

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

ON MONDAY 27 JUNE 2016 AT 7:30PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

Her Worship the Mayor, Councillor Karen McKeown read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

PRAYER

The Council Prayer was read by Governance Officer, Adam Beggs.

PRESENT

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

APOLOGIES

143 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that an apology be received from Councillor Ben Goldfinch.

CONFIRMATION OF MINUTES - Ordinary Meeting - 23 May 2016

144 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Tricia Hitchen that the minutes of the Ordinary Meeting of 23 May 2016 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

SUSPENSION OF STANDING ORDERS

145 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Michelle Tormey that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:36pm.

Mr Paul Lemm

Item 3 - Development Application DA15/0536 Recreation Facility (Including Multi - Functional Sport Centre, Bowling Alley and Gymnasium), Function Centre, Cafe and Associated Car Parking, Landscaping and Drainage Works Lot 141 DP 245373 & Lot 10 DP 778605 (No. 2-6) John Oxley Avenue, Werrington County

Mr Lemm, the applicant's spokesperson, spoke in support of the proposed development application and outlined the many functions and activities that will be provided for the community. Mr Lemm then outlined the site is vacant, flat, there is appropriate road access, public transport and the shopping centre across the road. Mr Lemm then explained that the applicant is working with Endeavour Energy to ensure they are keeping within Council's guidelines and there is ongoing compliance monitoring and security put in place for the privacy and safety of the residents. A deceleration lane will be put in to help with the traffic congestion on Dunheved Road.

146 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Maurice Giroto that an extension of time be granted to enable the speaker to complete his address, the time being 7:42pm

Mr Lemm concluded by expressing the positive outcome of the proposed development as it will provide employment and there is a strong relationship with the adjoining property.

Mr Mitchell Watts

Item 3 - Development Application DA15/0536 Recreation Facility (Including Multi - Functional Sport Centre, Bowling Alley and Gymnasium), Function Centre, Cafe and Associated Car Parking, Landscaping and Drainage Works Lot 141 DP 245373 & Lot 10 DP 778605 (No. 2-6) John Oxley Avenue, Werrington County

Mr Watts, an affected person, spoke against the proposed development application and stated his concern for the pre and post construction period and the impact this will have on his family. Mr Watts then expressed concerns about the increase in traffic congestion on Dunheved Road and John Oxley Avenue as he already finds this difficult to move in and out of his driveway. Mr Watts then outlined the noise, building works, rubbish and littering that will be created from the development of the Recreation Facility. Mr Watts expressed that there are already many shops, restaurants and recreations facilities close by around the community.

Mr Geoffrey Smith

Item 3 - Development Application DA15/0536 Recreation Facility (Including Multi - Functional Sport Centre, Bowling Alley and Gymnasium), Function Centre, Cafe and Associated Car Parking, Landscaping and Drainage Works Lot 141 DP 245373 & Lot 10 DP 778605 (No. 2-6) John Oxley Avenue, Werrington County

Mr Smith, an affected person, spoke against the proposed development application and expressed his concerns regarding the increased traffic congestion. Mr Smith outlined there are many recreation facilities around the community which are available that aren't too far away. Mr Smith expressed his concern with the increase in noise, traffic and boundary issues.

Ms Bernadette McGrath

Item 3 - Development Application DA15/0536 Recreation Facility (Including Multi - Functional Sport Centre, Bowling Alley and Gymnasium), Function Centre, Cafe and Associated Car Parking, Landscaping and Drainage Works Lot 141 DP 245373 & Lot 10 DP 778605 (No. 2-6) John Oxley Avenue, Werrington County

Ms McGrath, an affected person, spoke against the proposed development application and expressed her concerns regarding the privacy on her property. Ms McGrath voiced her concern about the noise through construction periods in addition to causing more traffic within the street and the affect this may have on other business around the community.

147 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Maurice Giroto that an extension of time be granted to enable the speaker to complete her address, the time being 8:08pm

Ms McGrath concluded expressing her biggest concern was for privacy as the development backs on to her property and she is concerned by the impact that a two storey development will have on her backyard and house.

RESUMPTION OF STANDING ORDERS

148 RESOLVED on the MOTION of Councillor Prue Car MP seconded Councillor Greg Davies that Standing Orders be resumed, the time being 8:10pm.

MAYORAL MINUTES

1 Gold Award for 2014-15 Annual Report

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

149 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the Mayoral Minute on Gold Award for 2014-15 Annual Report be received.

2 Local resident recognised in Queen's birthday honours

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

150 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the Mayoral Minute on Local resident recognised in Queen's birthday honours be received.

Procedural Motion

151 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Prue Car MP *Item 3 - Development Application DA15/0536 Recreation Facility (Including Multi - Functional Sport Centre, Bowling Alley and Gymnasium), Function Centre, Cafe and Associated Car Parking, Landscaping and Drainage Works Lot 141 DP 245373 & Lot 10 DP 778605 (No. 2-6) John Oxley Avenue, Werrington County and Item 2 – Reporting Places of Public Worship* be brought forward to be considered first with the *Notice of Motion - Places of Public Worship and Community Centres - Development Applications* to be considered after Item 2.

REPORTS OF COMMITTEES

1 Reports and Recommendations of Local Traffic Committee Meeting held on 6 June 2016

152 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marcus Cornish that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 6 June, 2016 be adopted.

2 Reports and Recommendations of Policy Review Committee Meeting held on 20 June 2016

153 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 20 June, 2016 be adopted.

3 Reports and Recommendations of Penrith Community Safety Partnership Meeting held on 1 June 2016

154 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Michelle Tormey that the recommendations contained in the Report and Recommendations of the Penrith Community Safety Partnership meeting held on 1 June, 2016 be adopted.

DELIVERY PROGRAM REPORTS

3 Development Application DA15/0536 Recreation Facility (Including Multi - Functional Sport Centre, Bowling Alley and Gymnasium), Function Centre, Cafe and Associated Car Parking, Landscaping and Drainage Works Lot 141 DP 245373 & Lot 10 DP 778605 (No. 2-6) John Oxley Avenue, Werrington County Applicant: Zhinar Architects; Owner: ~Benjamin Yammine

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

That:

1. The information contained in the report on Development Application DA15/0536 Recreation Facility (Including Multi - Functional Sport Centre, Bowling Alley and Gymnasium), Function Centre, Cafe and Associated Car Parking, Landscaping and Drainage Works Lot 141 DP 245373 & Lot 10 DP 778605 (No. 2-6) John Oxley Avenue, Werrington County be received.
2. Development Application DA15/0536 for Recreation Facility (Including Multi – Functional Sports Centre, Bowling Alley and Gymnasium), Function Centre, Café and Associated Car Parking, Landscaping and Drainage Works Lot 141 DP 245373 & Lot 10 DP 778605 (No. 2) John Oxley Avenue, Werrington County be approved subject to the following conditions:
 - 2.1 Standard Conditions:
 - A001 – Approved Plans
 - A008 – Works to BCA requirements
 - A012 – Food Act
 - A019 – Occupation Certificate
 - A021 – Food – Business Registration

- A026 – Advertising sign
- A029 – Hours of operation & delivery times
- A036 – Baby care room
- A038 – Lighting system
- A039 – Graffiti
- A046 – Obtain Construction Certificate before commencement of works
- B004 – Dust
- B005 – Mud/Soil
- D001 – Implement approved sediment and erosion control measures
- D002 – Spraygrass
- D005 – No filling without prior approval
- D006 – No filling without prior approval
- D009 – Covering of waste storage area
- D010 – Appropriate disposal of excavated or other waste
- D013 – Approved noise level 1
- D014 – Plant and equipment noise
- E01A – BCA compliance for Class 2-9
- E009 – Annual fire safety-essential fire safety (Class 2-9 buildings)
- F001 – General fitout
- F022 – Commercial kitchen (exhaust system)
- F024 – Food authority notification
- F025 – Food safety supervisor
- F027 – Hand basins
- F028 – Staff toilets
- F039 – Fly screens
- F042 – Dishwasher
- F044 – Sink & splashback construction
- F045 – Food prep sink – clearance area
- F046 – Cleaners sink
- F050 – Light bulbs & tubes
- F053 – Coolrooms – doors and alarms
- F055 – Lockers
- F060 – Grease arrestor
- F064 – Outdoor dining & trading
- F186 – Smoke Free Environment
- H001 – Stamped plans and erection of site notice
- H002 – All forms of construction

- H025 – Construction of garbage rooms
- H041 – Hours of work (other devt)
- K101 – Works at no cost to Council
- K201 – Infrastructure Bond
- K202 – Section 138 Roads Act – Minor works in the public road
- K203 – Section 138 Roads Act (roadworks requiring approval of civil drawing)
- K209 – Stormwater Management
- K222 – Access, car parking and manoeuvring - General
- K223 – Performance Bond
- K223 - Access, car parking and manoeuvring – minor development
- K224 – Construction traffic management plan
- K301 – Sediment and erosion control
- K302 – Traffic Control Plan
- K303 – Dilapidation report
- K405 – Turf to verge
- K501 – Penrith City Council clearance – Roads Act/ Local Government Act
- K502 – Works as executed – General and compliance documentation
- K503 – Stormwater compliance
- K505 – Restriction as to user and positive covenant
- K507 – Line marking & signage
- K508 – Entry/exit signage
- K601 – Stormwater Management system operation and maintenance
- L001 – General
- L003 – Report requirement
- L005 – Planting of materials
- L006 – Aust Standard
- L007 – Tree protection measures
- L008 – Tree protection order
- P001 – Costs
- P002 – Fees associated with Council land
- Q01F – Notice of commencement & appointment of PCA2
- 2.2 Special Conditions:
 - 2.2.1 Provisions shall be made for an appropriately located, plumbed and drained separate sink with a tap or a bubbler or a refillable/replaceable water cooler with a stand for gym user's to refill water bottles. Hand wash basins in the toilets or change rooms are not appropriate for this purpose.
 - 2.2.2 Prior to the issue of an Occupation Certificate, the following

community safety and CPTED (Crime Prevention Through Environmental Design) requirements shall be satisfied:

Lighting

- (a) All areas intended to be used at night, including the car parks, must allow appropriate levels of visibility.
- (b) Pedestrian pathways and access routes in outdoor public spaces should be lit to the minimum Australian Standard of AS 1158.
- (c) Lighting should be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting, so as not to impact on neighbouring properties.
- (d) Lighting should have a wide beam of illumination, which reached to the beam of the next light, or the perimeter of the site or area being traversed. Moreover, lighting should clearly illuminate the faces of users of pathways.
- (e) Lighting should take into account vegetation and landscaping that may act as an entrapment spot.
- (f) Lighting should be designed so that it is 'vandal tough' or difficult for vandals to break.
- (g) All lighting should be maintained and kept in a clean condition with all broken or burnt out globes replaced quickly.

Fencing

- (h) Proposed fencing throughout the development should maximize natural surveillance from the street to the building and from the building to the street (e.g. palisade style fencing) and minimize the opportunities for intruders to hide.
- (i) Gates to the car park area must be securely locked outside of operational hours.

Car Parking

- (j) The movement of pedestrians throughout the car parking areas should be clearly delineated by all users of the car park and minimises conflict with vehicles.
- (k) The design of the car park should ensure that passive surveillance is possible and where appropriate, incorporate active measures such as cameras and security patrols.
- (l) The car park shall be locked outside of operational hours to prevent access by pedestrians/ vehicles when the business premises is not in use.

Landscaping

- (m) Dense, medium height vegetation with top to bottom foliage shall be avoided, particularly around walkways. The use of low-level planting or high canopied vegetation will improve surveillance, provide clear lines of sight and avoid any potential concealment areas.

- (n) Trees with dense low growth foliage should be spaced or crown raised to avoid a continuous barrier.
- (o) Avoid vegetation, which conceals the building entrances from the street.
- (p) Avoid vegetation that impedes the effectiveness of public and private space lighting.
- (q) Use a low ground cover or high-canopied trees with clean trunks.

Building Security and Access Control

- (r) CCTV cameras shall be provide coverage of all entry/exit points, car park area and vulnerable/hidden areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting should be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage should be displayed to indicate that CCTV cameras are in use.
- (s) A security swipe card system (or similar) is recommended to control access to restricted areas (e.g. staff only areas).
- (t) Australian Standard security locks and fixtures are recommended for use on all new doors, windows and gates.
- (u) Security personnel shall be provided to minimise neighbourhood disturbances, assist in crowd management and day-to-day operations.

Signage

- (v) Street numbers shall be at least 7cm high and positioned between 1m and 1.5m above ground level on the street frontage.
- (w) Street numbers should be made of durable materials preferably reflective or luminous, and should be unobstructed (e.g.by foliage).
- (x) Signs should be large and legible, with strong colours, standard symbols and simple graphics. They should indicate where to go for help or assistance.
- (y) Signs should be strategically located at entrances and near activity nodes such as intersections of corridors or paths.
- (z) Where exits to pedestrian routes are closed after hours this should be indicated at the entrance to the route and information on alternative routes should be clearly advised.

Amenities

- (aa) Toilet and change room cubicle doors shall have spring-opening hinges to allow doors to remain open when not in use.
- (bb) The rear of the toilet and shower doors should have hooks located half way down to ensure handbags cannot be accessed over the top of the door.
- (cc) Cubicle doors shall have a gap between the door and floor and door and ceiling.

Graffiti/ Vandalism

- (dd) Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls etc.

- (ee) Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, car parking, fencing. This includes reporting incidents to police and/or relevant authorities.
- 2.2.3 Management shall be available at a mutually convenient time, at the invitation of Penrith City and/or the NSW Police, to discuss and action agreed Community Safety, security or other issues in conjunction with other local stakeholders in the area should the need arise.
- 2.2.4 Prior to the issue of a Construction Certificate, the design recommendations of the Access Compliance Assessment Report, prepared by Certified Building Specialists and dated 26 May 2015 shall be incorporated into the Construction Certificate plans. The works shall be certified accordingly by a suitably qualified access consultant prior to the issue of an Occupational Certificate.
- 2.2.5 Prior to the issue of a Construction Certificate, the following is to be incorporated into the Construction Certificate plans:
- (i) Provision of an adult change table;
 - (ii) Hearing augmentation in the function room;
 - (iii) Provision of a ramp to the southern exits off the multi-function room;
 - (iv) Provision of a set-down area in the reception centre and servery;
 - (v) Provision of right and left transfer to accessible toilets.
- 2.2.6 An Unexpected Finds Protocol (the Protocol) is to be developed by an appropriately qualified environmental consultant. Prior to the issue of the Construction Certificate, the Protocol is to be submitted to Council and approved. If Council is not the Certifying Authority for this development, the report is required to be provided to Penrith City Council for approval.
- The Protocol is to address, at minimum, the management of any contamination found on the site during the excavation and construction phase of the development (including the removal of timber power poles) and is to include at minimum contaminated soils, buried building materials, asbestos, odour and staining.
- The Protocol is to be complied with at all times during the excavation and construction phase of the development.
- All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55-Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent is to be sought from Penrith City Council before the remediation works commence.
- 2.2.7 Waste collection activities for all components of the development are to occur within the hours of 7am - 6pm weekdays and 8am - 6pm weekends.
- 2.2.8 No playing of music or use of any amplification equipment for music

or announcements is permitted in the outdoor areas, including outdoor terrace areas to the Café and Function Centre.

- 2.2.9 Compliance testing, carried out by a suitably qualified acoustic consultant, is to be carried out six (6) months after the issuing of the Occupation Certificate to ensure that noise levels from the development meet the noise criteria established in the "Proposed Recreation Facility at the Corner of John Oxley Avenue and Dunheved Road, Werrington County - Acoustic Report" (Ref: 2559/D03) prepared by Sebastian Giglio and dated 28 May 2015.

A Compliance Report on this testing is to be prepared using the test data and it is to determine whether the noise emissions criteria for the development is being complied with and whether any mitigation works are required. This Report is to be prepared and provided to Council within thirty (30) days of the testing. The Report is to be approved by Council, with any recommendations being implemented in accordance with the approved Report within twenty-one days from the direction of Council, unless otherwise specified by Council. If Council is not the Certifying Authority for this development, the report is required to be provided to Penrith City Council for approval.

- 2.2.10 Prior to the issue of the Construction Certificate, further details of all sound insulation, vibration isolation and reverberation control requirements that are required to be incorporated in to the design and construction of the development are to be submitted to Council for consideration and approval. These details are to be prepared and certified by a qualified acoustic consultant and demonstrate that appropriate mitigation measures are incorporated into the construction of the development to ensure noise and vibration from individual occupancies does not impact on other adjoining separate occupancies within the development, in accordance with relevant Australian Standards, including AS2107:2000 Acoustics- Recommended design sound levels and reverberation times for building interiors, and the "Assessing Vibration: A Technical Guideline" published by the Department of Environment and Conservation, 2006.

Prior to the issue of the Occupation Certificate, a Compliance Certificate is to be submitted to and approved by Council. The Compliance Certificate is to be prepared by an appropriately qualified acoustic consultant and is to certify that the development complies with the noise and vibration criteria required for each individual occupancy and is to certify that construction of the development complies with the above information. Should the Compliance Certificate identify any non-compliance issues, the Certificate is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified. This Compliance Certificate may be included in the Compliance Certificate that is required for the development as a whole with respect to certifying that the building has been constructed to meet the noise criteria established in the "Proposed Recreation Facility at the Corner of John Oxley Avenue and Dunheved Road, Werrington County -

- Acoustic Report" (Ref: 2559/D03) prepared by Sebastian Giglio and dated 28 May 2015. A copy of Council's approval of the Compliance Certificate is to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate
- 2.2.10 Prior to the issuing of an Occupational Certificate, and operation of the business, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority.
- 2.2.11 Any cooling towers or warm water systems are to be registered with Penrith City Council by completing the registration form for regulated systems. This form is to be returned to Council prior to the issuing of the occupation certificate and operation of the system.
- 2.2.12 When an air handling, hot water, humidifying, warm water or water cooling system is installed a certificate is to be obtained certifying that the system has been installed in accordance with the Public Health Act 2010, Public Health Regulation 2012 and AS3666.1:2011.
- 2.2.13 Any air-handling systems, hot-water systems, humidifying systems, warm-water systems and water-cooling systems shall be operated and maintained in accordance with the Public Health Act 2010, Public Health Regulation 2012, AS3666.2:2011 Air-handling and water systems of buildings – Microbial control - Operation and maintenance and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease.
- 2.2.14 Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that the dedication of land for road reserve (Dunheved Road) has occurred. The dedication of land shall be consistent with the site plan prepared by Zhinar Architects, reference 8289 DA-02, issue DA-C, dated 19.05.2016. The applicant shall submit to Penrith City Council proof of lodgement of the subdivision plan. All cost associated with the dedication including but not limited to survey costs and legal cost shall be borne by the applicant.
- 2.2.15 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
- 2.2.16 All car parking and manoeuvring must be in accordance with AS2890.1-2004; AS2890.6-2009 and Council's requirements.
- 2.2.17 All car spaces are to be sealed/line marked and dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials etc.
- 2.2.18 The internal aisles are to be defined as a shared zone, and incorporate physical features to differentiate it as such. The 10km/hr pedestrian shared zone is reinforced with a raised pedestrian platform / thresholds in a distinctive surface to address the

- pedestrian and vehicle interaction.
- 2.2.19 Prior to the issue of an Occupation Certificate, secure bicycle parking is to be provided in at convenient location(s) in accordance with AS2890.3:1993 Bicycle Parking Facilities.
- 2.2.20 To maintain sight distances around the entry and exit driveways, any buses are not to drop-off or pick-up passengers or lay-over on the eastern side of John Oxley Avenue. Should a "bus zone" be required near the site in John Oxley Avenue, separate application is to be made to the Local Traffic Committee for approval with all costs to be borne by the applicant.
- 2.2.21 To ensure pedestrian safety is maintained, delivery and servicing times should be limited to out of primary operating hours.
- 2.2.22 The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.
- 2.2.23 The Trees must be retained and protected in accordance with the arborists report recommendations.
- 2.2.24 The tree/s must be retained and protected in accordance with Australian Standards, Protection of trees on development sites, AS 4970 -2009.
- 2.2.25 All trees approved by Council for removal shall be removed in a manner so as to prevent damage to those trees that are to be retained.

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

For

Councillor John Thain
Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Jackie Greenow OAM
Councillor Karen McKeown
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Michelle Tormey
Councillor Marcus Cornish

Against

Councillor Bernard Bratusa
Councillor Prue Car MP

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

2 Reporting Places of Public Worship

156 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the information contained in the report on Reporting Places of Public Worship be received.

NOTICES OF MOTION

1 Places of Public Worship and Community Centres - Development Applications

157 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Crameri OAM that all development applications for places of public worship and community centres, including applications for modification of consent under Section 96 of the Environmental Planning and Assessment Act 1979, be reported to and determined by the Council at an Ordinary Meeting and not determined under delegated authority.

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

1 Livestock Property Identification Codes (PIC)

Councillor John Thain left the meeting, the time being 8:59pm

Councillor John Thain returned to the meeting, the time being 9:01pm

158 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that the information contained in the report on Livestock Property Identification Codes (PIC) be received.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

4 Development Application No. 15/0047.01 Section 96 (1A) Modification to an approved cafe for installation of a sub-surface structure to hold cafe umbrellas, additional seating area in Coachman's Park and Associated Licencing at Lot 2 DP 25637 (No. 129) Queen Street, St Marys Lot 98 DP 128213 (No. 131) Queen Street, St Marys Applicant: Jame Vainkolo; Owner: ~Penrith City Council

159 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Development Application No. 15/0047.01 Section 96 (1A) Modification to an approved cafe for installation of a sub-surface structure to hold cafe umbrellas, additional seating area in Coachman's Park and Associated Licencing at Lot 2 DP 25637 (No. 129) Queen Street, St Marys Lot 98 DP 128213 (No. 131) Queen Street, St Marys be received
2. Council grant a Licence Agreement to CJP World Wide Pty Ltd for the use of part of Coachman's Park as set out in Attachment 5.
3. The Common Seal of Penrith City Council be affixed to any necessary documentation.
4. DA15/0047.01 be approved subject to the following amendment to Council's Notice of Determination for DA15/0047:

- Amendment of Consent Condition No.1 of DA13/0434 to read as follows:

1. *The development must be implemented substantially in accordance with the following plans:*

Drawing Title	Drawing No.	Prepared By	Dated
Site plan	15-117-00 (Revision B)	Wayne Wilson	12.3.15

Restaurant Area Plan	15-117-00 (Revision A)	Wayne Wilson	March 2015
Kitchen Area Plan	15-117-00 (Revision B)	Wayne Wilson	12.3.15
Utility Area Plan	15-117-00 (Revision A)	Wayne Wilson	March 2015
Plan, North Elevation, East and West Elevation and Perspective	Received January 2015		
In addition to the following plans as amended pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 27 June 2016.			
Amended Site Plan	Received 16 June 2016		

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

- Addition of the following Special Condition:
*The use of outdoor dining area marked as Area C on the approved site plan is limited to a two (2) year duration from the issue of the Occupation Certificate.
 Further approval from Council is required for its continued use after this period.*

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

For

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

Against

- 5 Development Application No. DA15/1403 for Demolition of Existing Structures & Construction of 2 x Six (6) Storey Residential Flat Buildings containing 97 Apartments & Basement Car Parking at Lot 8 Sec 20 DP 2296, Lot 7 DP 658652, Lot 1 DP 783819 & Lots 27-28 Sec 20 DP 2296 at (Nos 144-148) High Street & (Nos 35-37) Barber Avenue, Penrith Applicant: Morson Group Pty Ltd; Owner: ~Barber Developments Pty Limited**

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

That:

1. The information contained in the report on Development Application No. DA15/1403 for Demolition of Existing Structures & Construction of 2 x Six (6) Storey Residential Flat Buildings containing 97 Apartments & Basement Car Parking at Lot 8 Sec 20 DP 2296, Lot 7 DP 658652, Lot 1 DP 783819 & Lots 27-28 Sec 20 DP 2296 at (Nos 144-148) High Street & (Nos 35-37) Barber Avenue, Penrith be received.
2. The proposed variation to the maximum building height standard under Clause 4.6 of Penrith Local Environmental Plan 2010 be supported.
3. Development Application No. DA15/1403 for Demolition of Existing Structures & Construction of 2 x Six (6) Storey Residential Flat Buildings containing 97 Apartments & Basement Car Parking at Lot 8 Sec 20 DP 2296, Lot 7 DP 658652, Lot 1 DP 783819 & Lots 27-28 Sec 20 DP 2296 at (Nos 144-148) High Street & (Nos 35-37) Barber Avenue, Penrith be approved subject to the following conditions of consent:

3.1 Standard Conditions

- A001 - Approved plans
- A008 - Works to BCA requirements
- A014 - Lot consolidation
- A019 - Occupation Certificate
- A038 - Lighting system
- A046 - Obtain Construction Certificate before commencement of works
- B002 - AS for Demolition and disposal to approved landfill site
- B003 - Asbestos
- B004 - Dust
- B005 - Mud/soil
- D001 - Implement approved erosion and sediment control measures
- D009 - Covering of waste storage area
- D010 - Appropriate disposal of excavated or other waste
- E01A - BCA compliance
- E009 - Annual fire safety statement
- G002 - Section 73 Certificate
- G004 - Endeavour Energy clearance

- G006 - NBN connection
- H001 - Stamped plans and erection of site notice
- H002 - During construction requirements
- H041 - Hours of work
- K101 - Works at no cost to Council
- K201 - Infrastructure bond
- K203 - Roads Act works and structures Civil Construction
- K204 – RMS Civil Construction in the State Road
- K209 - Stormwater discharge
- K210 - Stormwater management
- K211 - Stormwater discharge for basement car parks
- K222 - Access, car parking and manoeuvring
- K225 - Performance bond
- K224 - Construction traffic management plan
- K301 - Sediment and Erosion Control
- K302 - Traffic control plan
- K403 - Major Earthworks
- K405 - Turf to verge
- K501 - Penrith City Council clearance for Roads Act works
- K502 - Works as executed plans
- K503 - Stormwater compliance
- K504 - Restriction as to user and positive covenant (OSD and WSUD)
- K511 - Directional signage
- K601 - Stormwater management system operation and maintenance
- L001 - Landscape approved plans
- L002 - Landscape construction
- L003 - Landscape report requirements
- L005 - Planting of plant material
- L006 - Landscape AS requirements
- L007 - Tree protection measures
- L008 - Tree preservation order
- L010 - Retain existing trees
- N001 - Section 94 contribution: Cultural Facilities
- N002 - Section 94 contribution: District Open Space
- N003 - Section 94 contribution: Local Open Space
- P001 - Costs
- P002 – Fees associated with Council land

Q01F - Notice of commencement and appointment of PCA

Q006 - Occupation Certificate

3.2 Special Conditions

- 3.2.1 Prior to the issue of a Construction Certificate, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the Construction Certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- 3.2.2 Prior to the issue of an Occupation Certificate, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the development achieves the design quality shown in the approved Construction Certificate plans and specifications, having regard to the design quality principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- 3.2.3 The Construction Certificate must be accompanied by certification from a person suitably qualified by the Association of Consultants in Access Australia confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS 4299- 2009). A Compliance Certificate in this regard shall be provided prior to the issue of an Occupation Certificate.
- 3.2.4 Prior to the issue of a Construction Certificate, the following waste requirements shall be detailed in the Construction Certificate documentation:
- i) The garbage rooms within the basement shall have masonry walls with smooth face cement rendering to the full height internally and be provided with a smooth concrete floor. The floor shall be graded and drained to a floor waste connected to the sewer that shall be charged with a suitably located cold water hose cock. Access doors to the garbage store shall be tight fitting solid core or of non-combustible construction.
 - ii) The collection area at the ground floor level shall be ventilated with walls, have a roller door a minimum of 1.8m wide, have a solid imperious non-slip floor graded towards a drainage system, have a hose system for cleaning, be walled and locked using an abloy key.
 - iii) The bulky waste storage room shall be separated and fully enclosed and provided with a 1.8m wide external roller door access. Internal access to this room shall be removed.
 - iv) The travel path located outside the bulky goods and waste collection room at ground level will need to be concrete and not exceed a seven degree gradient.
 - v) The ground floor waste collection area shall be fully enclosed and provided with a 1.8m wide external roller door access.
- 3.2.5 Prior to the issue of a Construction Certificate, the following design

amendments shall be detailed in the Construction Certificate documentation:

- i) To protect the privacy of the occupants, any glass balustrades shall be constructed in opaque or obscure glazing.
- ii) To protect the privacy of adjoining developments the balconies to Units 112, 122, 132 & 142 shall be provided with privacy screens.
- iii) To ensure adequate privacy and solar access protection is provided, all louvres provided for the development shall be fully operational and moveable to enable each unit to manage any potential amenity impacts as it relates to an individual unit.
- iv) To increase privacy to Unit 100, the terrace off Bedroom 1 and Bedroom 2 shall be removed and replaced with suitable landscaping screening.
- v) To ensure the development complements the existing streetscape character of the area, the 'Red' accents provided on the building shall be replaced with a colour that is more earthy in tone.

3.2.6 Prior to the issue of a Construction Certificate, details of the proposed location of any required substation including any landscaping or screening measures shall be submitted to and approved by Council. The location of the proposed substation shall be positioned and screened in a manner that is compatible and consistent with the approved building and the streetscape to minimise potential visual impacts.

3.2.7 Prior to the issue of a Construction Certificate, all mechanical ventilation equipment, ducts, air conditioner services and the like shall be shown on the Construction Certificate documentation as being contained within the building. These services shall not be visible from any public location along High Street and Barber Avenue.

Any downpipes or stormwater pipes shall be integrated and blend with the architecture of the building.

3.2.8 Prior to the issue of a Construction Certificate, the location and position of any required fire hydrants and boosters shall be submitted to and approved by Council. The location of these service requirements shall be integrated with the built form to reduce visual impacts along the street frontages.

3.2.9 Prior to the issue of an Occupation Certificate, the building is to be painted internally and externally in accordance with the stamped approved colour schedule. The external colour schedule shall not be modified without prior approval from Council. Graffiti resistant coatings shall be used to external surfaces including blank walls, fences and outdoor furniture throughout the development.

3.2.10 Prior to the issue of an Occupation Certificate in order to facilitate waste collection, a "Loading Zone" restriction is to be implemented for the indented loading bay on Barber Avenue.

This arrangement is to be approved by Council's Local Traffic Committee prior to implementation and installed at no cost to Council.

- 3.2.11 Prior to works commencing on site and prior to the issue of a Construction Certificate, a dilapidation report is to be prepared that provides a photographic record of the condition of adjoining structures on adjoining properties. A copy is to be provided to all adjoining property owners.
- 3.2.12 Prior to the issue of an Occupation Certificate, a dilapidation report is to be prepared that provides a photographic record of the condition of adjoining structures on adjoining properties and associated structures.
- Should damage be identified, rectification works are to be carried out at full cost to the developer and these rectification works are to be completed prior to the issue of an Occupation Certificate.
- 3.2.13 Prior to the issue of an Occupation Certificate, secure bicycle parking is to be provided in accordance with AS 2890.3:2015 Bicycle Parking Facilities.
- 3.2.14 The subleasing of car parking spaces is not permitted or endorsed by this consent.
- 3.2.15 A total of 136 off-street parking spaces are to be provided, line marked and maintained for the development, in accordance with the stamped approved plans. The parking space dimensions and manoeuvring areas are to comply with AS 2890.1 and AS 2890.2, the Building Code of Australia and the Commonwealth Disability Discrimination Act.
- Of the 136 spaces, 10 accessible car parking spaces are to be provided in accordance with AS 1428.1.
- Parking is to be allocated to each unit and the development in accordance with the car parking rates specified in Chapter C10 Transport, Access and Parking of Penrith Development Control Plan 2014 and the information submitted as part of DA15/1403.
- 3.2.16 All fencing required by the development shall be constructed at full cost to the property owner or developer of the site.
- 3.2.17 To ensure a high quality finish internal and external of the development site, any retaining walls shall be of solid masonry construction. The surface shall be either rendered to match the external colour schedule or constructed in a face brick finish.
- 3.2.18 Prior to the issue of a Construction Certificate, an amended landscape plan shall be submitted to and approved by Council. The landscape plan shall be amended to incorporate following details.
- i) The landscape plan shall be amended to reflect the approved ground floor layout of the development.
 - ii) Two (2) trees suitable of reaching a height at maturity of at least 10m shall be provided adjacent to the terrace of Unit 201 and the fire stairs at the edge of Unit 107.
 - iii) The retention of the jacaranda tree adjacent to Unit 201.
 - iv) One (1) tree suitable of reaching a height at maturity of at least 10m shall be provided adjacent to the north eastern corner of the adjoining dual occupancy development at 39a

Barber Avenue.

- 3.2.19 All precautions shall be taken to adequately protect trees on public property (i.e. footpaths, roads, reserves, etc) against damage during the construction phase of the development. No trees on public property shall be removed, pruned or damaged during construction. This includes the erection of any fences, hoardings or other temporary works. The placement of construction materials beneath the canopy of street trees is prohibited.
- 3.2.20 The development is to accommodate 7 x 1,100 litre residual waste bins, 7 x 1,100 litre recycling bins and 2 x 1,100 litre service bins. Provision for these bins is to be shown on the Construction Certificate plans and bins are to be moved to the collection bay in Barber Avenue on collection day by the Building Manager and then returned to the basement after collection.
- 3.2.21 Prior to the issue an Occupation Certificate, the property owner or agent acting for the owner shall arrange for the commencement of a domestic waste service with Council. The service is to be arranged no earlier than two days prior to occupancy and no later than two days after occupancy of the development. All requirements of Council's domestic collection service must be complied with at all times. Please telephone Council on (02) 4732 7615 for the commencement of waste services.
- 3.2.22 Prior to the issue of a Construction Certificate, the developer shall obtain a Geotechnical Report to determine any construction requirements for the excavation of the basement car park.

4. The individuals who made a submission be advised of Council's decision.

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

For

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

Against

6 88B Variation to facilitate Development Application 16/0201 for a Dwelling Addition, In-ground Swimming Pool, Garage, Garden Shed and Outdoor BBQ Area Lot 810 DP 1068323 (No. 38-40) Bellevue Avenue, Mount Vernon Applicant: Nadia Turov; Owner: ~Nadia Turov

161 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on 88B Variation to facilitate Development Application 16/0201 for a Dwelling Addition, In-ground Swimming Pool, Garage, Garden Shed and Outdoor BBQ Area Lot 810 DP 1068323 (No. 38-40) Bellevue Avenue, Mount Vernon be received.
2. Items (d) and (e) in the restriction secondly referred to and item (b) in the restriction fourthly referred to in the Section 88b instrument applying to Lot 810 in DP 1068323 be varied to exclude Lot 810.
3. The Common Seal of Penrith City Council be affixed to all necessary documentation to vary the 88b instrument.
4. The application for the construction of dwelling additions, attached garage, in-ground swimming pool and detached shed be approved subject to the following conditions:

4.1 Standard Conditions

- A001 – Approved plans that are architecturally drawn
- A008 – Works to BCA requirements
- A019 – Occupation Certificate
- A046 – Obtain Construction Certificate before commencement of works
- B002 – Demolition and disposal
- B004 – Dust
- B005 – Mus/Soil
- B006 – Hours of work
- D001 – Erosion and sediment control
- D007 – Cut and fill of land requiring validations certificate
- E001 – BCA compliance
- F006 – Water tank & nuisance
- H001 – Stamped plans and erection of site notice
- H007 – Aircraft or traffic noise
- H030 – Roof finishes
- H036 – Rainwater tank
- H037 – Safe supply of water from catchment areas
- H038 – Connection of rainwater tank supply
- H039 – Rainwater tank pumps
- H041 – Hours of work
- J002 – Fencing when water in pool
- J004 – Pool fence (residential)
- J010 – Pool board/sign
- J011 – NSW swimming pool register
- K016 – Stormwater
- K041 – Infrastructure bond
- L008 – Tree preservation order

- L012 – Existing landscaping
- P002 – Fees associated with council land
- Q01F – Notice of commencement & appointment of PCA2
- Q05F – Occupation Certificate for Class10

4.2 Special Conditions

- 4.2.1 Prior to the issue of a Construction Certificate for the development, the variation of the Restrictions on the Use of land numbered 2(d), 2(e) and 4(b) In DP 1068323, shall be registered with NSW Land and Property Information division of the Department of Lands. The variation to the Restrictions shall be in the terms approved by resolution of Penrith City Council.
- 4.2.2 A Special – The proposed dwelling addition or shed shall not be used or adapted to be used as a second occupancy.
- 4.2.3 E Special – In accordance with the requirements of clause 94 of the Environmental Planning and Assessment Regulation, you are required to install a hard wired smoke detector in the existing dwelling. This detector is to comply with the requirements of AS3786 and must be located in accordance with 3.7.2 of the Housing Provisions. A certificate from a Licensed Electrician attesting to the installation of the smoke detector is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.
- 4.2.4 H Special – The proposed shed shall not be used under any circumstances for any commercial, industrial or habitable residential activity.
- 4.2.5 J Special – The operating noise level of the swimming pool filter and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operation Act 1997 apply to the development, in the terms of regulating offensive noise.
- 4.2.6 K Special - No earthworks including cut and fill or building works including a retaining wall, garden shed or other structures of the like are permitted within the easement. The easement is to remain at natural ground level at all times.
- 4.2.7 L Special – Screening shrubs are to be planted between the shed and boundary as shown on the approved plan prior to issue of Occupation Certificate.

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

For

- Councillor John Thain
- Councillor Bernard Bratusa
- Councillor Maurice Giroto
- Councillor Kevin Crameri OAM
- Councillor Prue Car MP
- Councillor Jackie Greenow OAM
- Councillor Karen McKeown
- Councillor Greg Davies
- Councillor Mark Davies
- Councillor Ross Fowler OAM

Against

Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Michelle Tormey
Councillor Marcus Cornish

PROCEDUAL MOTION

162 RESOLVED ON THE MOTION OF COUNCILLOR JIM AITKEN OAM SECONDED COUNCILLOR JACKIE GREENOW OAM *ITEM 19 - DEVELOPMENT APPLICATION NO. 15/1490 AT LOTS 5 & 6 DP 31575, (NO. 107 - 109) JAMISON ROAD, PENRITH FOR THE DEMOLITION OF EXISTING STRUCTURES & CONSTRUCTION OF 11 X TWO STOREY TOWNHOUSES* BE DEFERRED TO BE CONSIDERED AFTER THE COMMITTEE OF THE WHOLE.

OUTCOME 3 - WE CAN GET AROUND THE CITY

7 Parking Agreement - Westfield Penrith

163 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Parking Agreement - Westfield Penrith be received.
2. Approval be given to the Waste & Community Protection Manager to enter into an agreement with Westfield Penrith to carry out parking enforcement of disabled parking spaces, and 'Loading Zone' areas within the private car parks of Westfield Penrith.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

8 Tender Reference WSROC15/16-01 for the Collection and Processing of Mattresses

164 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Tender Reference WSROC15/16-01 for the Collection and Processing of Mattresses be received
2. Resource Recovery Australia be awarded the contract for WR01-15/16, for an amount of approximately \$15,000 per annum excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

9 Tender Reference RFT15/16-16 For the Drainage Asset Inventory Data Collection

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

That:

1. The information contained in the report on Tender Reference RFT15/16-16 For the Drainage Asset Inventory Data Collection be received
2. ThinkSpatial be awarded the contract for the Drainage Asset Inventory data Collection and Visual Condition assessment for Peachtree Creek and Lower Surveyors Creek catchments for the sum of \$133,320 x GST.

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

10 Don Bosco Youth and Recreation Centre St Marys - Funding Contract

166 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Don Bosco Youth and Recreation Centre St Marys - Funding Contract be received
2. Council contribute \$33,200 (excluding GST) to the Don Bosco Centre for the 2015/16 financial year as per the existing funding contract between Council and the Don Bosco Centre and dated 6 May 2010.
3. A further report be submitted to Council in early 2017 to endorse a new funding contract with the Don Bosco Centre covering the five year period 2016/17 to 2021/22.

11 Travel Assistance Policy

Councillor Jim Aitken OAM left the meeting, the time being 9:25pm

167 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Travel Assistance Policy be received.
2. Council endorse a one off payment of \$4500 to support Glenmore Park Brumbies Junior Rugby League Football Club to participate in a cultural and sporting visit to Samoa.
3. Council review the Travel Assistance Policy to include sports and Arts

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

12 Classification of Land - Woodriff Street, Penrith

168 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Classification of Land - Woodriff Street, Penrith be received.
2. Council resolve to classify Lot 105 DP1215261 as operational land.
3. Council resolve to classify Lot 106 DP1215261 as operational land.

13 Subdivision of Council Owned Land in Cranebrook

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

That:

1. The information contained in the report on Subdivision of Council Owned Land in Cranebrook be received.
2. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

14 Classification of Land comprising Closed Weir Road, Penrith

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

That:

1. The information contained in the report on Classification of Land comprising Closed Weir Road, Penrith be received.
2. The area of closed Weir Road comprising Lot 1 DP1214298 be classified as Operational land.

15 Adoption of Council's 2016-17 Operational Plan & Fees and Charges, and Making of the Rates and Charges for 2016-17

Councillor Jim Aitken OAM returned to the meeting, the time being 9:29pm

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

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

171 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Adoption of Council's 2016-17 Operational Plan & Fees and Charges, and Making of the Rates and Charges for 2016-17 be received.
2. In accordance with the Local Government Act 1993 under section 405, Council adopt the revised 2016-17 *Operational Plan and Fees and Charges*, including any amendments made at tonight's meeting.
3. Council adopt the following to make the Rates and Charges for 2016-17:
 - a. **Ordinary Rate:** Council make its Residential, Business and Farmland rates for 2016-17 in accordance with Section 535 of the Local Government Act 1993 such rate to be as follows:

Category	Minimum Amount	Ad Valorem (cents in the dollar)
Residential	\$959.50	0.3704630
Farmland	\$959.50	0.1852315

Business	\$1,156.35	0.6605900
Business subcategory – Penrith CBD	\$1,156.35	0.7497200
Business subcategory – St Marys Town Centre	\$1,156.35	1.0156500

- b. **Stormwater Charges:** Council make its Stormwater Management Service charge to be applied on all urban residential and urban business land as outlined in the report.
- c. **Domestic Waste Charges:** Council make its Domestic Waste Service charge as detailed in the report in accordance with Section 496 of the Local Government Act 1993 and the 2016-17 Operational Plan and 2016-17 Fees & Charges.
- d. **Effluent Charges:** Council make its annual charge for effluent removal services as outlined in the report and the 2016-17 Operational Plan and 2016-17 Fees & Charges.
- e. **Interest:** Council make the interest charge of 8.0% per annum for 2016-17 as allowable under Section 566(3) of the Local Government Act 1993.
- f. **Pension Rebate:** Council provide a voluntary rebate under Section 582 of the Local Government Act 1993 in addition to the mandatory pensioner rebate. The voluntary rebate will be equivalent to the annual stormwater charge applicable to the property, and include pro-rata calculations according to Sections 575 and 584 of the Local Government Act 1993.
- g. **Service of Rate Notices:** The General Manager be and is hereby authorised, to prepare and serve Rates and Charges Notices for and on behalf of Council

Councillors Marcus Cornish, Kevin Crameri OAM, Maurice Giroto requested that their names be recorded as having voted against the motion.

16 Borrowing Program 2015-16

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

That:

1. The information contained in the report on Borrowing Program 2015-16 be received.
2. Council be advised that NSW TCorp was the successful lender for the 2015-2016 Borrowing Program.

17 Outcome of Land and Environment Court Appeal Development Application DA13/0311 for Residential Apartments & Townhouses at 119 Glengarry Drive, Glenmore Park

173 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Ross Fowler OAM that the information contained in the report on Outcome of Land and Environment Court Appeal Development Application DA13/0311 for Residential Apartments

& Townhouses at 119 Glengarry Drive, Glenmore Park be received.

Councillor Mark Davies left the meeting, the time being 9:42pm

Councillor Jackie Greenow OAM left the meeting, the time being 9:43pm

Councillor Mark Davies returned to the meeting, the time being 9:44pm

18 Summary of Investments & Banking for the period of 1 May to 31 May 2016

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period of 1 May to 31 May 2016 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 May 2016 to 31 May 2016 be noted and accepted.
3. The graphical investment analysis as at 31 May 2016 be noted.

REQUESTS FOR REPORTS AND MEMORANDUMS

Councillor Jackie Greenow OAM returned to the meeting, the time being 9:45pm

RR 1 Screening of 'Broke' - Hoyts Penrith

Councillor Greg Davies advised Council of 'Broke' which will be screening at Hoyts Penrith on 20 July 2016. Councillors may wish to support our own and book some tickets as Hoyts needs bookings to screen the movie.

RR 2 Penrith Business Alliance

Councillor John Thain requested a memo reply to all Councillors in regard to the PBA, providing information on Council funding which was requested to be returned to Council, as it has been used for the new PBA and has Penrith rate payer money funded the greater area of Western Sydney.

RR 3 DUNHEVED ROAD

COUNCILLOR JOHN THAIN REQUESTED A REPORT TO COUNCIL REGARDING THE UPGRADE OF DUNHEVED ROAD FROM NORTHERN ROAD TO FORRESTER ROAD AS AN ARTERIAL ROAD AND CHANGING IT FROM A COUNCIL TO A STATE ROAD.

RR 4 LACK OF ACCESS AT PRE-POLL LOCATION

COUNCILLOR MICHELLE TORMEY REQUESTED A MEMO REPLY TO COUNCIL REGARDING THE LACK OF ACCESS TO THE PRE-POLLING LOCATION FOR THE FEDERAL ELECTION INCLUDING AN UPDATE ON INJURIES SUSTAINED RECENTLY, IN ADDITION TO STEPS COUNCIL IS TAKING TO RECTIFY THE BUILDING ONGOING.

RR 5 QUEEN ST UPGRADE

COUNCILLOR JACKIE GREENOW OAM REQUESTED THAT A MATTER BE REFERRED TO COMMITTEE OF THE WHOLE AS IT REFERS TO COMMERCIAL INFORMATION OF A CONFIDENTIAL NATURE THAT WOULD, IF DISCLOSED PREJUDICE THE COMMERCIAL POSITION OF THE PERSON WHO SUPPLIED IT AND DISCUSSION OF THE MATTER IN OPEN MEETING WOULD BE, ON BALANCE, CONTRARY TO THE PUBLIC INTEREST.

RR 6 WESTERN SYDNEY AIRPORT

COUNCILLOR MAURICE GIROTTO REQUESTED A REPORT TO COUNCIL WHICH WAS PREVIOUSLY REQUESTED IN REGARDS TO THE PROPOSED WESTERN SYDNEY AIRPORT AND ITS 24 HOUR OPERATION IN VIEW OF THE BLACKTOWN AND BLUE MOUNTAINS STANCE.

RR 7 PHONE BOOTH REPLACEMENT

COUNCILLOR KEVIN CRAMERI OAM REQUESTED A REPORT TO COUNCIL REGARDING A REQUEST FOR COUNCIL TO HELP REPAIR A PHONE BOOTH AT LLANDILO AFTER A CAR ACCIDENT. COUNCILLOR KEVIN CRAMERI OAM ASKED THAT IT BE A PINK TOP I.E. WI-FI.

RR 8 COUNCIL PERSONNEL AND COUNCIL PROCEDURES

COUNCILLOR KEVIN CRAMERI OAM REQUESTED A MATTER BE REFERRED TO COMMITTEE OF THE WHOLE AS THE MATTER REFERS TO PERSONNEL MATTERS CONCERNING PARTICULAR INDIVIDUALS AND DISCUSSION OF THE MATTER IN OPEN MEETING WOULD BE, ON BALANCE, CONTRARY TO THE PUBLIC INTEREST.

RR 9 STONY CREEK ROAD CROSSING

COUNCILLOR KEVIN CRAMERI OAM REQUESTED A REPORT TO COUNCIL PROVIDING A COSTING TO RAISE STONY CREEK ROAD CROSSING BY USING SQUARE SHAPED CULVERTS.

RR 10 LOCAL GOVERNMENT MEDIA RELEASE

COUNCILLOR KEVIN CRAMERI OAM REQUESTED A MEMO TO ALL COUNCILLORS REGARDING THE LOCAL GOVERNMENT MEDIA RELEASE ON 21 JUNE ON THE BUDGET, THERE WAS 45 MILLION FOR COUNTRY TOWNS WATER SUPPLY AND SEWERAGE PROGRAM. COULD THE LLANDILO RESIDENTS BENEFIT FROM THIS.

RR 11 SITA OPERATORS

COUNCILLOR MARK DAVIES REQUESTED A REPORT TO COUNCIL REGARDING SITA AND THEIR OPERATIONS, IN PARTICULAR THE PROPOSED COVERED CONTAINMENT OF PUTRESCIBLE WASTE AND THE ONGOING ODOUR PROBLEMS.

RR 12 WERRINGTON ARTERIAL

COUNCILLOR BERNARD BRATUSA REQUESTED AN URGENT COUNCILLOR BRIEFING REGARDING WERRINGTON ARTERIAL IN RELATION TO THE ORCHARD HILLS/WERRINGTON/CADDENS/CLAREMONT MEADOWS ROAD NETWORKS AND HOW THE OPENING OF THE WESTERN ARTERIAL IS GOING TO IMPACT ON THE

FEEDER ROADS AND WHAT COUNCIL IS PROPOSING TO DO TO ENFORCE THE SAFETY OF THE COMMUNITY.

RR 13 CHANGING THE LEP AND DCP

COUNCILLOR MARCUS CORNISH REQUESTED A REPORT TO A COUNCILLOR BRIEFING REGARDING CHANGING THE LEP AND DCP SO THAT ALL FREE STANDING DWELLINGS AND DUPLEXES MUST ALLOW ENOUGH ROOM BETWEEN THEM AND BEHIND TO PLANT TREES TO HELP COOL PENRITH AND PROVIDE A GREENER PENRITH.

RR 14 AUDIT OF ALL TAC TILE MARKINGS IN PENRITH CBD

COUNCILLOR MARCUS CORNISH REQUESTED A REPORT TO COUNCIL REGARDING AN AUDIT OF ALL TACTILE MARKINGS (FOR THE VISUALLY IMPAIRED) IN THE CBD, WHERE THERE IS NO CONTINUITY NEEDS TO BE RECTIFIED. ALSO PRAM RAMPS AND THEIR POSITIONING, WIDTH AND ANGLES AS IT IS CURRENTLY DANGEROUS AND DIFFICULT FOR THE VISUALLY IMPAIRED.

RR 15 WASTE FACILITY - BLACKTOWN COUNCIL

COUNCILLOR GREG DAVIES REQUESTED A REPORT BACK TO COUNCIL REGARDING THE WASTE FACILITY PROPOSAL WITHIN BLACKTOWN COUNCIL AND THE IMPACT THIS WILL HAVE ON PENRITH LGA.

COMMITTEE OF THE WHOLE

175 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jackie Greenow OAM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:11pm.

Councillor Marcus Cornish left the meeting, the time being 10:11pm.

Councillor Marcus Cornish returned to the meeting, the time being 10:13pm.

1 Presence of the Public

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

Outcome 2

- 2 Development Application No. 15/1490 at Lots 5 & 6 DP 31575, (No. 107 - 109) Jamison Road, Penrith for the Demolition of Existing Structures & Construction of 11 x Two Storey Townhouses Applicant: Eversleigh Holdings Pty Ltd; Owner: ~Ian R Fraser**

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 7

3 Council Property - Lease of Shop 7 at Allen Arcade, 140-142 Henry Street Penrith to Australian Hearing Services

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.

4 Queen St Upgrade

Councillor Jackie Greenow OAM requested that a matter be referred to Committee of the Whole as it refers to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

5 Notification of long serving staff leaving Council

Councillor Kevin Crameri OAM requested a matter be referred to Committee of the Whole as the matter refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 10:23pm pm and the General Manager reported that the Committee of the Whole met at 10:11pm on 27 June 2016, the following being present

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

and the Committee of the Whole excluded the press and public from the meeting for the reasons set out in CW1 and that the Committee of the Whole submitted the following recommendations to Council.

CONFIDENTIAL BUSINESS

2 Development Application No. 15/1490 at Lots 5 & 6 DP 31575, (No. 107 - 109) Jamison Road, Penrith for the Demolition of Existing Structures & Construction of 11 x Two Storey Townhouses Applicant: Eversleigh Holdings Pty Ltd; Owner: ~Ian R Fraser

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM

CW2 That the information contained in the report on Development Application No. 15/1490 at Lots 5 & 6 DP 31575, (No. 107 - 109) Jamison Road, Penrith for the Demolition of Existing Structures & Construction of 11 x Two Storey Townhouses be received.

3 Council Property - Lease of Shop 7 at Allen Arcade, 140-142 Henry Street Penrith to Australian Hearing Services

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM

CW3 That:

1. The information contained in the report on Council Property - Lease of Shop 7 at Allen Arcade, 140-142 Henry Street Penrith to Australian Hearing Services be received
2. Council grant a new 2 year lease to Australian Hearing as per the terms and conditions as outlined above
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation

4 Queen St Upgrade

RECOMMENDED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Michelle Tormey

CW4 That the information in the verbal report on Queen St Programme be received.

5 Notification of long serving staff leaving Council

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish

CW5 That the information in the verbal report on Notification of long serving staff leaving Council be received.

ADOPTION OF COMMITTEE OF THE WHOLE

176 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

19 Development Application No. 15/1490 at Lots 5 & 6 DP 31575, (No. 107 - 109) Jamison Road, Penrith for the Demolition of Existing Structures & Construction of 11 x Two Storey Townhouses Applicant: Eversleigh Holdings Pty Ltd; Owner: ~Ian R Fraser

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

That:

1. The information contained in the report on Development Application No. 15/1490 at Lots 5 & 6 DP 31575, (No. 107 - 109) Jamison Road, Penrith for the Demolition of Existing Structures & Construction of 11 x Two Storey Townhouses be received.
2. DA15/1490 for the Demolition of existing Structures and Construction of 11 x Two Storey Townhouses be approved subject to a deferred

commencement consent and the following conditions.

2.1 Schedule 1 – Deferred Commencement Condition

Proof of a legally enforceable agreement to provide an easement to drain water over a downstream property to benefit the subject site, lots 5 & 6 in DP31575, 107-109 Jamison Road, Penrith shall be submitted to Council.

2.2 Standard Conditions

A001 - Approved plans

A008 - Works to BCA requirements

A014 - Lot Consolidation

A019 - Occupation Certificate

A046 - Construction Certificate

A038 - Lighting System

B002 - AS for Demolition and disposal to approved landfill site

B003 - Asbestos

B004 - Dust

B005 - Mud/soil

D001 - Implement approved erosion and sediment control measures

D007 - Cut and fill limited to footprint

D009 - Covering of waste storage area

D010 - Appropriate disposal of excavated or other waste

D013 - Approved noise level

E01A - BCA compliance

G002 - Section 73 Certificate

G004 - Endeavour Energy clearance

G006 - NBN connection

H001 - Stamped plans and erection of site notice

H002 - During construction requirements

H041 - Hours of work

- K101 - Works at no cost to Council
- K201 - Infrastructure bond
- K202 - Roads Act works and structures
- K206 - Engineering Construction Certificate
- K210 - Stormwater Management
- K223 - Access, car parking and manoeuvring
- K405 - Turf to verge
- K501 - Penrith City Council clearance for Roads Act works
- K503 - Works as executed
- K504 - Stormwater compliance
- K505 - Restriction as to user and positive covenant (OSD and WSUD)
- L001 - Landscape approved plans
- L002 - Landscape construction
- L003 - Landscape report requirements
- L005 - Planting of plant material
- L006 - Landscape AS requirements
- N001 - Section 94 contribution: Cultural Facilities
- N002 - Section 94 contribution: District Open Space
- N003 - Section 94 contribution: Local Open Space
- P001 - Costs
- P002 - Fees associated with Council land
- Q01F - Notice of commencement and appointment of PCA
- Q006 - Occupation Certificate

Special Conditions

- 2.3 All required boundary fencing and retaining walls shall be constructed at full cost to the applicant/developer. Timber retaining walls are not permitted.

- 2.4 A minimum of one dwelling shall be constructed as an adaptable unit to meet the requirements for persons with a disability. The Construction Certificate application shall be accompanied by certification from an accredited access consultant confirming that the adaptable dwelling is capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS 4299- 2009).
 - 2.5 The recommendations of the Access Design Verification Statement dated 8 December 2015 prepared by Bio-Building Design shall be implemented for the development and shown in the Construction Certificate documentation.
 - 2.6 The property owner or agent acting for the owner shall arrange for the commencement of a domestic waste service with Council. The service is to be arranged no earlier than two days prior to occupancy and no later than two days after occupancy of the development. All requirements of Council's domestic collection service must be complied with at all times. Please telephone Council on (02) 4732 7615 for the commencement of waste services.
 - 2.7 Prior to the issue of any Occupation Certificate, proof of registration of the easement referred to in deferred commencement condition 1, schedule A, of these conditions be provided to the Principal Certifying Authority and Penrith City Council.
3. That the person who made a submission on the proposed development be notified of Council's determination.

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

For

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

Against

Councillor Bernard Bratusa

There being no further business the Chairperson declared the meeting closed the time being 10:27pm.

I certify that these 34 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 27 June 2016.

_____ Chairperson	_____ Date
----------------------	---------------