

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

ON MONDAY 24 NOVEMBER 2014 AT 7:35PM

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, Greg Davies and Councillors Bernard Bratusa, Prue Car, Kevin Crameri OAM, Marcus Cornish, Mark Davies, Maurice Giroto, Ben Goldfinch, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Jackie Greenow OAM for 24 November 2014.

November 2014 to 15 December 2014 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 27 October 2014

343 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Maurice Giroto that the minutes of the Ordinary Meeting of 27 October 2014 be confirmed.

CONFIRMATION OF MINUTES - Extraordinary Council Meeting - 10 November 2014

344 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain that the minutes of the Extraordinary Council Meeting of 10 November 2014 be confirmed.

Councillor Kevin Crameri OAM then made the following statement in regard to proceedings at the Extraordinary Meeting of 10 November 2014:

"At the Extraordinary Meeting held on 10 November 2014 it has been brought to my attention that I may have unintentionally said some words that offended the Wiradjuri people. I wish to apologise if I caused any offence by the statements I made at the time."

DECLARATIONS OF INTEREST

Councillor Greg Davies declared a Pecuniary Interest in *Item 8 – Tender reference 14/15-02 for the Supply and Installation of 100 lux Floodlighting to Zones 2 to 5 (Field No.'s 5 to 11) at Jamison Park, South Penrith* as he has a close personal relationship with one of the tenderers.

Councillor Maurice Giroto declared a Non Pecuniary Conflict of Interest – Less than Significant in *Item 6 – Tender Reference RFT14/15-09 for the Construction of New Concrete Paths* as one of the tenderers is a customer of his business.

SUSPENSION OF STANDING ORDERS

345 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Cramer OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:46 pm.

Dr Atiya Zaidi

Item 2 – Development Application DA13/1271 Proposed Place of Public Worship at Lot 2 DP 812284 (No. 81-83) Clifton Avenue, Kemps Creek

Dr Zaidi, spokesperson for the applicant, spoke in support of the proposed development and stated that there is currently no established place of worship or social networking centre for local members of the Muhammadi Welfare Association. Dr Zaidi detailed the significance of this development for family socialisation and in particular for the elderly. Dr Zaidi also stated that this development would not be used as a mosque but was instead a community centre for the purposes of social events including festivals and cultural celebrations. Dr Zaidi concluded by saying that the establishment of the place of public worship would provide a means of breaking down barriers and creating acceptance.

The Mayor, Councillor Ross Fowler OAM, asked a member of the public gallery to leave the Council Chambers, the time being 7:55 pm.

Mr Ian Rufus

Item 2 – Development Application DA13/1271 Proposed Place of Public Worship at Lot 2 DP 812284 (No. 81-83) Clifton Avenue, Kemps Creek

Mr Rufus, the planning consultant for the applicant, spoke in support of the proposed development and noted that Penrith is an ideal developing area in which to house a larger community centre for the Sydney members of the Muhammadi Welfare Association. In relation to health concerns, Mr Rufus stated that modern waste and water control measures are well able to cater for peak loads and adverse conditions, and went on to detail the proposed hours of operation to resolve any confusion about this aspect.

346 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor John Thain that an extension of time be granted to enable the speaker to complete his address, the time being 8:03 pm.

Mr Rufus concluded by stating that the building design of the proposal was aesthetically pleasing and that the existing bushland will be retained at the front of the site for screening purposes as well as additional planting being provided.

Mr Abbas Alvi

Item 2 – Development Application DA13/1271 Proposed Place of Public Worship at Lot 2 DP 812284 (No. 81-83) Clifton Avenue, Kemps Creek

Mr Alvi, Secretary of Muhammadi Welfare Association Inc, spoke in support of the proposed development. Mr Alvi stated that the proposal was not for a mosque but instead for a community centre in order to hold group discussions, seminars, educational lectures, celebrations and other activities.

347 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Prue Car that an extension of time be granted to enable the speaker to complete his address, the time being 8:15 pm.

Mr Alvi concluded by stating that the families of many members of the Association have had a presence in Australia for four generations and that their community is vibrant, active and promotes ethnic diversity in Australia.

Ms May Spencer

Item 2 – Development Application DA13/1271 Proposed Place of Public Worship at Lot 2 DP 812284 (No. 81-83) Clifton Avenue, Kemps Creek

Ms Spencer, an interested citizen, spoke in opposition to the proposed development. Ms Spencer expressed her concerns about the impact of the proposal on the social fabric of Penrith. Ms Spencer stated that she did not believe the residents of Penrith had been sufficiently consulted regarding the proposal, with particular regard to the cultural heritage of the area. Ms Spencer stated her concern that a migration of residents from the inner west of Sydney would alter the culture of the Penrith area.

348 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Mark Davies that an extension of time be granted to enable the speaker to complete her address, the time being 8:29 pm.

Ms Spencer concluded by stating that the distinctive cultural heritage and values of Penrith should be preserved and that this would not be best served by permitting the proposed development to proceed.

Councillor Maurice Giroto left the meeting, the time being 8:38 pm.

Mr Rick Putra

Item 2 – Development Application DA13/1271 Proposed Place of Public Worship at Lot 2 DP 812284 (No. 81-83) Clifton Avenue, Kemps Creek

Mr Putra, a concerned citizen, spoke in opposition to the proposed development. Mr Putra stated that as a resident of Penrith for 40 years he was concerned about its future and raised his concerns about traffic issues, carparking capability and waste holding facilities. Mr Putra also stated that this development needs to be considered in conjunction with the recently approved development for a meeting hall.

Mr Putra concluded by requesting that consideration of the proposal be rejected, or deferred to allow for further consultation to occur between Council and the local community.

Councillor Maurice Giroto returned to the meeting, the time being 8:41 pm.

Mr Peter Maltese

Item 2 – Development Application DA13/1271 Proposed Place of Public Worship at Lot 2 DP 812284 (No. 81-83) Clifton Avenue, Kemps Creek

Mr Maltese, an affected person, spoke against the proposed development. Mr Maltese stated that he lived in Clifton Avenue and has been a resident of the area for over 30 years. Mr Maltese expressed his concerns regarding traffic issues, in particular dust created by additional traffic in the area of the proposal and the effect the proposal might have on the local amenity. Mr Maltese concluded by stating that he did not believe sufficient community consultation on the matter had taken place.

RESUMPTION OF STANDING ORDERS

349 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that Standing Orders be resumed, the time being 8:54 pm.

OUTCOME 2 – WE PLAN FOR OUR FUTURE GROWTH

- 2** [Development Application DA13/1271 Proposed Place of Public Worship at Lot 2 DP 812284 \(No. 81-83\) Clifton Avenue, Kemps Creek](#)
Applicant: **Muhammadi Welfare Association Incorporated**; Owner:
~**Muhammadi Welfare Association Incorporated**

A MOTION was moved by Councillor Marcus Cornish seconded Councillor Mark Davies that Development Application DA13/1271 be refused on the basis of lack of community consultation being carried out prior to determination of the application.

Councillor Marcus Cornish then WITHDREW the MOTION with the consent of Councillor Mark Davies.

A MOTION was moved by Councillor Mark Davies seconded Councillor Maurice Giroto that Development Application DA13/1271 be refused on the grounds of insufficient consideration being given to the concerns of local residents when determining the application.

Councillor Mark Davies then presented His Worship the Mayor, Councillor Ross Fowler OAM with a petition submitted by local residents, opposing the establishment of mosques/prayer halls in the local area.

An AMENDMENT was moved by Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that this matter be deferred to allow a report to be submitted which provides further detail on who will be using the centre, and also providing time for residents to express their concerns.

Councillor John Thain then FORESHADOWED a FURTHER MOTION.

The AMENDMENT was then PUT.

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

For	Against
Councillor Kevin Crameri OAM	Councillor Prue Car
Councillor Maurice Girotto	Councillor Greg Davies
Councillor Mark Davies	Councillor John Thain
Councillor Marcus Cornish	Councillor Karen McKeown
	Councillor Michelle Tormey
	Councillor Bernard Bratusa
	Councillor Tricia Hitchen
	Councillor Ben Goldfinch
	Councillor Ross Fowler OAM

The AMENDMENT was LOST.

350 THE FORESHADOWED MOTION was then moved by Councillor John Thain seconded Councillor Michelle Tormey

That:

1. The information contained in the report on Development Application DA13/1271 Proposed Place of Public Worship at Lot 2 DP 812284 (No. 81-83) Clifton Avenue, Kemps Creek be received.
2. Development Application DA13/1271 Proposed Place of Public Worship at Lot 2 DP 812284 (No. 81-83) Clifton Avenue, Kemps Creek be granted consent subject to the following conditions:

GENERAL

Standard Conditions

A001	Approved plans
A008	Works to BCA requirements
A019	Occupation Certificate
A020	Use of building
A026	Advertising sign
A030	No retail sales
A032	Goods in buildings
A039	Graffiti
A041	Construction in bushfire areas
A046	Obtain Construction Certificate before commencement of works
B004	Dust
B005	Mud/Soil
B006	Hours of work
D001	Implement approved sediment and erosion control

	measures
D002	Spraygrass
D005	No filling without prior approval
D006	Approval for bulk earthworks
D009	Covering of waste storage area
D010	Appropriate disposal of excavated or other waste
D013	Approved noise level 1
D014	Plant and equipment noise
D026	Liquid wastes
E001A	BCA compliance (Class 2-9)
E006	Disabled access and facilities (after "AS 1428 "Design for Access and Mobility" include "Disability (Access to Buildings) Standards 2010".
E008	Fire safety list with construction certificate
E009	Annual fire safety – essential fire safety (Class 2-9 buildings)
F006	Water tank & Nuisance
G003	Sydney Water Section 73 Certificate (Water Supply)
G004	Integral Energy Clearance
H001	Stamped plans and erection of site notice
H002	Provision of site facilities prior to commencement of construction works
H006	Implementation of waste management plan
H036	Rain water tanks
H037	Safe supply of water
H038	Connection of water tanks
H039	Rainwater tank pumps
H041	Hours of construction work
K101	Works at no cost to Council
K210	On-site detention
K213	Water quality
K221	Access, Car Parking and Manoeuvring – General
K502	Work as executed
K508	Entry/Exit signage
K509	Directional signage
L001	Approved landscaping plans

L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree preservation order
Q01F	Notice of commencement and appointment of PCA
Q006	Occupation Certificate
R101	OSSM General
R102	OSSM system type
R103	Council inspections
R104	No alterations without approval
R105	Plumbing Code
R109	No effluent runoff
R110	EMA signage
R111	AWTS servicing
R114	EMA turfed
R115	No structures on EMA
R116	Diversion of stormwater
R117	No plants for human consumption within EMA
R118	EMA protection from stock damage
R119	Waste Water and Native trees

Special Conditions

- 2.1 The operating hours are from 6:00 pm to 10:00 pm Mondays to Friday and 10:00am to 1:00pm on weekends. The maximum number of people in regular meetings is limited to only 100 people. Delivery and service vehicles generated by the development are limited to daylight hours.

The development may hold a total of 24 days of special events within any 1 calendar year. Of the 24 days of permitted special events, for 19 of the 24 days (within one calendar year) a total of 200 to 250 persons may only attend the premises at any one given time within the operating hours stipulated above.

Of the remaining 5 days of special events (within one calendar year) a total of 400 to 500 persons may attend the premises at any one given time within the operating hours stipulated above.

These special event restrictions reflect the developments proposed patrons

during the special periods of Ramadan and Muharram etc.

- 2.2 Dust suppression techniques are to be employed during demolition and construction to reduce any potential nuisances to surrounding properties.
- 2.3 The buildings shall be constructed to comply with noise standard AS 2021-2000 to ensure that the sound level internal of building is satisfactory and is not impacted by the aircraft noise.
- 2.4 An evacuation management plan shall be prepared to manage and evacuate all people from the site in an orderly manner in case of fire on the site. The management plan shall be submitted to Council for consideration and approval prior to the release of an Occupation Certificate.
- 2.5 The outbuilding shall not be used for other any other purposes except for eating purpose and it cannot be used simultaneously with the main building for any other purposes or praying purposes.
- 2.6 Prior to the issue of an Occupation Certificate, a Traffic Management Plan is to be prepared to minimise car parking demand and parking spill over during special events at the Hall. The Plan is to set achievable targets and encourage participation in carpooling, mini bus use and increasing passenger vehicle numbers.

In addition, the Plan shall require the use of accredited traffic controllers at special events, directing drivers to the informal car spaces with car spaces furthest away from the entrance occupied first to minimise congestion near the entrance internally and on Clifton Avenue. Departures are to be staggered and organised in blocks with the car spaces near the exit leaving first to minimise congestion internally and on Clifton Avenue.

The Plan is to be reviewed by the management of the community centre on a regular basis and operate for the life of the community centre.

- 2.7 Prior to the issue of the Occupation Certificate, the effluent management area is to be fenced to prevent public access.
- 2.8 Noise levels from the premises shall not exceed the relevant noise criteria detailed in 'Noise Impact Assessment' prepared by Envirotech dated 11 August 2014. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development. A certificate is to be obtained from a

qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

2.9 Prior to the issue of an Occupation Certificate, a traffic facility / treatment is to be provided which prevents conflicts between incoming vehicles which are required to turn right and exiting vehicles (eg roundabout or similar with kerb extensions to provide one way restriction on the western leg). Appropriate signposting at this point will also be required.

2.10 Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

2.11. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage plan prepared by Pavel Kozarovski, reference C-2346-01, dated 28/08/2014, is amended to include and comply with the following:

- a. The discharge point, head wall and energy dissipater shall be located within the property and a minimum of 10m from the front property boundary
- b. All hard stand areas shall be directed to the Onsite Detention System (excluding the first 60m of access driveway)
- c. The stormwater system is designed in accordance with Penrith City Council's Stormwater Drainage for Building Development

2.12. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- a) Stormwater management systems

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 be undertaken have been satisfactorily completed.

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

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

a) Stormwater management systems

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage for Building Development.

2.14. The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.

2.15 Food shall not be prepared or handled at the premises for the purposes of sale as defined in chapter 3 of the ANZFA Food Safety Standards without further development approval from Penrith City Council. To sell food includes:

(a) barter, offer or attempt to sell; or

(b) receive for sale; or

(c) have in possession for sale; or

(d) display for sale; or

(e) cause or permit to be sold or offered for sale; or

(f) send, forward or deliver for sale; or

(g) dispose of by any method for valuable consideration; or

- (h) dispose of to an agent for sale on consignment; or
- (i) provide under a contract of service; or
- (j) supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work;
- (k) dispose of by way of raffle, lottery or other game of chance; or
- (l) offer as a prize or reward; or
- (m) give away for the purpose of advertisement or in furtherance of trade or business; or
- (n) supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment; or
- (o) supply food (whether or not for consideration) in the course of providing services to patients or inmates in public institutions, where 'public institution' means 'public institution' as defined in the Act, if it is so defined; or
- (p) sell for the purpose of resale.

An application to Penrith City Council shall be submitted for any proposed temporary event or stall where food for sale will occur.

- 2.16 The applicant shall plant 60 new trees that are suitable for the local vegetation community. Species are to be of those already specified in the landscape Plans:

- Eucalyptus tereticornis
- Eucalyptus crebra

Trees must be maintained for a period of 3 years or until they reach a height of 3 metres, whichever comes last.

All other landscaping is to be undertaken as per the Landscape Plan

prepared by Monaco Design, 8 November 2013.

- 2.17 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 Stuart Pittendrigh, December 2013) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

Trees to be retained shall be fenced off and protected from the proposed demolition works as detailed in Section 4 -Tree Protection Measures of AS 4970 - 2009 The Protection of Trees on Development Sites.

- 2.18 No fill, machinery, or materials are to be placed or stored within the drip line of any tree. Tree protection measures are to be implemented as outlined in the Australian Standard AS 4970-2009 'Protection of trees on development sites'.
- 2.19 Appropriate signage is to be displayed on site to reinforce designated vehicle circulation and parking arrangements.
- 2.20 No wastewater associated with the on-site sewage management system is to be applied or irrigated within the drip line of any trees within the Effluent Management Area. It is the responsibility of the applicant to ensure the ongoing health of the trees in relation to the effluent disposal area.
- 2.21 Sediment and erosion control measures should be appropriately placed around construction areas on the subject site to prevent runoff of sediment and nutrient-enriched waters into nearby bushland areas and drainage lines. The effectiveness of these traps should be closely monitored during construction, ensuring that treated site run-off meets EPA guidelines.
- 2.22 All car parking and manoeuvring must be in accordance with AS/NZS 2890.1: 2004, AS/NZS 2890.1: 2004/ Amt. 1:2005, AS 2890.2:2002, AS 2890.3: 1993, AS 2890.5: 1993, AS/NZS 2890.6:2009. Sight distance requirements and driveway widths are to be met in accordance with AS/NZS 2890.1: 2004;
- 2.23 The required sight lines around the driveway entrance is not to be compromised by street trees, landscaping or fencing.
- 2.24 A total of four (4) accessible spaces complying with the requirements of

AS2890.1 are to be provided on site for the development.

- 2.25 Consideration is to be given to the provision of secure bicycle parking in accordance with AS 2890.3: 1993;
- 2.26 Prior to the issue of an Occupation Certificate, a Traffic Management Plan is to be prepared to minimise car parking demand and parking spill over during special events at the Hall. The Plan is to set achievable targets and encourage participation in car pooling, mini bus use and increasing passenger vehicle numbers.

In addition, the Plan shall require the use of accredited traffic controllers at special events, directing drivers to the informal car spaces with car spaces furthest away from the entrance occupied first to minimise congestion near the entrance internally and on Clifton Avenue. Departures are to be staggered and organised in blocks with the car spaces near the exit leaving first to minimise congestion internally and on Clifton Avenue.

The Plan is to be reviewed by the management of the community centre on a regular basis and operate for the life of the community centre.

- 2.27 The proposed accessible parking spaces are to be designed to conform to AS/NZS 2890.6: 2009.
- 2.28 88b Instrument - Endangered Vegetation Protection

Prior to a Construction Certificate being issued an 88B instrument is to be registered against the area of Lot 2 DP 812284 that is 200m from the front of the property along the northern boundary line and 300m from the front of the property along the southern boundary line, and all the way to the rear of the property that stipulates that:

- a) The vegetation within this area is to be retained and protected to offset the impacts of the proposed development.
- b) This area is to be permanently fenced to restrict unnecessary access. The fence is to be of permanent post and wire fence of rural character. The fence is to be maintained at all times. Gated access is to be provided to allow maintenance and bushfire services.
- c) No native vegetation is to be damaged in this area. No development, erection of structures, or other activities that may damage the vegetation such as grazing, agriculture, use of vehicles or

establishment of tracks or paths is to occur within this protected area without the prior consent of Penrith City Council. Passive, non-damaging activities are permitted.

- d) 4 signs are to be placed on the fence at suitable locations along the eastern edge of the protected area stating:

"WARNING – NO UNAUTHORISED ENTRY

The vegetation beyond this point is ecologically important

(including trees, shrubs and groundcovers)

ANY unauthorised disturbance (damage, pollution, dumping)

is subject to a fine of up to \$110,000 AND/OR 1 year imprisonment.

National Parks and Wildlife Act 1974 – Section 118D(1)"

- e) For any development or activity that will adversely impact on the vegetation in this area, a new flora and fauna assessment will be required to be submitted with the Development Application and suitable offset measures proposed.
- f) Noxious weeds are to be continually managed within the protected vegetation.

2.29 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure the following is included:

- a. A total of 184 car parking spaces sealed shall be provided on site.
- b. Two way access shall be provided continuous from Clifton Ave approximately 60m distance up until the one-way access loop.
- c. Circulation roadways that facilitate the overflow car park shall be sealed.
- d. The pavement design for the access roadways, circulation roadways and parking areas shall be sealed and shall reflect the intended vehicular loading

2.30 The proposed development shall comply with the following:

- The access provisions of the BCA

- The Access to Premises Standard
- AS 1428 suite of Standards
- AS 2890.6 for car parking.

Details shall accompany the application for a construction certificate.

2.31 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 shown on the approved Landscape Plan prepared by Monaco Designs PL, 8/11/2013) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

2.32 All areas intended to be used at night shall allow appropriate levels of visibility. Car parks must be lit to the minimum Australian Standard AS 1158 with consideration given to AS 4282 (Control of the obtrusive effects of outdoor lighting). Lights shall be directed towards access/egress routes. Lighting shall take into account all vegetation and landscaping that may act as an entrapment zone. Lighting shall be designed so that it is difficult for vandals to break.

All lighting shall be maintained and kept in a clean condition with all broken or burnt out globes replaced quickly.

2.33 The buildings shall be constructed in accordance with the provisions of the "Planning for Bushfire Protection" December 2006 and AS 3959-2009 "Construction of buildings in bushfire prone areas". All recommendations made in the Bushfire Hazard Assessment Report prepared by Bushfire Consulting Services Pty Ltd dated 22 August 2013 shall be complied with and a documentary evidence prepared by a qualified person to indicate that all recommendations have been satisfied is to be submitted Council prior to the release of an Occupation Certificate..

2.34 Prior to the issue of an Occupation Certificate, appropriate signage is to be displayed on site to reinforce designated vehicle circulation and parking arrangements.

2.35 Prior to the issue of an Occupation Certificate, a traffic facility / treatment is to be provided which prevents conflicts between incoming vehicles which are required to turn right and exiting vehicles (eg roundabout or similar with kerb extensions to provide one way restriction on the western leg). Appropriate signposting at this point will also be required.

2.36 In the event of ongoing substantiated noise complaints relating to the development being received by Council, the owner and/ or occupier of the development will be required by Council to engage the services of a suitably qualified acoustic consultant to undertake a noise impact activities on the affected residential receivers.

2.37 A public address system or sound amplifying equipment shall not, without the consent of Council , be installed or used in or upon the premises so as to cause or permit the emission of sound onto any public place or nearby residential area.

2.38 Materials, goods, plant, equipment, advertising structures or the like are

not to be stored , placed or displayed anywhere outside the building or property without Council approval.

- 2.39 The owner / manager of the building shall ensure that the footpath , gutter , building entry and surrounds are kept clean and clear of litter at all times.
- 2.40 The management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard the management shall be responsible for the control of noise , loitering and litter generated by the patron of the premises and shall ensure that people leave the premises and area in an orderly manner.
- 2.41 No shipping/maritime or airfreight containers shall be stored externally to the buildings.
- 2.42 The following recommendations outlined within Acoustic Assessment 81-89 Clifton Avenue KEMPS CREEK NSW - REP-121014-C prepared by Envirotech dated 14 August 2014 shall be followed at all times for the duration of the operation of the development.
- Windows and external doors are to remain closed during all services.
 - Management shall monitor the behaviour of the persons outside the meeting hall to prevent loud speech, other loud vocal sounds and unsociable behaviour in the area.
 - Management shall ensure that all activities onsite cease by 1:30pm on Weekdays and 10:00pm on Saturdays and Sundays.
 - A notice shall be clearly displayed at the front of the premises reminding patrons to arrive and leave in a quiet manner to avoid disturbance to neighbouring properties.
 - The occupants of neighbouring premises shall be informed of all special events that are to be conducted onsite. Information provided to neighbouring occupants is to include proposed start and stop times of the event and a contact name and telephone number of the facility so that noise complaints can be received.
 - There is to be no amplified music or use of the Public Address system external of the main hall or outbuilding.
- 2.43 The Landscape Plan (Monaco Design PL, 8/11/2013) is to be implemented in its entirety except for:
- a) The trees proposed to be planted within the front of the lot are to be relocated outside of the proposed Effluent Management Area. They should be relocated to the rear of the development.
- 2.44 Prior to the issue of the Occupation Certificate, an Operational Wastewater Management Plan (OWMP) for the system is to be provided to Penrith City Council for consideration and approval. The OWMP shall be prepared by a suitable qualified consultant in consultation with Council and other relevant agencies, and may need to be amended to include the comments provided by Council and other agencies. The OWMP is to address:
- All environmental aspects of the operation of the on-site sewage management system

- All systems and controls to be implemented to minimise the potential for any adverse environmental impacts
- A program for ongoing monitoring and review to ensure that the OWMP remains contemporary with relevant environmental standards. Council is to be consulted prior to any amendments of the OWMP. Council may request a review of the OWMP or any proposed amendments.

The OWMP should include but is not limited to the following:

- System information (including specifications and site plans)
- Monitoring and testing
- Maintenance and servicing program (treatment system and irrigation system)
- System performance
- System failure contingency
- Odour management
- Landscape and disposal area management
- Health and safety

The on-site sewage management system is to be operated in accordance with the requirements of this Plan.

2.45 Council is to be provided with an Annual Environmental Performance Report detailing the performance of the system including but not limited to the following information:

- Details and records of maintenance checks of disposal areas.
- Copies of maintenance report sheets.
- Results of effluent output testing.

The first Annual Environmental Performance Report is to be provided to Council 12 months after the system is commissioned.

2.46 Annual testing of effluent output is to occur for the following parameters:

- Total Nitrogen
- Total Phosphorus
- Faecal Coliforms
- Biochemical Oxygen Demand
- Total Suspended Solids

Effluent is to be sampled by a suitably qualified person and tested at a NATA accredited laboratory. The test results are to be provided to Council within 21 days of their receipt by the owner/operator. Testing is to occur at the stage of commissioning the system and every 12 months thereafter from the date of commissioning.

2.47 Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)

- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Penrith City Council's specifications.

Contact Council's **City Works Department** on (02) 4732 7777 for further information regarding the application process.

Note:

1. Approvals may also be required from the Roads and Maritime Service for classified roads.
- 2.48 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Pavel Kozarovski, reference C-2346-01, dated 28/08/2014.

Engineering plans and supporting calculations for the stormwater management systems 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 management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

3. Those who made submissions be advised of Council's decision.

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

Councillor Michelle Tormey returned to the meeting, the time being 9:45 pm.

The FORESHADOWED MOTION was then PUT.

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 Maurice Giroto
Councillor Greg Davies	Councillor Kevin Crameri OAM
Councillor John Thain	Councillor Mark Davies
Councillor Karen McKeown	Councillor Ben Goldfinch
Councillor Michelle Tormey	Councillor Marcus Cornish
Councillor Tricia Hitchen	
Councillor Bernard Bratusa	
Councillor Ross Fowler OAM	

The FORESHADOWED MOTION was CARRIED and BECAME the SUBSTANTIVE MOTION.

The MOTION was PUT.

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 Maurice Giroto
Councillor Greg Davies	Councillor Kevin Crameri OAM
Councillor John Thain	Councillor Mark Davies
Councillor Karen McKeown	Councillor Ben Goldfinch
Councillor Michelle Tormey	Councillor Marcus Cornish
Councillor Tricia Hitchen	
Councillor Bernard Bratusa	
Councillor Ross Fowler OAM	

The MOTION was CARRIED.

At 9:46 pm, His Worship the Mayor, Councillor Ross Fowler OAM adjourned the meeting for 15 minutes.

The meeting resumed at 10:01 pm.

SUSPENSION OF STANDING ORDERS

351 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Michelle Tormey that Standing Orders be suspended to allow members of the public to address the meeting, the time being 10:02 pm.

Lisa Harrold, *Item 5 – Rezoning Application RZ13/002: The Fernhill Estate, Mulgoa (Item withdrawn)*

Ms Harrold, a concerned resident, spoke in support of the recommendation for refusal of the rezoning application and stated that although she realised the Item had now been withdrawn, she would like to take the opportunity to thank the officers involved in writing the report for their recommendations. Ms Harrold then stated that the application does not take into account the ecological significance of the area, including the Koala Corridor. Ms Harrold concluded by stating that Biobanking would be a suitable solution and expressed her hope that Council would encourage the applicant to pursue that course.

Mr Anuj Verma

Item 13 – Support for the UWS Solar Car Project

Mr Verma, team manager of the UWS Solar Car Project, spoke in support of the UWS Solar Car Project and about the concept of building a solar car for the World Solar Challenge and outlined what the event entails. Mr Verma stated that the Challenge hopes to improve sustainable development and promote science and technology in the local area. Mr Verma outlined the engagement with local high schools and how they are provided with an opportunity to be a part of the experience. Mr Verma concluded by outlining the costs of the project and seeking Council's financial assistance in this regard.

RESUMPTION OF STANDING ORDERS

352 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Maurice Giroto that Standing Orders be resumed, the time being 10:24 pm.

OUTCOME 5 – WE CARE ABOUT OUR ENVIRONMENT

13 [Support for the UWS Solar Car Project](#)

353 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Karen McKeown

That:

1. The information contained in the report on Support for the UWS Solar Car Project be received.
2. Council support the project by way of a \$10,000 Silver Sponsorship, in equal amounts from each Ward's voted works.
3. A briefing be presented to a Policy Review Committee Meeting on the Project.
4. Council look at future funding options in relation to the UWS Solar Car Project.

Notice of Motion

A MOTION of No Confidence in the Mayor, Councillor Ross Fowler OAM, was submitted by Councillor Marcus Cornish.

The MOTION lapsed for want of a seconder.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Access Committee Meeting held on 8 October 2014](#)

354 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 8 October, 2014 be adopted.

2 [Report and Recommendations of the Local Traffic Committee Meeting held on 3 November 2014](#)

355 RESOLVED on the MOTION of Councillor Maurice Giroto seconded Councillor Ben Goldfinch that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 3 November, 2014 be adopted, with the exception of Item 3, which is to be deferred for further consideration of the Local Traffic Committee, with further clarification requested by Councillor Maurice Giroto.

3 [Report and Recommendations of the Policy Review Committee Meeting held on 10 November 2014](#)

356 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Tricia Hitchen that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 10 November, 2014 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

1 [Penrith Business Alliance - Status of Deed and Funding](#)

357 RESOLVED on the MOTION of Councillor Maurice Giroto seconded Councillor John Thain

That:

1. The information contained in the report on Penrith Business Alliance - Status of Deed and Funding be received.
2. The Deed of Agreement made between Penrith City Council and Penrith Business Alliance Ltd made on the sixteenth of November 2009 be extended until 30 June 2015.
3. Council endorse the payment to Penrith Business Alliance Ltd of the second six-monthly instalment of \$297,524.50 by the end of January 2015.

COUNCILLOR MARCUS CORNISH RETURNED TO THE MEETING, THE TIME BEING 10:39 PM.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

3 [Development Application DA14/0766 - Construction of a temporary haulage road and associated infrastructure upgrades to facilitate the movement of trucks associated with future works in the Central Precinct, St Marys at Lot 1 DP 1132380 \(No.s 75-103\) Links Road, St Marys Applicant: Lend Lease; Owner: ~St Marys Land Limited](#)

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

That:

1. The information contained in the report on Development Application DA14/0766 - Construction of a temporary haulage road and associated infrastructure upgrades to facilitate the movement of trucks associated with future works in the Central Precinct, St Marys at Lot 1 DP 1132380 (No.s 75-103) Links Road, St Marys be received.
2. Consideration of this matter be deferred to allow further engagement with

Lend Lease regarding the link road to the estate.

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 Marcus Cornish
Councillor Ross Fowler OAM

4 [Development Application DA14/0711 Proposed two storey dwelling and septic tank at Lot 71 DP 1129237 \(No. 132A\) Kerrs Road, Mount Vernon Applicant: Wincrest Group Pty Ltd; Owner: Nicholas P Curryer](#)

359 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Development Application DA14/0711 Proposed two storey dwelling and septic tank at Lot 71 DP 1129237 (No. 132A) Kerrs Road, Mount Vernon Applicant: Wincrest Group Pty Ltd; Owner: Nicholas P Curryer Kerrs Road, Mount Vernon be received.
2. The section 88B instrument applying to Lot 71 in DP 1129237 be varied by removing part (b) of the restriction secondly referred to which states:
“No dwelling shall be constructed on the land burdened having a roof ridge height higher than 6 metres and cut and fill is limited to 1 metre within the building area”.
3. The Common Seal of Penrith City Council be affixed to all necessary documentation to vary the covenant.
4. That the application for a two storey dwelling and septic tank be approved subject to the following conditions.

Standard Conditions

- A001 – Stamped approved plans
- A008 – Works to BCA requirements
- A019 – Occupation Certificate
- A041 – Construction in bushfire areas
- A046 – Construction Certificate
- D001 – Sediment and erosion controls

- D009 – Waste storage
- D010 – Disposal of waste
- E001 – BCA compliance
- F006 – Water tank
- H001 – Stamped plans and erection of site notice
- H002 – All forms of construction
- H022 – Survey
- H030 – Roof finishes
- H036 – Water tank
- H037 – Safe supply of water
- H038 – Connection of tank
- H039 – Tank pump
- H041 – Hours of work
- K016 – Stormwater
- K026 – Stabilised access
- L008 – General landscaping
- P002 – Fees
- Q01F – Notice of commencement
- Q05F – Occupation Certificate

Special Conditions

- 5.2 Cut operations on the property are only permitted in conjunction with the building works as detailed on the approved plans and specifications, and shall not extend more than 2 metres past the defined building footprint.

Before any fill material is imported to site, a validation certificate issued by an appropriately qualified person is to be provided to the Principal Certifying Authority. The validation certificate must demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment.

If Penrith City Council is not the Principal Certifying Authority, a copy of the validation certificate is to be submitted to Council for their reference.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}

- 5.4 An Infrastructure Restoration Bond is to be lodged with Penrith City

Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council prior to the issue of a Construction Certificate. The bond is based upon the estimated value of the works with a bond of \$2602.00 payable for the subject development.

The bond is refundable once a final inspection has been carried out by Council's Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works. Contact Council's City Works Department on 4732 7777 or visit website to obtain the form and request for final inspection.

- 5.5 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) Provision of a vehicular crossing/s.
- b) Opening the road reserve for the provision of services including stormwater.
- c) Placing of hoardings, containers, waste skips, etc. in the road reserve.

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).

- 5.6 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.
- 5.7 Dust suppression techniques are to be employed to reduce any potential nuisances to surrounding properties.
- 5.8 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
- 5.9 The on-site sewage management (OSSM) system shall be installed and operated in accordance with the recommendations contained in the Wastewater Report (prepared by Envirotech, dated 6 August 2014, ref 111414-B) and the Effluent Management Area Plan (prepared by Envirotech, dated 4 August 2014, ref 111414-B), and the conditions of this consent.

Prior to the issue of the Occupation Certificate and before the OSSM system can be used, an 'Approval to Operate' for the OSSM system is to be sought from and issued by Penrith City Council.

Prior to the issue of the Occupation Certificate a Commissioning Certificate for the aerated wastewater treatment tank is to be

presented to Penrith City Council. The commissioning certificate shall be prepared by the manufacturer of the aerated wastewater treatment tank, or the manufacturer's representative, and shall certify that the aerated wastewater treatment system has been installed and is operating in accordance with the conditions of its accreditation by NSW Health.

- 5.10 All wastewater generated on the site is to be diverted to a NSW accredited aerated wastewater treatment system and be disposed of by way of absorption trenches in the approved effluent management area. The effluent management area is to be located in accordance with the stamped approved Effluent Management Area Plan (prepared by, Envirotech (dated 4 August 2014, Ref 111414-B) and have a minimum of three trenches, of which no trench shall be greater than 20 metres length.

The make and model of the NSW Health accredited aerated wastewater treatment system shall be advised, in writing, to Penrith City Council, before the Construction Certificate issues, along with

- A copy of the summarised specifications and the conditions of accreditation for the aerated wastewater treatment system
- A copy of the Certificate of Accreditation
- The system and effluent management area are to be installed and managed in accordance with the:
 - "Environmental and Health Protection Guidelines On Site Sewage Management for Single Households"
 - Australian Standards AS 1547:2012
 - Council's On-Site Sewage Management and Greywater Reuse Policy
 - The Wastewater Report (prepared by Envirotech (dated 6 August 2014, Ref 111414-B)
 - The Effluent Management Area Plan (prepared by Envirotech (dated 4 August 2014, Ref 111414-B)

The system is to be utilised for a 6 bedroom dwelling or daily wastewater load of 1050 litres in accordance with Wastewater Report (prepared by Envirotech (dated 6 August 2014, Ref 111414-B). Any dwelling approval on the site greater than this may require a new wastewater report for Council's consideration.

- 5.11 Penrith City Council is both the consent authority and certifying authority for the installation of the On-Site Sewage Management System (OSSM). It is your responsibility to contact Council's Development Services Department to organise all inspections required for the installation of the system. In this regard, the following will require inspection:

- All drainage lines, the aerated wastewater treatment tank(s) and absorption trenches before they are backfilled.
- On completion of the system's installation and prior to its commissioning, ensuring compliance with those conditions specific to the installation of the system.

A copy of the satisfactory inspection reports carried out by Council shall be submitted to the Principal Certifying Authority if Council is not the Principal Certifying Authority.

- 5.12 The septic tank, drainage and irrigation lines and effluent management area shall not be altered without the prior approval of Council. In addition, the septic tank shall not be buried or covered.
- 5.13 All house sewer and plumbing work shall be carried out in accordance with the Plumbing Code of Australia.
- 5.14 The effluent disposal area shall:
- The distribution line is to be buried from the tank to the designated disposal area;
 - The treated wastewater can be evenly irrigated across the entire designated disposal area;
 - Be prepared with a minimum 100mm cover of absorbent soil that has been ripped into the existing top soil. The area to be prepared should include up to 2.5m either side of the trench;
 - Have an even grade / be graded to a minimum 1% crossfall and turfed in accordance with the stamped-approved plans; and
- 5.15 There shall be no effluent runoff from the subject property to adjoining premises, public places or reserves.
- 5.16 The effluent management area is to be turfed to the satisfaction of Council. Where a specific variety of turf is identified in the approved Wastewater Report that variety is to be installed and maintained.
- 5.17 No concreting, driveways, vehicles or any other structure or access way is to be located over any portion of the effluent management area
- 5.18 All stormwater and seepage shall be diverted away from the septic tank and the disposal area by using an agricultural drain or earthen bund and dish drain.
- 5.19 Orchards, vegetable gardens or any other plant species that can be used for the purposes of human consumption are not to be planted within the effluent management area.
- 5.20 The effluent management area shall be protected from possible stock damage.
- 5.21 No wastewater associated with the on-site sewage management system is to be applied or irrigated within the drip line of any native trees within the effluent management area.
It is the responsibility of the applicant to ensure the ongoing health of the trees in relation to the effluent management area.

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 Marcus Cornish
Councillor Ross Fowler OAM

- 5 [Rezoning Application RZ13/002: The Fernhill Estate, Mulgoa](#)
Applicant: Angas Securities Limited; Owner: ~Owston Nominees No 2 Pty Ltd

The Council noted that the Applicant withdrew the Rezoning Application.

OUTCOME 3 - WE CAN GET AROUND THE CITY

- 6 [Tender Reference RFT14/15-09 for the Construction of New Concrete Paths](#)

360 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Tender Reference RFT14/15-09 for the Construction of New Concrete Paths be received.
2. Downer EDI Works Pty Ltd be appointed as the preferred contractor for the construction of new concrete path for a period of three (3) years with an option to extend for a further two (2) by one (1) year periods, by mutual agreement and subject to satisfactory performance, allowing for rise and fall provisions.
3. Mack Civil Pty Ltd be appointed as the secondary contractor to be engaged in the event that the preferred contractor is unable to provide the service.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

- 7 [Tender Reference 14/15-05, Public Toilet Cleaning Services](#)

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

That:

1. The information contained in the report on Tender Reference 14/15-05, Public Toilet Cleaning Services be received.

2. The contract for the provision of Public Toilet Cleaning Services be awarded to The Sparkle Team Pty Ltd t/a TST Property Services Pty Ltd for an initial period of two (2) years, with an option to extend for a further two (2) x one (1) year periods, with provision for rise and fall subject to satisfactory performance.
3. The Common Seal of the Council of Penrith be affixed to any necessary documentation.

9 [Tender Reference 14/15-04 Provision of Lighting & Electrical Services, Queen St, St Marys](#)

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

That:

1. The information contained in the report on Tender Reference 14/15-04 Provision of Lighting & Electrical Services, Queen St, St Marys be received
2. Council not accept any tender and that a new tender will be called when design of the streetscape upgrades is finalised.
3. All tenderers be advised of the decision.

Having previously declared a Pecuniary Interest in Item 8, Councillor Greg Davies left the meeting, the time being 10:46 pm.

8 [Tender reference 14/15-02 for the Supply and Installation of 100 lux Floodlighting to Zones 2 to 5 \(Field No.'s 5 to 11\) at Jamison Park, South Penrith](#)

363 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen

That

1. The information contained in the report on Tender reference 14/15-02 for the Supply and Installation of 100 lux Floodlighting to Zones 2 to 5 (Field No.'s 5 to 11) at Jamison Park, South Penrith be received.
2. The alternative tender (iii) from Hix Group Pty Ltd for the sum of \$518,940 excl GST be accepted for the Supply and Installation of 100 lux Floodlighting to Zones 2 to 5 (Field Nos 5 to 11) at Jamison Park, South Penrith.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation as necessary.

Councillor Greg Davies returned to the meeting, the time being 10:47 pm.

10 [Urban Development Institute of Australia National Congress 2015](#)

364 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Urban Development Institute of Australia National Congress 2015 be received.
2. Council's delegates to attend the Urban Development Institute of Australia National Congress 2015 to be held in Sydney from 17-19 March 2015 be Councillor Greg Davies and another other interested Councillors and grant leave of absence as appropriate, with interested Councillors to contact the Property Development Manager and notify of their interest, by Wednesday 26 November 2014.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

11 [Tender Reference 14/15-07 Provision of Bush Regeneration and Associated Services in Cranebrook](#)

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

That:

1. The information contained in the report on Tender Reference 14/15-07 Provision of Bush Regeneration and Associated Services in Cranebrook be received.
2. Council accept the tender submitted by Ecohort Pty Ltd.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

12 [South Creek Flood Study 2014](#)

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

That:

1. The information contained in the report on South Creek Flood Study 2014 be received.
2. The draft updated South Creek Flood Study 2014 be adopted.
3. The updated South Creek Flood Study 2014 be made available to the public through Council's website.
4. Council update s149(2) flood planning notations for those properties identified by the South Creek Flood Study 2014 as affected by the Flood Planning Levels (100 year flood level plus 500mm freeboard).
5. Council seek funding to proceed with the next stage of the Floodplain Risk Management process which is to undertake a Floodplain Risk Management Study and to develop a Floodplain Risk Management Plan for South Creek.

6. Council write to those who made a submission advising of Council's resolution.

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

14 Youth Week 2015 recommended program

367 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Youth Week 2015 recommended program be received
2. Council endorse the two recommended projects and funding amounts to the total value of \$6,150 as outlined in Table 1 of this report.

15 2015 Seniors Week Grants Program

368 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Maurice Giroto

That:

1. The information contained in the report on 2015 Seniors Week Grants Program be received.
2. Council approve grants to eight (8) local community organisations to the value of \$6,500 for activities to celebrate Seniors Week 2015 as listed in Table 1 of this report.

17 Cultural Relationships

369 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Maurice Giroto that the information contained in the report on Cultural Relationships be received.

16 Penrith Homelessness Summit Outcomes

370 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Penrith Homelessness Summit Outcomes be received.
2. The attached report and action plan be endorsed by Council.
3. Councillor officers involved in the Penrith Homelessness Summit be thanked for their efforts.

Councillor Kevin Crameri OAM left the meeting, the time being 10:52 pm.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

18 [Organisational Performance Report - September 2014](#)

371 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Organisational Performance Report - September 2014 be received.
2. The *Organisational Performance Report - September 2014* as at 30 September 2014, including the revised estimates outlined in this report and detailed in **Attachment 1 – Organisational Performance Report – September 2014** be adopted.

19 [Annual Report 2013-14](#)

372 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on the Annual Report 2013-14 be received.
2. The Annual Report be forwarded to the Office of Local Government by 30 November 2014.

20 [Audit Committee](#)

373 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Tricia Hitchen that the information contained in the report on Audit Committee be received.

21 [Code of Conduct - Report on complaints statistics](#)

374 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Code of Conduct - Report on complaints statistics be received
2. A copy of the this report along with the complaints statistics provided in accordance with 12.1 of the Model Code Procedures be forwarded to the Office of Local Government.

23 [Proposed Council Meeting Calendar for 2015](#)

375 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Proposed Council Meeting Calendar for 2015 be received.
2. The draft Meeting Calendar for 2015 be adopted.

24 [2014 Local Government NSW Annual Conference](#)

376 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Tricia Hitchen that the information contained in the report on 2014 Local Government NSW Annual Conference be received.

25 [Review of Code of Meeting Practice](#)

377 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Tricia Hitchen That:

1. The information contained in the report on Review of Code of Meeting Practice be received.
2. The Draft Code of Meeting Practice be placed on public exhibition for a period of 28 days and reported back to the next available Council meeting.

26 [Sundry Debts to be Written Off](#)

378 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Tricia Hitchen That:

1. The information contained in the report on Sundry Debts to be Written Off be received.
2. The total unpaid debts of \$21,567.75 as outlined in the report be written-off.

27 [2013-14 Financial Statements](#)

379 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Tricia Hitchen that the information contained in the report on 2013-14 Financial Statements be received.

28 [National Stronger Regions Fund Submission](#)

380 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Tricia Hitchen That:

1. The information contained in the report on National Stronger Regions Fund Submission (NSRF) be received.
2. Council make an application to Round 1 of the National Stronger Regions Fund Submission prior to the closing date of 28 November 2014.

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

381 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Tricia Hitchen That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 October to 31 October 2014 be received.
2. The Certificate of the Acting Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 October 2014 to 31 October 2014 be noted and accepted.

3. The graphical investment analysis as at 31 October 2014 be noted.

Procedural Motion

382 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Tricia Hitchen that Item 22 be deferred for consideration to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

URGENT BUSINESS

Councillor Kevin Crameri OAM returned to the meeting, the time being 10:54 pm.

RR 1 Rail Corridor Consultation Process

Councillor Bernard Bratusa requested a report to Council clarifying Council's position on the establishment of the South West Rail Link. Councillor Bratusa also requested that Council write to local residents clarifying Council's position on the proposed South West Rail Link, in particular the maps which have already been distributed.

RR 2 'Live' Sites

Councillor Tricia Hitchen requested a report to Council detailing any Live Sites, similar to that located in Parramatta, which are available in Penrith, or if none exist, identifying two potential Live Site venues in the Penrith area, and what action needs to be taken to activate them.

RR 3 Overgrown Vegetation - Tennant Road and Water Street, Werrington

Councillor Maurice Giroto requested a memo to all Councillors concerning what action can be taken in regard to heavily overgrown vegetation and dumped building materials on the property bounded by Tennant Road and Water Street, Werrington, as well as a large amount of stacked fill at the rear of the property, and concrete blocks diverting water into the property on the western boundary.

Councillor Mark Davies left the meeting, the time being 11:01 pm.

RR 4 Community Art

Councillor Michelle Tormey requested a memo to all Councillors investigating the potential of a community program to produce community art on telephone exchanges, as already exists in Coffs Harbour, Parramatta and Holroyd.

UB 1 Young Leaders Programs

Councillor John Thain requested that an amount of \$2,700 be allocated in equal amounts from each Ward's voted works to Young Leaders Program "Kapacity".

383 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown 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 urgent and should be dealt with at the meeting.

384 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that an amount of \$2,700 be allocated in equal amounts from each Ward's voted works to Young Leaders Program "Kapacity".

RR 5 South West Rail Link

Councillor Prue Car requested a report to the next Ordinary meeting of Council detailing the status of the NSW Government's plans for the extension of the South West Rail Link and the Outer Sydney Orbital (the M9), with particular attention being paid to any Government plans for consultation with affected residents along such potential corridors.

Councillor Maurice Giroto left the meeting, the time being 11:03 pm.

UB 2 Purchase of item for Lewers Gallery

His Worship the Mayor, Councillor Ross Fowler OAM requested that an amount of \$2,000 be allocated equally from each Ward's voted works to purchase a paperbark boat that was included in the recent River to River exhibition at the Lewers Gallery.

385 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies 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 urgent and should be dealt with at the meeting.

386 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown that an amount of \$2,000 be allocated equally from each Ward's voted works to purchase a paperbark boat that was included in the recent River to River exhibition at the Lewers Gallery.

His Worship the Mayor, Councillor Ross Fowler OAM, then advised the meeting that the matter of *Legal Matter – Penrith City Council v Oakvale Capital Pty Ltd* would need to be considered in Committee of the Whole.

Procedural Motion

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

That:

1. *Legal Matter – Penrith City Council v Oakvale Capital Pty Ltd* be considered in Committee of the Whole as the matter refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.
2. Ms Kath Roach be permitted to attend the Committee of the Whole.

Councillor Marcus Cornish left the meeting at 11.10 pm and did not return.

COMMITTEE OF THE WHOLE

388 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 11:11 pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Greg Davies seconded Councillor Michelle Tormey that the press and public be excluded from Committee of the Whole to deal with the following matters:

Councillor Maurice Giroto returned to the meeting, the time being 11:12 pm.

Outcome 7

2 [Allegations made about the conduct of persons relating to the Fernhill development](#)

This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Outcome 2

3 [DCP Amendment to 'New Development' on flood liable land](#)

This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

4 [Legal Matter in relation to Item 22](#)

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

5 [Legal Matter - Penrith City Council v Oakvale Capital Pty Ltd](#)

This item has been referred to Committee of the Whole as the matter refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 11:27 pm and the General Manager reported that the Committee of the Whole met at 11:11 pm on 24 November, 2014 the following being present

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Greg Davies and Councillors Bernard Bratusa, Prue Car, Kevin Crameri OAM, 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

2 [Allegations made about the conduct of persons relating to the Fernhill development](#)

RECOMMENDED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies

CW2 That:

1. The information contained in the report on Allegations made about the conduct of persons relating to the Fernhill development be received.
2. Council develop a policy to assist Council staff in seeking legal advice in situations where sustained defamation occurs or in circumstances where staff are the subject of an unfair adverse action by a member of the community.

4 Legal Matter in relation to Item 22

RECOMMENDED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown

CW4 That the information in relation to Legal Matter in relation to Item 22 be received.

3 [DCP Amendment to 'New Development' on flood liable land](#)

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa

CW3 That the information contained in the report on DCP Amendment to 'New Development' on flood liable land be received.

5 Legal Matter - Penrith City Council v Oakvale Capital Pty Ltd

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

CW5 That:

1. Council agree to resolve the claims against Oakvale on the terms referred to in the memorandum to Councillors on the matter of Penrith City Council v Oakvale Capital Pty Ltd dated 24 November 2014.
2. The General Manager be authorised to execute any formal agreement to give effect to the settlement.

ADOPTION OF COMMITTEE OF THE WHOLE

389 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Bernard Bratusa that the recommendations contained in the Committee of the Whole and shown as CW1, CW2 ,CW3, CW4 and CW5 be adopted.

OUTCOME 7 – WE HAVE CONFIDENCE IN OUR COUNCIL

22 Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors

390 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors be received.
2. Council adopt the Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors.
3. Council forward a copy of the Council's adopted Policy on the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors to the Office Local Government.
4. A further report be presented to Council regarding the funding of legal costs for the Mayor of the day, up to a designated amount.

There being no further business the Chairperson declared the meeting closed the time being 11:30 pm.

I certify that these 37 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 24 November 2014.

Chairperson

Date