

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

**ON MONDAY 23 MARCH 2015 AT 7:34PM**

**NATIONAL ANTHEM**

The meeting opened with the National Anthem.

**STATEMENT OF RECOGNITION**

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

**PRAYER**

The Council Prayer was read by the Rev Neil Checkley.

**PRESENT**

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Greg Davies and Councillors Jim Aitken OAM, 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 the period 17 February 2015 to 29 March 2015 inclusive.

**APOLOGIES**

50 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that apologies be received for Councillors Bernard Bratusa and Prue Car.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 23 February 2015**

51 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen that the minutes of the Ordinary Meeting of 23 February 2015 be confirmed with the following amendments:

*Item 3 (Development Application No. 14/1429 for Subdivision of One (1) Allotment into Five (5) Allotments for the Future Regional Park, Central Precinct and Residue Lots at Lot 1037 DP 1149525 Residue 1208-1274 The Northern Road Llandilo Applicant: Maryland Development Company Pty Ltd; Owner: ~St Marys Land Ltd) to now read as follows:*

That:

1. The information contained in the report on Development Application No. 14/1429 for Subdivision of One (1) Allotment into Five (5) Allotments for the Future Regional Park, Central Precinct and Residue Lots at Lot 1037 DP 1149525 Residue 1208-1274 The Northern Road Llandilo be received.
2. Consideration of this matter be deferred until a determination is made by the Joint Regional Planning Panel on DA14/1228.

RR4 (*Overgrown grass - Property in Second Avenue, Llandilo*) to now read as follows:

Councillor Kevin Crameri OAM requested a memo reply to all Councillors concerning his request to have a block of land in Second Road, Berkshire Park cleared as the grass height now exceeds one metre high, presenting a possible fire danger.

## **DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **MAYORAL MINUTES**

### **1 Sarah Sampson awarded a Ministers Award for Women in Local Government**

Councillors Karen McKeown and John Thain spoke in support of the Mayoral Minute.

52 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Karen McKeown that the Mayoral Minute on Sarah Sampson awarded a Ministers Award for Women in Local Government be received.

## **REPORTS OF COMMITTEES**

### **1 Report and Recommendations of the Access Committee Meeting held on 11 February 2015**

53 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 11 February, 2015 be adopted.

### **2 Report and Recommendations of the Local Traffic Committee Meeting held on 2 March 2015**

54 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 March, 2015 be adopted.

### **3 Report and Recommendations of the Policy Review Committee Meeting held on 9 March 2015**

55 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the recommendations at Items 1, 4, 5, 6 and 7, contained in the Report and Recommendations of the Policy Review Committee meeting held on 9 March, 2015 be adopted with the following amendments:

UB2 (*Nepalese New Year Event*) to now read as follows:

Councillor Mark Davies requested that that the hall hire fees for the Nepalese New Year event being held on 11 April 2015 be equally funded from each Ward's Voted Works.

PRC 20 RESOLVED on the MOTION of Councillor Mark Davies 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.

PRC 21 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies that the hall hire fees for the Nepalese New Year event being held on 11 April 2015 be equally funded from each Ward's Voted Works.

**Item 2 of Reports and Recommendation of the Policy Review Committee Meeting held on 9 March 2015**

56 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies that recommendation at Item 2 contained in the Report and Recommendations of the Policy Review Committee meeting held on 9 March 2015, be adopted.

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

<b>For</b>	<b>Against</b>
Councillor Greg Davies	
Councillor John Thain	
Councillor Karen McKeown	
Councillor Michelle Tormey	
Councillor Maurice Giroto	
Councillor Kevin Crameri OAM	
Councillor Jim Aitken OAM	
Councillor Mark Davies	
Councillor Ben Goldfinch	
Councillor Tricia Hitchen	
Councillor Marcus Cornish	
Councillor Ross Fowler OAM	

**Item 3 of Reports and Recommendation of the Policy Review Committee Meeting held on 9 March 2015**

57 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM that the recommendation at Item 3 contained in the Report and Recommendations of the Policy Review Committee meeting held on 9 March 2015, be adopted.

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

<b>For</b>	<b>Against</b>
Councillor Greg Davies	
Councillor John Thain	
Councillor Karen McKeown	
Councillor Michelle Tormey	
Councillor Maurice Giroto	
Councillor Kevin Crameri OAM	
Councillor Jim Aitken OAM	
Councillor Mark Davies	
Councillor Ben Goldfinch	

Councillor Tricia Hitchen  
Councillor Marcus Cornish  
Councillor Ross Fowler OAM

## DELIVERY PROGRAM REPORTS

### OUTCOME 1 - WE CAN WORK CLOSE TO HOME

#### 1 Children's Services Department Funding - Indigenous Advancement Strategy

58 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Michelle Tormey

That:

1. The information contained in the report on Children's Services Department Funding - Indigenous Advancement Strategy be received.
2. The Minister for Indigenous Affairs, Nigel Scullion, be thanked for the funding of \$154,500 under the Indigenous Advancement Strategy.

### OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

#### 2 Development Application DA14/1497 Creation of a permanent lake (Stage 1 works) including associated stormwater, drainage works, cycle ways and footpaths Lot 3997 DP 1179646 (No. 3997) Greenwood Parkway, Jordan Springs Applicant: Maryland Development Company Pty Ltd; Owner: ~St Marys Land Limited

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

That:

1. The information contained in the report on Development Application DA14/1497 Creation of a permanent lake (Stage 1 works) including associated stormwater, drainage works, cycle ways and footpaths Lot 3997 DP 1179646 (No. 3997) Greenwood Parkway, Jordan Springs be received.
2. The application for Creation of a permanent lake (Stage 1 works) including associated stormwater, drainage works, cycle ways and footpaths be approved subject to the following conditions.

#### Standard Conditions

- A001 - Stamped approved plans
- A005 - Approved body's consent
- A109- Occupation certificate (always apply)
- B002 - As for demolition and disposal to approved landfill site
- B006 - Hours of work
- D001 - Implement approved sediment& erosion control measures
- D005 - No filling without prior approval (may need to add D006)
- D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)
- D009 - Covering of waste storage area
- D010 - Appropriate disposal of excavated or other waste
- D014 - Plant and equipment noise

- D026 - Liquid wastes
- H006 - Submission of a implement waste management plan
- H041 - Hours of work (other development)
- K101 - Works at no cost to Council
- K407 - Major Filling/Earthworks
- K502 - Works as executed – General and Compliance Documentation
- K601 - Stormwater Management system operation and maintenance
- L001 - General Landscaping
- L008 - Tree Preservation Order

### Special Conditions

- 2.1 The development is required to comply with the General Terms of Approval (GTA) dated 19 December 2014, issued by the NSW Office of Water as outlined below:

#### Plans, standards and guidelines

- a) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2014/1497 and provided by Council:
- Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed control activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

- b) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40m of the top of the bank or shore of the river identified.
- c) The consent holder must prepare or commission the preparation of:
- Vegetation Management Plan
  - Erosion and Sediment Control Plan
  - Soil and Water Management Plan
- d) All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at [www.water.nsw.gov.au/Water-licensing/Approvals/Default.aspx](http://www.water.nsw.gov.au/Water-licensing/Approvals/Default.aspx)
- Vegetation Management Plans

- Riparian Corridors
- In-stream works
- Outlet structures

- e) The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

#### **Rehabilitation and maintenance**

- a) The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
- b) The consent holder must reinstate waterfront land affected by carrying out any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

#### **Reporting requirements**

- a) The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

#### **Security deposits**

- a) The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to the NSW Office of Water as and when required.

#### **Access-ways**

- a) The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.

#### **Bridge, causeway, culverts, and crossing**

- a) The consent holder must ensure that the construction of any bridge, causeway, culver or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
- b) The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of

the structure other than in accordance with a plan approved by the NSW Office of Water.

**Disposal**

- a) The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

**Drainage and Stormwater**

- a) The consent holder is to ensure that all drainage works capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water, and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
- b) The consent holder must stabilize drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

**Erosion control**

- a) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilized.

**Excavation**

- a) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

**Maintaining river**

- a) The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
- b) The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the NSW Office of Water.

2.2 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction.

2.3 The development and salvage works must be conducted in

accordance with the Aboriginal Heritage Impact Permit (AHIP Permit No. 10996059) issued on 13 February 2009.

- 2.4 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.
- 2.5 At the completion of all works the applicant shall:
- Arrange for a final inspection of the works by Penrith City Council. Any defects identified at the final inspection are to be rectified by the applicant and be at no cost to Penrith City Council.
  - Lodge a maintenance bond with Penrith City Council. The maintenance bond shall be held for a minimum period of three years (maintenance period). The bond is calculated at 5% of the value of all works.
  - Enter into a Deed of Agreement with Penrith City Council. The deed shall identify liability responsibilities of the applicant for the duration of the maintenance period.
- 2.6 The development shall be maintained by the applicant for a minimum period of three (3) years. The maintenance period shall commence upon completion of the following:
- Lodgement of the maintenance bond
  - Satisfactory completion of the works as determined by Council
  - Entering into a Deed of Agreement

Six weeks prior to the end of the three year maintenance period a maintenance defect inspection is to be undertaken by Penrith City Council. Any defects identified during the maintenance inspection are to be rectified by the applicant at no cost to Penrith City Council.

At the satisfactory completion of the maintenance period, as determined by Council, the development shall be delivered to Penrith City Council.

- 2.7 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (Jacobs Pty Ltd), reference numbers (EN04189-ECC-DG-(0001, 0006, 0011, 0012, 0016, 0021, 0022, 0023, 0026, 0028), revision (B), dated (17/09/2014).

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.

- 2.8 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 Water Sensitive Urban Design Policy as well as the commitments made in the Riparian Corridors – Soil and Water Management Plan Report prepared by SKM February 2014 and the Jordan Springs Village 5 Subdivision Stormwater Management Study Prepared by J Wyndham Prince October 2014 (Reference number 9343-03).

- 2.9 All works associated with the project including the location of stormwater management systems must be completed in accordance with the requirements of the NSW Office of Water.
- 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.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

- 2.11 Prior to the issue of an Occupation Certificate, works as executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works as executed drawings and copies of the final operation and maintenance management plans and 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.

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

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
- b) Overland flowpath works
- c) Flood control works

- 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 A separate development application shall be submitted to Penrith

City Council within 12 months of the date of this consent for landscape embellishment works around the East Lake.

- 2.14 The water quality / detention system shall be maintained by the person/company with the benefit of the development consent for a 3 year period. During the maintenance period the basin is to be monitored by the developer for water quality and vegetation management as per the adopted maintenance regime / operational manual.
- 2.15 Prior to the handover of Gross Pollution Traps, a Draft Operation and Maintenance manual for the proposed stormwater treatment measures shall be submitted to Council for approval. The manual should include details on the cleaning / maintenance requirements as well as provide details on the estimated annual and lifecycle costs associated with the proposed treatment measures. The plan should include details on the following:
- Site description (area, imperviousness, land use, annual rainfall, topography etc)
  - Site access description
  - Likely pollutant types, sources and estimated loads
  - Locations, types and descriptions of measures proposed
  - Operation and maintenance responsibility
  - Inspection methods (including inspection checklists)
  - Maintenance methods (frequency, equipment and personnel requirements);
  - Landscape and weed control requirements
  - Operation and maintenance costs;
  - Waste management and disposal options; and
  - Reporting.
- 2.16 Prior to the handover of the water body and related stormwater treatment infrastructure, Council requires that all requirements outlined in section 2.6 of Council's Water Sensitive Urban Design Technical Guidelines (Version 2) are met. These include the following:
- 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.
- Comprehensive operation and maintenance manuals (including indicative costs) have been provided.
- Inspection and maintenance forms provided
- Vegetation establishment period successfully complete (3 years unless otherwise approved by Council)
- Copies of all required permits (both construction and operational) have been submitted.

- 2.17 Prior to the issue of a Construction Certificate additional geotechnical investigations and testing shall be undertaken on the permeability of the proposed basin. The permeability of the basin shall be designed to ensure that a permanent water level is maintained in all-weather events to sustain the growth of the macrophyte zone.

The test results of the geotechnical investigations shall be submitted to Penrith City Council for approval prior to the issue of a Construction Certificate. If the geotechnical testing indicates the basin floor is not within acceptable permeability limits then a geotechnical designed liner is to be constructed. Details of the liner are to be submitted to Penrith City Council prior to the issue of a Construction Certificate.

- 2.18 Prior to the issue of a Construction Certificate additional salinity testing is to be undertaken to ensure the basin is able to sustain the growth of the proposed macrophyte zone. Results of the salinity testing are to be provided to Penrith City Council prior to the issue of a Construction Certificate.

- 2.19 Prior to the issue of a Construction Certificate a minimum 4m wide heavy duty concrete access ramp is to be provided from a public road to the lake foreshore to permit maintenance machinery and Rural Fire Service vehicles to access the lake. The access ramp is to be at maximum gradient of 1 in 4 (vertical to horizontal). Full details of the ramp including location are to be submitted to Penrith City Council for approval prior to the issue of a Construction Certificate.

- 2.20 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that maximum slope of all batters shall be 1 in 5 (vertical to horizontal). Batter slopes of 1 in 3 are not acceptable.
- 2.21 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the invert level of all inlet pipes from Villages 2 and 5 are not submerged below the permanent water level of the basin.
- 2.22 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that access to the basin for the purposes of a static water supply for firefighting purposes complies with the requirements from the Office of Environment and Heritage. The design of the trail access shall comply with the following requirements:
- Trail access to the static water supply shall be provided for Category 1 vehicles
  - Trail access requires 4m wide with an additional 1m wide strip on each side of the trail clear of bushes and long grass
  - Trail requires a minimum vertical clearance of 4m to any overhanging obstruction including tree branches
  - A turn around area with a radius of 12m
  - A hard stand near the water source to allow vehicles (15 tonne) to park and draught water. Height above water source not to exceed 4m
  - If to be available to aircraft, requires no power lines, poles within 130m of water source. Water source requires 35m width/diameter. No structures within 2m of water source
  - Signage to indicate direction to water source and if dead end/turn around.

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

**For**

Councillor Greg Davies  
Councillor John Thain  
Councillor Karen McKeown  
Councillor Maurice Giroto  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Tricia Hitchen  
Councillor Marcus Cornish  
Councillor Ross Fowler OAM

**Against**

Councillor Michelle Tormey

**3 Development Application No.14/1601 at Lot 2 DP 1033168 (No. 18)  
Simeon Road Orchard Hills for proposed Community Facility - Nepean  
Men's Shed Applicant: Nepean Men's Shed Inc; Owner: ~Nepean  
Rescue Organisation Inc**

60 RESOLVED on the MOTION of Councillor Kevin Cramer OAM seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Development Application No.14/1601 at Lot 2 DP 1033168 (No. 18) Simeon Road Orchard Hills for proposed Community Facility - Nepean Men's Shed be received.
2. The terms of the Restriction firstly referred to in the 88B Instrument attached to Lot 2 DP 1033168 be varied as follows:  
*'The burdened lot shall only be used for the purpose of a non-commercial community organisation'*
3. The Common Seal of Penrith City Council be affixed to the necessary documentation.
4. The development be approved subject to the following conditions of consent:

**Standard Conditions**

A001	Approved Plans that are architecturally drawn
A019	Occupation Certificate
A026	Advertising sign
A029	Hours of Operation
A030	No retail sales
A032	Goods must be stored within buildings
A039	Graffiti removal
B004	Dust
B005	Mud/Soil
B006	Hours of work (Demolition)
D001	Implement approved sediment & erosion control measures
D005	No filling without approval
D009	Covering of waste storage area
D014	Plant and equipment noise
E002	BCA issues to be addressed
E003	Structural alterations
E006	Disabled access facilities
E009	Annual fire safety
E01A	BCA compliance class 2-9
H001	Stamped plans and erection of site notice
H002	All forms of construction
K101	Works at no cost to Council

K202	Section 138 Roads Act
K208	Stormwater discharge
K501	Penrith City Council clearance
K509	Directional signage
L012	Existing landscaping
Q006	Occupation Certificate (Class 2-9)
R102	OSSM system type and disposal area
R106	AWTS
R109	No effluent runoff
R110	EMA signage
R114	EMA turfed
R115	No structures on EMA
R117	No plants for human consumption

**Special Conditions**

- 4.1 All activities involving the use of plant or machinery shall be conducted within the confines of the building at all times.
- 4.2 Prior to the issue of an Occupation Certificate, the variation of the Restriction on the use of Land endorsed by Penrith City Council must be registered with Land and Property Information.
- 4.3 Prior to the issue of an Occupation Certificate, the entry driveway (front the front property boundary to the building frontage) and car parking area (at the front of the development) shall be sealed with a bitumen pavement. Final pavement levels are to match with the existing kerb and gutter levels. All other areas required for vehicular access within the site are to be stabilised.
- 4.4 The driveway and car parking areas shall be constructed in accordance with the On-Site Detention System approved under BA975143. Details of compliance shall accompany the Construction Certificate application.

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

**For**

Councillor Greg Davies  
Councillor John Thain  
Councillor Karen McKeown  
Councillor Michelle Tormey  
Councillor Maurice Giroto  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Tricia Hitchen

**Against**

Councillor Marcus Cornish  
Councillor Ross Fowler OAM

**4 Development Application No. 14/1520 at Lot 992 DP1017019 at No. 27 Old Bathurst Road, Emu Heights for the construction of a swimming pool Applicant: Better Pools & Spas; Owner: ~Grahame I Burke, Maree C Burke**

61 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Mark Davies

That:

1. The information contained in the report on Development Application No. 14/1520 at Lot 992 DP1017019 at No. 27 Old Bathurst Road, Emu Heights for the construction of a swimming pool be received.
2. The section 88B instrument applying to Lot 992 in DP 1017019 be varied by varying point (1) of the restriction thirdly referred to which states:
3. The Common Seal of Penrith City Council be affixed to all necessary documentation to vary the covenant.
4. The application for a swimming pool be approved subject to the following conditions.
  - A001 – Stamped approved plans
  - A008 – Works to BCA requirements
  - A019 – Occupation Certificate
  - A046 – Construction Certificate
  - D001 – Sediment and erosion controls
  - D009 – Waste storage
  - D014 – Plant and Equipment Noise
  - E001 – BCA compliance
  - H001 – Stamped plans and erection of site notice
  - H041 – Hours of work
  - J002 – Fencing When water in pool.
  - J004 – Pool Fence (Residential)
  - J007 – Boundary Fencing
  - J010 – Pool Board/Sign
  - K041 - Bond
  - L008 – Tree Preservation Order
  - P002 – Fees
  - Q01F – Notice of commencement
  - Q05F – Occupation Certificate

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

<b>For</b>	<b>Against</b>
Councillor Greg Davies	
Councillor John Thain	
Councillor Karen McKeown	
Councillor Michelle Tormey	
Councillor Maurice Giroto	
Councillor Kevin Crameri OAM	
Councillor Jim Aitken OAM	
Councillor Mark Davies	
Councillor Ben Goldfinch	
Councillor Tricia Hitchen	
Councillor Marcus Cornish	
Councillor Ross Fowler OAM	

### **OUTCOME 3 - WE CAN GET AROUND THE CITY**

#### **5 Russell Street, Emu Plains - Proposed Parking Changes**

A MOTION was moved by Councillor Marcus Cornish seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Russell Street, Emu Plains - Proposed Parking Changes be received.
2. The unrestricted parking on the eastern side of Russell Street be changed to 30 minutes restricted parking.
3. The "No Stopping" zone be omitted and instead a time-restricted 30 minute parking zone fronting the old southern driveway on the western side of Russell Street south of Old Bathurst Road be adjusted north to allow the 7m long unrestricted parking located immediately south to be extended north across the old driveway location to provide 23m long unrestricted parking and the edge line be adjusted as shown on Appendix 1.
4. The approval of the bus stop on the western side of Russell Street south of Old Bathurst Road be rescinded. Blue Mountains Bus Company and Transport for NSW be advised accordingly.
5. The business owners who provided comments be advised of Council's resolution.

An AMENDMENT was moved by Councillor Greg Davies seconded Councillor John Thain:

That:

1. The information contained in the report on Russell Street, Emu Plains - Proposed Parking Changes be received.
2. The unrestricted parking on the eastern side of Russell Street remain unchanged.
3. The "No Stopping" zone fronting the old southern driveway on the western side of Russell Street south of Old Bathurst Road be adjusted north to allow the 7m long unrestricted parking located immediately south to be extended north across the old driveway location to provide 23m long unrestricted



parking and the edge line be adjusted as shown on Appendix 1.

4. The approval of the bus stop on the western side of Russell Street south of Old Bathurst Road be rescinded. Blue Mountains Bus Company and Transport for NSW be advised accordingly.
5. The business owners who provided comments be advised of Council's resolution.

The AMENDMENT was PUT.

The AMENDMENT was LOST.

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

That:

1. The information contained in the report on Russell Street, Emu Plains - Proposed Parking Changes be received.
2. The unrestricted parking on the eastern side of Russell Street be changed to 30 minutes restricted parking.
3. The "No Stopping" zone be omitted and instead a time-restricted 30 minute parking zone fronting the old southern driveway on the western side of Russell Street south of Old Bathurst Road be adjusted north to allow the 7m long unrestricted parking located immediately south to be extended north across the old driveway location to provide 23m long unrestricted parking and the edge line be adjusted as shown on Appendix 1.
4. The approval of the bus stop on the western side of Russell Street south of Old Bathurst Road be rescinded. Blue Mountains Bus Company and Transport for NSW be advised accordingly.
5. The business owners who provided comments be advised of Council's resolution.
6. The Council's decision be referred to the Roads and Maritime Services and the Police for their consent and that all Councillors be advised of the outcome by way of memo.

The MOTION was PUT.

The MOTION was CARRIED.

Councillor Greg Davies then called for a DIVISION.

**For**

Councillor Maurice Girotto  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch

**Against**

Councillor Greg Davies  
Councillor John Thain  
Councillor Karen McKeown  
Councillor Michelle Tormey

Councillor Tricia Hitchen  
Councillor Marcus Cornish  
Councillor Ross Fowler OAM

**OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES**

**6 RFT 14/15-21 Provision of Design and Documentation for Special Places, Queen St St Marys**

63 RESOLVED on the MOTION of Councillor Maurice Giroto seconded Councillor Jim Aitken OAM that the matter be deferred to the next Council meeting.

**OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT**

**7 Successful Green Army Projects**

64 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Successful Green Army Projects be received.
2. A letter of thanks be sent to the Federal Minister for the Environment, the Hon. Greg Hunt MP for the allocation of 2 projects to Penrith City Council as part of the Green Army program.

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

**8 Funding Application: Arts NSW - Disability and Arts Partnership**

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

That:

1. The information contained in the report on Funding Application: Arts NSW - Disability and Arts Partnership be received.
2. Council endorse the application for \$60,000 to the joint NSW Lifetime Care and Support Authority (LTCSA) and the Arts NSW Arts and Disability funding program for the No Boundaries Evolution project.

**9 Council successful in receiving ClubGRANTS funding for theatre lighting and audio-visual upgrades to the Joan Sutherland Performing Arts Centre (JSPAC)**

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

That:

1. The information contained in the report on Council successful in receiving ClubGRANTS funding for theatre lighting and audio-visual upgrades to the Joan Sutherland Performing Arts Centre (JSPAC) be received.
2. Council enter into a funding agreement with NSW Government Department

of Trade and Investment, Regional Infrastructure and Services for the sum of \$500,000 for the purpose of upgrades to the Joan, including:

- The replacement and upgrade of theatre lighting and associated audio-visual equipment with energy efficient components
  - Upgrade and diversification of rigs at the three major venues
  - Installation of data projection and screen in the Richard Bonyngue Concert Hall
  - New monitors and updating/extension of cabling
  - Improved sound equipment
3. The City Works Manager be authorised to sign the funding agreement for the grant funding of \$500,000 (excl.GST)
  4. A letter of thanks be sent to the NSW Deputy Premier and Minister for Hospitality, Gaming and Racing, Troy Grant MP, for the allocation of \$500,000 from NSW Government Department of Trade and Investment, Regional Infrastructure and Services –ClubGRANTS Fund Category 3.
  5. A letter of thanks be sent to the Hon. Stuart Ayres MP Member for Penrith for his support of the application

## **OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL**

### **10 Permanent Closure of Kokoda Place**

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

That:

1. The information contained in the report on Permanent Closure of Kokoda Place be received.
2. The Common Seal of the Council of the City of Penrith be placed on all necessary documents to effect registration of the Deposited Plan and issue of title.

### **11 Tender RFT 14/15-19 : Conduct of Council's Elections and Provision of Election Services for 2016**

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

That:

1. The information contained in the report on Tender RFT 14/15-19 : Conduct of Council's Elections and Provision of Election Services for 2016 be received.
2. The Elections of the Council are to be administered by the General Manager of the Council.
3. The General Manager intends to engage the Australian Election Company to administer the election.
4. The tender from RMK Investments Pty Ltd ATF Kidd Family Trust Trading As Australian Election Company (AEC) for the sum of \$692,587.62 (ex GST) be

accepted for the provision of an election service for Penrith City Council's local government election in 2016, subject to any price adjustments agreed to between the Council and the AEC, as a result of services taken on by the Council that were outsourced by AEC

5. Council write to the Office of Local Government advising of this decision and of the nominated Returning Officer and Substitute Returning Officer when this information is available.
6. The Common Seal of the Council of the City of Penrith be placed on all documentation as necessary.

## **12 2015 Australian Local Government Association (ALGA) National General Assembly of Local Government - Motions**

69 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on 2015 Australian Local Government Association (ALGA) National General Assembly of Local Government - Motions be received.
2. The motions as outlined in this report be endorsed and submitted to the 2015 Australian Local Government Association (ALGA) National General Assembly of Local Government - Motions.

## **13 2015 Local Government Remuneration Tribunal Review**

70 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on 2015 Local Government Remuneration Tribunal Review be received.
2. Council staff make a submission to the Local Government Remuneration Tribunal by 27 March 2015, based on the detail contained within this Report.

## **14 2014-15 Borrowing Program**

71 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on 2014-15 Borrowing Program be received.
2. Council borrow the \$9,687,000.
3. The General Manager be given delegated authority to negotiate the loans in accordance with this resolution.
4. The Seal of the Council of the City of Penrith be affixed to those documents that are necessary to finalise these borrowings.

5. The final terms and conditions of the borrowings be reported to Council upon completion of the contracts.

**15 Future Cities Program 2015**

72 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Future Cities Program 2015 be received.
2. The Mayor, General Manager or their delegates participate on behalf of Council in the 2015 Future Cities Program.

**16 Summary of Investments & Banking for the period 1 February to 28 February 2015**

73 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 February to 28 February 2015 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 February 2015 to 28 February 2015 be noted and accepted.
3. The graphical investment analysis as at 28 February 2015 be noted.

**17 Appointment of a Director to the Board of the Penrith Performing and Visual Arts Limited**

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

That:

1. The information contained in the report on Appointment of a Director to the Board of the Penrith Performing and Visual Arts Limited be received.
2. Council endorse the appointment of Alison McLaren to the Board of the Penrith Performing and Visual Arts Limited.

**REQUESTS FOR REPORTS AND MEMORANDUMS AND URGENT BUSINESS**

**RR 1 Request for memo regarding rubbish bin fines**

Councillor Marcus Cornish requested a memo reply regarding representations he has received from people complaining that they are receiving rubbish bin fines resulting from other people putting general rubbish in their recycling bin and green bin.

**RR 2 Investigation of truck movements coming out of Whitewater Stadium**

Councillor Tricia Hitchen requested that Council Rangers investigate complaints regarding the transport movements of large double trailers pulling out from the Whitewater Stadium onto Mulgoa Road. It is noted that there has been a marked increase in trucks in the last couple of weeks forcing their way into traffic. There has been marked degradation of the road surface.

**RR 3 Safety issue regarding the roadway across from the M7 going on the M4 connection towards Penrith**

Councillor Jim Aitken OAM requested a letter be sent to Roads and Maritime Services regarding the safety issues travelling from M7 and onto the M4 connection as the roadway has dropped causing the possibility of drivers losing control and in worst cases going over the safety rails.

**RR 4 Consistency of the Floodplain Management Plan with the LEP and the DCP**

Councillor Kevin Crameri OAM requested a report to Council clarifying consistency issues between the Floodplain Management Plan and the Council's LEP and DCP. For example the inconsistency between the Floodplain Management Plan and the LEP and DCP with respect to the development of Group Homes, Hospitals and Aged Care facilities.

**RR 5 Sydney Region Outline Plan**

Councillor Mark Davies left the meeting, the time being 8:40 pm.

Councillor Kevin Crameri OAM stated that 9<sup>th</sup> Avenue in the Sydney Region Outline Plan was to be a 4 or 6 lane feeder road to the M2. Councillor Crameri OAM requested that during planning exercises, consideration be given to the capacity required to allow for future widening of the road on the ADI side of the road and not on the northern side. Councillor Crameri OAM requested a letter be sent to the Department of Planning and Environment requesting for a copy of the Sydney Region Outline Plan which shows that the road is a major feeder road in the future and that this plan be incorporated in future planning and development activities of the ADI site.

**RR 6 Report regarding rules for 24 Hour Gyms**

Councillor Mark Davies returned to the meeting, the time being 8:42 pm.

Councillor Maurice Giroto requested that enquiries be made with the governing body for gymnasiums and request for the rules regarding 24 Hour Gyms and requirements concerning staffing and qualifications required for staff. Councillor Giroto noted that small operators are concerned after 2 clients apparently passed away while at one of these 24 Hour Gyms. Councillor Giroto requested that a report be brought to a Policy Review Committee meeting concerning this matter.

**RR 7 Request for memo regarding separate postcode for Waterside**

Councillor Maurice Giroto requested a memo responding to a Waterside resident enquiry about having a separate postcode for Waterside to Cranebrook and explaining if this is possible and if so, how.

**RR 8 Bus route 784 to travel through Waterside**

Councillor Maurice Giroto noted that currently 10 – 15 children need to cross 4 lanes of traffic to access the bus stop servicing Waterside. Councillor Giroto requested via the Local Traffic Committee to consider if bus route 784 could travel through Waterside. Alternatively can Council accommodate the construction of certain crossing facilities to suit.

**UB 1 Funding for ANZAC Day Dawn Service at Memory Park**

Councillor Michelle Tormey left the meeting, the time being 8:47 pm.

Councillor Karen McKeown requested that North Ward and South Ward commit \$3000 each from each ward's Voted Works towards the costs of LED screens, PA Systems, Technicians, cabling, cameras, first aid and VIP seating for the ANZAC Day Dawn Service.

75 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Cramer OAM that the matter be brought forward and dealt with as an urgent matter.

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

76 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Cramer OAM that North Ward and South Ward commit \$3000 each from each ward's Voted Works towards the costs of LED screens, PA Systems, Technicians, cabling, cameras, first aid and VIP seating for the ANZAC Day Dawn Service.

**RR 9 Memo regarding invested funds**

Councillor Michelle Tormey returned to the meeting, the time being 8:49 pm.

Councillor Jim Aitken OAM requested a memo responding to the following issues: 1) why are the unexpended loan funds not being used and paying interest; 2) The future use of other externally restricted funds; 3) Council's policy on returning funds from security bonds and deposits; and 4) why Council cannot use the unrestricted invested funds?

**RR 10 Report on a Veterinary School of Excellence and Animal Health**

Councillor John Thain requested a report to Council regarding discussions that could be had with the University of Western Sydney and the adjoining Councils regarding the possible establishment of a Veterinary School of Excellence and Animal Health. Councillor Thain also requested for discussions to be held with the relevant Council Officers from adjoining Councils concerning this report.

**RR 11 Bus Stop at 47 Coonawarra Drive St Clair**

Councillor Greg Davies requested via the Local Traffic Committee and the Penrith Community Safety Partnership a memo reply regarding the installation of a bus at 47 Coonawarra Drive St Clair. Councillor Greg Davies indicated that there are 4 – 5 bus stops in Colorado Drive but only 2 in Coonawarra Drive.

Councillor John Thain left the meeting, the time being 8:56 pm.

**RR 12 Badgerys Creek Airport noise impact statement**

Councillor John Thain returned to the meeting, the time being 8:58 pm.

Councillor Greg Davies left the meeting, the time being 8:58 pm.

Councillor Maurice Giroto requested that a proper impact statement be sought from the relevant Authorities which reports on and determines the noise impact of aircraft flying over the Penrith Local Government Area and the effects of high-rise buildings being built in the vicinity of flight paths for the proposed Badgerys Creek airport.

**RR 13 Commend RID Squad**

Councillor Ben Goldfinch requested that the RID Squad Officers be commended for their prompt response on 23 March 2015 to a request to investigate and address a truck load of rubbish dumps in the City.

**UB 2 Leave of Absence**

Councillor Michelle Tormey requested Leave of Absence from 10 April 2015 to 26 April 2015 inclusive.

77 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marcus Cornish 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.

78 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marcus Cornish that Leave of Absence be granted to Councillor Michelle Tormey from 10 April 2015 to 26 April 2015 inclusive.

Councillor Maurice Giroto left the meeting, the time being 9:00 pm.

**COMMITTEE OF THE WHOLE**

79 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Mark Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:02 pm.

Councillors Greg Davies and Maurice Giroto returned to the meeting, the time being 9:02 pm.

**1 Presence of the Public**

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



**Outcome 7**

**2 Council Property - Lease of Suite 4 at 134-138 Henry Street Penrith (Gaymark Place) to new tenant being Evelyn June Kawiti**

*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.*

**Outcome 4**

**3 Penrith Business Alliance Review**

*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.*

**Outcome 7**

**4 Sydney Water Western Sydney Replacement Flows Project - North Penrith and Cambridge Gardens - Acquisition of Easements over Penrith City Council land**

*This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

The meeting resumed at 9:10 pm and the General Manager reported that the Committee of the Whole met at 9:02 pm on 23 March 2015, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Greg Davies and Councillors Jim Aitken OAM, Kevin Cramer OAM, Marcus Cornish, 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 Council Property - Lease of Suite 4 at 134-138 Henry Street Penrith (Gaymark Place) to new tenant being Evelyn June Kawiti**

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

CW2 That:

1. The information contained in the report on Council Property - Lease of Suite 4 at 134-138 Henry Street Penrith (Gaymark Place) to new tenant being Evelyn June Kawiti be received.
2. The Common Seal of the Council of the City of Penrith be placed on all necessary documents.

**3 Penrith Business Alliance Review**

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

CW3 That:

1. The information contained in the report on Penrith Business Alliance Review be received.
2. The recommendations contained within the report be endorsed.

**4 Sydney Water Western Sydney Replacement Flows Project - North Penrith and Cambridge Gardens - Acquisition of Easements over Penrith City Council land**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen

CW4 That:

1. The information contained in the report on Sydney Water Western Sydney Replacement Flows Project - North Penrith and Cambridge Gardens - Acquisition of Easements over Penrith City Council land be received.
2. Compensation for the acquisition of easements over Council land in the amount of \$188,000 and Council's incidental costs of \$8,818 (Excl. GST) be accepted by Council.
3. The Common Seal of Penrith City Council be affixed to all necessary transfer documentation to effect registration of the easements on title to Council land.

**ADOPTION OF COMMITTEE OF THE WHOLE**

80 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:12pm.

I certify that these 27 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 23 March 2015.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date