6 months from release of *Subdivision Certificate*)
 - i. Management of weeds, monitoring of natural regeneration and maintenance of plantings and replacement of failed plants
 - ii. Every 6 months for 2.5 years - collection of photo point and quadrat monitoring data as well as monitoring of the Cumberland Plain Land Snail, *Grevillea juniperina* and *Dillwynia tenuifolia*, and Cooks River Castlereagh Ironbark Forest.
 - iii. *Monitoring Reports* are to be sent to Council every 6 months for 2.5 years, as per the VMP.
 - d. Prior to Construction Works
 - i. Perform a site induction for site workers
 - ii. Install sediment fences around areas of earthworks, where relevant, to protect areas of retained vegetation and stormwater.
 - iii. Inspection of the pre-construction works
- 2.48. Threatened species including *Grevillea juniperina* and *Dillwynia tenuifolia* from Lots 10 and 11 and from the residue lot are to be translocated to the Vegetation Management Area in Lot 100 and then maintained as per the Vegetation Management Plan.
- 2.49. As outlined in the Landscape Concept Plan (prepared by NBRSPartners, 17/1/2014) 2 trees are to be planted for every one tree removed. These are to be located within the VMA in the school grounds and are to be species from the Cooks River Castlereagh Ironbark Forest vegetation community.
- 2.50. An 88b Restriction, noting that no trees are to be removed, is to be registered on the land and is to be applied to the areas outlined in orange in Figure 2 of the VMP "Proposed Subdivision Layout and Vegetation Management Area on the subject site at Cranebrook". The 88b Restriction is to span the entire length of the parent lot boundary from western boundary of proposed lot 1 through to the eastern boundary of proposed lot 8. This will be for a depth of 25 metres from the northern boundary and will form the basis of the 88b restriction for these lots.
- 2.51. No native trees or other vegetation (including shrubs and other understory vegetation) are to be removed, ringbarked, cut, topped, lopped, slashed or wilfully destroyed (other than those on the approved plan prepared by NBRSPartners, 17/1/2014) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

SECTION 94

- 2.52. This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this

Notice, \$110,608 is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 2.53. This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$7860 is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

CERTIFICATION

- 2.54. **Prior to the commencement of any earthworks or construction works on site**, the proponent is to:
- a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
 - b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

3. DA12/0786.02 be approved subject to the amendment of condition 1 and 6 of the consent no 12/0786, as follows:

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

	Plan No.	Prepared By	Date
Plan Proposed Subdivision of Lot 1 in DP 1144668 Andromeda Drive, Cranebrook	Job Ref I117 (Drawing No P14-2) (Sheet 2 of 2)	Surveying Insites	14.11.13

- 3.2 The linen plan of subdivision is to be supported by an 88B instrument creating a Restriction as to User or easement regarding the following:
- a) Access to The Northern Road is prohibited.
 - b) No further development of Lot 101 can occur unless appropriate provision is made for access, services and drainage
 - c) The existing vegetation areas are to be retained and managed in accordance with the Vegetation Management Plan, reference 610.11706 V2.0, prepared by SLR Global Environmental Solutions and dated 16 January 2014.

Council shall be nominated as the only authority permitted to modify, vary or rescind such restriction as to user.

4. Those that made 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

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Ross Fowler OAM

Against

Councillor Michelle Tormey
Councillor Maurice Giroto
Councillor Kevin Crameri OAM

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

6 [Request for Physical Closure of Mackay Lane, Emu Plains](#)

103 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Request for Physical Closure of Mackay Lane, Emu Plains be received.
2. Mackay Lane, Emu Plains remain open.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

3 [Section 96 Application DA08/1223.02 for Modification of Condition 36 requiring Payment of Section 94 Contributions at Lot 2 DP 1130750, \(No. 56\) Second Avenue, Kingswood Section 96 Application DA13/0161.02 for Deletion of Condition 40 requiring Payment of Section 94 Contributions at Lot 14 DP 850402, Great Western Highway, Kingswood](#)

104 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Tricia Hitchen that the matter be deferred to a Councillor Briefing for further clarification on a number of issues.

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 Maurice Giroto	
Councillor Kevin Crameri OAM	
Councillor Mark Davies	
Councillor Ben Goldfinch	
Councillor Tricia Hitchen	
Councillor Bernard Bratusa	
Councillor Ross Fowler OAM	

OUTCOME 3 - WE CAN GET AROUND THE CITY

Councillor John Thain left the meeting, the time being 9:33pm.

4 [Ninth Avenue, Llandilo - Traffic Congestion at Xavier College](#)

105 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Tricia Hitchen that the information contained in the report on Ninth Avenue, Llandilo - Traffic Congestion at Xavier College be received.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

5 [Kingswood Public Domain Manual](#)

106 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Kingswood Public Domain Manual be received.
2. The draft Kingswood Public Domain Manual be placed on exhibition for 21 days.
3. The members of the Access Committee be notified of the exhibition period.

7 [Life Education NSW](#)

107 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Life Education NSW be received.
2. Council continue its support of Life Education NSW in its provision of preventative drug and alcohol programs to school aged children in the Penrith LGA, as detailed in the report.

8 [Dunheved Business Park Survey](#)

108 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Dunheved Business Park Survey be received.
2. A copy of the Dunheved Business Park Survey report be forwarded to project partners, the Penrith Chamber of Commerce and the Penrith Business Alliance.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

Councillor John Thain returned to the meeting, the time being 9:37pm.

9 Floodplain Risk Management Committee

109 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies

That:

1. The information contained in the report on Floodplain Risk Management Committee be received.
2. Council establish a Floodplain Risk Management Committee to assist Council in the development and implementation of floodplain management plans.
3. Council nominate Councillors Kevin Crameri OAM, Jim Aitken OAM, Jackie Greenow OAM and Greg Davies as members of the Floodplain Risk Management Committee, with all Councillors invited to attend.
4. Council forward invitations to relevant State agencies inviting one representative to join the Floodplain Risk Management Committee.
5. Council, through the Floodplain Management Working Party, develop a recruitment and communication strategy to seek nominations to join the Floodplain Risk Management Committee as community representatives.
6. Authority be delegated to the General Manager to determine, in consultation with the Floodplain Management Working Party, community membership on the Floodplain Risk Management Committee.

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

10 Youth Week Funding History

110 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Karen McKeown that the information contained in the report on Youth Week Funding History be received.

11 NSW Public Library Association Community Funding Campaign

111 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Karen McKeown

That:

1. The information contained in the report on NSW Public Library Association Community Funding Campaign be received.
2. Council provide support to the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries by:
 - a) Making representation to the local State Members in relation to the need for additional funding from the NSW State Government for the provision of public library services;
 - b) Writing to the Hon. Troy Grant, MP, Minister for the Arts, calling upon the Government to implement the Reforming Public Library

Funding submission of the Library Council of NSW in 2012 for the reform of the funding system for NSW public libraries;

- c) Approving the distribution of NSW Public Library Associations' campaign information in Council libraries;
- d) Taking a lead role in activating the campaign locally.

Having previously declared a Pecuniary Interest in Item 12, His Worship the Mayor, Councillor Ross Fowler OAM vacated the Chair and left the meeting, the time being 9:38pm.

Procedural Motion

112 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Ben Goldfinch that Councillor Mark Davies take the Chair for consideration of Item 12.

Councillor Mark Davies took the Chair for consideration of Item 12, the time being 9:38pm.

12 [Penrith Valley Regional Sports Centre - ClubGrants Category 3 Submission](#)

113 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Penrith Valley Regional Sports Centre – ClubGrants Category 3 Submission be received.
2. Penrith City Council provide a letter to the Penrith Valley Regional Sports Centre Limited confirming that Council will enter a deed of guarantee for a new loan of up to \$500,000 repayable over 7 years on behalf of Penrith Valley Regional Sports Centre Limited should their application to the ClubGRANTS – Category 3 Program as outlined in this report be successful.
3. Penrith City Council enter into a deed of guarantee for a new loan of up to \$500,000 repayable over 7 years on behalf of Penrith Valley Regional Sports Centre Limited should their application to the ClubGRANTS – Category 3 Program as outlined in this report be successful.
4. The Common Seal of the Council of the City of Penrith be affixed to those documents that are necessary to finalise Council being Guarantor for the Penrith Valley Regional Sports Centre Limited borrowings as outlined in this report.

His Worship the Mayor, Councillor Ross Fowler OAM returned to the meeting, and took the Chair the time being 9:40pm.

Councillor Kevin Crameri OAM left the meeting, the time being 9:40pm.

Councillor Kevin Crameri OAM returned to the meeting, the time being 9:44pm.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

13 [The Exhibition of the revised Delivery Program 2013-17 \(incorporating the 2014-15 draft Operational Plan and Fees & Charges\)](#)

His Worship the Mayor, Councillor Ross Fowler OAM, congratulated the Council's staff on the preparation of the draft Operational Plan.

114 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on The Exhibition of the revised Delivery Program 2013-17 (incorporating the 2014-15 draft Operational Plan and Fees & Charges) be received
2. In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, Council endorse for public exhibition the *revised Delivery Program 2013-17* (incorporating the draft *Operational Plan* for 2014-15) and draft *Fees and Charges 2014-15*, including any amendments made at tonight's meeting
3. In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, the revised *Delivery Program 2013-17* (incorporating the *Operational Plan* for 2014-15) and draft *Fees and Charges 2014-15* be placed on public exhibition for 28 days commencing on Friday 2 May 2014 and closing on Monday 2 June 2014
4. The public exhibition arrangements are implemented as detailed in this report, and submissions from the community are invited.

14 [Proposed Permanent Closure of Part Station Lane, Penrith at Nos. 101-107 Station Street, Penrith](#)

115 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Proposed Permanent Closure of Part Station Lane, Penrith at Nos. 101-107 Station Street, Penrith be received.
2. Council proceed with the application to NSW Trade and Investment (Crown Lands) for approval to permanently close Part Station Lane at Nos. 101-107 Station Street, Penrith.
3. Upon closure the land be classified as "operational" land and be consolidated with Council's adjoining holdings.

15 [Summary of Investments & Banking for the period 1 March to 31 March 2014](#)

116 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 March to 31 March 2014 be received
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 March 2014 to 31 March 2014 be noted and accepted.
3. The graphical investment analysis as at 31 March 2014 be noted.
4. The Agency Collection Methods as at 31 March 2014 be noted.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Riley Street - Parking

Councillor Tricia Hitchen requested a memo reply concerning the consideration of waiving fines issued by Council Rangers during the school holidays to the owners of vehicles parked in the bus bays in Riley Street.

RR 2 Whitewater Stadium - Marketing

Councillor Tricia Hitchen requested a memo reply to all Councillors explaining why Jessica Fox is not used in Whitewater Stadium's marketing campaign, given Council has used Ms Fox successfully in the library marketing campaign.

RR 3 Committee of the Whole Matter concerning property

Councillor Bernard Bratusa requested a matter be referred to committee of the whole for discussion pertaining to a property.

This item has been referred to Committee of the Whole as the verbal report refers to information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

RR 4 Panthers Scoreboard

Councillor John Thain requested a memo reply to all Councillors on whether or not the Panthers' scoreboard was heritage listed and if Panthers required permission to remove it.

RR 5 Penrith Lakes Exhibition

Councillor John Thain requested a memo reply concerning door knocking and flyers being distributed in Cranebrook advising of waste being brought in the lakes for fill. Cr Thain requested the memo reply detail extending the exhibition period for 2 weeks.

RR 6 Parklawn Shops - Signage

Councillor Greg Davies requested a memo reply concerning the old sign relating to Parklawn shops near the North St Marys Neighbourhood Centre being removed or redone and a sign be placed on Debrincat Avenue showing the way to Parklawn shops.

RR 7 Request for Tree Removal

Councillor Greg Davies requested that the dead tree outside the Don Bosco Centre, St Marys on Mamre Road be removed.

RR 8 Repeal of Section 18C of the Racial Discrimination Act

Councillor Prue Car requested an urgent report to Council addressing the ways that the proposed repeal of Section 18C of the Racial Discrimination Act will affect the Penrith community.

RR 9 Myrtle Road - Footpath

Councillor Prue Car requested a memo on any plans to construct a footpath on the side of Myrtle Road, Claremont Meadows, where there currently is no footpath.

RR 10 Provision of footpath - Carpenter Street, St Marys

Councillor Prue Car requested a memo on whether Council can provide a footpath on Carpenter Street, St Marys on the corner of Marsden Road, near the bus stop.

RR 11 Provision of footpath - Francis Street, Werrington County

Councillor Prue Car requested a memo on whether or not Council can provide a footpath on Francis Street, Werrington County.

RR 12 Lack of School Buses - Penrith Anglican College and St Dominic's College

Councillor Prue Car requested that Council make representations to Busways about the lack of school buses being provided for students attending both Penrith Anglican College and St Dominic's College.

RR 13 Trailbikes Signage

Councillor Prue Car requested a memo reply concerning erecting signage on the reserve near Gagoor Close, Claremont Meadows, discouraging the use of trailbikes in the reserve.

RR 14 Rubbish - Dunheved Road

Councillor Prue Car requested a memo reply concerning an urgent clean up of general rubbish being arranged along Dunheved Road, Werrington and Werrington County. Can I also get a memo on how regularly this area is cleaned.

RR 15 Speeding - Myrtle Road, Claremont Meadows

Councillor Prue Car requested a memo reply concerning the Local Traffic Committee investigating reports of speeding on Myrtle Road, Claremont Meadows.

URGENT BUSINESS

UB 1 Leave of Absence Request

Councillor Karen McKeown requested leave of absence from 8 May 2014 to 11 June 2014 inclusive.

117 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that the matter be brought forward as a matter of urgency.

His Worship the Mayor, Councillor Ross Fowler OAM, ruled that the matter was urgent and should be dealt with at the meeting.

118 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that leave of absence be granted to Councillor Karen McKeown from 8 May 2014 to 11 June 2014 inclusive.

UB 2 Leave of Absence Request

Councillor Kevin Crameri OAM requested leave of absence from 13 May 2014 to 25 May 2014 inclusive.

119 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Karen McKeown that the matter be brought forward as a matter of urgency.

His Worship the Mayor, Councillor Ross Fowler OAM, ruled that the matter was urgent and should be dealt with at the meeting.

120 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Karen McKeown that leave of absence be granted to Councillor Kevin Crameri OAM from 13 May 2014 to 25 May 2014 inclusive.

UB 3 Leave of Absence Request

Councillor Ross Fowler OAM requested leave of absence for Councillor Jim Aitken OAM and himself from 10 May 2014 to 21 May 2014 inclusive to attend the China Import Expo.

121 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa that the matter be brought forward as a matter of urgency.

His Worship the Mayor, Councillor Ross Fowler OAM, ruled that the matter was urgent and should be dealt with at the meeting.

122 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa that leave of absence be granted to Councillors Ross Fowler OAM and Jim Aitken OAM from 10 May 2014 to 21 May 2014 to attend the China Import Expo.

His Worship the Mayor, Councillor Ross Fowler OAM indicated that in light of leave of absence being granted to the Deputy Mayor, Councillor Jim Aitken OAM and himself for the period 10 May 2014 to 21 May 2014 that it would be appropriate to elect a Chairperson for the Policy Review Committee Meeting and Councillor Briefing Meeting that are scheduled for that period.

123 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Ben Goldfinch that Councillor Mark Davies Chair the Policy Review Committee Meeting and Councillor Briefing scheduled for the period 10 May 2014 to 21 May 2014.

Councillor Michelle Tormey left the meeting, the time being 9:58pm.

COMMITTEE OF THE WHOLE

124 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Prue Car that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:58pm.

1 Presence of the Public

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

Outcome 7

2 [Proposed easement for drainage over Council land - Lot 542 DP 631561 and Lot 502 DP 1037227, Haynes Street, Penrith to benefit Lot 1 DP 1183521, 22 - 24 Haynes Street, Penrith](#)

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 10:04pm and the Assistant General Manager reported that the Committee of the Whole met at 9:58pm on 28 April 2014, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM, and Councillors Bernard Bratusa, Prue Car, Kevin Crameri OAM, Greg Davies, Mark Davies, Maurice Giroto, Ben Goldfinch, 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

Councillor Michelle Tormey returned to meeting, the time being 9:59pm.

2 [Proposed easement for drainage over Council land - Lot 542 DP 631561 and Lot 502 DP 1037227, Haynes Street, Penrith to benefit Lot 1 DP 1183521, 22 - 24 Haynes Street, Penrith](#)

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Mark Davies

CW2 That:

1. The information contained in the report on Proposed easement for drainage over Council land - Lot 542 DP 631561 and Lot 502 DP 1037227, Haynes Street, Penrith to benefit Lot 1 DP 1183521, 22 - 24 Haynes Street, Penrith be received.
2. Council grant an easement to drain water over Council property Lot 542 DP 631561 and Lot 502 DP 1037227, Haynes Street, Penrith to benefit Lot 1 in DP 1183521, 22-24 Haynes Street, Penrith in accordance with the conditions outlined in this report.
3. Council accept compensation as outlined in this report for the granting of the easement.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documents.

3 Property Matter - Mulgoa

RECOMMENDED on the MOTION of Councillor Bernard Bratusa seconded Councillor Karen McKeown

CW3 That the information contained in the verbal report on Property Matter – Mulgoa be received and a further report on the matter be brought to Council.

ADOPTION OF COMMITTEE OF THE WHOLE

125 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Karen McKeown that the recommendations 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 10:05pm.

I certify that these 30 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 28 April, 2014.

Chairperson

Date