

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

ON MONDAY 10 DECEMBER 2012 AT 7:03PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

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

PRAYER

The Council Prayer was read by the Rev Neil Checkley.

PRESENT

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

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 19 November 2012

388 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that the minutes of the Ordinary Meeting of 19 November 2012 be confirmed.

DECLARATIONS OF INTEREST

Councillor Maurice Giroto declared a Non-Pecuniary Conflict of Interest – Significant in Item 7 - *WSROC Tender WR03-12/13 - Road Rehabilitation & Asphalt Services* as a number of the companies subject to the report are clients of his.

His Worship the Mayor, Councillor Mark Davies declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 5 - *Youth Week 2013 Program* as he attends a Church which is a recipient of one of the donations discussed in the report.

Councillor Jim Aitken OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 6 - *Development Application DA11/1096 boundary adjustment Lot 9 and Lot 10 DP 234345 (No.20) Forbes Street, Emu Plains Applicant: Freeburn Surveying; Owner: RK McGarrity* as an employee of his is related to the applicant.

SUSPENSION OF STANDING ORDERS

389 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Greg Davies that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:10pm.

Mr Akos Lumnitzer

Item 1 – Notice of Rescission (relating to Item 8 of Ordinary meeting of 19 November 2012 - Planning Proposal for Penrith City-wide Local Environmental Plan)

Mr Lumnitzer, spoke in support of the Western Sydney Conservation Alliance's opposition to the rezoning, and in support of the Rescission Motion. Mr Lumnitzer stated he is a local photographer and has become familiar with the wildlife through his photography. Mr Lumnitzer claimed he understands that progress is important but he is not convinced it should be to the detriment of the environment. Mr Lumnitzer urged Council to consider the future of this site for future generations and listed a number of endangered animals which migrate through this area.

Mr Lumnitzer stated that he believed a proper assessment of the area is still required to determine the full extent of the native wildlife which migrate through this area. Mr Lumnitzer concluded by stating that if the area is not protected some of these bird species may not survive.

Mr Arthur Ilias

Item 13 - Development Application 12/0897 - Subdivision for 292 Lots Jordan Springs Lot 11 DP1176163 Lakeside Parade Jordan Springs

Mr Ilias, spokesperson for the applicant, spoke in support of the recommendation for approval and cited the demand for land from the community as one of the reasons to support the application. Mr Ilias stated that the development is the fastest residential development in Sydney and that Lend Lease has invested significantly in the area. Mr Ilias stated that Lend Lease has previously amended its plans to incorporate a perimeter road along the regional boundary, in consultation with Council, and has submitted this Plan on the basis that it does not set a precedent for future Development Applications.

Mr Ilias concluded by saying that 60% of the properties already sold are to residents from the Penrith Local Government Area and that he looks forward to continuing to work closely with Council and the community.

RESUMPTION OF STANDING ORDERS

390 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marcus Cornish that Standing Orders be resumed, the time being 7:25pm.

MAYORAL MINUTES

2 [Council wins two national Sustainable Cities awards](#)

The Deputy Mayor, Councillor Ross Fowler OAM and Councillor Karen McKeown spoke in support of the Mayoral Minute.

391 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM that the Mayoral Minute on Council wins two national Sustainable Cities awards be received.

1 [Congratulations to Valda Silvy on papal award](#)

The Deputy Mayor, Councillor Ross Fowler OAM and Councillors Kevin Crameri OAM, Jim Aitken OAM, Greg Davies and Jackie Greenow spoke in support of the Mayoral Minute.

His Worship the Mayor, Councillor Mark Davies presented Ms Silvy with a small gift and Council expressed its appreciation by acclamation of her service to the community.

392 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM that the Mayoral Minute on Congratulations to Valda Silvy on papal award be received.

NOTICES OF MOTION TO RESCIND A RESOLUTION

1 [Notice of Rescission](#)

393 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Michelle Tormey that Council rescind that part of Recommendation 2, Resolution 378, of the Council's Ordinary Meeting held on 19 November 2012, in respect of focus areas 1,2,4,5 & 7 identified in Part B of Attachment 1 of the Report".

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

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

Councillor Mark Davies

REPORTS OF COMMITTEES

1 Report and Recommendations of the Penrith Valley Community Safety Partnership Meeting held on 21 November 2012

394 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 21 November, 2012 be adopted.

Councillor Karen McKeown left the meeting, the time being 8:16 pm.

Councillor Karen McKeown returned to the meeting, the time being 8:17 pm.

2 Report and Recommendations of the Local Traffic Committee Meeting held on 3 December 2012

395 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 3 December, 2012 be adopted.

3 Report and Recommendations of the Policy Review Committee Meeting held on 3 December 2012

396 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 3 December, 2012 be adopted with the deletion of the following words from Recommendation 2 of Item 5 “pending the presentation to the Council of the City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd Annual Report for 2012/13.”

DELIVERY PROGRAM REPORTS

A LEADING CITY

1 Preparations and Financial Settings for the 2013-14 Operational Plan

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

That:

1. The information contained in the report on Preparations and Financial Settings for the 2013-14 Operational Plan be received.
2. Council make initial identification of particular matters to be considered in the preparation of the Draft 2013-14 Operational Plan.
3. Preparation of the Draft 2013-14 Operational Plan continue in the terms

discussed in this report and outlined in the *Annual Budget Guidelines* (attached).

2 Decision Making Arrangements During the Christmas/New Year Council Recess

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

That:

1. The information contained in the report on Decision Making Arrangements During the Christmas/New Year Council Recess be received.
2. Development Applications which would normally warrant reporting to Council between 11 December 2012 and 3 February 2013 inclusive be determined under the General Manager's delegation by the General Manager, after consultation with the Mayor, or in his absence the Deputy Mayor.
3. A report be presented to the Ordinary Council Meeting (if required) to be held on 4 February 2013 relating to the operations of the organisation during this period.

4 Summary of Investments and Banking for the period 1 November to 30 November 2012

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

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 November to 30 November 2012 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 November 2012 to 30 November 2012 be noted and accepted.
3. The graphical investment analysis as at 30 November 2012 be noted.

3 City Marketing Plan

400 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on the City Marketing Plan be received.
2. Council endorse the program of activities outlined in this report, with a further report being provided through the December Quarter Review to confirm final funding arrangements.
3. Council noted that all funding sources should be fully explored (including partners) prior to considering voted works as an option.

A CITY OF OPPORTUNITIES

5 Youth Week 2013 Program

401 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Youth Week 2013 Program be received.
2. Council endorse the three recommended projects and funding amounts to the total value of \$6,150 as outlined in Table 1 of this report.
3. Council allocate \$650 from North Ward voted works towards funding the shortfall in activities for Youth Week 2013 for the Nepean Community and Neighbourhood Services.

6 Development Application DA11/1096 boundary adjustment Lot 9 and Lot 10 DP 234345 (No.20) Forbes Street, Emu Plains Applicant: Freeburn Surveying; Owner: RK McGarrity

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

That

1. The information contained in the report on Development Application DA11/1096 boundary adjustment Lot 9 and Lot 10 DP 234345 (No.20) Forbes Street, Emu Plains be received.
2. The Development Application be approved subject to the following conditions:
 - a) The development must be implemented substantially in accordance with the plans numbered CC6 - SURVEY4 - DWG33002 drawn by Matthew Freeburn and dated 26 September 2011 and stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.
 - b) All road works, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.
 - c) **Prior to the issue of a Construction Certificate** a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:
 - Opening the road reserve for the provision of services including stormwater.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works. Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's City Works Department on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

- d) A Construction Certificate is to be issued by the Certifying Authority for the following subdivision works:
- I. Provision of a sealed interallotment drainage line along the eastern boundary of lot 1 through to Forbes Street to service lot 2.
- e) Engineering plans, supporting calculations and relevant certification for the subdivision works shall be prepared by a suitably qualified person and must accompany the application for a Construction Certificate.
- f) Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the subdivision works have been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.
- g) Prior to the issue of a Construction Certificate for subdivision works the Principal Certifying Authority and/ or Certifying Authority shall ensure that a Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for the following works.
- Provision of a new kerb inlet pit over an existing drainage pipeline in Forbes Street to service the interallotment drainage line.

Civil design drawings are to be prepared strictly in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

- h) Work on the subdivision shall not commence until:
- a Construction Certificate has been issued,
 - a Principal Certifying Authority has been appointed for the project, and
 - any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

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

- i) Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.
- j) Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:
 - I. Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines.
 - II. Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
- k) A variable width drainage easement shall be provided over the eastern boundary of Lot 1 to benefit Lot 2 in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.
- l) Prior to the issue of a Subdivision Certificate legal access to McLean Street from the proposed Lot 2 is to be obtained over Lot 11 of DP 264298 including any necessary road dedication.
- m) A restriction as to user and positive covenant relating to mainstream and overland flow flooding shall be registered on the title of the property. The restriction as to user and positive covenant shall require that any future dwelling, structure, alterations or surface levels along with maintenance of any structure and the site be compatible with the flow conveyance function of flooding across the site. This restriction to user shall also include reference and identification of the Risk Management Plan prepared as a consequence of this development consent.
- n) The original Linen Plan and ten (10) copies shall be submitted to Council. All drainage easements, rights of way, restrictions and covenants are to be included on the linen plan. All dedications of roads/drainage are to be undertaken at no cost to Penrith City Council.

The following information is to be shown on one (1) copy of the plan.

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
 - All existing services are wholly contained within the lot served and/or covered by an appropriate easement.
- o) A Subdivision Certificate is to be obtained **prior to the release of the linen plan of subdivision**. The Subdivision Certificate will not be issued if any of the conditions in this consent are outstanding.
- p) All services (water, sewer, electricity and telephone) including the provision of service conduits and stub mains are to be installed within the proposed public roads before final inspection of the engineering works.

Prior to the release of the linen plan, the following service authority clearances shall be obtained:

- a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. This is required prior to the issue of the Subdivision Certificate and
- a letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

These clearances are to be submitted to the Principal Certifying Authority.

- q) Prior to the issue of the Subdivision Certificate the applicant shall prepare a Risk Management Plan for the proposed lot which addresses emergency responses in the event of an extreme flood event.
- r) Prior to the issue of a Subdivision Certificate the plan of subdivision is to include an easement for a right of carriageway for emergency access over proposed Lot 1 in favour of proposed Lot 2.

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

For

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain

Against

Councillor Michelle Tormey
Councillor Jim Aitken OAM (abstained)

Councillor Karen McKeown
Councillor Jackie Greenow
Councillor Maurice Giroto
Councillor Kevin Cramer OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

Having previously declared a Non-Pecuniary Conflict of Interest - Significant, Councillor Maurice Giroto left the meeting, the time being 8:22pm.

A LIVEABLE CITY

7 [WSROC Tender WR03-12/13 - Road Rehabilitation & Asphalt Services](#)

403 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on WSROC Tender WR03-12/13 - Road Rehabilitation & Asphalt Services be received.
2. A new 3 year contract with the option to extend for a further two (2) x one (1) year periods (subject to satisfactory performance) be awarded to the following companies for the specified categories in accordance with the terms and conditions of the WSROC Tender:
 - (a) Asphalt deliver and lay be awarded to State Asphalt Services Pty Ltd as the primary contractor and Downer EDI Works Pty Ltd as the secondary contractor.
 - (b) Asphalt Ex-bin supply be awarded to Fulton Hogan Industries Pty Ltd (Wallgrove) as the primary contractor and State Asphalt Services Pty Ltd as the secondary contractor.
 - (c) Crack Sealing Works be awarded to SuperSealing Pty Ltd and SRS Roads Pty Ltd as the secondary contractor.
 - (d) Mill & Fill Works be awarded to Fulton Hogan Industries Pty Ltd and State Asphalt Services Pty Ltd as the secondary contractor.
 - (e) Pavement Restoration Works be awarded to J&G Excavations & Asphaltting (NSW) Pty Ltd and Bernipave Pty Ltd as the secondary contractor.
 - (f) Provision of Profiling services be awarded to State Asphalt Services Pty Ltd as the primary contractor and Downer EDI Works Pty Ltd as the secondary contractor.
 - (g) Spray Sealed Bituminous Surfacing be awarded to State Asphalt Services

Pty Ltd and All Pavement Solutions Pty Ltd as the secondary contractor.

- (h) Stabilisation and/or Unbound Pavement Reconstruction be awarded to Roadworx Surfacing Pty Ltd and Stabilised Pavements of Australia Pty Ltd as the secondary contractor.
- (i) Surface Preservation, Enrichment or Rejuvenation be awarded to SRS Roads Pty Ltd as well as Downer EDI Works Pty Ltd, subject to a needs basis.

Councillor Maurice Giroto returned to the meeting, the time being 8:23pm.

8 Arms of Australia Inn mower assistance request

404 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Greg Davies

That:

1. The information contained in the report on Arms of Australia Inn mower assistance request be received.
2. Council allocate \$500 equally from each Ward's voted works to purchase a lawn mower for the Arms of Australia Inn.

14 Nepean River Green Bridge - Preferred Design Selection

405 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Nepean River Green Bridge - Preferred Design Selection be received
2. Council endorses the KI Studio option as its preferred design.
3. The Minister for Transport be advised of Council's resolution.

A VIBRANT CITY

9 Magnetic Places Neighbourhood Renewal Community Cultural Grants Program 2012-13

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

That:

1. The information contained in the report on Magnetic Places Neighbourhood Renewal Community Cultural Grants Program 2012-13 be received.
2. The eight projects recommended by the assessment panel be funded as listed, under the 2012-13 Summaries of Recommended Projects, in this report.

10 2013 Seniors Week Grants Program

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

That:

1. The information contained in the report on 2013 Seniors Week Grants Program be received.
2. Council approve grants to eleven (11) local community organisations to the value of \$5,426 for activities to celebrate Seniors Week 2013 as listed in Table 1 of this report.

11 Development Application 12/0420 - Demolition of existing dwelling & erection of two storey dwelling of child care centre (No. 85) Warburton Crescent, Werrington Country Applicant: Kamam Musa Shahatit and Faridah Shahatit; Owner: Kamam Musa Shahatit and Faridah Shahatit

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

That:

1. The information contained in the report on Development Application 12/0420 - Demolition of existing dwelling & erection of two storey dwelling of child care centre (No. 85) Warburton Crescent, Werrington Country be received.
2. Development Application 12/0420 - Demolition of existing dwelling & erection of two storey dwelling of child care centre (No. 85) Warburton Crescent, Werrington Country be refused for the following reasons:
 - 2.1 The application is not satisfactory for the purpose of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act as the proposal is inconsistent with the following provisions of Penrith Local Environmental Plan 1998 (Urban land):
 - Clause 12 (3) -The council must not grant consent to development that involves the erection of a building in Zone No 2 (b), unless the minimum landscaped area provided is 50% of the site area and the objection under State Environmental Planning Policy No.1 – Development Standards is not well founded.
 - 2.2 The application is not satisfactory for the purpose of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act as the

proposal is inconsistent with the following provisions of Penrith Development Control Plan 2006:

- Part 3.3. (Child Care Centres) Part B- Controls- Amenity Clause 3 – which requires a minimum site frontage of 22 metres.
- 2.3 The application is not satisfactory for the purpose of Section 79C(1)(c) of the Environmental Planning and Assessment Act as the site is not suitable for the scale of the proposed development for the following reasons:
- Site frontage of 22 metres is undersized for the proposed Child Care Centre for operational parking purposes and may lead to parents parking on the street all the time.
3. Those persons who made a submission be advised of Council's decision and of the consideration given to their concerns.

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

For

Against

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

- 12 [Development Application DA12/0910 Infrastructure - Gravity sewer pipeline - Lot 1037 \(No. 1208-1274\) The Northern Road Llandilo](#)
Applicant: Maryland Development Company Pty Ltd; Owner: St Marys Land Ltd

409 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Development Application

DA12/0910 Infrastructure - Gravity sewer pipeline - Lot 1037 (No. 1208-1274) The Northern Road Llandilo be received.

2. Council form the opinion that the subject application does not have a 'significant effect' on threatened species, population or an ecological community as concluded in the Independent Peer Review carried out by Anderson Environmental Consultants and discussed throughout this report.
3. Development Application DA12/0810 for the construction of a gravity sewer line Lot 1037 (No. 1208-124) The Northern Road, Jordan Springs be approved subject to the following conditions:

Standard Condition

- 3.1 A001 Approved plans that are architecturally drawn
- A005 Approval Body's consent (for Integrated DA's)
- A019 Occupation Certificate
- A046 Obtain Construction Certificate before commencement of works
- B004 Dust
- B005 Mud/Soil
- D001 Implement approved sediment & erosion control measures
- D005 No filling without prior approval
- D06A No filling without prior approval (bulk earthworks/major filling)
- D009 Covering of waste storage area (Applies to building works/demolition)
- D010 Appropriate disposal of excavated or other waste
- D014 Plant and equipment noise
- H01F Stamped plans & erection site notice 2
- H002 All forms of construction
- H041 Hours of work (Other devt)
- K502 Works as executed - General
- Q001 Notice of Commencement & Appointment of PCA1

Special Condition:

- 3.2 Prior to the issue of a Construction Certificate, the applicant shall submit to Penrith City Council a detailed mapping of threatened species on the site. The detailed mapping shall also include location of fencing to allow the threatened species to be avoided or inadvertently removed outside the construction area.
- 3.3 Post construction rehabilitation of vegetation should be undertaken. Stockpiling of topsoil and vegetative materials should be undertaken

to assist with the bushland restoration in accordance with the Ecology Assessment prepared by Cumberland Ecology dated September 2012.

- 3.4 **Prior to commencement of works**, the applicant must make a separate application to NSW Environment Protection Authority for an environment protection licence for the scheduled development works. The application should be lodged at least eight weeks prior to the planned commencement of the proposed works. **Construction works must not commence until the licence has been issued.**

The licence application should be accompanied by relevant supporting documentation, which should include (but not be limited to):

- a) the development approval / consent;
 - b) the environmental assessment for the proposal;
 - c) documentation from Sydney Water that verifies that:
 - Sydney Water has agreed to have the proposed sewer infrastructure connected to the St Marys STS, and that once constructed and commissioned Sydney Water will take ownership and management of this pipeline; and
 - Sydney Water is satisfied that the design of the proposed sewer infrastructure meets Sydney Water's standards / specifications, and that the proposal will be able to operate as designed without compromising the compliance of the St Marys STS licence.
- 3.5 The applicant shall implement the mitigation measures outlined in Chapter 5 of the Ecology Assessment prepared by Cumberland Ecology dated September 2012.
- 3.6 The applicant shall implement the recommendations in the Preliminary Aboriginal Heritage Assessment Report prepared by Godden Mackay Logan dated September 2012.
- 3.7 The applicant shall implement the mitigation measures as recommended in the Truck Sewage Pipeline Connection EIS Inputs prepared by SKM dated 11 September 2012.
- 3.8 The applicant shall implement the construction traffic management mitigation measures as recommended in the Construction Traffic Management Plan Issue B dated 11/09/12 prepared by GTA Consultants.
- 3.9 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 Central and Western Precinct.

The applicant shall comply with 2010 Guidelines for Development Adjoining Department of Environment and Climate Change Land and Water particularly in relation to

- Erosion and sediment controls
 - Stormwater runoff
 - Wastewater
 - Management implications relating to pests, weeds and edge effects
- 3.10 All land that has been disturbed by earthworks is to be treated to establish a grass cover by using use native grass and/or a sterile grass mix.
- 3.11 The applicant must implement the soil salinity management measures outlined within the Western Precinct Plan during construction.
- 3.12 Sewer manholes are not to be located within the road pavement of the future link road. All sewer ventilation shafts are not to be located in any 'clear zone' of the future link road.
- 3.13 Compaction testing of any backfilling operations shall be undertaken by an accredited Geotechnical Engineer. The level of testing shall be determined by the Geotechnical Testing Authority / Superintendent in consultation with the Principal Certifying Authority.
- 3.14 Prior to the issue of an Occupation Certificate a Geotechnical Report is to be submitted to the Principal Certifying Authority certifying that all earthworks have been completed in accordance with AS3798. The report shall include:
- Compaction reports for all backfilling operations
 - Statement of Compliance
- A copy of the Geotechnical Report shall be submitted to Penrith City Council where Council is not the Principal Certifying Authority.
- 3.15 Construction works are not to commence until an Environment Protection Licence has been issued by the NSW Environment Protection Authority for the development and a copy of this Licence has been submitted to Council.

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

For

Against

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow
Councillor Maurice Giroto
Councillor Kevin Cramer OAM

Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

13 [Development Application 12/0897 - Subdivision for 292 Lots Jordan Springs Lot 11 DP1176163 Lakeside Parade Jordan Springs Applicant: Maryland Development Pty Ltd; Owner: St Mary's Land Limited](#)

410 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Development Application 12/0897 - Subdivision for 292 Lots Jordan Springs Lot 11 DP1176163 Lakeside Parade Jordan Springs be received.
2. Council form the opinion that the subject application does not have a 'significant effect' on threatened species, population or an ecological community as concluded in the Independent Peer Review carried out by Anderson Environmental Consultants and discussed throughout this report.
3. Development Application DA12/0897 for Subdivision of Lot 11 DP 1176163 Jordan Springs be determined by granting Deferred Commencement consent subject to the following conditions.

Schedule 1 : Conditions to be Complied with Prior to Consent Becoming Operational:

- 3.1 Within twelve (12) months from the date of decision of this Deferred Commencement, the applicant shall amend and re-submit to Penrith City Council all supporting documents incorporating a perimeter road in accordance with the revised layout.
- 3.2 Within twelve (12) months from the date of decision of this Deferred Commencement, the applicant shall obtain a revised Bush Fire Safety Authority from NSW Rural Fire Service based on the revised layout.

Schedule 2

Standard Conditions

- 3.3 A001 Approved plans that are architecturally drawn
- A003 Deferred Commencement use
- A005 Approval Body's consent (for Integrated DA's)
- A041 Construction in bushfire areas

A042	Asset protection zones in bushfire areas
A046	Obtain Construction Certificate before commencement of works
B004	Dust
B005	Mud/Soil
C003	Uncovering relics
D001	Implement approved sediment & erosion control measures
D005	No filling without prior approval
D009	Covering of waste storage area
D010	Appropriate disposal of excavated or other waste
D014	Plant and equipment noise
G001	Installation of services and service clearance (subdivision)
H01F	Stamped plans & erection site notice 2
H002	All forms of construction
H041	Hours of work
K101	Works at no cost to Council
K201	Sediment & Erosion Control – CC approval
K202	Roads Act – Minor roadworks
K205	Construction Certificate 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
K302	Traffic Control Plan
K304	Matters to be addressed prior to commencement of Subdivision Works
K401	Erosion and sediment control
K404	Services - Underground
K405	Street Lighting
K407	Major Filling
K408	Soil testing - Subdivisions
K503	Stormwater Compliance
K504	Restriction as to User and Positive Covenant

- K507 Linemarking & Signage
- K510 Street Signs
- K511 Bond for final wearing course
- K513 Maintenance Bond
- K514 Subdivision Compliance documentation
- L002 Landscape construction
- L005 Planting of plant material
- L006 AS requirements
- L009 Tree Preservation Order (for subdivision)
- M001 Prior to subdivision work
- M008 Linen Plan
- M009 88B Instrument
- M011 Soil testing
- M014 Surveyors certificate
- P001 Costs
- P002 Fees associated with Council land
- Q001 Notice of Commencement & Appointment of PCA1
- Q008 Subdivision Certificate

Special Conditions

- 3.4 Prior to the issue of a Construction Certificate, the applicant shall submit to Penrith City Council the following documents to achieve compliance with the Director General's Requirement:
- (a) A detailed survey for *Grevillea juniperina* on the site taking into consideration the potential for higher numbers within the soil stored seedbank both of *Grevillea juniperina*, *Dillwynia tenuifolia*, *Pimelea spicata* and *Pultenaea parviflora* in the eastern quarter of the site
 - (b) Description and mapping of vegetation, flora and fauna surveys indicating the location of any of the threatened species, their habitats found on the site nor map their extent or the extent of potential habitat.
 - (c) A management plan to minimise the potential impacts on the adjoining bushland. The area to be managed should entail the first 50 metres from the southern edge of the allotments to control any weed incursion, breaks in fencing and dumping of garden waste/rubbish into the bushland conservation area. The management plan should be in perpetuity and entail works annually to ensure the protection and enhancement of this bushland area.

- 3.5 The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the approval has been provided to Council.
- 3.6 The applicant shall at all times comply with the Bush Fire Safety Authority issued by NSW Rural Fire Service (Ref D12/2115 DA 12092484896 KV) dated 8 November 2012 and the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following condition shall apply:

- (a) The stipulated Asset Protection Zones (APZs) are to be provided within the proposed lots where they cannot be achieved by the perimeter road according to the recommendations in 'Bushfire Protection Assessment – Proposed Subdivision: Jordan Springs Village 4' prepared by Ecological Australia dated 11 September 2012.

In accordance with section 88B of the Conveyancing Act 1919 a restriction to the land use shall be placed on these lots requiring the provision of this APZ which shall be maintained as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. This restriction can be extinguished upon commencement of any future proposed residential development on the adjacent lot but only if the hazard is removed as part of the proposal.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following condition shall apply:

- (b) Water, electricity and gas are to comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following condition shall apply:

- (c) Public roads shall comply with Section 4.1.3(1) of 'Planning for Bush Fire Protection 2006', except the requirement for a continuous perimeter road.

- 3.7 The proposed access points along sections of northern and southern interfaces without perimeter public road shall be provided as recommended in the 'Bushfire Protection Assessment – Proposed Subdivision ; Jordan Springs Village 4' prepared by Ecological Australia dated 11 September 2012 and the correspondence from Ecological Australia date 06 November 2012.
- 3.8 All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime Services
- 3.9 A Construction Traffic Management Plan for the subdivision, detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Penrith City Council prior to the issue of the Construction Certificate for the subdivision.
- 3.10 Traffic calming is to be incorporated into the proposed road servicing Lots 4001 to 4006 due to the acute left hand turn (adjacent to Lot 4015) and potential for high vehicle speeds in this area. The applicant shall consult Council's Traffic Engineer for the type and position of device required.
- 3.11 All bicycle path construction is to be in accordance with the relevant provisions of Roads and Maritime Services' *NSW Bicycle Guidelines* and *AUSTROADS Guide to Traffic Engineering Practice – Part 14 Bicycles*.
- 3.12 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction. The measures and recommendations outlined in the Salinity Review prepared by Geotech Testing Pty Ltd Ref 7508/23-AA Final Revised dated 8 March 2012 are to be adopted and implemented as a part of the development.
- 3.13 The development and salvage works must be conducted in accordance with the Aboriginal Heritage Impact Permit (AHIP Permit No. 10996059) issued on 13 February 2009.
- 3.14 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.
- 3.15 Prior to the issue of a Construction Certificate, Penrith City Council is to approve of the type of Gross Pollutant Traps (GPT's), the location of the GPT's, and the access arrangements for maintenance purposes.
- 3.16 Prior to the issue of a Construction Certificate provision is to be made for concrete access hardstand areas to all GPT's to allow maintenance

vehicles to enter and leave in a forward direction. Full details are to be submitted with the application for a Construction Certificate.

- 3.17 The temporary on-site detention and erosion and sediment control basin as shown on plans by J Wyndham Prince, reference number 9408 sheets DA01-DA26, revision B, dated 10/09/2012 shall be relocated clear of the footprint of the proposed eastern lake.

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. A copy of the Operation and Maintenance Manual shall be submitted to Penrith City Council if Council is not the Certifying Authority.

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.

- 3.18 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.
- 3.19 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plan numbered WP V4 STP sheets A1, A2, B, C, D, E & F, Issue A dated 11/09/2012.

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.

- 3.20 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.
- 3.21 The following aspect in relation to Crime Prevention through Environmental Design (CTPED) principles should be incorporated into the proposed subdivision to enhance the safety and security of all

users and minimise the crime risk associated with this development:

(a) 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 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.

(b) Landscaping

- Planting along pedestrian / cycle pathways should promote passive surveillance and clear lines of sight. 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 shall be marked and signposted to clearly delineate the portion pathway to be used by pedestrians and cyclists.

(c) Neighbourhood Park

- Any new planting within the local park must have a high canopy and minimal undergrowth to enable passive surveillance, promote clear lines of sight and reduce entrapment spots. Dense shrubs will be avoided.
- Park furniture (i.e. seating, shelters) and play equipment must utilise vandal resistant treatments where possible, and should be constructed of sturdy materials to minimise opportunities for malicious damage, graffiti, vandalism and theft. Graffiti resistant coatings must be applied to any surfaces subject to graffiti to assist with removal.
- Future park furniture and playground equipment must be positioned in a location with good levels of surveillance to minimise the risk of vandalism or other forms of antisocial behaviour, particularly at night.

3.22 Prior to the issue of a Construction Certificate, the applicant must liaise with Council's Landscape Architecture Supervisor for the provision of a more suitable species for street tree planting on Roads No.1, 5 and 21.

Advisory Condition

- 3.23 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.

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

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

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

Councillor Tricia Hitchen left the meeting, the time being 8:29pm.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Storage of 'Healthy Harold' Trailers

Councillor Marcus Cornish requested a memo reply to all Councillors on the options for storage of the 'Healthy Harold' trailers at the Penrith Works Depot and also what assistance can be provided in towing the trailers to sites.

Councillor Tricia Hitchen returned to the meeting, the time being 8:32pm.

RR 2 Recycling Bin Collection

Councillor Marcus Cornish requested a memo reply to all Councillors detailing the cost of introducing a weekly recycling bin collection, including the Council's contractual obligations.

RR 3 Traffic Issues - Laycock Street, Cranebrook

Councillor Marcus Cornish requested that the provision of calming devices and flashing lights outside Braddock Public School in Laycock Street, Cranebrook be referred to the Local

Traffic Committee for investigation.

RR 4 Request for Funding - St Marys Rugby League Netball Club

Councillor Jim Aitken OAM requested a report to Council, and memo reply to all Councillors, responding to a request from the Director/President of the St Marys Rugby League Netball Club for funding of two netball courts at the Boronia Road netball complex.

RR 5 Christmas message displayed on local roadside signs

Councillor Jim Aitken OAM requested a memo reply detailing the reasons for the change in the Christmas message on Council roadside signs to 'Seasons Greetings' instead of the traditional Christian message.

RR 6 Road surfaces in Glenmore Park

Councillor Jim Aitken OAM requested a memo reply regarding the condition of road surfaces in Kiber Drive, Muru Drive and surrounding streets in Glenmore Park, which are in need of repair, and also providing details on the slope of the footpaths which may be greater than required.

RR 7 Parks in South Penrith & Jamisontown

Councillor Jim Aitken OAM requested a report to Council on parks in South Penrith and Jamisontown regarding funding of play equipment and other amenities needed at these parks, and funding options available.

RR 8 Maintenance of Roads

Councillor Kevin Crameri OAM requested a report to a future Policy Review Committee Meeting regarding road maintenance and preventative maintenance and the repair of pot holes which appear after road patching works, as well as cracked roads not being repaired, resulting in severe failures.

Councillor Crameri OAM also requested a memo reply specifically regarding the road surfaces in Ninth Avenue, Sixth Avenue and Third Road, in Llandilo.

RR 9 Replacement of Llandilo Rural Fire Service Shed

Councillor Kevin Crameri OAM requested a memo reply providing a complete chronology, from the last three years, of the Llandilo Rural Fire Shed replacement.

RR 10 Repairs to Llandilo Rural Fire Service Shed

Councillor Kevin Crameri OAM requested a report to Council outlining the provision of various repairs to the Llandilo Rural Fire Service Shed, including replacement of the kitchen and awning at the side of the shed, as well as provision of a lock up storage at the back of the building, including a roof; and in addition the provision of two small fences with gates and an awning for the catering trailer.

RR 11 Provision of Playground in Nash Street, Penrith

Councillor Karen McKeown requested a report to Council regarding the provision of a playground in Nash Street, Penrith, with the report to identify which appropriate surplus land may be sold for affordable housing to fund a playground with an estimated value of \$75,000.

RR 12 Community Meeting concerning a Planning Proposal for Remediation of Contaminated Soil

Councillor Prue Car requested a memo reply detailing how Council is advertising the community meeting to be held on Monday 17 December 2012 in relation to the Planning Proposal to remediate the contaminated soil at 7-9 Nelson Parade, Hunters Hill and its transfer to the SITA facility at Kemps Creek.

RR 13 Use of vehicles as advertising structures

Councillor Greg Davies requested a report to Council outlining options to address the issue of vehicles being used as advertising structures from avoiding a loophole in Legislation regarding the use of on-street parking.

COMMITTEE OF THE WHOLE

411 RESOLVED on the MOTION of Councillor Maurice Giroto seconded Councillor Marcus Cornish that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:41 pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Maurice Giroto seconded Councillor Marcus Cornish that the press and public be excluded from Committee of the Whole to deal with the following matters:

A City of Opportunities

- 2 [Development Application DA11/0546 Werrington Signals Subdivision DP1069025 Lots 50-58 \(No.731-769\) Great Western Highway \(Car French Street\) Werrington](#) Applicant: Middle East Pty Ltd; Owner: Middle East Pty Ltd, Highway Pty Ltd, Western Highway Pty Ltd, Great Western Highway Pty Ltd, Eastern O'Connell Pty Ltd, George W. Pty Ltd**

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 8:43 pm and the General Manager reported that the Committee of the Whole met at 8:41 pm on 10 December 2012, the following being present

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

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

CONFIDENTIAL BUSINESS

- 2 [Development Application DA11/0546 Werrington Signals Subdivision DP1069025 Lots 50-58 \(No.731-769\) Great Western Highway \(Car French Street\) Werrington](#) Applicant: Middle East Pty Ltd; Owner: Middle East Pty Ltd, Highway Pty Ltd, Western Highway Pty Ltd, Great Western Highway Pty Ltd, Eastern O'Connell Pty Ltd, George W. Pty Ltd

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

CW2 That:

1. The information contained in Development Application DA11/0546 Werrington Signals Subdivision DP1069025 Lots 50-58 (No.731-769) Great Western Highway (Car French Street) Werrington be received.
2. Council and the owner of the subject land enter into Voluntary Planning Agreement as per the letter of offer, that the developer provide
 - o All roads provided as part of the current DA be provided as part of each stage;
 - o All stormwater work required to satisfy the entire development of the site (Stages 1-5);
 - o Bicycle paths and bus facilities required to service the site (cost expected to be in the order of \$125,000);
 - o Dedication of land containing the drainage basins and conservation corridor to Council at no cost to Council; and
 - o \$3.6 Million developer contributions
3. The Voluntary Planning Agreement (VPA) be publicly notified in accordance with the Environmental Planning and Assessment Act 1979 and the

Regulations 2000.

4. The General Manager be granted delegated authority to finalise the VPA after it has been publicly notified.

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

For

Against

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

ADOPTION OF COMMITTEE OF THE WHOLE

412 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Greg Davies that the recommendations contained in the Committee of the Whole and shown as CW1 and CW2 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:46 pm.

I certify that these 28 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 10 December 2012.

Chairperson

Date