

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

ON MONDAY 11 OCTOBER 2010 AT 7:37PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Kevin Crameri 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 Kevin Crameri OAM, Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee and John Thain.

LEAVE OF ABSENCE

324 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor John Thain that leave of absence be granted to Councillor Jim Aitken OAM for the period 14 October 2010 to 6 November 2010 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 27 September 2010

325 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the minutes of the Ordinary Meeting of 27 September 2010 be confirmed.

DECLARATIONS OF INTEREST

Councillor Tanya Davies declared a Pecuniary Interest in *Item 18 – Section 96 application for modification to DA10/0289 for a Self Storage Facility on Lot 8 DP 1105133 and Variation to 88b Restriction affecting Lots 1-8 DP 1105133 (No. 142) Old Bathurst Road, Emu Plains. Applicant: Trevor Hitchen; Owner: Ryan Hitchen Pty Ltd & Emumatta Pty Ltd* as the proponent had made a donation to her political campaign. Councillor Tanya Davies stated that she would leave the Chamber during discussion and debate on this item.

Councillor Ross Fowler OAM declared a Pecuniary Interest in *Item 17 - Development Application DA10/0275 - Proposed 2 Lot Torrens Title Subdivision at Lot 200 DP 811535 (No. 28 - 30) Grays Lane, Cranebrook. Applicant: Freeburn Surveying; Owner: Lexie and Giovanni Cettolin* and *Item 18 – Section 96 application for modification to DA10/0289 for a Self Storage Facility on Lot 8 DP 1105133 and Variation to 88b Restriction affecting Lots 1-8 DP 1105133 (No. 142) Old Bathurst Road, Emu Plains. Applicant: Trevor Hitchen; Owner: Ryan Hitchen Pty Ltd & Emumatta Pty Ltd* as the applicants are his business clients. Councillor Ross Fowler OAM stated that he would leave the Chamber during discussion and debate on these items.

Councillor Mark Davies declared a Pecuniary Interest in *Item 18 – Section 96 application for modification to DA10/0289 for a Self Storage Facility on Lot 8 DP 1105133 and Variation to 88b Restriction affecting Lots 1-8 DP 1105133 (No. 142) Old Bathurst Road, Emu Plains. Applicant: Trevor Hitchen; Owner: Ryan Hitchen Pty Ltd & Emumatta Pty Ltd* as the proponent had made a donation to his wife, Councillor Tanya Davies' political campaign. Councillor Mark Davies stated that he would leave the Chamber during discussion and debate on this item.

Councillor Kevin Cramer OAM declared a Pecuniary Interest in *Item 17 - Development Application DA10/0275 - Proposed 2 Lot Torrens Title Subdivision at Lot 200 DP 811535 (No. 28 - 30) Grays Lane, Cranebrook. Applicant: Freeburn Surveying; Owner: Lexie and Giovanni Cettolin* as he exchanged preferences with the applicant during the last Local Government election. Councillor Kevin Cramer OAM stated that he would leave the Chamber during discussion and debate on this item.

Councillor Ben Goldfinch – declared a Pecuniary Interest in *Item 17 - Development Application DA10/0275 - Proposed 2 Lot Torrens Title Subdivision at Lot 200 DP 811535 (No. 28 - 30) Grays Lane, Cranebrook. Applicant: Freeburn Surveying; Owner: Lexie and Giovanni Cettolin* as he exchanged preferences with the applicant during the last Local Government election. Councillor Ben Goldfinch stated that he would leave the Chamber during discussion and debate on this item.

Councillor Kaylene Allison declared a Pecuniary Interest in *Item 19 – Section 96 Application DA07/0742.02 for the modification of the existing development consent relating to the Place of Worship at Lot 912 DP 836641 (No. 86 - 90) Andromeda Drive, Cranebrook. Applicant: Rev George William Omara; Owner: Trustees Roman Catholic Church* as she is employed by the Catholic Education Office. Councillor Kaylene Allison stated that she would leave the Chamber during discussion and debate on this item.

SUSPENSION OF STANDING ORDERS

326 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Mark Davies that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:44 pm.

Mr Ian Doyle

Item 15 - Development Application DA10/0790 for the Stage 1E Residential Subdivision in the Western Precinct of the St Marys Release Area at Lot 2 DP 1132380, (No. 1070 - 1274) The Northern Road, Llandilo. Applicant: Maryland Development Company Pty Ltd; Owner: St Marys Land Ltd DA10/0790

Mr Doyle, representing the proponent, spoke in support of the proposed development. Mr Doyle stated that there had been an extensive environmental assessment of the site. Mr Doyle emphasised the social and economic benefits that the development would provide to future residents, as well as the general community, particularly in providing much needed local housing. Mr Doyle concluded by encouraging Council's endorsement of the proposed development.

Mr Geoff Brown

Item 15 - Development Application DA10/0790 for the Stage 1E Residential Subdivision in the Western Precinct of the St Marys Release Area at Lot 2 DP 1132380, (No. 1070 - 1274) The Northern Road, Llandilo. Applicant: Maryland Development Company Pty Ltd; Owner: St Marys Land Ltd DA10/0790

Mr Brown, representing the Western Sydney Conservation Alliance, spoke in opposition to the proposed development. Mr Brown cited issues such as degradation of the environment, as well as traffic congestion on Northern Road as areas of major concern of the Alliance. Mr Brown also detailed the potential threat to endangered Cumberland Plain Woodland in this area.

Ms Suzie Wright

Item 15 - Development Application DA10/0790 for the Stage 1E Residential Subdivision in the Western Precinct of the St Marys Release Area at Lot 2 DP 1132380, (No. 1070 - 1274) The Northern Road, Llandilo. Applicant: Maryland Development Company Pty Ltd; Owner: St Marys Land Ltd DA10/0790

Ms Wright, an interested citizen, representing Nepean Greens, spoke in opposition to the proposed development. Ms Wright stated that there was critically endangered habitat for flora and fauna in the area of the proposed development and requested proof that the proposal would not endanger this habitat. Ms Wright suggested that the critically endangered land at this site be reviewed and concerns referred back to the State and Federal Governments.

Mr Vince Hardy

Item 17 - Development Application DA10/0275 - Proposed 2 Lot Torrens Title Subdivision at Lot 200 DP 811535 (No. 28 - 30) Grays Lane, Cranebrook. Applicant: Freeburn Surveying; Owner: Lexie and Giovanni Cettolin

Mr Hardy, the applicant's planning consultant, spoke in support of the proposed subdivision. Mr Hardy then addressed areas of concern including adverse impact on the character of the local area. Mr Hardy stated that the development, whilst inconsistent with the development standard, would not cause any inconsistency with the zone objectives, and that approval would be unlikely to create a precedent and could be approved under the planning transitional arrangements.

RESUMPTION OF STANDING ORDERS

327 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Tanya Davies that Standing Orders be resumed, the time being 8:13 pm.

MAYORAL MINUTES

1 Congratulations to Council's Ambassador in the Variety Bash 2010

328 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on Congratulations to Council's Ambassador in the Variety Bash 2010 be received.

Councillors Jim Aitken OAM, John Thain, Jackie Greenow, Tanya Davies and Greg Davies spoke in favour of the Mayoral Minute.

A framed Mayoral Minute was then presented to John Burns and Warren Smith by His Worship the Mayor, Councillor Kevin Crameri OAM.

2 Three-bin waste management system highly commended

329 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on Three-bin waste management system highly commended be received.

3 NSW Planning Minister refuses Patons Lane waste management facility proposal

330 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Tanya Davies

That:

1. The Mayoral Minute on NSW Planning Minister refuses Patons Lane waste management facility proposal be received.
2. Council host an afternoon tea to acknowledge the efforts and involvement of the Residents Against Industrial Dump Committee in seeking to have this proposed development refused by the NSW Planning Minister.

Councillors Tanya Davies and Prue Guillaume spoke in favour of the Mayoral Minute.

REPORTS OF COMMITTEES

Councillor Robert Ardill left the meeting, the time being 8:37 pm

Councillor Robert Ardill returned to the meeting, the time being 8:38 pm.

1 Report and Recommendations of the Waste Services Committee Meeting held on 9 September 2010

331 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Jackie Greenow that the recommendations contained in the Report and Recommendations of the Waste Services Committee meeting held on 9 September, 2010 be adopted.

Councillor Tanya Davies left the meeting the time being 8:39 pm.

DELIVERY PROGRAM REPORTS

A LEADING CITY

1 Sponsorship of City Marketing Events

332 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Sponsorship of City Marketing Events be received.
2. \$3,000 be approved to be paid from the City Marketing budget to sponsor the Mamre Homestead 100 mile Dinner on Saturday 30 October 2010.
3. \$5,000 be approved to be paid from the City Marketing budget to sponsor the inaugural International Penrith Jazz Festival 12-14 November 2010.

2 Appointment of Director to the Board of Penrith Whitewater Stadium Limited

333 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Appointment of Director to the Board of Penrith Whitewater Stadium Limited be received.
2. Amanda Walmsley of the Penrith Lakes Development Corporation be appointed to the Penrith Whitewater Stadium Limited Board.

5 2009-10 Financial Statements

334 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marko Malkoc that the information contained in the report on 2009-10 Financial Statements be received.

6 Summary of Investments & Banking and Agency Collection Fees as of 1 September to 30 September 2010

335 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Summary of Investments & Banking and Agency Collection Fees as of 1 September to 30 September 2010 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 September 2010 to 30 September 2010 be noted and accepted.
3. The graphical investment analysis as at 30 September 2010 be noted.
4. Agency Collection Fees to be noted.

29 Amendment to 2010 Meeting Calendar

336 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Amendment to 2010 Meeting Calendar be received.
2. The 2010 Meeting Calendar be altered so that the Policy Review Committee Meeting scheduled for 15 November 2010 is now held on 22 November 2010 instead.

Councillor Tanya Davies returned to the meeting, the time being 8:41 pm.

3 Absence of Mayor and Deputy Mayor

337 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Absence of Mayor and Deputy Mayor be received.
2. Council elect an Acting Deputy Mayor for the period of the Mayor's and Deputy Mayor's absence, namely, from 14 October to 6 November 2010

inclusive.

His Worship the Mayor, Councillor Kevin Crameri OAM, handed over to the Returning Officer (General Manager) Mr Alan Stoneham, to conduct the election of an Acting Deputy Mayor from 14 October to 6 November 2010 inclusive.

The Returning Officer indicated that he had received one (1) nomination for the position of Acting Deputy Mayor from 14 October to 6 November 2010 inclusive and that the following nomination was in order:

Councillor Ross Fowler OAM was nominated by Councillors Robert Ardill, Mark Davies, Jim Aitken OAM and Marko Malkoc.

The Returning Officer then declared Councillor Ross Fowler OAM duly elected as Acting Deputy Mayor from 14 October to 6 November 2010 inclusive.

4 Australian Local Government Women's Association 2010 National Conference

338 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Australian Local Government Women's Association 2010 National Conference be received.
2. Councillors Jackie Greenow, Karen McKeown, Kaylene Allison, Prue Guillaume and Kath Presdee be Council's delegates at the Australian Local Government Women's Association 2010 National Conference, to be held in North Ryde from 25 to 27 November 2010, and grant leave of absence as appropriate.

30 Appointment of local government members to the Greater Blue Mountains World Heritage Area Advisory Committee

Councillor Mark Davies left the meeting, the time being 8:45 pm.

339 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Appointment of local government members to the Greater Blue Mountains World Heritage Area Advisory Committee be received.
2. Councillors Ben Goldfinch and Kevin Crameri OAM be nominated to serve as local government members on the Greater Blue Mountains World Heritage Area (GBMWA) Advisory Committee for the next three (3) years.

A CITY OF OPPORTUNITIES

8 2010 Penrith Community Development Support Expenditure (CDSE) Scheme Category 1 Funding Program Outcomes

340 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Marko Malkoc that the information contained in the report on 2010 Penrith Community Development Support Expenditure (CDSE) Scheme Category 1 Funding Program Outcomes be received.

10 Nomination to fill Vacancy on the Penrith City Children's Services Cooperative (PCCSC)

341 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Nomination to fill Vacancy on the Penrith City Children's Services Cooperative (PCCSC) be received.
2. Ms Jo Jacobson be endorsed as Council's nominee as a community representative Board Director on the Penrith City Children's Services Cooperative.

7 Progress on the Implementation of the Women's Services Sector Advocacy Strategy Action Plan 2009-2012

Councillor Mark Davies returned to the meeting, the time being 8:47 pm.

342 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ben Goldfinch that the information contained in the report on Progress on the Implementation of the Women's Services Sector Advocacy Strategy Action Plan 2009-2012 be received.

9 Access Committee - Appointment of Community Representatives 2010-12

343 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Prue Guillaume

That:

1. The information contained in the report on Access Committee - Appointment of Community Representatives 2010-12 be received.
2. The following persons be appointed as community representatives on Council's Access Committee for the two year term 2010-12:

Mr John Farragher
Mrs Denise Heath
Ms Ronda Hopkins

Mr Michael Morris
Mrs Farah Madon
Mr David Currie

3. A letter be forwarded to all applicants to thank them for submitting an Expression of Interest for appointment to the Access Committee.

Councillors Jackie Greenow, Prue Guillaume and Robert Ardill thanked all members on the former Access Committee and looked forward to working with all members of the newly elected Access Committee.

11 Promotion of local events

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

That:

1. The information contained in the report on Promotion of local events be received.
2. A report be presented to the Policy Review Committee detailing the establishment of a Working Party to investigate alternative options for addressing the promotion of events within Penrith City.

12 Mayoral Ball

345 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on the Mayoral Ball be received.
2. A contribution of \$3,752 be voted from each ward from voted works to cover the net deficit.

Procedural Motion

346 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that consideration of *Item 13 - Development Application DA09/0782 Construction of a Service Road from Mulgoa Road and an Access Driveway to an Existing Motor Showroom Lot 100 DP 1058901 (No. 81 - 87) Regentville Road, Jamisontown . Applicant: Penrith Automotive Pty Ltd; Owner: Penrith Automotive Pty Ltd*, be deferred until after discussion and receipt of legal advice on the matter in Committee of the Whole.

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

For

Against

Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Cramer OAM

**14 Development Application DA10/0602 - 21 Bren Close, St Clair, SEPP 1
Request for Variation to Landscape Area. Applicant: Savio & Fiona
Ferreira; Owner: Savio & Fiona Ferreira**

347 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Tanya Davies

That:

1. The information contained in the report on Development Application DA10/0602 - 21 Bren Close, St Clair, SEPP 1 Request for Variation to Landscape Area be received.
2. The SEPP 1 objections relating to landscape area be supported.
3. DA10/0602 for construction of dwelling additions at 21 Bren Close, St Clair be approved subject to the attached conditions:

Standard Conditions

- 3.1 A001 – Approved Plans
A008 – Works to BCA requirements
A019 - Occupation Certificate
A046 – Issue a Construction Certificate
D001 – Sediment and Erosion Control
D007 – Filling of Land requiring Validation Certificate
D009 - Covering Waste Storage Area
D010 – Waste Disposal Area
E001 – BCA Compliance
H001 – Stamped and Erection of Site Notice
H009 – Cut and Fill details
H041 – Hours of Work

K016 – Stormwater

L008 - Tree Preservation

L012 – Existing landscaping to be retained

P002 - Fees

Q01F – Notice of Commencement and PCA

Q05F – Occupation Certificate

Special Conditions

- 3.2 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 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
- 3.3 The external finishes of the dwelling addition are to compliment and blend with the established streetscape and amenity of the area
- 3.4 The existing garden sheds are to be moved from within the easement for drainage
- 3.5 No earth works including cut and fill or building works including a retaining wall, garden shed or other structure of the like are permitted within the easement. The easement is to remain at natural ground level at all times.

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

For

Against

Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Cramer OAM

15 Development Application DA10/0790 for the Stage 1E Residential Subdivision in the Western Precinct of the St Marys Release Area at Lot 2 DP 1132380, (No. 1070 - 1274) The Northern Road, Llandilo. Applicant: Maryland Development Company Pty Ltd; Owner: St Marys Land Ltd

DA10/0790

348 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Development Application DA10/0790 for the Stage 1E Residential Subdivision in the Western Precinct of the St Marys Release Area at Lot 2 DP 1132380, (No. 1070 - 1274) The Northern Road, Llandilo be received.
2. Development Application DA10/0790 for the Stage 1E Residential Subdivision in the Western Precinct of the St Marys Release Area at Lot 2 DP 1132380, (No. 1070 - 1274) The Northern Road, Llandilo be approved subject to the following conditions:

Standard Conditions

- | | | |
|-----|------|--|
| 2.1 | A001 | Approved plans |
| | A015 | Site to be registered allotment |
| | A042 | Asset protection zones in bush fire areas |
| | A044 | Compliance with NSW Rural Fire Service GTAs |
| | A046 | Obtain Construction Certificate before commencement of works |
| | B004 | Dust |
| | B005 | Mud/soil |
| | C003 | Uncovering relics |
| | D002 | Spray grass |
| | D06A | Validation of fill material |
| | D009 | Covering of waste storage area |
| | D010 | Appropriate disposal of excavated or other waste |
| | D014 | Plant and equipment noise |
| | H01F | Stamped plans and erection of site notice |
| | H002 | Provision of site facilities prior to commencement of construction works |
| | H041 | Hours of construction work |

L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree preservation order
L009	Tree preservation order (subdivision)
P002	Fees associated with Council land
Q008	Subdivision Certificate

Special Conditions

- 2.2 The development shall be undertaken in a manner which incorporates the recommendations outlined in the Interim Stormwater Management Strategy prepared by J. Wyndham Prince (Document No. 8999Rpt1B) dated 29 July 2010.
- 2.3 The development shall be undertaken in a manner which incorporates the salinity and groundwater control measures outlined in the Interim Stormwater Management Strategy prepared by J. Wyndham Prince (Document No. 8999Rpt1B) dated 29 July 2010.
- 2.4 The development shall be undertaken in a manner which incorporates the recommendations outlined in the St Marys Western Precinct Weed Management Plan prepared by Cumberland Ecology (Report No. 7070RP2) dated 16 July 2008.
- 2.5 The development shall be undertaken in a manner which incorporates the recommendations outlined in the St Marys Western Precinct Feral and Domestic Animal Management Strategy prepared by Cumberland Ecology (Report No. 7070RP3) dated 16 July 2008.
- 2.6 Prior to the issue of a Subdivision Certificate, a minimum of three (3) trees shall be planted in suitable areas on the site for every healthy native tree removed as a result of the development. These trees shall be indigenous to the local area and consistent with the native vegetation located on the site. Details of the proposed plantings and their maintenance shall be prepared to the satisfaction of Council prior to the issue of a Construction Certificate.

The replacement trees shall be maintained until they become established and self-supporting, for a minimum period of two (2) years. If any planted tree dies within this period, it shall be replaced with a tree of the same species and to the greatest extent practicable, the same maturity as the tree that died.
- 2.7 No fill, machinery or materials shall be placed or stored within the drip line of any tree to be retained on the site.
- 2.8 No other vegetation (including understory species) shall be cleared as part of this development other than specified on the approved plans.
- 2.9 An arborist's report relating to the trees proposed for retention shall be submitted and approved prior to the issue of a Construction Certificate. The arborist's report shall include consideration of the

proposed extent of cut and fill works to confirm whether the trees can be retained on the site. The report shall also specify tree protection measures to ensure that the trees proposed for retention have the best possible chance of surviving the proposed works.

- 2.10 All civil works shall be designed and constructed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.
- 2.11 All road works, drainage works and dedications required to effect the consented development shall be undertaken at no cost to Penrith City Council.
- 2.12 Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate plans and details for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 2.13 Prior to the issue of a Construction Certificate, a Roads Act application including payment of appropriate application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:
- (a) Opening the road reserve for the provision of utility service lead-in works.
- The application is required to clearly document the proposed works and highlight any potential adverse impacts to Council's infrastructure or streetscape.
- All works within the road reserve shall be carried out in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.
- Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's City Works Department on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).
- 2.14 A Construction Certificate shall be issued by a Certifying Authority to include the following civil works.
- (a) On-site detention system
- (b) Roads
- (c) Thresholds
- (d) Intersection treatments
- (e) Stormwater drainage
- (f) Stormwater pre-treatment system
- (g) Overland flow paths
- (h) Inter-allotment drainage
- (i) Earthworks
- (j) Cycleways

- (k) Path paving
- (l) Retaining walls
- (m) Paving works
- (n) Acoustic barriers
- (o) Line marking and signage
- (p) Laybacks

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that:

- Civil design drawings have been prepared strictly in accordance with Penrith City Council’s Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards.
- Thresholds have a minimum specification of an 80mm type A paver on 30mm of sand, based on a 150mm thick, F82 reinforced concrete base with a 150mm wide concrete surround and designed for a 40 year design life, based on the prescribed traffic loading for the road.
- Four-way median islands have been provided at the intersection of Road No. 8 with Road No. 12 and 13. All turn path movements at the intersection shall be designed to accommodate a 12.5m heavy rigid vehicle as defined by AS 2890.2-2002. The median islands shall incorporate pedestrian refuge facilities.
- Laybacks are provided to align with the submitted building envelope plan (Drawing No. WP-V1e-BEP, Issue B, dated 03/08/10).
- Salinity measures are incorporated into the Construction Certificate drawings in accordance with the requirements of the Interim Stormwater Management Strategy prepared by J. Wyndham Prince (Document No. 8999Rpt1B) dated 29 July 2010, as located in Appendix L of the Statement of Environmental Effects prepared by JBA Urban Planning Consultants dated August 2010.
- Shared paths are 2.5m wide, 125mm thick with F72 mesh and approved construction jointing. Shared path line marking and signage shall be in accordance with the relevant Australian Standards and Austroads Guidelines.

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

Road No.	Chainage (m)	Road Reserve Width (m)	Carriageway Width (m)	Verge (m)	Footpath (1.5m wide)	ESA
8	023.599 – 292.088	15.6	8.0	2 x 3.8	Both sides	2 x 10 ⁵
12	000.000 – 47.852	12.8	8.0	3.8	North side	2 x 10 ⁵

				(north side) 1.0 (south side)		
13	000.000 – 90.000	15.6	8.0	2 x 3.8	Both sides	5 x 10 ⁴
13	392.580 – 484.562	15.6	8.0	2 x 3.8	Both sides	5 x 10 ⁴
15	000.000 – 166.679	15.6	8.0	2 x 3.8	Both sides	5 x 10 ⁴
16	000.000 – 143.227	15.6	8.0	2 x 3.8	Both sides	5 x 10 ⁴
17	000.000 – 104.151	15.6	8.0	2 x 3.8	Both sides	5 x 10 ⁴
17	119.980 – 187.109	11.0	6.0	2 x 2.5	-	-
18	112.307 – 144.023	11.0	6.0	2 x 2.5	-	-
22	000.000 – 198.260	15.6	8.0	2 x 3.8	Both sides	5 x 10 ⁴

2.16 A temporary on-site detention and erosion and sediment control basin shall be provided generally on accordance with the concept plans lodged for development approval prepared by J. Wyndham Prince (Drawing Nos 8953/DA01 – DA12, Issue B and Issue C, dated 29/07/10 and 30/08/10).

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a qualified Hydrologic/Hydraulic Engineer and shall accompany the application for a Construction Certificate.

An operation and maintenance manual shall be approved by the Certifying Authority as part of the Construction Certificate documentation.

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council’s Design and Construction Guidelines and Construction Specification for Civil Works.

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

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

2.18 Inter-allotment drainage shall be provided for all lots that are unable to be drained by gravity to the street system. Inter-allotment drainage shall be constructed with a maximum pit spacing of 50m. Cleaning eyes with inspection covers at finished surface levels shall be provided for all lots serviced by inter-allotment drainage.

2.19 Prior to the commencement of works on the site, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed in accordance with the approved erosion and sediment

control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

2.20 Work on the subdivision shall not commence until:

- A Construction Certificate (if required) has been issued,
- A Principal Certifying Authority has been appointed for the project, and
- Any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act 1979 and Regulation have been complied with.

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

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

2.22 All existing (aerial) and proposed services for the development are to be located or relocated underground in accordance with relevant authorities regulations and standards.

2.23 Street lighting shall be provided for all new and existing streets of the proposed subdivision. Street lighting shall be designed and installed in accordance with Penrith City Council and the electrical authority standards.

2.24 All filling and earthworks shall be undertaken in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and AS 3798. The level of testing shall be determined by the Principal Certifying Authority in consultation with the Geotechnical Testing Authority.

2.25 Soil testing shall be carried out to enable each lot to be classified according to AS 2870 "Residential Slabs and Footings".

2.26 Prior to the issue of a Subdivision Certificate, the following service authority clearances, stating that services are available to all development lots, shall be obtained and submitted to Penrith City Council:

- Section 73 Compliance Certificate under the Sydney Water Act 1994;
- Notification of Arrangement from Integral Energy;
- Provisioning Certificate from the telecommunications service provider; and
- Provisioning Certificate confirming the availability of broadband or fibre optic internet access.

2.27 Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all works relating to the utility service lead-in works within public road reserve have been inspected and approved by Penrith City Council.

- 2.28 After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.
- As part of the works-as-executed drawings, details of all fill placed on the site shall be indicated on a contour fill plan. These details must show, by various shadings or cross-hatchings, the depth of any fill within 0.3m depth ranges.
- An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Subdivision Certificate where Council is not the Principal Certifying Authority.
- 2.29 After completion of all of the engineering works and prior to the issue of a Subdivision Certificate, CCTV footage (DVD format) and an inspection report (SEWRAT format - prepared by a NATA accredited service provider) of all drainage pits and pipelines shall be submitted to the Principal Certifying Authority. A copy of the CCTV footage and inspection report shall also be submitted to Penrith City Council, if Council is not the Principal Certifying Authority. The CCTV footage shall ascertain the condition of the pits and pipelines at the end of the construction period. Any damaged or defective materials shall be repaired or replaced in accordance with any Penrith City Council directive.
- (NOTE: The CCTV footage may be rejected if it is found not to be of an acceptable quality and standard).
- 2.30 Prior to the issue of a Subdivision Certificate the Principal Certifying Authority shall ensure that all civil works have been satisfactorily completed in accordance with the Construction Certificate, Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works, and relevant conditions of the development consent.
- 2.31 Prior to the issue of a Subdivision Certificate the Certifying Authority shall ensure that the on-site detention, stormwater treatment and overland flow path systems:
- Have been constructed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and Construction Certificate conditions of development consent.
 - Will operate satisfactorily with regard to any variations or that suitable remedial works have been undertaken.
 - Will operate in accordance with the design intent and Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.
- Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

- 2.32 Prior to the issue of a Subdivision Certificate, a restriction as to user and positive covenant relating to the on-site detention, stormwater treatment and overland flow path systems shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.
- 2.33 Prior to the issue of a Subdivision Certificate and installation of regulatory/advisory line marking and signage, plans shall be lodged with Penrith City Council and approved by the Local Traffic Committee. The plans shall include signage and line marking for shared paths and bus stops. All signage and line marking shall be in accordance with the relevant Australian Standards and Austroads Guidelines.

NOTES:

- (a) Contact Penrith City Council's Development Engineering Unit on (02) 4732 7777 for further information on this process.
- (b) Allow eight (8) weeks for approval by the Local Traffic Committee.
- 2.34 Prior to the issue of a Subdivision Certificate, street signs shall be erected at road intersections.

NOTE:

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

- 2.35 The final layer of asphalt on the roads shall not be constructed until housing within the estate has reached 80% completion. Prior to the issue of a Subdivision Certificate, a bond for the final layer of outstanding asphalt works (A/C Bond) shall be lodged with Penrith City Council.

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

NOTE:

Contact Council's Development Engineering Unit on (02) 4732 7777 for further information relating to bond requirements.

- 2.36 Prior to the issue of a Subdivision Certificate, a maintenance bond shall be lodged with Penrith City Council for the subdivision works.

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

NOTE:

Contact Council's Development Engineering Unit on (02) 4732 7777 for further information relating to bond requirements.

- 2.37 Prior to the issue of a Subdivision Certificate, the original subdivision plan and ten (10) copies shall be submitted to the Principal Certifying Authority. The Subdivision plan must indicate that:
- (a) "It is intended to dedicate all new roads to the public as road".
- All necessary easements, restrictions and covenants shall be included on the subdivision plan and accompanying 88B instrument.
- The following information shall be shown on one (1) copy of the plan.
- The location of all buildings and/or other permanent improvements.
 - The location of all services.
- 2.38 Prior to the issue of a Subdivision Certificate, an 88B instrument shall be submitted to the Principal Certifying Authority with the subdivision plan. The 88B instrument shall incorporate, but not be limited to, the following:
- (a) Building envelopes.
- (b) Acoustic controls.
- (c) Easements for access and maintenance – allotments which are intended to adjoin a single storey zero lot line wall shall be appropriately burdened with an easement for access and maintenance 900mm wide. Any second storey dwelling component to be positioned above a single storey zero lot line wall shall be setback a minimum distance of 900mm from the property boundary. Excavation works and/or obstructions (i.e. eaves, guttering or services such as electrical meter boxes and stormwater or sewer pipes) shall not be permitted within the maintenance easements.
- (d) Stormwater management controls.
- (e) Residue allotments – no development or building shall be allowed or be permitted to remain on residue lots unless satisfactory arrangements have been made with Penrith City Council for services (water, sewer, electricity and telephone), any outstanding contributions or consolidation with adjoining lots.
- (f) Asset Protection Zones (APZs).
- 2.39 Prior to the issue of a Subdivision Certificate, a Surveyors Certificate shall be submitted certifying that all services (including stormwater) are located wholly within the proposed lots or are within existing easements or proposed easements indicated on the subdivision plan.
- 2.40 Prior to the issue of a Subdivision Certificate, a copy of the geotechnical report indicating the soil classification for all lots shall be submitted to Penrith City Council.

- 2.41 Prior to the issue of a Subdivision Certificate, street trees shall be planted in accordance with the submitted street tree plan (Drawing No. WP-V1e-STP, Issue B, dated 02/08/10). Street trees shall be located so as not to diminish the effectiveness of street lighting.
- 2.42 Prior to the issue of a Subdivision Certificate, a checklist and supporting documentation shall be submitted to the Principal Certifying Authority demonstrating that each condition of the development consent has been satisfactorily addressed.
The Subdivision Certificate shall not be issued until all conditions of consent, except those relating to ongoing operational matters, have been completed.
- 2.43 The temporary on-site detention system and erosion and sediment control system shall be maintained by the person with the benefit of the development consent until development run-off is diverted into the ultimate water quality/detention system and the temporary system has been decommissioned. A minimum 12 month maintenance period will apply to the ultimate water quality/detention system when completed.
- 2.44 All bicycle path construction shall be in accordance with the relevant provisions of the Roads and Traffic Authority's NSW Bicycle Guidelines and Austroads Guide to Traffic Engineering Practice – Part 14 Bicycles.
- 2.45 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.
- 2.46 The site is subject to the provisions of the St Marys Penrith Planning Agreement, as amended. The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Penrith Planning Agreement, as amended.
- 2.47 The site is subject to the provisions of the St Marys Development Agreement. The applicant is reminded of the obligations under the Development Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Development Agreement as amended. The provision of affordable housing lots shall be made to the Centre for Affordable Housing in accordance with Clause 17 of the Development Agreement.
- 2.48 The ultimate (permanent) treatment of the intersection of The Northern Road and the southern entry collector road shall be satisfactorily completed prior to the issue of a Subdivision Certificate.
- 2.49 The proposed Stage 1G road connection to The Northern Road (left-in/left-out only) shall be satisfactorily completed prior to the

issue of a Subdivision Certificate.

- 2.50 Decorative open-style fencing with associated landscaping shall be provided to the rear of Lots 1162 to 1171 and Lots 1207 to 1212 and to the secondary frontage of Lot 1171. The rear and side fencing to these allotments shall ensure an appropriate level of privacy is afforded to future residents of these allotments. Detailed plans and specifications shall be submitted and approved prior to the issue of a Construction Certificate. The fencing and associated landscaping works shall be satisfactorily completed prior to the issue of a Subdivision Certificate.
 - 2.51 The linen plan of subdivision is to be supported by an 88B instrument in accordance with Section 88B of the Conveyancing Act 1919 creating a positive covenant requiring that future dwellings on Lots 1162 to 1171 and Lots 1207 to 1212 appropriately address the future northern entry collector road to ensure adequate natural surveillance and a suitable aesthetic appearance when viewed from this public area. Council shall be nominated as the only authority permitted to modify, vary or rescind such positive covenant.
 - 2.52 A detailed landscape plan for the road verges at the four-way intersection of Road No. 8, 12 and 13 shall be submitted and approved prior to the issue of a Construction Certificate. All works shall be satisfactorily completed prior to the issue of a Subdivision Certificate.
 - 2.53 A detailed landscape plan for the public pathway adjacent to Lots 1170 and 1171 shall be submitted and approved prior to the issue of a Construction Certificate. The landscape plan shall include details of suitable landscaping, paving, lighting and fencing adjacent to Lots 1170 and 1171. The fencing shall be decorative, low-rise and open-style. The works shall be satisfactorily completed prior to the issue of a Subdivision Certificate.
 - 2.54 Prior to the commencement of works on the site, the remaining Canary Island palm tree associated with heritage item "Site 14" (Dumbles new house and outbuildings) shall be preserved and translocated to another location in the Western Precinct. Details of the proposed translocation and an Interpretation Strategy relating to the former Dumbles house and outbuildings and the remnant palm tree shall be submitted and approved prior to the issue of a Construction Certificate.
3. The individuals who made a submission be advised of Council's decision and of the consideration given to their concerns.

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

For

Councillor Kaylene Allison
Councillor Prue Guillaume

Against

Councillor Kevin Crameri OAM

Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc

16 Development Application DA10/0713 for a NSW Police Weapons and Ordnance Disposal Facility and a two lot subdivision to create one lease lot and a residue lot at Lot 221 DP 752037, (No. 667 - 683) The Northern Road, Londonderry. Applicant: Landcom; Owner: WorkCover Authority of New South Wales

349 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kath Presdee

That:

1. The information contained in the report on Development Application DA10/0713 for a NSW Police Weapons and Ordnance Disposal Facility and a two lot subdivision to create one lease lot and a residue lot at Lot 221 DP 752037, (No. 667 - 683) The Northern Road, Londonderry be received.
2. The State Environmental Planning Policy No. 1 objection to the Development Standard be supported.
3. The application be referred to the Department of Planning for concurrence in accordance with the requirements of the guidelines for concurrence provisions.
4. Upon receipt of concurrence from the Department of Planning, Development Application DA10/0713 for a NSW Police Weapons and Ordnance Disposal Facility and a two lot subdivision to create one lease lot and a residue lot at Lot 221 DP 752037, (No. 667 - 683) The Northern Road, Londonderry be determined under delegated authority of the Development Services Manager.

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

For

Councillor Kaylene Allison

Against

Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Cramer OAM

Having previously declared a Pecuniary Interest in Item 17, Councillors Ross Fowler OAM, Ben Goldfinch and Kevin Cramer OAM left the meeting, the time being 9:07 pm.

The Deputy Mayor, Councillor Jim Aitken OAM then took the Chair for consideration of Item 17.

17 Development Application DA10/0275 - Proposed 2 Lot Torrens Title Subdivision at Lot 200 DP 811535 (No. 28 - 30) Grays Lane, Cranebrook. Applicant: Freeburn Surveying; Owner: Lexie and Giovanni Cettolin

350 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies that consideration of this item be deferred to a future Council Meeting to allow for a site meeting to be held.

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

For

Against

Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Tanya Davies
Councillor Marko Malkoc

The Deputy Mayor, Councillor Jim Aitken OAM, vacated the Chair, the time being 9:09 pm. Having previously declared a Pecuniary Interest in Item 18, Councillors Mark Davies and Tanya Davies left the meeting, the time being 9:09 pm.

Councillor Ben Goldfinch returned to the meeting, the time being 9:09 pm.

His Worship the Mayor, Councillor Kevin Cramer OAM returned to the meeting, and took the Chair, the time being 9:10 pm.

**18 Section 96 application for modification to DA10/0289 for a Self Storage Facility on Lot 8 DP 1105133 and Variation to 88b Restriction affecting Lots 1-8 DP 1105133 (No. 142) Old Bathurst Road, Emu Plains.
Applicant: Trevor Hitchen; Owner: Ryan Hitchen Pty Ltd & Emumatta Pty Ltd**

351 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown

That:

1. The information contained in the report on the Section 96 application for modification to DA10/0289 for a Self Storage Facility on Lot 8 DP 1105133 and Variation to 88b Restriction affecting Lots 1-8 DP 1105133 (No. 142) Old Bathurst Road, Emu Plains be received.
2. The terms of the easement for access numbered 3 in the deposit plan, relating to lots 1-8 in DP 1105133, be amended to delete the following wording *'Access to all lots sharing a common driveway shall be from Old Bathurst Road and within the shared driveways'*
3. The easement for access numbered 3 in the plan be extinguished as it relates to lots 1-8 in DP 1105133
4. The Council seal be affixed where required to affect the recommendations contained in points two (2) and three (3)
5. DA10/0289.01 for a Section 96 modification to an approved self storage facility be granted consent under delegation upon completion of recommendations 2-4 subject to the following amended conditions:
 - 1 *The development must be implemented substantially in accordance with the following plans/documents:*
 - *Site Plan, numbered 10/110-01 Rev K, drawn by Stor-co Mini Storage Systems, and dated 4 August 2010;*
 - *Elevations, numbered 10/110-04 Rev B, drawn by drawn by Stor-co Mini Storage Systems, and dated 2 June 2010;*
 - *Ground Floor Unit Layout, numbered 10/110-02 Rev F, drawn by Stor-co Mini Storage Systems, and dated 25 February 2010;*
 - *First Floor Unit Layout, numbered 10/110-03 Rev F, drawn by*

- Stor-co Mini Storage Systems, and dated 25 February 2010;*
- *Drainage Plan, numbered 87182- D1-D3 Rev C, drawn by Kneebone Beretta & Hall and dated 31 August 2010;*
- *Statement of Environmental Effects, prepared by Mullane Planning Consultants and (undated).*

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

As amended on 11 October 2010 under Section 96 of the Environmental Planning and Assessment Act 1979.

- 6 *Any structures or use located in the floodway area (including the future driveway extension) will require the submission of a new development application.*

Existing surface levels and batters within the drainage easement / floodway area shall not be altered.

As amended on 11 October 2010 under Section 96 of the Environmental Planning and Assessment Act 1979.

- 11 *The landscape concept is to be revised to take into account the following matters:*
- *landscaping along the northern boundary in the floodway (easement) is restricted to tree plantings, and the groundcovers are to be removed to enable the flow of water during a flood event;*
 - *the landscape bed is to be revised to be consistent with the architectural plans (with emphasis on the depth of the landscaping bed)*
 - *the provision of fencing, with landscape climbers, restricting access underneath the suspended driveway as required. In front of this area a variety of plantings are to be provided that will grow to a minimum height of 4m to screen the fencing. The length of the landscaped bed should be the first 20m of Stage 1. Species selection must consider impacts on the floodway.*
 - *fencing forward of the building line is to be black palisade fencing and is to be wholly located behind the landscape plantings*

*In this regard the revised landscape plan is to be submitted to Penrith City Council for consideration and approval **prior to the issue of a Construction Certificate.***

As amended on 11 October 2010 under Section 96 of the Environmental Planning and Assessment Act 1979.

- 12 *Landscaping works are not to impede the operation of the bioretention*

basin as shown on engineering plans by Kneebone, Beretta & Hall numbered 87182-D1 issue C dated 31/08/2010.

As amended on 11 October 2010 under Section 96 of the Environmental Planning and Assessment Act 1979.

- 17 All vehicles are to enter and leave the property in a forward direction. Vehicles are to exit the property by Left Turn only.

A curved concrete median or curb shall be provided at the driveway exit to prevent right hand turns. Details are to be provided prior to the issue of the Construction Certificate.

As amended on 11 October 2010 under Section 96 of the Environmental Planning and Assessment Act 1979.

- 33 Prior to the issue of a Construction Certificate a Roads Act application, including payment of appropriate application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:
- (a) Provision of two (2) heavy-duty vehicular crossings. Widths are to be in accordance with AS2890.2-2002 Section 3.4 Access Driveways.
 - (b) Opening the road reserve for the provision of services including stormwater.
 - (c) Placing of hoardings, containers, waste skips, etc. in the road reserve.

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

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

As amended on 11 October 2010 under Section 96 of the Environmental Planning and Assessment Act 1979.

- 44 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, pedestrian access, carparking and manoeuvring areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

In this regard the dedicated space and adjacent shared area are to be provided in accordance with AS2890.6:2009

As amended on 11 October 2010 under Section 96 of the Environmental Planning and Assessment Act 1979.

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

For	Against
Councillor Kaylene Allison	
Councillor Prue Guillaume	
Councillor Karen McKeown	
Councillor Kath Presdee	
Councillor Greg Davies	
Councillor John Thain	
Councillor Jackie Greenow	
Councillor Jim Aitken OAM	
Councillor Robert Ardill	
Councillor Ben Goldfinch	
Councillor Marko Malkoc	
Councillor Kevin Cramer OAM	

Having previously declared a Pecuniary Interest in Item 19, Councillor Kaylene Allison left the meeting, the time being 9:11 pm.

19 Section 96 Application DA07/0742.02 for the modification of the existing development consent relating to the Place of Worship at Lot 912 DP 836641 (No. 86 - 90) Andromeda Drive, Cranebrook. Applicant: Rev George William Omara; Owner: Trustees Roman Catholic Church

Councillors Ross Fowler OAM, Mark Davies and Tanya Davies returned to the meeting, the time being 9:11 pm.

352 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Section 96 Application DA07/0742.02 for the modification of the existing development consent relating to the Place of Worship at Lot 912 DP 836641 (No. 86 - 90) Andromeda Drive, Cranebrook be received.
2. The Section 96 Application 07/0742.01 for modification of Condition No. 17 of the existing development consent relating to the Place of Worship at Lot 912 DP 836641 (No. 86 - 90) Andromeda Drive, Cranebrook, be approved subject to the following amended conditions:

Amend Condition 13 to read:

The recommendations provided in the Report by Renzo Tonin and Associates

in relation to the acoustic assessment are to be implemented. The Renzo Tonin and Associates reports include:

- Noise Impact Assessment – Corpus Christi Parish Report Ref TD561-01F02 dated 13th June 2007;
- The additional information supplied by Renzo Tonin and Associates on 29 November 2007 and
- Noise Compliance Survey – Corpus Christi Parish Report Ref TD561-02F02 (Rev2) dated 21 October 2008.

A report is to be obtained from a qualified acoustic consultant confirming that the development meets the relevant noise criteria and conditions of this consent. This report is to be submitted to the Council within 60 days from the date of this notice.

Amend Condition No. 17 to read:

All doors and windows are to be closed during the band practice

Amend Condition No. 18 to read:

The live band is to operate as per the schedule submitted by the applicant in the following manner:

- The youth band is rostered to play once a month on Saturday evenings during mass between 6.00pm to 7.00pm
- The band would play for not more than a total of 30 minutes during mass
- The 7:30am mass on Sunday mornings shall not play live music
- All windows and doors shall be closed during the band practice

3. The persons who made submissions in respect of the proposal be advised of Council's decision in writing.

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

For

Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch

Against

Councillor Kevin Crameri OAM

Councillor Tanya Davies
Councillor Marko Malkoc

Councillor Kaylene Allison returned to the meeting, the time being 9:17 pm.

A GREEN CITY

20 Additional Garbage and Recycling Collections - Christmas Period

353 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Marko Malkoc

That:

1. The report on the Additional Garbage and Recycling Collections - Christmas Period be received.
2. Arrangements be made with SITA and VISY for the implementation of the additional services over the 2010 Christmas period with funding from the Domestic Waste Reserve.

21 E-Waste

354 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on E-Waste be received.
2. Council investigate options for an E-Waste collection and storage site until Framework legislation is operational in 2011.
3. Council write to the Federal Minister for the Environment to seek funding for the on-going collection of E-waste.
4. A further report be presented to Council detailing the possible cost of potential storage sites.

A LIVEABLE CITY

22 Neighbourhood Safer Places

355 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Neighbourhood Safer Places be received.
2. The Rural Fire Service be requested to identify Neighbourhood Safer Places for St Marys and Emu Plains.

23 Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel

356 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Marko Malkoc that the information contained in the report on Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel be received.

24 St Marys Spring Festival & Street Parade - Change of Date for Approval of Traffic Management Plans

357 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kath Presdee

That:

1. The information contained in the report on St Marys Spring Festival & Street Parade - Change of Date for Approval of Traffic Management Plans be received.
2. The approval date of the Traffic Management Plans associated with the St Marys Spring Festival and Street Parade be changed from 4 September 2010 to 30 October 2010.
3. All previously approved traffic management related conditions remain in place.
4. The event organiser be advised of Council's resolution.

25 Tender Reference 09-10/11 for the provision of Traffic Control Services

358 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kath Presdee

That:

1. The information contained in the report on Tender Reference 09-10/11 for the provision of Traffic Control Services be received.
2. The tenders received from Site Group Pty Ltd, Orbital Traffic Management (Aust) Pty Ltd and Traffic Logistics Pty Ltd for the provision of Traffic Control Services be accepted (in this ranking order) as the panel of approved contractors for a period of 2 years with an option to extend the arrangements for a further 2 x 12 month periods, in accordance with the conditions within the tender documents.

26 Western Sydney Car Pool Project

359 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kath Presdee

That:

1. The information contained in the report on Western Sydney Car Pool Project be received.
2. Council advise TNSW and associated key stakeholders of our support and commitment to the Western Sydney Carpool project.
3. An allocation of \$5,000 per year, for two years, be approved to support this initiative with funding being made available through the Enhanced Environmental Protection Program.

27 Floodplain Management Program 2010/2011 - Grant Offer

360 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kath Presdee

That:

1. The information contained in the report on Floodplain Management Program 2010/2011 - Grant Offer be received.
2. Council complete and submit the necessary documentation to DECCW to secure the \$50,000 grant.

28 Floodplain Management Authorities 51st Annual Conference - 22 February 2011 to 25 February 2011

361 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain

That:

1. The information contained in the report on Floodplain Management Authorities 51st Annual Conference - 22 February 2011 to 25 February 2011 be received.
2. Councillors Kevin Crameri OAM, Jim Aitken OAM, Jackie Greenow, and any other available and interested Councillors be Council's delegates to the 2011 Floodplain Management Authorities Conference and Workshop, to be held at Tamworth from 22 February 2011 to 25 February 2011.

31 Progress Report and Expressions of Interest Tender Selection for the Penrith Commuter Carpark

362 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Progress Report and Expressions of Interest Tender Selection for the Penrith Commuter Carpark be received.
2. The following contractors be invited to submit proposals for the Selective Tender for the Penrith Commuter Carpark construction:
 - a. A W Edwards Pty Ltd
 - b. Laing O'Rourke Australia Construction Pty Ltd
 - c. Arengo (NSW) Pty Ltd
 - d. Hansen Yuncken Pty Ltd
 - e. Richard Crookes Constructions Pty Ltd
 - f. ADCO Constructions Pty Ltd
 - g. St Hilliers Contracting Pty Ltd
 - h. Denham Constructions Pty Ltd
 - i. Buildcorp Pty Ltd
3. A further report be submitted to Council to address the Selective Tenders received.

Councillor Greg Davies requested that his name be recorded as having voted AGAINST the recommendation.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Tree branches - Moira Crescent, St Marys

Councillor Tanya Davies requested a memo reply concerning the trimming of tree branches growing above power lines at 46 Moira Crescent, St Marys South.

RR 2 Dangerous Tree - Council reserve in Daffodil Place, Glenmore Park

Councillor Tanya Davies requested a memo reply concerning the removal of a dead tree in the Council reserve opposite 2 Daffodil Place, Glenmore Park.

RR 3 Intersection of Wentworth and Darvill Roads, The Vines

(Orchard Hills)

Councillor Tanya Davies requested that the matter of a dangerous intersection at Wentworth and Darvill Roads, Orchard Hills, in particular the visibility of the intersection from the eastern direction along Wentworth Road, be referred to the Local Traffic Committee for investigation and that a memo reply concerning this matter be forwarded to her.

RR 4 Bus Shelter - Mulgoa Road & Fairlight Road, Mulgoa

Councillor Robert Ardill requested a memo reply to all South Ward Councillors detailing the cost of replacing the bus shelter at Mulgoa Road & Fairlight Road, Mulgoa.

RR 5 Accommodation of Emu Plains Scout Group

Councillor Jim Aitken OAM requested a report to Council investigating available premises to accommodate the Emu Plains Scout Group, including the possibility of using the Girl Guides Hall in Nepean Street, Penrith.

RR 6 Basketball ring - Erskine Park Netball Training Courts

Councillor Greg Davies requested a memo reply concerning the possibility of providing a basketball ring at the side of the Erskine Park Netball Training Courts.

RR 7 Chapel Street, St Marys

Councillor Greg Davies requested that the Local Traffic Committee re-investigate the possibility of providing a pedestrian crossing at Chapel Street, St Marys, and that a memo reply be forwarded to him on this matter.

RR 8 Amenities Block - Ched Towns Reserve, Glenmore Park

Councillor Prue Guillaume requested a memo reply detailing how a thorough security assessment of the amenities block at Ched Towns Reserve, Glenmore Park can be undertaken, for both football and junior rugby league, in particular looking into enforcing the responsibilities of key holders to close the amenities after games finish.

RR 9 Speed Limits near Child care centres in Penrith LGA

Councillor Prue Guillaume requested that the Local Traffic Committee investigate ways to mitigate speeding around child care centres in the Penrith LGA, looking at the possibility of the reduction of speed limits in these areas, as well as provision of signage or other passive traffic calming measures.

RR 10 Changes to graffiti removal program

Councillor Greg Davies requested a memo reply concerning possible changes to the graffiti removal program, in particular changing to paint colours for shopping areas that are not conducive to the painting of graffiti and obtaining colour matches from shopkeepers in advance of painting these areas.

RR 11 Guidelines for request for reports

Councillor Ross Fowler OAM requested a report to Council detailing the reasons for the new guidelines concerning requests for reports and memorandums by Councillors, at Council meetings, and including a program of action to change the procedures to enable requests for reports to be heard and processed by Council.

COMMITTEE OF THE WHOLE

363 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Karen McKeown that the meeting adjourn to the Committee of the Whole to deal with the following matter, the time being 9:56 pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Marko Malkoc seconded Councillor Karen McKeown that the press and public be excluded from Committee of the Whole to seek legal advice on the following matter:

A Leading City

2 Legal Matter - Lot 100 DP 1058901 (No. 81 - 87) Regentville Road, Jamisontown

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

The meeting resumed at 10:26 pm and the General Manager reported that the Committee of the Whole met at 9:56 pm on 11 October 2010, the following being present

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee and John Thain

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 Legal Matter - Lot 100 DP 1058901 (No. 81 - 87) Regentville Road, Jamisontown

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

CW2 That the information on Legal Matter - Lot 100 DP 1058901 (No. 81 - 87) Regentville Road, Jamisontown be received.

ADOPTION OF COMMITTEE OF THE WHOLE

364 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Robert Ardill that the recommendations contained in the Committee of the Whole and shown as CW1 and CW2 be adopted.

13 Development Application DA09/0782 Construction of a Service Road from Mulgoa Road and an Access Driveway to an Existing Motor Showroom Lot 100 DP 1058901 (No. 81 - 87) Regentville Road, Jamisontown . Applicant: Penrith Automotive Pty Ltd; Owner: Penrith Automotive Pty Ltd

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

That:

1. The information contained in the report on Development Application DA09/0782 Construction of a Service Road from Mulgoa Road and an Access Driveway to an Existing Motor Showroom Lot 100 DP 1058901 (No. 81 - 87) Regentville Road, Jamisontown be received.
2. The Development Application DA09/0782 Construction of a Service Road from Mulgoa Road and an Access Driveway to an Existing Motor Showroom Lot 100 DP 1058901 (No. 81 - 87) Regentville Road, Jamisontown be refused as follows:
 - (a) The application is inconsistent with Section 91(A)(4) of the *Environmental Planning and Assessment Act 1979* as the General Terms of Approval have not been issued from the Roads and Traffic Authority pursuant to Section 138 of the *Roads Act 1993* for works to Mulgoa Road
 - (b) The application is inconsistent with Section 91(A)(4) of the *Environmental Planning and Assessment Act 1979* as the General Terms of Approval have not been issued from the Department of Environment, Climate Change and Water – NSW Office of Water for a Controlled Activity Approval pursuant to Section 91 of the *Water Management Act 2000*.
3. Council facilitate an on-site meeting with officers from the RTA and the NSW Office of Water to discuss the organisation's concerns with issuing a general terms of approval, and that this meeting be held after 6 November 2010.

4. Council write to the Ministers responsible for Sydney Water and the RTA seeking their assistance in resolving the matter.
5. Council write to the State Member for Penrith, Stuart Ayres, seeking his support in the matter.

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

For

Against

Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc

Councillor Kevin Crameri OAM

There being no further business the Chairperson declared the meeting closed the time being 10:28 pm.

I certify that these 37 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 11 October 2010.

Chairperson

Date