

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

**ON MONDAY 15 AUGUST 2011 AT 7:35PM**

Prior to the commencement of the Ordinary meeting, the General Manager advised that the Deputy Mayor was unexpectedly absent and therefore a Councillor would need to be nominated to Chair the meeting.

181 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies that Councillor Ross Fowler OAM chair the Ordinary Meeting of 15 August 2011.

**NATIONAL ANTHEM**

The meeting opened with the National Anthem.

**STATEMENT OF RECOGNITION**

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

**PRAYER**

The Council Prayer was read by the Rev Neil Checkley.

**PRESENT**

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

**APOLOGIES**

182 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Crameri OAM that an apology be received from the Deputy Mayor, Councillor Jim Aitken OAM.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 18 July 2011**

183 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies that the minutes of the Ordinary Meeting of 18 July 2011 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Robert Ardill declared a Non Pecuniary Conflict of Interest – Significant in *Item 18 – Proposed Development of Andrews Road Baseball Facility* as he is an active member of the Club that is the subject of the report. Councillor Ardill stated that he would take no part in the debate and would leave the Chamber during consideration of the item.

Councillor Kevin Crameri OAM declared a Non Pecuniary Conflict of Interest – Less than Significant in *Item 11 – Development Applications DA 11/0511, DP11/0512, DA11/0514, DA11/0515, DA11/0516, DA11/0517 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) Lot 1036 DP 1149525 (No. 1070 – 1170) The Northern Road, Llandilo*, as he is a resident of the adjoining Llandilo area. He stated that his residence is some distance from the proposed development and that it would not affect him, and therefore he would remain in the Chamber for consideration of the item.

Councillor Ross Fowler OAM declared a Pecuniary Interest in *Item 4 of the Committee of the Whole – Commercial Matter - Council Property – Leasing of Suite 102 at Community Connection to AFFORD*, as he is a Director of the applicant in this matter. Councillor Fowler OAM stated that he would take no part in the debate and would leave the Chamber during consideration of the item.

### **SUSPENSION OF STANDING ORDERS**

184 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ben Goldfinch that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:40 pm.

#### **Mr Bruno Zinghini**

*Item 10 – Development Application DA 11/0025 Proposed Health Facility Lot 2 DP 157408 (No. 26) Gidley Street, St Marys. Applicant: Savills Project Management; Owner: State Property Authority*

Mr Zinghini, the applicant, spoke in support of the proposal and briefly outlined the advantages for the local community of locating the proposed development in this area. Mr Zinghini went on to provide a project description and noted the support received from the Minister for Health when selecting this site for the proposal.

#### **Mr Frank Bonneville**

*Item 10 – Development Application DA 11/0025 Proposed Health Facility Lot 2 DP 157408 (No. 26) Gidley Street, St Marys. Applicant: Savills Project Management; Owner: State Property Authority*

Mr Bonneville, spokesperson for applicant, spoke in support of the proposed development. Mr Bonneville went on to outline the health services that would be provided by the development to the community and noted the advantage of providing a wide range of services in one location. Mr Bonneville stated that the proposal would improve service delivery in the area and would benefit the local population.

#### **Mr Arthur Ilias**

*Item 11 – Development Applications DA 11/0511, DP11/0512, DA11/0514, DA11/0515, DA11/0516, DA11/0517 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) Lot 1036 DP 1149525 (No. 1070 – 1170) The Northern Road, Llandilo. Applicant: Maryland Development Company Pty Ltd; Owner: St Marys Land Ltd.*

Mr Ilias, spokesperson for the applicant, spoke in favour of the proposed development. Mr Ilias stated that the loss of existing trees should be negligible when compared to the tracts of high quality vegetation that will be provided throughout the site. Mr Ilias outlined the benefits of the proposal to the local community, including infrastructure and much needed housing. Mr Ilias also noted the proposal was a response to local community demand and that there was an ongoing commitment to providing jobs in the local area.

**Mr Geoff Brown**

*Item 11 – Development Applications DA 11/0511, DP11/0512, DA11/0514, DA11/0515, DA11/0516, DA11/0517 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) Lot 1036 DP 1149525 (No. 1070 – 1170) The Northern Road, Llandilo. Applicant: Maryland Development Company Pty Ltd; Owner: St Marys Land Ltd.*

Mr Brown, an affected person, spoke in opposition to the proposed development, and addressed the meeting concerning the species impact statement. Mr Brown stated that the proposed regional park would not sufficiently offset the loss of Cumberland Plain Woodland.

**Procedural Motion**

185 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Robert Ardill that an extension of time be granted to Mr Geoff Brown to enable him to conclude his address to the meeting.

Mr Brown concluded by outlining the environmental damage to trees in the Penrith local government area, including extensive dieback in some areas.

**Mr David Bowen**

*Item 11 – Development Applications DA 11/0511, DP11/0512, DA11/0514, DA11/0515, DA11/0516, DA11/0517 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) Lot 1036 DP 1149525 (No. 1070 – 1170) The Northern Road, Llandilo. Applicant: Maryland Development Company Pty Ltd; Owner: St Marys Land Ltd.*

Mr Bowen, an interested citizen, spoke in opposition to the proposed development on environmental grounds. Mr Bowen outlined his concerns over the removal of Cumberland Plain Woodland and that it has been listed as critically endangered, stating that the proposal could be detrimental to bushland areas.

Councillor Mark Davies left the meeting, the time being 8:07 pm.

Mr Bowen went on the outline the possible consequences of any proposed deforestation, including reduced air quality, increasing the carbon footprint and temperature in the area.

Councillor Mark Davies returned to the meeting, the time being 8:08 pm.

Mr Bowen concluded by stating that the need for a high biodiversity, including sufficient bird habitat, is crucial to the integrity of the environment.

**Mr Patrick Darley-Jones**

*Item 11 – Development Applications DA 11/0511, DP11/0512, DA11/0514, DA11/0515, DA11/0516, DA11/0517 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) Lot 1036 DP 1149525 (No. 1070 – 1170) The Northern Road, Llandilo. Applicant: Maryland Development Company Pty Ltd; Owner: St Marys Land Ltd.*

Mr Darley-Jones, an affected citizen, spoke in opposition to the proposal. Mr Darley-Jones stated that there was not sufficient opportunity for the community to comment on the species impact statement that was prepared for this proposal as it was not made public. He went on to state that regional parks were not a sufficient trade-off for the removal of the Cumberland Plain Woodland. Mr Darley-Jones concluded by outlining the environmental effects that could occur as a result of removing the woodland.

**RESUMPTION OF STANDING ORDERS**

186 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Robert Ardill that Standing Orders be resumed, the time being 8:15 pm.

**NOTICES OF MOTION**

**1 [Request for Councillor Prue Guillaume to provide an unreserved written public apology](#)**

187 A MOTION was moved by Councillor Mark Davies seconded Councillor Robert Ardill that Council request Councillor Prue Guillaume to provide an unreserved written public apology to Councillor Robert Ardill, Councillor Mark Davies and the Member for Mulgoa, Councillor Tanya Davies regarding the inaccurate and irresponsible comments made to the media (Penrith Press, 15/7/2011) titled ‘Libs urged childcare cut claim’.

The MOTION was PUT.

The MOTION was LOST.

Councillors Greg Davies and Marko Malkoc called for a DIVISION.

<b>For</b>	<b>Against</b>
Councillor Robert Ardill	Councillor Kaylene Allison
Councillor Tanya Davies	Councillor Prue Guillaume
Councillor Ben Goldfinch	Councillor Greg Davies
Councillor Mark Davies	Councillor Kath Presdee
Councillor Ross Fowler	Councillor Karen McKeown
	Councillor John Thain
	Councillor Jackie Greenow
	Councillor Kevin Crameri OAM
	Councillor Marko Malkoc

### Procedural Motion

188 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ben Goldfinch that Item 16 – Tender Reference 25-10/11 for the provision of Grave Digging Services be dealt with at the conclusion of Committee of the Whole.

### REPORTS OF COMMITTEES

**1 [Report and Recommendations of the Local Traffic Committee Meeting held on 1 August 2011](#)**

189 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marko Malkoc that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 1 August, 2011 be adopted.

**2 [Report and Recommendations of the Policy Review Committee Meeting held on 1 August 2011](#)**

190 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Kath Presdee that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 1 August, 2011 be adopted.

### DELIVERY PROGRAM REPORTS

Having previously declared a Pecuniary Conflict of Interest – Significant, Councillor Robert Ardill left the meeting, the time being 8:47 pm.

### A LIVEABLE CITY

**18 [Proposed Development of Andrews Road Baseball Facility](#)**

191 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM that consideration of this matter be deferred to the Policy Review Committee meeting of 22 August 2011.

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

### A CITY OF OPPORTUNITIES

**10 [Development Application DA11/0025 Proposed Health Facility Lot 2 DP 157408 \(No. 26\) Gidley Street, St Marys Applicant: Savills Project Management; Owner: State Property Authority](#)**

Councillor Robert Ardill left the meeting, the time being 8:50 pm

Councillor John Thain left the meeting, the time being 8:50 pm

Councillors Robert Ardill and John Thain returned to the meeting, the time being 8:51 pm.

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

That:

1. The information contained in the report on Development Application DA11/0025 Proposed Health Facility Lot 2 DP 157408 (No. 26) Gidley Street, St Marys be received.
2. The objection pursuant to State Environmental Planning Policy No. 1 – Development Standards to the minimum landscaped area and maximum external wall height provisions under Clause 12(3) of Penrith Local Environmental Plan 1998 (Urban Land) be supported.
3. The information contained in the report on Development Application DA11/0025 Proposed Health Facility Lot 2 DP 157408 (No. 26) Gidley Street, St Marys be approved subject to the following conditions:

**Standard Conditions**

- |     |      |  |
|-----|------|--|
| 3.1 | A001 | Approved plans   |
|     | A029 | Hours of operation and delivery times                                    |
|     | A039 | Graffiti   |
|     | D001 | Implement approved sediment and erosion control measures                 |
|     | D009 | Covering of waste storage area   |
|     | E003 | Structural alterations   |
|     | E006 | Disabled access and facilities   |
|     | E009 | Annual fire safety – essential fire safety (Class 2-9 buildings)         |
|     | E01A | BCA compliance for Class 2-9   |
|     | G002 | Section 73   |
|     | G004 | Integral Energy  |
|     | H001 | Stamped plans and erection of site notice (Class 2-9)                    |
|     | H002 | Provision of site facilities prior to commencement of construction works |
|     | H003 | Traffic safety during construction                                       |
|     | H006 | Implement waste management plan  |
|     | H041 | Hours of construction work   |
|     | K221 | Access car parking and manoeuvring                                       |
|     | Q001 | Notice of commencement and appointment of PCA                            |

**Special Conditions**

- 3.2 The Drug and Alcohol Services is to be non-invasive and no drug dosing or drug administration (**methadone**) in relation to the Drug and

Alcohol Service shall take place in the centre. Medication may be administered as part of the Mental Health and Community Health Services

- 3.3 A closed circuit television (CCTV) system shall be installed at the entrance/exit to the Health Services Facility prior the occupation of the building
- 3.4 Automatic gates or roller door to be installed at the entrance to the car park area and shall be kept locked outside of normal business hours and/or controlled by a swipe card system (or similar)
4. The individuals who made a submission be advised of Council's decision and of the consideration given to their concerns.
5. A formal request be made to the applicant to consider the provision of additional disabled car parking spaces onsite, with the matter to be dealt with under delegated authority, following these discussions.

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

- 11 [Development Applications DA11/0511, DA11/0512, DA11/0514, DA11/0515, DA11/0516, DA11/0517 for Subdivision of the Western Precinct, St Marys Release Area \(Jordan Springs\) Lot 1036 DP 1149525 \(No.1070 - 1170\) The Northern Road, Llandilo Applicant: Maryland Development Company Pty Ltd; Owner: St Marys Land Ltd](#)

193 A MOTION was moved by Councillor Greg Davies seconded Councillor John Thain

That:

1. The information contained in the report on Development Applications DA11/0511, DA11/0512, DA11/0514, DA11/0515, DA11/0516, DA11/0517 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) Lot 1036 DP 1149525 (No.1070 - 1170) The Northern Road,

Llandilo be received.

2. That Council form the opinion that the subject applications do not have a 'significant effect' on threatened species, population or an ecological community as concluded in the Independent Peer Review carried out by Dr Trevor Hawkeswood and discussed throughout this report.
3. Development Application DA11/0511 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) – Lot 1036 DP 1149525, (Nos. 1070 - 1170) The Northern Road, Llandilo be approved subject to the following conditions:
  - 3.1 A001 Approved plans
  - A005 Integrated approval authority's consent
  - 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
  - D001 Sediment and erosion control measures
  - D002 Spray grass
  - D005 No filling without prior approval
  - D06A Validation of fill material
  - D009 Covering of waste storage area
  - D010 Appropriate disposal of excavated or other waste
  - D013 Traffic noise and acoustic report
  - D014 Plant and equipment noise
  - G001 Installation of services and service clearances
  - G002 Section 73
  - G004 Integral Energy clearance
  - H01F Stamped plans and erection of site notice
  - H002 Provision of site facilities prior to commencement of construction works
  - H012 Site classification
  - H041 Hours of construction work
  - K101 Works at no cost to Council
  - K201 Sediment and erosion control
  - K202 Roads Act
  - K205 CC for subdivision works
  - K206 Road design criteria table
  - K301 Sediment and erosion control - installation
  - K304 Matters to be addressed prior to commencement of subdivision works
  - K401 Erosion and sediment control – during construction
  - K404 Services underground
  - K405 Street lighting
  - K406 Drainage connection
  - K407 Major filling



K408	Soil testing
K504	Restriction as to user and positive covenant
K507	Line marking and signage
K510	Street signs
K511	Bond for final wearing course
K513	Maintenance bond
K514	Subdivision compliance documentation
L001	Approved landscaping plans
L002	Landscaping construction
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree Preservation Order
L009	Tree preservation order
M001	Prior to subdivision work
M007	Street lighting
M008	Linen plan
M009	88B Instrument
M011	Soil testing
M013	Street trees
M014	Surveyors Certificate
P001	Costs
P002	Fees associated with Council land
Q001	Notice of commencement and appointment of PCA
Q008	Subdivision Certificate

- 3.2 The following aspect in relation to Crime Prevention through Environmental Design (CTPED) principles should be incorporated into the development:

**Lighting**

- All street lighting shall be designed in accordance with Council's Public Domain Lighting Policy, and in accordance with Integral Energy standards and requirements.
- All pedestrian and cycle networks and bus stops shall be well lit in accordance with the abovementioned standards.
- Lighting should take into account all vegetation and landscaping that may act as an entrapment spot or obscure the effectiveness of the lighting.
- Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas.
- Lighting should have a wide beam of illumination, which reaches the beam of the next light, or the perimeter of the site or area being traversed.

**Landscaping**

- Street Tree planting and planting along pedestrian / cycle pathways should promote passive surveillance and clear lines of sight. Any

trees should have a high canopy so as not to provide concealment opportunities. Dense shrubs and heavy undergrowth should be avoided along the pathways.

- The pedestrian / cycle pathways will be marked and signposted to clearly delineate which portion of the pathway should be used by pedestrians, and which should be used by cyclists.
  - Trees within public reserve areas must also have a high canopy and minimal undergrowth to enable passive surveillance, promote clear lines of sight and reduce entrapment spots. Dense shrubs must be avoided.
- 3.3 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction. The measures and recommendations outlined by Geotech Testing Pty Ltd in their correspondence dated 8 March 2010 (Ref: 7508/23-AA Final Revised) are also to be adopted and implemented as a part of the development.
- 3.4 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.
- 3.5 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 3.6 All soil material stockpiled for future use on the site is to be stored in such a manner so as to minimise dust.
- 3.7 For development within Stage 3A, noise levels from or in the premises shall not exceed the relevant noise criteria detailed in 'Lend Lease Stage 3 Development Jordan Springs: Noise Impact Assessment' prepared by Sinclair Knight Merz (SKM) and dated 19 July 2011. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of future dwellings on the site and (where relevant) shall be shown on plans accompanying the Construction Certificate application.

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

- 3.8 Prior to the issue of a Subdivision Certificate, a positive covenant is to be registered against the new land titles for lots 3122, 3123, 3124, 3139, 3090, 3091 and 3092, that:
- (a) refers to the 'Lend Lease Stage 3 Development Jordan Springs: Noise Impact Assessment' prepared by Sinclair Knight Merz (SKM) and dated 19 July 2011
  - (b) stipulates the noise criteria as outlined in the above document

- and ensures that it be achieved
- (c) provides advice on the mechanisms required for that lot to meet the criteria.
- 3.9 Corner lots need to be designed to ensure that the driveway is located a minimum of 6 metres from the tangent point of the intersection to comply with the Australian Standards 2890.
- 3.10 All sites are to be benched in the subdivision to limit cut and fill to be minimal on the site and negate the need for retaining walls.
- 3.11 Those proposed lots will zero allotments need to be identified in the 88b instrument. The lots need to be benched to ensure that no earthworks are required within the easement so that access for maintenance is not hindered by varying ground level. Alternatively, the dwellings need to be designed with dropped edge beams to contain the cut and fill and ensure that the easement remains at a natural ground level after the construction of a dwelling at zero allotment.
- 3.12 All RTA conditions are to be applied received from the SRDAC reference ID 09M1255v10-11, ID 09M1255 v6-9 and ID 09M1255 vol 2 –SYD09/00603.
- 3.13 Pedestrian, bus and cycle facilities are to be consistent with the Development Control Strategy.
- 3.14 All bicycle path construction is to be in accordance with the relevant provisions of the RTA's NSW Bicycle Guidelines and AUSTRROADS Guide to Traffic Engineering Practice – Part 14 Bicycles.
- 3.15 The conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Services dated 22 June 2011, shall be incorporated into the development where applicable.
- 3.16 The conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Services dated 22 June 2011, shall be incorporated into the development where applicable.
- 3.17 The conditions outlined in the General Terms of Approval from the NSW Department of Primary Industries – Fisheries shall be adhered to where appropriate.
- 3.18 Prior to the issue of a Construction Certificate, documentary evidence from a suitably qualified archaeological consultant shall be submitted to the Principal Certifying Authority (PCA) confirming satisfactory completion of any required archaeological salvage works on the site. A copy of the precinct-wide Section 90 consent previously issued by the Department of Environment, Climate Change and Water (DECCW) shall also be submitted to the PCA prior to the issue of a Construction Certificate.

Should any archaeological relics be uncovered during the course of the works, no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act 1977 may be required before any further work can be recommenced in that area of the site.

- 3.19 All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads & Traffic Authority.
- 3.20 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on The Northern Road.
- 3.21 Temporary on-site detention and erosion and sediment control basins shall be provided generally on accordance with the concept plans lodged for the development approval prepared by J Wyndham Prince, reference number 9115, sheets DA01 – DA17, revision D, dated 11/05/2011.

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.

- 3.22 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.
- 3.23 Prior to the issue of a Construction Certificate a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Penrith City Council.
- 3.33 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the design of the roundabout at the intersection of Road No's 9 & 25 complies with Austroads guidelines. The roundabout is to incorporate pedestrian refuge facilities and bicycle crossing facilities. The provision of irrigation and drainage for landscaping is also to be incorporated.

- 3.34 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 reserves have been inspected and approved by Penrith City Council.
- 3.35 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plans numbered WP V3a STP Issue C dated 19/05/2011 & WP V3a STP2 Issue C dated 19/05/2011.
- Prior to the planting of street trees, the street tree plan, plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's **Development Services Unit** on 4732 7777.
- 3.36 Prior to the issue of a Subdivision Certificate the treatment of the intersection of The Northern Road / Borrowdale Way shall be constructed to the satisfaction of the Roads & Traffic Authority and Penrith City Council.
- 3.37 Prior to the issue of a Subdivision Certificate the proposed traffic signals at the intersection of Road No's 8, 20 & 21 are to be implemented to the satisfaction of the Roads & Traffic Authority and Penrith City Council.
- 3.38 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 runoff 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.
- 3.39 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.
- 3.40 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.

- 3.41 An arborist report relating to the trees proposed to be retained shall be submitted and approved prior to the issue of a Construction Certificate. The arborist report shall include consideration of the proposed extend of cut and fill works to confirm whether the trees can be retained on the site. The report should also specify tree protection measures to ensure that the trees proposed for retention have the best possible chance of surviving the proposed works.
- 3.42 The existing tree schedule (attached to the Tree Plan) provided with this application is to be updated to include justification to substantiate the proposed removal of all trees. These further details must be submitted to Council for consideration and approval prior to the issue of a Construction Certificate.
4. Development Application DA11/0512 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) – Lot 1036 DP 1149525, (Nos. 1070 - 1170) The Northern Road, Llandilo be approved subject to the following conditions:
- 4.1
- |      |  |
|------|--|
| A001 | Approved plans   |
| A005 | Integrated approval authority's consent                                  |
| 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  |
| D001 | Sediment and erosion control measures                                    |
| D002 | Spray grass  |
| D005 | No filling without prior approval  |
| D06A | Validation of fill material  |
| D009 | Covering of waste storage area   |
| D010 | Appropriate disposal of excavated or other waste                         |
| D013 | Traffic noise and acoustic report  |
| D014 | Plant and equipment noise  |
| G001 | Installation of services and service clearances                          |
| G002 | Section 73   |
| G004 | Integral Energy clearance  |
| H01F | Stamped plans and erection of site notice                                |
| H002 | Provision of site facilities prior to commencement of construction works |
| H012 | Site classification  |
| H041 | Hours of construction work   |
| K101 | Works at no cost to Council  |
| K201 | Sediment and erosion control   |
| K202 | Roads Act  |
| K205 | CC for subdivision works   |
| K206 | Road design criteria   |

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K207	Road safety audit
K213	Water quality
K224	Inter-allotment drainage
K225	Bus stops
K301	Sediment and erosion control - installation
K304	Matters to be addressed prior to commencement of subdivision works
K401	Erosion and sediment control – during construction
K404	Services - underground
K405	Street lighting
K406	Drainage connection
K407	Major filling
K408	Soil testing
K503	Stormwater compliance
K504	Restriction as to user and positive covenant
K507	Line marking and signage
K510	Street signs
K511	Bond for final wearing course
K513	Maintenance bond
K514	Subdivision compliance documentation
L001	Approved landscaping plans
L002	Landscaping construction
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree Preservation Order
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M001	Prior to subdivision work
M007	Street lighting
M008	Linen plan
M009	88B Instrument
M011	Soil testing
M013	Street trees
M014	Surveyors Certificate
P001	Costs
P002	Fees associated with Council land
Q001	Notice of commencement and appointment of PCA
Q008	Subdivision Certificate

- 4.2 The following aspect in relation to Crime Prevention through Environmental Design (CTPED) principles should be incorporated into the development:

**Lighting**

- All street lighting shall be designed in accordance with Council's Public Domain Lighting Policy, and in accordance with Integral Energy standards and requirements.
- All pedestrian and cycle networks and bus stops shall be well lit in

accordance with the abovementioned standards.

- Lighting should take into account all vegetation and landscaping that may act as an entrapment spot or obscure the effectiveness of the lighting.
- Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas.
- Lighting should have a wide beam of illumination, which reaches the beam of the next light, or the perimeter of the site or area being traversed.

#### **Landscaping**

- Street Tree planting and planting along pedestrian / cycle pathways should promote passive surveillance and clear lines of sight. Any trees should have a high canopy so as not to provide concealment opportunities. Dense shrubs and heavy undergrowth should be avoided along the pathways.
- The pedestrian / cycle pathways will be marked and signposted to clearly delineate which portion of the pathway should be used by pedestrians, and which should be used by cyclists.
- Trees within public reserve areas must also have a high canopy and minimal undergrowth to enable passive surveillance, promote clear lines of sight and reduce entrapment spots. Dense shrubs must be avoided.

- 4.3 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction. The measures and recommendations outlined by Geotech Testing Pty Ltd in their correspondence dated 8 March 2010 (Ref: 7508/23-AA Final Revised) are also to be adopted and implemented as a part of the development.
- 4.4 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.
- 4.5 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 4.6 All soil material stockpiled for future use on the site is to be stored in such a manner so as to minimise dust.
- 4.7 Corner lots need to be designed to ensure that the driveway is located a minimum of 6 metres from the tangent point of the intersection to comply with the Australian Standards 2890.
- 4.8 All sites are to be benched in the subdivision to limit cut and fill to be minimal on the site and negate the need for retaining walls.



- 4.9 Those proposed lots will zero allotments need to be identified in the 88b instrument. The lots need to be benched to ensure that no earthworks are required within the easement so that access for maintenance is not hindered by varying ground level. Alternatively, the dwellings need to be designed with dropped edge beams to contain the cut and fill and ensure that the easement remains at a natural ground level after the construction of a dwelling at zero allotment.
- 4.10 All RTA conditions are to be applied received from the SRDAC reference ID 09M1255v10-11, ID 09M1255 v6-9 and ID 09M1255 vol 2 –SYD09/00603.
- 4.11 Pedestrian, bus and cycle facilities are to be consistent with the Development Control Strategy.
- 4.12 All bicycle path construction is to be in accordance with the relevant provisions of the RTA's NSW Bicycle Guidelines and AUSTRROADS Guide to Traffic Engineering Practice – Part 14 Bicycles.
- 4.13 The conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Services dated 22 June 2011, shall be incorporated into the development where applicable.
- 4.14 Prior to the issue of a Construction Certificate, documentary evidence from a suitably qualified archaeological consultant shall be submitted to the Principal Certifying Authority (PCA) confirming satisfactory completion of any required archaeological salvage works on the site. A copy of the precinct-wide Section 90 consent previously issued by the Department of Environment, Climate Change and Water (DECCW) shall also be submitted to the PCA prior to the issue of a Construction Certificate.

Should any archaeological relics be uncovered during the course of the works, no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act 1977 may be required before any further work can be recommenced in that area of the site.

- 4.15 All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads & Traffic Authority.
- 4.16 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on The Northern Road.
- 4.17 Temporary on-site detention and erosion and sediment control basins shall be provided generally on accordance with the concept plans

lodged for the development approval prepared by J Wyndham Prince, reference number 9115, sheets DA30 – DA41, revision B, dated 13/05/2011.

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.

- 4.18 Prior to the issue of a Construction Certificate a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Penrith City Council.
- 4.19 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 reserves have been inspected and approved by Penrith City Council.
- 4.20 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plan numbered WP V3b STP Issue A dated 19/05/2011.

Prior to the planting of street trees, the street tree plan, plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's **Development Services Unit** on 4732 7777.

- 4.21 Prior to the issue of a Subdivision Certificate the treatment of the intersection of The Northern Road / Borrowdale Way shall be constructed to the satisfaction of the Roads & Traffic Authority and Penrith City Council.
- 4.22 Prior to the issue of a Subdivision Certificate all subdivision works in Village 3A are to be completed to the satisfaction of the Principal Certifying Authority.
- 4.23 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 runoff 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.

- 4.24 No earthworks are to occur within the proposed park and all earthworks within the park will be the subject of a separate development application. The park shall not be dedicated to Council until works within the park are complete.
- 4.25 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.
- 4.26 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.
- 4.27 An arborist report relating to the trees proposed to be retained shall be submitted and approved prior to the issue of a Construction Certificate. The arborist 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 should also specify tree protection measures to ensure that the trees proposed for retention have the best possible chance of surviving the proposed works.
- 4.28 The existing tree schedule (attached to the Tree Plan) provided with this application is to be updated to include justification to substantiate the proposed removal of all trees. These further details must be submitted to Council for consideration and approval prior to the issue of a Construction Certificate.
5. Development Application DA11/0514 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) – Lot 1036 DP 1149525, (Nos. 1070 - 1170) The Northern Road, Llandilo be approved subject to the following conditions:
- 5.1 A001 Approved plans  
A005 Integrated approval authority's consent  
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
D001	Sediment and erosion control measures
D002	Spray grass
D005	No filling without prior approval
D06A	Validation of fill material
D009	Covering of waste storage area
D010	Appropriate disposal of excavated or other waste
D013	Traffic noise and acoustic report
D014	Plant and equipment noise
G001	Installation of services and service clearances
G002	Section 73
G004	Integral Energy clearance
H01F	Stamped plans and erection of site notice
H002	Provision of site facilities prior to commencement of construction works
H012	Site classification
H041	Hours of construction work
K101	Works at no cost to Council
K201	Sediment and Erosion Control
K202	Roads Act
K205	CC for Subdivision Works
K206	Road Design Criteria Table
K207	Road Safety Audit
K213	Water Quality
K224	Inter-allotment Drainage
K225	Bus Stops
K301	Sediment & Erosion Control - Installation
K304	Matters to addressed prior to commencement of Subdivision Works
K401	Erosion and Sediment Control
K404	Services - Underground
K405	Street Lighting
K406	Drainage Connection
K407	Major Filling
K408	Soil Testing - Subdivisions
K503	Stormwater Compliance
K504	Restriction to User and Positive Covenant
K507	Line marking & Signage
K510	Street Signs
K511	Bond for Final Wearing Course
K513	Maintenance Bond
K514	Subdivision Compliance Documentation
L001	Approved landscaping plans
L002	Landscaping construction
L003	Landscaping report requirements

L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree Preservation Order
L009	Tree preservation order
M001	Prior to subdivision work
M007	Street lighting
M008	Linen plan
M009	88B Instrument
M011	Soil testing
M013	Street trees
M014	Surveyors Certificate
P001	Costs
P002	Fees associated with Council land
Q001	Notice of commencement and appointment of PCA
Q008	Subdivision Certificate

- 5.2 The following aspect in relation to Crime Prevention through Environmental Design (CTPED) principles should be incorporated into the development:

**Lighting**

- All street lighting shall be designed in accordance with Council's Public Domain Lighting Policy, and in accordance with Integral Energy standards and requirements.
- All pedestrian and cycle networks and bus stops shall be well lit in accordance with the abovementioned standards.
- Lighting should take into account all vegetation and landscaping that may act as an entrapment spot or obscure the effectiveness of the lighting.
- Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas.
- Lighting should have a wide beam of illumination, which reaches the beam of the next light, or the perimeter of the site or area being traversed.

**Landscaping**

- Street Tree planting and planting along pedestrian / cycle pathways should promote passive surveillance and clear lines of sight. Any trees should have a high canopy so as not to provide concealment opportunities. Dense shrubs and heavy undergrowth should be avoided along the pathways.
- The pedestrian / cycle pathways will be marked and signposted to clearly delineate which portion of the pathway should be used by pedestrians, and which should be used by cyclists.
- Trees within public reserve areas must also have a high canopy and minimal undergrowth to enable passive surveillance, promote clear lines of sight and reduce entrapment spots. Dense shrubs must be avoided.

**Village Park**

- DA 11/0514 for the Stage 2A subdivision indicates that the layout of Village Park ensures that opposite/adjoining buildings overlook it. This is supported as this will enable increased casual surveillance of these areas.
- 5.3 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction. The measures and recommendations outlined by Geotech Testing Pty Ltd in their correspondence dated 8 March 2010 (Ref: 7508/23-AA Final Revised) are also to be adopted and implemented as a part of the development.
- 5.4 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.
- 5.5 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 5.6 All soil material stockpiled for future use on the site is to be stored in such a manner so as to minimise dust.
- 5.7 Corner lots need to be designed to ensure that the driveway is located a minimum of 6 metres from the tangent point of the intersection to comply with the Australian Standards 2890.
- 5.8 All sites are to be benched in the subdivision to limit cut and fill to be minimal on the site and negate the need for retaining walls.
- 5.9 Those proposed lots will zero allotments need to be identified in the 88b instrument. The lots need to be benched to ensure that no earthworks are required within the easement so that access for maintenance is not hindered by varying ground level. Alternatively, the dwellings need to be designed with dropped edge beams to contain the cut and fill and ensure that the easement remains at a natural ground level after the construction of a dwelling at zero allotment.
- 5.10 All RTA conditions are to be applied received from the SRDAC reference ID 09M1255v10-11, ID 09M1255 v6-9 and ID 09M1255 vol 2 –SYD09/00603.
- 5.11 Pedestrian, bus and cycle facilities are to be consistent with the Development Control Strategy.
- 5.12 All bicycle path construction is to be in accordance with the relevant provisions of the RTA's NSW Bicycle Guidelines and AUSTRROADS Guide to Traffic Engineering Practice – Part 14 Bicycles.

- 5.13 The conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Services dated 22 June 2011, shall be incorporated into the development where applicable.
- 5.14 All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads & Traffic Authority.
- 5.15 Temporary on-site detention and erosion and sediment control basins shall be provided generally on accordance with the concept plans lodged for the development approval prepared by J Wyndham Prince, reference number 9111, sheets DA0 – DA16, revision B, dated 17/05/2011.

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.

- 5.16 Prior to the issue of a Construction Certificate a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Penrith City Council.
- 5.17 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the design of the roundabout at the intersection of Road No's 8 & 25 complies with Austroads guidelines. The roundabout is to incorporate pedestrian refuge facilities and bicycle crossing facilities. The provision of irrigation and drainage for landscaping is also to be incorporated.
- 5.18 Structural design certification by a suitably qualified engineer – NPER (Structural) of the bridge structure shall accompany any construction certificates issued for civil works.
- 5.19 Prior to the issue of a Construction Certificate detailed plans of the proposed culvert structure on Road No 8 are to be submitted to Penrith City Council.
- 5.20 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 reserves have been inspected and approved by Penrith City Council.

- 5.21 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plan numbered WP V2a STP Issue C dated 06/05/2011.
- Prior to the planting of street trees, the street tree plan, plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's **Development Services Unit** on 4732 7777.
- 5.22 Prior to the issue of a Subdivision Certificate the ultimate signalised treatment of the intersection of The Northern Road / Jordan Springs Boulevard (refer to RTA correspondence reference ID 09M1255 Vol 2 – SYD09/00603 dated 12 May 2011) is to be implemented to the satisfaction of the Roads & Traffic Authority.
- 5.23 Prior to the issue of a Subdivision Certificate the timing for the delivery of the proposed traffic signals at the intersection of Road No's 8, 20 & 21 is to be formally agreed to by Penrith City Council. Any interim intersection arrangement is to be approved by the Local Traffic Committee.
- 5.24 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 runoff 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.
- 5.25 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.
- 5.26 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.
- 5.27 An arborist report relating to the trees proposed to be retained shall be submitted and approved prior to the issue of a Construction Certificate. The arborist report shall include consideration of the proposed extend of cut and fill works to confirm whether the trees can be retained on the site. The report should also specify tree protection measures to ensure



that the trees proposed for retention have the best possible chance of surviving the proposed works.

5.28 The existing tree schedule (attached to the Tree Plan) provided with this application is to be updated to include justification to substantiate the proposed removal of all trees. These further details must be submitted to Council for consideration and approval prior to the issue of a Construction Certificate.

6. Development Application DA11/0515 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) – Lot 1036 DP 1149525, (Nos. 1070 - 1170) The Northern Road, Llandilo be approved subject to the following conditions:

- 6.1 A001 Approved plans
- A005 Integrated approval authority's consent
- 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
- D001 Sediment and erosion control measures
- D002 Spray grass
- D005 No filling without prior approval
- D06A Validation of fill material
- D009 Covering of waste storage area
- D010 Appropriate disposal of excavated or other waste
- D013 Traffic noise and acoustic report
- D014 Plant and equipment noise
- G001 Installation of services and service clearances
- G002 Section 73
- G004 Integral Energy clearance
- H01F Stamped plans and erection of site notice
- H002 Provision of site facilities prior to commencement of construction works
- H012 Site classification
- H041 Hours of construction work
- K101 Works at no cost to Council
- K201 Sediment and erosion control
- K202 Roads Act
- K205 CC for Subdivision Works
- K206 Road design criteria table
- K207 Road Safety Audit
- K213 Water quality
- K224 Inter-allotment drainage
- K225 Bus stops
- K301 Sediment and erosion control - installation
- K304 Matters to be addressed prior to commencement of

	subdivision works
K401	Erosion and sediment control – during construction
K404	Services - underground
K405	Street lighting
K406	Drainage connection
K407	Major filling
K408	Soil testing
K503	Stormwater compliance
K504	Restriction as to user and positive covenant
K507	Line marking and signage
K510	Street signs
K511	Bond for final wearing course
K513	Maintenance bond
K514	Subdivision compliance documentation
L001	Approved landscaping plans
L002	Landscaping construction
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree Preservation Order
L009	Tree preservation order
M001	Prior to subdivision work
M007	Street lighting
M008	Linen plan
M009	88B Instrument
M011	Soil testing
M013	Street trees
M014	Surveyors Certificate
P001	Costs
P002	Fees associated with Council land
Q001	Notice of commencement and appointment of PCA
Q008	Subdivision Certificate

- 6.2 The following aspect in relation to Crime Prevention through Environmental Design (CTPED) principles should be incorporated into the development:

**Lighting**

- All street lighting shall be designed in accordance with Council’s Public Domain Lighting Policy, and in accordance with Integral Energy standards and requirements.
- All pedestrian and cycle networks and bus stops shall be well lit in accordance with the abovementioned standards.
- Lighting should take into account all vegetation and landscaping that may act as an entrapment spot or obscure the effectiveness of the lighting.
- Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas.

- Lighting should have a wide beam of illumination, which reaches the beam of the next light, or the perimeter of the site or area being traversed.

#### **Landscaping**

- Street Tree planting and planting along pedestrian / cycle pathways should promote passive surveillance and clear lines of sight. Any trees should have a high canopy so as not to provide concealment opportunities. Dense shrubs and heavy undergrowth should be avoided along the pathways.
- The pedestrian / cycle pathways will be marked and signposted to clearly delineate which portion of the pathway should be used by pedestrians, and which should be used by cyclists.
- Trees within public reserve areas must also have a high canopy and minimal undergrowth to enable passive surveillance, promote clear lines of sight and reduce entrapment spots. Dense shrubs must be avoided.

- 6.3 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction. The measures and recommendations outlined by Geotech Testing Pty Ltd in their correspondence dated 8 March 2010 (Ref: 7508/23-AA Final Revised) are also to be adopted and implemented as a part of the development.
- 6.4 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.
- 6.5 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 6.6 All soil material stockpiled for future use on the site is to be stored in such a manner so as to minimise dust.
- 6.7 No work associated with this development is to be undertaken in the vicinity of the existing bitumen road located in the south east of the site until such time as an EPA Accredited Site Auditor has issued a Site Audit Statement for the area, it has been deemed suitable for its intended use, and the Site Audit Statement has been submitted to Council.
- 6.8 Corner lots need to be designed to ensure that the driveway is located a minimum of 6 metres from the tangent point of the intersection to comply with the Australian Standards 2890.
- 6.9 All sites are to be benched in the subdivision to limit cut and fill to be minimal on the site and negate the need for retaining walls.
- 6.10 Those proposed lots will zero allotments need to be identified in the

88b instrument. The lots need to be benched to ensure that no earthworks are required within the easement so that access for maintenance is not hindered by varying ground level. Alternatively, the dwellings need to be designed with dropped edge beams to contain the cut and fill and ensure that the easement remains at a natural ground level after the construction of a dwelling at zero allotment.

- 6.11 All RTA conditions are to be applied received from the SRDAC reference ID 09M1255v10-11, ID 09M1255 v6-9 and ID 09M1255 vol 2 –SYD09/00603.
- 6.12 Pedestrian, bus and cycle facilities are to be consistent with the Development Control Strategy.
- 6.13 All bicycle path construction is to be in accordance with the relevant provisions of the RTA's NSW Bicycle Guidelines and AUSTRROADS Guide to Traffic Engineering Practice – Part 14 Bicycles.
- 6.14 The conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Services dated 22 June 2011, shall be incorporated into the development where applicable.
- 6.15 All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads & Traffic Authority.
- 6.16 Temporary on-site detention and erosion and sediment control basins shall be provided generally on accordance with the concept plans lodged for the development approval prepared by J Wyndham Prince, reference number 9111, sheets DA20 – DA27, revision E, dated 17/05/2011.

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.

- 6.17 Prior to the issue of a Construction Certificate a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Penrith City Council.
- 6.18 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 reserves have been inspected and approved by Penrith City Council.

- 6.19 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plan numbered WP V2b STP Issue C dated 19/05/2011.

Prior to the planting of street trees, the street tree plan, plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's **Development Services Unit** on 4732 7777.

- 6.20 Prior to the issue of a Subdivision Certificate all subdivision works in Village 2A are to be completed to the satisfaction of the Principal Certifying Authority.
- 6.21 Prior to the issue of a Subdivision Certificate the ultimate signalised treatment of the intersection of The Northern Road / Jordan Springs Boulevard (refer to RTA correspondence reference ID 09M1255 Vol 2 – SYD09/00603 dated 12 May 2011) is to be implemented to the satisfaction of the Roads & Traffic Authority.
- 6.22 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 runoff 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.
- 6.23 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.
- 6.24 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.
- 6.25 An arborist report relating to the trees proposed to be retained shall be submitted and approved prior to the issue of a Construction Certificate. The arborist report shall include consideration of the proposed extend of cut and fill works to confirm whether the trees can be retained on the

site. The report should also specify tree protection measures to ensure that the trees proposed for retention have the best possible chance of surviving the proposed works.

6.26 The proposed street tree planting plan is to be revised to incorporate an informal street tree arrangement. Details are to be submitted and approved prior to the issue of a Construction Certificate.

6.27 The existing tree schedule (attached to the Tree Plan) provided with this application is to be updated to include justification to substantiate the proposed removal of all trees. These further details must be submitted to Council for consideration and approval prior to the issue of a Construction Certificate.

7. Development Application DA11/0516 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) – Lot 1036 DP 1149525, (Nos. 1070 - 1170) The Northern Road, Llandilo be approved subject to the following conditions:

- |     |      |  |
|-----|------|--|
| 7.1 | A001 | Approved plans   |
|     | A005 | Integrated approval authority's consent                                  |
|     | 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  |
|     | D001 | Sediment and erosion control measures                                    |
|     | D002 | Spray grass  |
|     | D005 | No filling without prior approval  |
|     | D06A | Validation of fill material  |
|     | D009 | Covering of waste storage area   |
|     | D010 | Appropriate disposal of excavated or other waste                         |
|     | D013 | Traffic noise and acoustic report  |
|     | D014 | Plant and equipment noise  |
|     | G001 | Installation of services and service clearances                          |
|     | G002 | Section 73   |
|     | G004 | Integral Energy clearance  |
|     | H01F | Stamped plans and erection of site notice                                |
|     | H002 | Provision of site facilities prior to commencement of construction works |
|     | H012 | Site classification  |
|     | H041 | Hours of construction work   |
|     | K101 | Works at no cost to Council  |
|     | K201 | Sediment and erosion control   |
|     | K202 | Roads Act  |
|     | K205 | CC for subdivision works   |
|     | K206 | Road design criteria table   |
|     | K207 | Road safety audit  |

K213	Water quality
K224	Inter-allotment drainage
K225	Bus stops
K301	Sediment and erosion control - installation
K304	Matters to be addressed prior to commencement of subdivision works
K401	Erosion and sediment control – during construction
K404	Services - underground
K405	Street lighting
K406	Drainage connection
K407	Major filling
K408	Soil testing
K503	Stormwater compliance
K504	Restriction to user and positive covenant
K507	Line marking and signage
K510	Street signs
K511	Bond for final wearing course
K513	Maintenance bond
K514	Subdivision compliance documentation
L001	Approved landscaping plans
L002	Landscaping construction
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree Preservation Order
L009	Tree preservation order
M001	Prior to subdivision work
M007	Street lighting
M008	Linen plan
M009	88B Instrument
M011	Soil testing
M013	Street trees
M014	Surveyors Certificate
P001	Costs
P002	Fees associated with Council land
Q001	Notice of commencement and appointment of PCA
Q008	Subdivision Certificate

- 7.2 The following aspect in relation to Crime Prevention through Environmental Design (CTPED) principles should be incorporated into the development:

**Lighting**

- All street lighting shall be designed in accordance with Council's Public Domain Lighting Policy, and in accordance with Integral Energy standards and requirements.
- All pedestrian and cycle networks and bus stops shall be well lit in accordance with the abovementioned standards.

- Lighting should take into account all vegetation and landscaping that may act as an entrapment spot or obscure the effectiveness of the lighting.
- Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas.
- Lighting should have a wide beam of illumination, which reaches the beam of the next light, or the perimeter of the site or area being traversed.

#### **Landscaping**

- Street Tree planting and planting along pedestrian / cycle pathways should promote passive surveillance and clear lines of sight. Any trees should have a high canopy so as not to provide concealment opportunities. Dense shrubs and heavy undergrowth should be avoided along the pathways.
- The pedestrian / cycle pathways will be marked and signposted to clearly delineate which portion of the pathway should be used by pedestrians, and which should be used by cyclists.
- Trees within public reserve areas must also have a high canopy and minimal undergrowth to enable passive surveillance, promote clear lines of sight and reduce entrapment spots. Dense shrubs must be avoided.

- 7.3 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction. The measures and recommendations outlined by Geotech Testing Pty Ltd in their correspondence dated 8 March 2010 (Ref: 7508/23-AA Final Revised) are also to be adopted and implemented as a part of the development.
- 7.4 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.
- 7.5 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 7.6 All soil material stockpiled for future use on the site is to be stored in such a manner so as to minimise dust.
- 7.7 No work associated with this development is to be undertaken in the vicinity of the existing bitumen road located in the south east of the site until such time as an EPA Accredited Site Auditor has issued a Site Audit Statement for the area, it has been deemed suitable for its intended use, and the Site Audit Statement has been submitted to Council.
- 7.8 Corner lots need to be designed to ensure that the driveway is located a minimum of 6 metres from the tangent point of the intersection to



comply with the Australian Standards 2890.

- 7.9 All sites are to be benched in the subdivision to limit cut and fill to be minimal on the site and negate the need for retaining walls.
- 7.10 Those proposed lots will zero allotments need to be identified in the 88b instrument. The lots need to be benched to ensure that no earthworks are required within the easement so that access for maintenance is not hindered by varying ground level. Alternatively, the dwellings need to be designed with dropped edge beams to contain the cut and fill and ensure that the easement remains at a natural ground level after the construction of a dwelling at zero allotment.
- 7.11 All RTA conditions are to be applied received from the SRDAC reference ID 09M1255v10-11, ID 09M1255 v6-9 and ID 09M1255 vol 2 –SYD09/00603.
- 7.12 Pedestrian, bus and cycle facilities are to be consistent with the Development Control Strategy.
- 7.13 All bicycle path construction is to be in accordance with the relevant provisions of the RTA's NSW Bicycle Guidelines and AUSTRROADS Guide to Traffic Engineering Practice – Part 14 Bicycles.
- 7.14 The conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Services dated 22 June 2011, shall be incorporated into the development where applicable.
- 7.15 All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads & Traffic Authority.
- 7.16 Temporary on-site detention and erosion and sediment control basins shall be provided generally on accordance with the concept plans lodged for the development approval prepared by J Wyndham Prince, reference number 9111, sheets DA40 – DA48, revision F, dated 17/05/2011.

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.

- 7.17 Prior to the issue of a Construction Certificate a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Penrith City Council.
- 7.18 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 reserves have been inspected and approved by Penrith City Council.
- 7.19 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plan numbered WP V2c STP Issue D dated 20/05/2011.

Prior to the planting of street trees, the street tree plan, plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's **Development Services Unit** on 4732 7777.

- 7.20 Prior to the issue of a Subdivision Certificate all subdivision works in Village 2A & 2B are to be completed to the satisfaction of the Principal Certifying Authority.
- 7.21 Prior to the issue of a Subdivision Certificate the ultimate signalised treatment of the intersection of The Northern Road / Jordan Springs Boulevard (refer to RTA correspondence reference ID 09M1255 Vol 2 – SYD09/00603 dated 12 May 2011) is to be implemented to the satisfaction of the Roads & Traffic Authority.
- 7.22 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 runoff 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.
- 7.23 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.
- 7.24 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.

- 7.25 An arborist report relating to the trees proposed to be retained shall be submitted and approved prior to the issue of a Construction Certificate. The arborist report shall include consideration of the proposed extend of cut and fill works to confirm whether the trees can be retained on the site. The report should also specify tree protection measures to ensure that the trees proposed for retention have the best possible chance of surviving the proposed works.
- 7.26 The proposed street tree planting plan is to be revised to incorporate an informal street tree arrangement. Details are to be submitted and approved prior to the issue of a Construction Certificate.
- 7.27 The existing tree schedule (attached to the Tree Plan) provided with this application is to be updated to include justification to substantiate the proposed removal of all trees. These further details must be submitted to Council for consideration and approval prior to the issue of a Construction Certificate.
8. Development Application DA11/0517 for Subdivision of the Western Precinct, St Marys Release Area (Jordan Springs) – Lot 1036 DP 1149525, (Nos. 1070 - 1170) The Northern Road, Llandilo be approved subject to the following conditions:
- 8.1
- |      |  |
|------|--|
| A001 | Approved plans   |
| A005 | Integrated approval authority's consent                                  |
| 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  |
| D001 | Sediment and erosion control measures                                    |
| D002 | Spray grass  |
| D005 | No filling without prior approval  |
| D06A | Validation of fill material  |
| D009 | Covering of waste storage area   |
| D010 | Appropriate disposal of excavated or other waste                         |
| D013 | Traffic noise and acoustic report  |
| D014 | Plant and equipment noise  |
| G001 | Installation of services and service clearances                          |
| G002 | Section 73   |
| G004 | Integral Energy clearance  |
| H01F | Stamped plans and erection of site notice                                |
| H002 | Provision of site facilities prior to commencement of construction works |
| H012 | Site classification  |
| H041 | Hours of construction work   |

K101	Works at no cost to Council
K201	Sediment and erosion control
K202	Roads Act
K205	CC for subdivision works
K206	Road design criteria
K207	Road safety audit
K213	Water quality
K224	Inter-allotment drainage
K225	Bus stops
K301	Sediment and erosion control - installation
K304	Matters to be addressed prior to commencement of subdivision works
K401	Erosion and sediment control – during construction
K404	Services - underground
K405	Street lighting
K406	Drainage connection
K407	Major filling
K408	Soil testing
K503	Stormwater compliance
K504	Restriction to user and positive covenant
K507	Line marking and signage
K510	Street signs
K511	Bond for wearing course
K513	Maintenance bond
K514	Subdivision compliance documentation
L001	Approved landscaping plans
L002	Landscaping construction
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree Preservation Order
L009	Tree preservation order
M001	Prior to subdivision work
M007	Street lighting
M008	Linen plan
M009	88B Instrument
M011	Soil testing
M013	Street trees
M014	Surveyors Certificate
P001	Costs
P002	Fees associated with Council land
Q001	Notice of commencement and appointment of PCA
Q008	Subdivision Certificate

- 8.2 The following aspect in relation to Crime Prevention through Environmental Design (CTPED) principles should be incorporated into the development:

**Lighting**

- All street lighting shall be designed in accordance with Council's Public Domain Lighting Policy, and in accordance with Integral Energy standards and requirements.
- All pedestrian and cycle networks and bus stops shall be well lit in accordance with the abovementioned standards.
- Lighting should take into account all vegetation and landscaping that may act as an entrapment spot or obscure the effectiveness of the lighting.
- Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas.
- Lighting should have a wide beam of illumination, which reaches the beam of the next light, or the perimeter of the site or area being traversed.

#### **Landscaping**

- Street Tree planting and planting along pedestrian / cycle pathways should promote passive surveillance and clear lines of sight. Any trees should have a high canopy so as not to provide concealment opportunities. Dense shrubs and heavy undergrowth should be avoided along the pathways.
- The pedestrian / cycle pathways will be marked and signposted to clearly delineate which portion of the pathway should be used by pedestrians, and which should be used by cyclists.
- Trees within public reserve areas must also have a high canopy and minimal undergrowth to enable passive surveillance, promote clear lines of sight and reduce entrapment spots. Dense shrubs must be avoided.

- 8.3 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction. The measures and recommendations outlined by Geotech Testing Pty Ltd in their correspondence dated 8 March 2010 (Ref: 7508/23-AA Final Revised) are also to be adopted and implemented as a part of the development.
- 8.4 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.
- 8.5 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 8.6 All soil material stockpiled for future use on the site is to be stored in such a manner so as to minimise dust.
- 8.7 Corner lots need to be designed to ensure that the driveway is located a minimum of 6 metres from the tangent point of the intersection to comply with the Australian Standards 2890.

- 8.8 All sites are to be benched in the subdivision to limit cut and fill to be minimal on the site and negate the need for retaining walls.
- 8.9 Those proposed lots will zero allotments need to be identified in the 88b instrument. The lots need to be benched to ensure that no earthworks are required within the easement so that access for maintenance is not hindered by varying ground level. Alternatively, the dwellings need to be designed with dropped edge beams to contain the cut and fill and ensure that the easement remains at a natural ground level after the construction of a dwelling at zero allotment.
- 8.10 All RTA conditions are to be applied received from the SRDAC reference ID 09M1255v10-11, ID 09M1255 v6-9 and ID 09M1255 vol 2 –SYD09/00603.
- 8.11 Pedestrian, bus and cycle facilities are to be consistent with the Development Control Strategy.
- 8.12 All bicycle path construction is to be in accordance with the relevant provisions of the RTA's NSW Bicycle Guidelines and AUSTRROADS Guide to Traffic Engineering Practice – Part 14 Bicycles.
- 8.13 The conditions outlined in the Bush Fire Safety Authority issued by the NSW Rural Fire Services dated 22 June 2011, shall be incorporated into the development where applicable.
- 8.14 All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads & Traffic Authority.
- 8.15 Temporary on-site detention and erosion and sediment control basins shall be provided generally on accordance with the concept plans lodged for the development approval prepared by J Wyndham Prince, reference number 9111, sheets DA50 – DA56, revision B, dated 17/05/2011.

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.

- 8.16 Prior to the issue of a Construction Certificate a Construction Traffic Management Plan detailing construction vehicle routes, number of

trucks, hours of operation, access arrangements and traffic control shall be submitted to Penrith City Council.

8.17 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 reserves have been inspected and approved by Penrith City Council.

8.18 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plan numbered WP V2d STP Issue B dated 20/05/2011.

Prior to the planting of street trees, the street tree plan, plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's **Development Services Unit** on 4732 7777.

8.19 Prior to the issue of a Subdivision Certificate all subdivision works in Village 2A are to be completed to the satisfaction of the Principal Certifying Authority.

8.20 Prior to the issue of a Subdivision Certificate the ultimate signalised treatment of the intersection of The Northern Road / Jordan Springs Boulevard (refer to RTA correspondence reference ID 09M1255 Vol 2 – SYD09/00603 dated 12 May 2011) is to be implemented to the satisfaction of the Roads & Traffic Authority.

8.21 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 runoff 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.

8.22 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.

8.23 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.

- 8.24 An arborist report relating to the trees proposed to be retained shall be submitted and approved prior to the issue of a Construction Certificate. The arborist report shall include consideration of the proposed extend of cut and fill works to confirm whether the trees can be retained on the site. The report should also specify tree protection measures to ensure that the trees proposed for retention have the best possible chance of surviving the proposed works.
- 8.25 The existing tree schedule (attached to the Tree Plan) provided with this application is to be updated to include justification to substantiate the proposed removal of all trees. These further details must be submitted to Council for consideration and approval prior to the issue of a Construction Certificate.
9. Those who made a submission be advised of Council's decision.
10. Council investigate the installation of a Gross Pollutant Traps (GPT), particularly relating to the regional park areas.

An AMENDMENT was moved by Councillor Kevin Crameri OAM seconded Councillor Robert Ardill that consideration of this matter be deferred to allow more detailed consideration of the Species Impact Statement.

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

<b>For</b>	<b>Against</b>
Councillor Kevin Crameri OAM Councillor Robert Ardill	Councillor Kaylene Allison Councillor Prue Guillaume Councillor Kath Presdee Councillor Karen McKeown Councillor John Thain Councillor Greg Davies Councillor Jackie Greenow Councillor Mark Davies Councillor Ben Goldfinch Councillor Tanya Davies Councillor Marko Malkoc Councillor Ross Fowler OAM

The AMENDMENT was LOST.

The MOTION was PUT.

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

<b>For</b>	<b>Against</b>
Councillor Kaylene Allison Councillor Prue Guillaume	Councillor Kevin Crameri OAM Councillor Robert Ardill



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

The MOTION was CARRIED.

## **A LEADING CITY**

### **1 2010-2011 Operational Plan - June Quarter and Year End Review**

194 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on 2010-2011 Operational Plan - June Quarter and Year End Review be received.
2. The 2010-11 Operational Plan June End of Year Review as at 30 June 2011, including the revised estimates identified in the recommended budget outlined in this report and detailed in Attachment 1 – 2010-11 Operational Plan, *Services Performance and Financial Review Summary*, be adopted.
3. Council revoke the works as detailed in the Recommended Revoted Works Lists, detailed in Attachment 1 – 2010-11 Operational Plan, *Services Performance and Financial Review Summary*, for inclusion in the 2011-12 Operational Plan.

### **2 Audit Committee**

195 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Audit Committee be received.
2. Robert Coombes, Frank Gelonesi, and Jayant Gulwadi be appointed to Council's Audit Committee for a further term of two years.

**3 Council Property - Leasing of Part of Tench Reserve for Provision of a Mobile Food Unit (Kiosk)**

196 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Council Property - Leasing of Part of Tench Reserve for Provision of a Mobile Food Unit (Kiosk) be received.
2. Council grant a new Licence Agreement to Colin and Keri Maples in accordance with the terms and conditions outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

**6 City Marketing Event Sponsorship Proposals**

197 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on City Marketing Event Sponsorship Proposals be received.
2. Sponsorship of the Australian Formula Power Boat GP (\$5,000), the Penrith Valley Nepean Triathlon (\$8,000) and the NSW RL U16 Youth Development Cup (\$2,000), to be funded from the City Marketing & Event Sponsorship budget, be approved.

**7 Summary of Investments and Banking for the period 1 July to 31 July 2011**

198 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 July to 31 July 2011 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 July 2011 to 31 July 2011 be noted and accepted.
3. The graphical investment analysis as at 31 July 2011 be noted.

**25 Authority to expel persons from Council meetings**

199 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Authority to expel persons from Council meetings be received.
2. Authority be given to the person presiding at the meeting of Council or Committee (of which all members are Councillors) to expel a member of the public from the meeting of Council where that member of the public has engaged in or is engaging in *disorderly conduct* at the meeting.

**4 Social and Economic Benefits of Visitors to the City of Penrith**

200 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Greg Davies

That:

1. The information contained in the report on Social and Economic Benefits of Visitors to the City of Penrith be received.
2. A further report be presented to Council with analysis of the social and economic benefit of athlete training at Penrith Whitewater Stadium and the International Regatta Centre once the REMPLAN econometric analysis system is fully operational.

**5 Success for Penrith in Greater Sydney Tourism Awards**

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

That:

1. The information contained in the report on Success for Penrith in Greater Sydney Tourism Awards be received.
2. Council write to all winners associated with Penrith Valley congratulating them on their success.

**A CITY OF OPPORTUNITIES**

**8 No Boundaries Project: Grant Applications - Arts NSW and Australia Council for the Arts**

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

That:

1. The information contained in the report on No Boundaries Project: Grant

Applications - Arts NSW and Australia Council for the Arts be received.

2. Council provide retrospective endorsement for the application to Arts NSW to fund the No Boundaries project as outlined in the report.
3. The proposed application to the Australia Council for the Arts for funds to assist in the delivery of the No Boundaries project be endorsed.

**9 Erskine Business Park - Southern Link Road Network Strategic Transport Assessment**

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

That:

1. The information contained in the report on Erskine Business Park - Southern Link Road Network Strategic Transport Assessment be received.
2. Council's Engineering Services Manager be authorised to finalise Council's submission on the Southern Link Road Network Strategic Transport Assessment and forward to the DP&I.
3. Council write to the Local Member for Smithfield, as well as Fairfield and Blacktown City Councils, seeking their support in relation to Penrith Council's submission.

**A GREEN CITY**

**12 Council Wins 2011 Waste Minimisation Award**

204 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Tanya Davies

That:

1. The information contained in the report on Council Wins 2011 Waste Minimisation Award be received.
2. All staff members involved in the initial public consultation phase of Council's introduction to a three bin waste service be formally thanked for their efforts.

**13 Penrith Stormwater Harvesting and Managed Aquifer Recharge Project - Public Tender for Design & Investigation**

205 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Penrith Stormwater Harvesting and Managed Aquifer Recharge Project - Public Tender for Design & Investigation be received.

2. Kellogg Brown & Root (KBR) Pty Ltd be engaged subject to Australian Groundwater Technologies (AGT) be in partnership throughout the project to undertake the test drilling, pumping tests for aquifer, hydrological modelling, functional design and reporting for the amount of \$367,897 and variation price for provisional items (\$277, 754) are accepted if required.
3. Subject to the viability of the aquifer and acceptance by the DSEWPC, Kellogg Brown & Root (KBR) Pty Ltd be engaged provided that Australian Groundwater Technologies (AGT) be in partnership throughout the project to undertake the engineering survey, concept design, cost estimating, risk assessment and review of environmental factors of the project for the amount of \$173,978.
4. Subject to the acceptance of the risk assessment report Kellogg Brown & Root (KBR) Pty Ltd be engaged provided that Australian Groundwater Technologies (AGT) be in partnership throughout the project to undertake the detailed design, cost estimating, and tender documentation for the amount of \$127,192.
5. A further report be provided to Council regarding the construction stage of the project.

## A LIVEABLE CITY

### 19 [Draft Sportsground Management Strategy](#)

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

That:

1. The information contained in the report on Draft Sportsground Management Strategy be received.
2. The draft Sportsground Management Strategy be placed on public exhibition for a period of 30 days from 29 August 2011 and that the outcomes of the exhibition period be provided in a further report to Council.

### 21 [Federal Government 2012/13 'Nation Building Blackspot Program' Nominations](#)

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

That:

1. The information contained in the report on Federal Government 2012/13 'Nation Building Blackspot Program' Nominations be received.
2. Council endorse the five projects listed under Table 1 of this report for submission to the Roads and Traffic Authority for funding under the Federal Government's 2012/2013 "Nation Building Black Spot Program".

3. The Roads and Traffic Authority be requested to investigate traffic safety on roads under its jurisdiction at locations indicated in Table 2 of this report.

**22 RTA 2011/12 Road Funding Grants**

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

That:

1. The information contained in the report on RTA 2011/12 Road Funding Grants be received.
2. The RTA 2011/12 Program Funding Block Grant in the amount of \$1,007,000 be accepted.
3. Council accept the grant of \$250,000, offered under the 2011/2012 Roads and Traffic Authority REPAIR Program, for the reconstruction of Forrester Road, North St Marys, between Links Road and Ropes Creek.
4. The Supplementary Road Component in the amount of \$156,000 be allocated to the resurfacing of Llandilo Road, Llandilo (between Galvin Road and Sunnymeade Road).
5. The Common Seal of the Council of the City of Penrith be affixed to the "Agreement for Block Grant Assistance to Council for Regional Roads 2011/2012".

**23 Local Government Road Safety Program - Roads & Traffic Authority Grant Funding 2011-2012**

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

That:

1. The information contained in the report on Local Government Road Safety Program - Roads & Traffic Authority Grant Funding 2011-2012 be received.
2. Council accept the three grants offered by the Roads and Traffic Authority Local Government Road Safety Program, totalling \$9,500, as outlined in the report.
3. Council accept the grant offered by the Roads and Traffic Authority NSW Centre for Road Safety for Graduated Licensing Scheme Workshops, totalling \$1,500, as outlined in the report.
4. Council write to the Roads and Traffic Authority and Local State Members thanking them for their continued support for road safety initiatives within the Penrith Local Government Area.

**14 Path paving in the Lemongrove / North Penrith area**

Councillor Ben Goldfinch left the meeting, the time being 9:40 pm.

Councillor Greg Davies left the meeting, the time being 9:41 pm.

210 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Kevin Crameri OAM that the information contained in the report on Path paving in the Lemongrove / North Penrith area be received.

**15 Provision of bubblers, seating and lighting at Jamison Park Dog Off Leash Area**

Councillor Greg Davies returned to the meeting at 9:45 pm.

Councillor Ben Goldfinch returned to the meeting at 9:46 pm.

211 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Prue Guillaume

That:

1. The information contained in the report on Provision of bubblers, seating and lighting at Jamison Park Dog Off Leash Area be received.
2. A further report be provided on the ongoing management of this facility that addresses facility use and residential amenity.

**17 Memory Park Improvement Project**

212 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Jackie Greenow

That:

1. The information contained in the report on the Memory Park Improvement Project be received.
2. The Memory Park improvement project be commenced as soon as possible with funding being allocated from the City Centre Upgrade and Renewal Program.
3. Council endorse works on private land being 438 High Street, Penrith, as outlined in this report.
4. Judges Place Park be investigated for use as a potential recreation facility.

**20 Parks and Leisure Association Conference**

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

That:

1. The information contained in the report on Parks and Leisure Association

Conference be received.

2. A further report on this matter be considered at the Policy Review Committee meeting to be held on 22 August 2011.

## **A VIBRANT CITY**

### **24 [Healthy Communities Grant Application](#)**

214 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Healthy Communities Grant Application be received.
2. Council endorse the submission of an application to the Department of Health and Ageing for grant funding of up to \$566,042 under the Healthy Communities Initiative.
3. A letter of appreciation be sent to all stakeholders who provided a letter of support for the Healthy Communities Grant Application.

## **REQUESTS FOR REPORTS AND MEMORANDUMS**

### **RR 1 Loading Zones in Penrith City Area**

Councillor Mark Davies requested that the Local Traffic Committee investigate any possible improvements that can be made to loading zones and their locations throughout the City.

### **RR 2 Brookfield Park (Jim Anderson Park), Werrington Downs**

Councillor John Thain requested a memo reply to all Councillors regarding a solution to the accumulation of rubbish in Brookfield Park (Jim Anderson Park) as a result of the absence of a bin.

### **RR 3 James Erskine Public School, Erskine Park**

Councillor Greg Davies requested a memo reply to all Councillors concerning a request from the School Principal for a fence outside the school to direct students to the appropriate crossing facility.

Councillor Greg Davies also requested a memo reply concerning the removal of the Community Nurse from the Public School to be located at the community centre.

### **RR 4 St Marys Community Hall - Provision of Waste Disposal Bins**

Councillor Greg Davies requested a memo reply to all Councillors concerning the provision of a waste disposal service to the St Marys Community Hall.



## URGENT BUSINESS

### UB 1 Leave of Absence

Councillor Karen McKeown requested Leave of Absence from 23 August 2011 to 3 September 2011 inclusive, in order to travel to South Africa at the request of the South African Local Government Association (SALGA) to present a paper on Penrith Women's Advocacy Strategy to the Africa Local Government Conference.

215 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jackie Greenow that Councillor Karen McKeown be granted Leave of Absence from 23 August 2011 to 3 September 2011 inclusive, in order to travel to South Africa at the request of the South African Local Government Association (SALGA) to present a paper on Penrith Women's Advocacy Strategy to the Africa Local Government Conference.

### UB 2 Leave of Absence

Councillor Ross Fowler OAM requested Leave of Absence from 19 August 2011 to 4 September 2011 inclusive.

216 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that Councillor Ross Fowler OAM be granted Leave of Absence from 19 August 2011 to 4 September 2011 inclusive.

## COMMITTEE OF THE WHOLE

217 RESOLVED on the MOTION of Greg Davies seconded Jackie Greenow that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:02 pm.

### 1 Presence of the Public

CW1 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jackie Greenow that the press and public be excluded from Committee of the Whole to deal with the following matters:

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### 2 [Personnel Matter - Authority to expel persons from Council meetings](#)

*This item has been referred to Committee of the Whole as the report refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

**3 [Commercial Matter - Council Property - Lease of Wise Owl Coffee & Lounge Store at 3-4 Floribunda Avenue, Glenmore Park](#)**

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

**4 [Commercial Matter - Council Property - Leasing of Suite 102 at Community Connection to AFFORD](#)**

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

**5 [Commercial Matter - Council Property - Lease of Suite 107 at 114-116 Henry Street, Penrith](#)**

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

**6 [Commercial Matter - Council Property - Cranebrook Village Shopping Centre](#)**

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

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**7 [Commercial Matter - Tender Reference 25-10/11 for the provision of Grave Digging Services](#)**

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

The meeting resumed at 10:16 pm and the General Manager reported that the Committee of the Whole met at 10:02 pm on 15 August 2011, the following being present

Councillor Ross Fowler OAM, Councillors Kaylene Allison, Robert Ardill, Kevin Crameri OAM Greg Davies, Mark Davies, Tanya Davies, 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 [Personnel Matter - Authority to expel persons from Council meetings](#)**

RECOMMENDED on the MOTION of Councillor Robert Ardill seconded Councillor Karen McKeown

CW2 That the information contained in the report on Personnel Matter - Authority to expel persons from Council meetings be received.

### **3 [Commercial Matter - Council Property - Lease of Wise Owl Coffee & Lounge Store at 3-4 Floribunda Avenue, Glenmore Park](#)**

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

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Lease of Wise Owl Coffee & Lounge Store at 3-4 Floribunda Avenue, Glenmore Park be received.
2. Council grant a new 5 year Lease to Andreas Froemel and Caterina Froemel in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

### **5 [Commercial Matter - Council Property - Lease of Suite 107 at 114-116 Henry Street, Penrith](#)**

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Karen McKeown

CW5 That:

1. The information contained in the report on Commercial Matter - Council Property - Lease of Suite 107 at 114-116 Henry Street, Penrith be received.
2. Council grant a 3 year Licence Agreement with a 3 year option to Vision Australia in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation if required.

**6 [Commercial Matter - Council Property - Cranebrook Village Shopping Centre](#)**

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Kath Presdee

CW6 That:

1. The information contained in the report on Commercial Matter - Council Property - Cranebrook Village Shopping Centre be received.
2. Council amend the Conditions of the Contract to allow for the proposed masterplan in accordance with the attached plan as indicated in this report.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

**7 [Commercial Matter - Tender Reference 25-10/11 for the provision of Grave Digging Services](#)**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

CW7 That the information contained in the report on Commercial Matter - Tender Reference 25-10/11 for the provision of Grave Digging Services be received.

Having previously declared a Pecuniary Interest in Item 4 – Committee of the Whole, Councillor Ross Fowler OAM left the meeting, the time being 10:15 pm. Councillor John Thain took the Chair for consideration of Item 4 – Committee of the Whole.

**4 [Commercial Matter - Council Property - Leasing of Suite 102 at Community Connection to AFFORD](#)**

RECOMMENDED on the MOTION of Councillor Ben Goldfinch seconded Councillor Marko Malkoc

CW4 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Suite 102 at Community Connection to AFFORD be received.
2. Council grant AFFORD a 3 year lease with a 3 year option in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

At the conclusion of consideration of Item 4 – Committee of the Whole, Councillor Ross Fowler OAM returned to the meeting at 10:16 pm and took the Chair.

**ADOPTION OF COMMITTEE OF THE WHOLE**

218 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5, CW6 and CW7 be adopted.

**16 Tender Reference 25-10/11 for the provision of Grave Digging Services**

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

That:

1. The information contained in the report on Tender Reference 25-10/11 for the provision of Grave Digging Services be received.
2. The tender from LJ Follington Constructions Pty Ltd be accepted for the provision of Grave Digging Services for a period of two (2) years with an option to extend for a further two (2) one (1) year periods (with provision for rise and fall), by mutual agreement and subject to satisfactory performance.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

There being no further business the Chairperson declared the meeting closed the time being 10:19 pm.

I certify that these 53 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 15 August 2011.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date