

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

ON MONDAY 26 AUGUST 2013 AT 7:34PM

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 Rev. Neil Checkley.

PRESENT

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

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Ross Fowler OAM for the period 15 August 2013 to 27 August 2013 inclusive.

212 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor John Thain that Leave of Absence be granted to Councillor Tricia Hitchen for the period 27 August 2013 to 14 September 2013 inclusive.

APOLOGIES

213 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Kevin Crameri OAM that an apology be received for Councillor Ben Goldfinch.

CONFIRMATION OF MINUTES - Ordinary Meeting - 22 July 2013

214 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marcus Cornish that the minutes of the Ordinary Meeting of 22 July 2013 be confirmed.

DECLARATIONS OF INTEREST

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 18 – *Development Application 13/0619 at Lot 3139 DP 1168995, Lot 3139 Sinclair Parade Jordon Springs for a Proposed Torrens Title Subdivision Creating 210 Residential Lots and 1 Residue Lot with New Roads and Associated Earthworks and Civil Works Applicant: Maryland Development Company Pty Ltd; Owner: St Marys Land Ltd* as he owns land in the vicinity of the area subject to the report.

SUSPENSION OF STANDING ORDERS

215 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Greg Davies that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:39pm.

Ms Suzy Bechaye

Item 2 – Development Application 12/0721 Childcare centre at Lot B DP389004 & Lot A DP389004 (No. 168-170) Stafford Street, Penrith

Ms Bechaye, an affected person, spoke in opposition to the recommendation for the approval of the development application. Ms Bechaye presented to Councillors documents showing car parking and traffic diagrams with respect to the subject development. Ms Bechaye raised concerns with respect to accumulated traffic, insufficient car parking spaces and toilets, the provision of safe drop-off and collection periods, noise accumulation given that there is also another child care centre in the vicinity of the proposed development and the possible non-compliance with sun-safety regulations of the child care centre's operations with regards to outdoor play. Ms Bechaye also stated that she does not believe that the proposal is required in the area.

Mr Glen Harris

Item 4 – Development Application 13/0310 Proposed Community facility 90 Place Child Care Centre and Hall (No. 13-40) Bangalla Parade, Glenmore Park

Mr Harris, a concerned resident, spoke in support for the recommendation for the refusal of the proposed development application. Mr Harris stated that he was happy with the proposed recommendation and indicated two further issues for the Council to consider. These issues included the traffic flow issues arising from the median strip that does not allow right turns into Bangalla Parade and issues with respect to the management of over flow parking in the vicinity of the development application given that there is no parking in Bradley Street.

Ms Jessie Richter

Item 4 – Development Application 13/0310 Proposed Community facility 90 Place Child Care Centre and Hall (No. 13-40) Bangalla Parade, Glenmore Park

Ms Richter, an affected person, spoke in support for the recommendation for the refusal of the proposed development application. Ms Richter raised concerns about the child and teacher ratios, car parking availability, noise pollution and the increased high traffic volume and risks relating to safe traffic movement. Ms Richter indicated that the proponents proposed solutions to some of the issues are not realistic and by practice these issues cannot be remedied. Drop-off turnaround time is also an issue with respect to car parking and traffic flow. Ms Richter believed that the location of the proposed development is not suitable and not fitting with the surrounding environment.

Ms Danielle Sultana

Item 4 – Development Application 13/0310 Proposed Community facility 90 Place Child Care Centre and Hall (No. 13-40) Bangalla Parade, Glenmore Park

Ms Sultana, an affected person, spoke in support for the recommendation for the refusal of the proposed development application. Ms Sultana indicated that the noise pollution that will be created by the proposed development will affect the lifestyle of the neighbouring residents. She believes that the acoustic report is not sufficient and does not effectively respond to the realities involved with dropping-off and picking-up children. She also expressed her concerns about pedestrian safety with the increased traffic flow that will arise from the proposed development. Ms Sultana believed that the proposed child care centre is in the wrong location.

Mr Geoff Brown

Item 6 – Draft Structure Plan for the Broader Western Sydney Employment Area – Draft Submission

Mr Brown, an affected person, spoke in opposition to the recommendation. Mr Brown highlighted issues relating to the negative impacts that the Broader Western Sydney Employment Area may have on the environment. He raised issues relating to the impacts on wildlife and raised concerns relating to the ecological impact that development may have on the surrounding environment.

216 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Maurice Giroto that an extension of time be granted to enable the speaker to complete his address, the time being 8:18pm.

Mr Brown concluded by expressing other issues relating to the effects of increased traffic flow in the area and the potential loss of rural lands and the rural and heritage characteristics of the surrounding environment.

Mr Geoff Brown

Item 18 – Development Application 13/0619 at Lot 3139 DP 1168995, Lot 3139 Sinclair Parade Jordon Springs for a Proposed Torrens Title Subdivision Creating 210 Residential Lots and 1 Residue Lot with New Roads and Associated Earthworks and Civil Works

Mr Brown, an interested citizen, spoke in opposition to the recommendation for the approval of the development application. He raised issues about the fracturing of the Cumberland Conservation Corridor, Bushfire Risks resulting from the development and the increased traffic that may result. Mr Brown also referred to Council's position in supporting conservation corridors.

RESUMPTION OF STANDING ORDERS

217 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Marcus Cornish that Standing Orders be resumed, the time being 8:33pm.

MAYORAL MINUTES

2 [The passing of Terry Heidtmann](#)

Councillors Jim Aitken OAM, John Thain and Greg Davies spoke in support of the Mayoral Minute.

218 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jim Aitken OAM that the Mayoral Minute on The passing of Terry Heidtmann be received.

The meeting observed a minute's silence at 8:38pm.

1 [Recognising Leigh Hartog](#)

Councillors Jim Aitken OAM, Jackie Greenow OAM, John Thain, Greg Davies and Bernard Bratusa spoke in support of the Mayoral Minute.

219 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jim Aitken OAM that the Mayoral Minute on Recognising Leigh Hartog be received.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Policy Review Committee Meeting held on 12 August 2013](#)

220 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 12 August, 2013 be adopted.

2 [Report and Recommendations of the Local Traffic Committee Meeting held on the 5 August 2013.](#)

221 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Tricia Hitchen that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 5 August, 2013 be adopted.

222 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marcus Cornish that Items 4 and then 2 of the Delivery Program be considered first.

DELIVERY PROGRAM REPORTS

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

Councillor Tricia Hitchen left the meeting, the time being 9:05pm.

Councillor Tricia Hitchen returned to the meeting, the time being 9:06pm.

4 [Development Application 13/0310 Proposed Community Facility 90 Place Child Care Centre and Hall \(No.38-40\) Bangalla Parade, Glenmore Park](#) Applicant: Hazzouri Melham; Owner: Lensworth Glenmore Park Pty Ltd

223 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Development Application 13/0310 Proposed Community Facility 90 Place Child Care Centre and Hall (No.38-40) Bangalla Parade, Glenmore Park be received.
2. Development Application 13/0310 Proposed Community Facility 90 Place Child Care Centre and Hall (No.38-40) Bangalla Parade, Glenmore Park be refused for the following reasons:
 - A) 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 188*:

Clause 12 Land use arrangement

(1) Subject to this clause, the council shall not consent to any development on land to which this plan applies unless the type and location of development is generally in accordance with any development control plan applying to the land.

The location of the proposed development is not in accordance with Penrith Development Control Plan 2006.

- B) 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*:
 - i) The application has not satisfied Council with respect to the requirements for location criteria, car parking and amenity of residents of the neighbouring properties.
- C) The application is not satisfactory for the purpose of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 as it has not been demonstrated the likely impacts of the development can be satisfactorily mitigated. These impacts particularly relate to traffic, vehicle parking, noise and privacy.
- D) The application is not satisfactory for the purpose of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 as it has not been demonstrated through compliance with the relevant

provisions that the site is suitable for the proposed development.

- E) The application is not satisfactory for the purpose of Section 79C(1)(e) of the Environmental Planning and Assessment Act as the proposal is not in the public interest.
- 3. Those making submissions to be advised of Councils decision.
- 4. Comments relating to the 'No Right Turn' on the median strip into Bangalla Parade and the 'No Parking' on Bradley Street form part of the reasons relating to Council's refusal of the Development Application 13/0310.

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 OAM
Councillor Maurice Girotto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

2 [Development Application 12/0721 Childcare centre at Lot B DP389004 & Lot A DP389004 \(No.168-170\) Stafford Street, Penrith](#) Applicant: Nor'side Investments Pty Ltd; Owner: Nor'side Investments Pty Ltd

224 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Kevin Crameri OAM that the matter be deferred to a future Ordinary Council meeting.

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 OAM
Councillor Maurice Girotto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Bernard Bratusa

Councillor Marcus Cornish
Councillor Mark Davies

1 Tender Reference 12/13-16, Provision of Childcare Cleaning Services

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

That:

1. The information contained in the report on Tender Reference 12/13-16, Provision of Childcare Cleaning Services be received.
2. A contract for the provision of childcare cleaning for a period of three (3) years, with an option to extend for a further two (2) by one (1) year periods, subject to satisfactory performance, be awarded to Academy Services (NSW) Pty Ltd for the annual cost of \$349,843.20.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

3 Development Application 13/0339 Proposed 2 Storey dwelling over garage and front fence at Lot 2 D1165374 (No.127) River Road, Emu Plains Applicant: Gregory and Crystal Lloyd; Owner: Gregory and Crystal Lloyd

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

That:

1. The information contained in the report on Development Application 13/0339 Proposed 2 Storey dwelling over garage and front fence at Lot 2 D1165374 (No.127) River Road, Emu Plains be received
2. The SEPP 1 variations relating minimum landscaped area, building envelope and maximum external wall height be supported.
3. DA13/0339 for a multilevel dwelling consisting of three storeys at 127 River Road EMU PLAINS NSW 2750, be approved subject to the attached conditions:
 - 3.1 A001 Approved plans that are architecturally drawn
 - A008 Works to BCA requirements
 - A019 Occupation Certificate
 - A046 Obtain a Construction Certificate
 - D001 Implement approved sediment & erosion control measures
 - D007 Filling of land
 - D009 Covering of waste storage area
 - D010 Appropriate disposal of excavated or other waste
 - E001 BCA compliance

F006 Water tank & nuisance
H001 Stamped plans
H002 All forms of construction
H009 Cut/fill details
H022 Survey
H030 Roof finishes
H036 Rainwater tank
H037 Safe supply of water from catchment
H038 Connection of rainwater tank supply
H039 Rainwater tank pumps
H041 Hours of Work
K202 Road act
K208 Stormwater
K215 Flooding
K217 Flooding
K218 Flooding
K402 Flooding
K403 Flooding
K501 Roads Authority
L008 Tree Preservation Order
P002 Fees associated with Council land
Q01F Notice of Commencement of Appointment of PCA
Q05F Occupation/Compliance Certificate

Special Conditions

- 3.2 *Privacy (ground floor terrace)* - The North eastern side and South western side of the ground floor terrace are to be provided with a fixed timber louvre privacy screen, angled so as to prevent downward viewing into adjoining dwellings and adjoining private open spaces. Screening shall be constructed to a minimum height of 1.8m above finished floor level of the terrace. Details are to be provided prior to the issue of a construction certificate
- 3.3 *Privacy (ground floor alfresco)* – To reduce impacts on privacy and overlooking from the rear alfresco, appropriate measures are to be installed to prevent viewing from the alfresco into adjoining dwellings and adjoining private open spaces. These measures may include fixed privacy screening, mature landscaping or a combination of both. Details are to be provided prior to the issue of a construction

certificate.

- 3.4 *Privacy (first floor balcony)* - The first floor balcony is to be provided with a fixed timber louvre privacy screen, angled so as to prevent downward viewing into adjoining dwellings and adjoining private open spaces. Screening must be located on the South west elevation and shall be constructed to a minimum height of 1.6m above finished floor level of the balcony. Details are to be provided prior to the issue of a construction certificate.
- 3.5 *Privacy (first floor terrace)* - The North eastern and South western elevations of the first floor terrace are to be provided with a fixed timber louvre privacy screen, angled so as to prevent downward viewing into adjoining dwellings and adjoining private open spaces. Screening shall be constructed to a minimum height of 1.6m above finished floor level of the terrace. Details are to be provided prior to the issue of a construction certificate.
- 3.6 *Privacy (living room windows)* - To reduce impacts on privacy and overlooking into adjoining properties, the living room windows on the North Eastern elevation shall be provided with fixed obscure glazing up to 1.5m above finished floor level.
- 3.7 *Vehicular access* - Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access and driveway gradients are in accordance with AS 2890.1 and Penrith City Council's Development Control Plan.

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 Jackie Greenow OAM
 Councillor Maurice Girotto
 Councillor Kevin Crameri OAM
 Councillor Jim Aitken OAM
 Councillor Tricia Hitchen
 Councillor Bernard Bratusa
 Councillor Marcus Cornish
 Councillor Mark Davies

Councillor Michelle Tormey

5 [Development Application 13/0595 residential alterations and additions - ground floor addition at Lot 775 DP 717440 \(No. 4\) Fernview Place, Cranebrook](#) Applicant: Darren and Melissa Scott; Owner: Darren and Melissa Scott

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

That:

1. The information contained in the report on Development Application 13/0595 residential alterations and additions - ground floor addition at Lot 775 DP 717440 (No. 4) Fernview Place, Cranebrook be received.
2. The submitted SEPP 1 be supported.
3. DA13/0595 for a Development Application 13/0595 residential alterations and additions - ground floor addition at Lot 775 DP 717440 (No. 4) Fernview Place, Cranebrook NSW be approved subject to the attached conditions:
 - 3.1 A001 Approved plans that are architecturally drawn
 - A008 Works to BCA requirements
 - A019 Occupation Certificate
 - A046 Obtain a Construction Certificate
 - D001 Implement approved sediment & erosion control measures
 - D007 Filling of land
 - D009 Covering of waste storage area
 - D010 Appropriate disposal of excavated or other waste
 - E001 BCA compliance
 - E005 Smoke detector (amended)
 - F006 Water tank & nuisance
 - H001 Stamped plans
 - H009 Cut/fill details
 - H022 Survey
 - H030 Roof finishes
 - H041 Hours of Work
 - K016
 - K041 Bond
 - L008 Tree Preservation Order
 - P002 Fees associated with Council land
 - Q01F Notice of Commencement of Appointment of PCA
 - Q05F Occupation/Compliance Certificate

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 OAM
Councillor Maurice Girotto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

6 [Draft Structure Plan for the Broader Western Sydney Employment Area - Draft Submission](#)

228 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Draft Structure Plan for the Broader Western Sydney Employment Area - Draft Submission be received.
2. Council endorse the attached submission on the draft Structure Plan for the Broader Western Sydney Employment Area, together with any additional critical issues identified by Councillors, as the basis of a final submission to be forwarded to the Department of Planning and Infrastructure.
3. A formal representation be prepared to the Minister for Western Sydney, Mr Barry O'Farrell MP.
4. A copy of the final submission be forwarded to all Councillors.
5. A copy of the final submission be forwarded to the Local State Members for Mulgoa, Penrith and Camden.
6. The Council's submission include a reference to the need to have a whole-of-catchment flooding analysis and a study of the broader environmental flow impacts of the development of the Broader Western Sydney Employment Area (BWSEA), including that portion of the catchment downstream of BWSEA.

18 Development Application 13/0619 at Lot 3139 DP 1168995, Lot 3139 Sinclair Parade Jordan Springs for a Proposed Torrens Title Subdivision Creating 210 Residential Lots and 1 Residue Lot with New Roads and Associated Earthworks and Civil Works Applicant: Maryland Development Company Pty Ltd; Owner: St Marys Land Ltd

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

Councillor Marcus Cornish left the meeting, the time being 9:43pm.

Councillor Marcus Cornish returned to the meeting, the time being 9:45pm.

Councillor Prue Car left the meeting, the time being 9:46pm.

Councillor Greg Davies returned to the meeting, the time being 9:46pm.

Councillor Prue Car returned to the meeting, the time being 9:52pm.

Councillor Prue Car left the meeting, the time being 9:59pm.

Councillor Prue Car returned to the meeting, the time being 10:00pm.

A MOTION was MOVED by Councillor Kevin Crameri OAM seconded by Councillor Michelle Tormey

That:

1. The information contained in the report on Development Application 13/0619 at Lot 3139 DP 1168995, Lot 3139 Sinclair Parade Jordan Springs for a Proposed Torrens Title Subdivision Creating 210 Residential Lots and 1 Residue Lot with New Roads and Associated Earthworks and Civil Works be received.
2. A site inspection be undertaken of the residual area that has been deferred being the north-eastern corner of the development site.
3. Development Application No.13/0619 for the proposed Torrens Title subdivision creating 210 residential lots and one (1) residue lot with new roads and associated earthworks and civil works at Lot 3139 DP 1168995, Lot 3139 Sinclair Parade Jordan Springs be determined by granting a partial consent in accordance with Section 80(4)(b) of the Environmental Planning and Assessment Act, 1979 except for the north-eastern corner of the development site subject to the following conditions.

Standard Conditions

- 3.1 A001 Approved plans that are architecturally drawn
- A005 Approval Body's consent (for Integrated DA's)
- A041 Construction in bushfire areas
- A042 Asset protection zones in bushfire areas
- A044 Compliance with NSW Rural Fire Service conditions of consent
- A046 Obtain Construction Certificate before commencement of

	works
B005	Mud/Soil
C003	Uncovering relics
D005	No filling without prior approval
D06A	Approval for bulk earthworks/major filling operations
D009	Covering of waste storage area
D010	Appropriate disposal of excavated or other waste
G001	Installation of services and service clearance (subdivision)
H01F	Stamped plans & erection site notice 2
H002	All forms of construction
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
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
- M014 Surveyors certificate
- P001 Costs
- P002 Fees associated with Council land
- Q001 Notice of Commencement & Appointment of PCA1
- Q008 Subdivision Certificate

Special Conditions

- 3.2 The applicant shall at all times comply with the Bush Fire Safety Authority issued by NSW Rural Fire Service (Ref D13/1417 DA 13070188008 MA) dated 2 August 2013 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) At the issue of Subdivision Certificate and in perpetuity each lot shall be managed in accordance with Table 1 of Eco Logical's Bush Fire Assessment Report, reference 09SUTBUS-001, dated 18/6/2013 as an Inner Protection Area (IPA) as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 200' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones',

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 in the instance of providing a public perimeter road.
- 3.3 Construction for any future dwellings should consider the BAL map (Figure 4) supplied by Eco Logical's Bush Fire Assessment Report, referenced 09SUTBUS-000, dated 18/6/2013.
- 3.4 The applicant shall at all times comply with the concurrence issued NSW Roads and Maritime Services (RMS) (Ref SYD13/00741 (A4830590)) dated 17 July 2013 and the following conditions:
- (a) All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.
 - (b) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
 - (c) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
P O Box 973 PARRAMATTA CBD 2124

A plan checking fee will be payable and a performance bond may be required before RMS's approval is issued. With regard to the Civil Works requirement please contact the RMS's Project Engineer, External Works Ph : 8849 2114 or Fax : 8849 2766.

- (d) Any proposed temporary/partial road closures will require the applicant to apply for a Road Occupancy Licence (Form C & D) by contacting the Transport Management Centre's Planned Incidents Unit on (02) 8396 1513 during office hours (8am – 4pm) or 131 700 after hours.

The applicant will be required to submit the Road Occupancy Licence forms/traffic management plan at least 10 working days prior to the start of works. Plans should be forwarded to the Supervisor Planned Incidents Unit, Transport Operations, Transport Management Centre or on facsimile (02) 8396 1530.

If it is intended to undertake road opening work, the applicant

will need to obtain a Road Opening Licence. Details can be obtained from RMS's Sydney Projects Section, Parramatta (Ph: 8849 2496).

- (e) The design and construction of the left-in/left-out intersection and median on The Northern Road shall be in accordance with RMS's requirements. Details of these requirements should be obtained from RMS's Project Services Manager, Traffic Projects Section, Parramatta (PH: 8849 2496).

Detailed design plans of the proposed civil works are to be submitted to RMS for approval prior to the commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by RMS.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RMS's assessment of the detailed civil design plans.

- (f) All ingress/egress to the subdivision shall only be left turn movements into/from The Northern Road.
- (g) All 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.
- (h) All vehicle ingress/egress to/from the subdivision shall be from the internal road network. Vehicular access to individual lots is not permitted from The Northern Road.
- (i) If not already in place, full time "No Stopping" restrictions are to be implemented along the full The Northern Road frontage of the development site. Prior to the installation of the parking restrictions the applicant is to contact RMS's Traffic Engineering Services.
- (j) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths and sight distance requirements) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
- (k) The swept path of the longest vehicle (including garbage trucks) entering and existing the subject subdivision, as well as manoeuvrability through the subdivision, shall be in accordance with AUSTROADS. In this regard, plans shall be submitted to

Council for approval which shows that the proposed development complies with this requirement.

- (l) The car parking provision is to be to Council's satisfaction.
 - (m) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the Construction Certificate.
 - (n) The proposed development will generate additional pedestrian movements in the area. Consideration should be given to ensuring pedestrian safety, particularly along The Northern Road..
- 3.5 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.
- 3.6 All bicycle path construction is to be in accordance with the relevant provisions of the RTA's *NSW Bicycle Guidelines* and *AUSTROADS Guide to Traffic Engineering Practice – Part 14 Bicycles*.
- 3.7 Approval is granted for the removal of trees within the property boundaries only. Tree protection measures shall be provided in accordance with Section 2.6 Landscape of the Penrith Development Control Plan 2006 to trees likely to be affected by the proposal.
- 3.8 To ensure compliance with the principles of Crime Prevention Through Environmental Design, the following should be applied to enhance the safety and security of all users of this development 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 relevant Australian Standards and requirements.
 - Lighting must be of sturdy construction and vandal resistant.
 - All pedestrian and cycle networks shall be well lit in accordance with the abovementioned standards.
 - The location and design of lighting should take into account all vegetation and landscaping that may reduce the effectiveness of lighting or act as an entrapment spot, including street trees.
 - Proposed bus stops must be well-lit in accordance with Australian Standards to provide safe night-time travel for

users.

- Street lighting shall be provided to the cul-de-sac Road No.4 the potential pedestrian linkage onto Road No. 303 and Road No. 8 to ensure a safe path of night-time travel and to enable bus drivers to view pedestrians approaching the road.

(b) Landscaping

- Low level planting and high canopied vegetation shall be provided to public spaces intended for passive/active uses (including parks, reserves, walking paths, cycle paths, bus stops) to promote good levels of surveillance and minimise concealment opportunities through effective landscaping. is recommended. Dense shrubs must be avoided, particularly near public seating and walking paths.
- The proposed street trees should not obstruct sightlines for pedestrians or vehicles.
- Orientate residential frontages facing the park directly onto surrounding residential streets to increase casual surveillance of the area.

(c) Vandalism/graffiti

- Graffiti resistant coatings must be applied to the rear fence along The Northern Road boundary to assist in the prompt removal of graffiti.
- Street/park furniture (i.e. seating, bus shelters, bins) and play equipment shall utilise vandal resistant treatments 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.
- Position park furniture and playground equipment in locations with good levels of surveillance to minimise the risk of vandalism or other forms of antisocial behaviour, particularly at night.

3.9 Prior to the issue of an Engineering Construction Certificate, the applicant shall submit to Council the following information:

- Two copies of the archaeological document that outlines the found artefacts on the site.
- Details in relation to the storage of the found artefacts
- Information in relation to interpretation on-site of the found artefacts. This Interpretation strategy is to be approved by Council prior to the release of Engineering Construction Certificate.

The final Interpretation elements incorporated into the overall site such as adjacent to the Lake Area, is to be installed and approved by Council prior to the release of linen plans.

- 3.10 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.
- 3.11 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 3.12 All soil material stockpiled for future use on the site is to be stored in such a manner so as to minimise dust.
- 3.13 Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline.
- 3.14 All construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline":
 - Mondays to Fridays, 7am to 6pm
 - Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
 - No work is permitted on Sundays and Public Holidays.

Other construction works that are carried out inside a building that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise also apply to construction works.

- 3.15 For development within Stage 3C1, 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.

3.16 Prior to the issue of a Subdivision Certificate, a Section 88B restrictive covenant in accordance with the Conveyancing Act, 1919 is to be registered against the new land titles for those lots marked as “Noise attenuation required to dwelling” on the site plans titled “Village 3C1 DA Building Envelope Plan Sheet A, Issue A” and “Village 3C1 DA Building Envelope Plan Sheet B, Issue A”, that:

- refers to the ‘Lend Lease Stage 3 Development Jordan Springs: Noise Impact Assessment’ prepared by Sinclair Knight Merz (SKM) and dated 19 July 2011
- stipulates the noise criteria as outlined in the above document and ensures that it be achieved
- provides advice on the mechanisms required for that lot to meet the criteria (including a reference to Section 6.0 of the above Report).

3.17 Under Section 138 of the Roads Act, a Roads Act approval from the Roads and Maritime Service is to be obtained for the intersection works at The Northern Road and Road No 1.

3.18 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 9343/02 sheets DA01 – DA21, revision B, dated 18/06/2013

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.

3.19 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.

3.20 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 1 & 303 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.

- 3.21 Prior to the commencement of works a copy of the pavement design report is to be submitted to Penrith City Council.
- 3.22 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.
- 3.23 Prior to the issue of a Subdivision Certificate the treatment of the intersection of The Northern Road / Road No 1 shall be constructed to the satisfaction of the Roads & Traffic Authority and Penrith City Council.
- 3.24 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plans numbered WPv3C1STPa & WPv3C1STPb, issue A, dated 16/06/2013
- 3.25 The temporary on-site detention system and erosion and sediment control system shall be maintained by the person/company with the benefit of the development consent in accordance with the Operation and Maintenance Manual prepared by J Wyndham Prince, reference 'Jordan Springs Stage 3C1 – Interim Detention and Sediment Basins Operation and Maintenance Manual', 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
- 3.26 A suitable fence between the eastern perimeter road and Regional Park is to be provided in consultation and agreed to by National Parks and Wildlife Service unless otherwise agreed to (in writing).

Advisory Condition

- 3.27 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.

229 An AMENDMENT was MOVED by Councillor Jim Aitken OAM seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Development Application 13/0619 at Lot 3139 DP 1168995, Lot 3139 Sinclair Parade Jordan Springs for a Proposed Torrens Title Subdivision Creating 210 Residential Lots and 1 Residue Lot with New Roads and Associated Earthworks and Civil Works 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 outlined within the body of this report.
3. Development Application No.13/0619 for the proposed Torrens Title subdivision creating 210 residential lots and one (1) residue lot with new roads and associated earthworks and civil works at Lot 3139 DP 1168995, Lot 3139 Sinclair Parade Jordan Springs be determined by granting a partial consent in accordance with Section 80(4)(b) of the Environmental Planning and Assessment Act, 1979 except for the north-eastern corner of the development site subject to the following conditions.

Standard Conditions

- 3.1 A001 Approved plans that are architecturally drawn
- A005 Approval Body's consent (for Integrated DA's)
- A041 Construction in bushfire areas
- A042 Asset protection zones in bushfire areas
- A044 Compliance with NSW Rural Fire Service conditions of consent
- A046 Obtain Construction Certificate before commencement of works
- B005 Mud/Soil
- C003 Uncovering relics
- D005 No filling without prior approval
- D06A Approval for bulk earthworks/major filling operations
- D009 Covering of waste storage area
- D010 Appropriate disposal of excavated or other waste
- G001 Installation of services and service clearance (subdivision)
- H01F Stamped plans & erection site notice 2
- H002 All forms of construction
- 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
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
M014	Surveyors certificate
P001	Costs
P002	Fees associated with Council land
Q001	Notice of Commencement & Appointment of PCA1
Q008	Subdivision Certificate

Special Conditions

3.2 The applicant shall at all times comply with the Bush Fire Safety

Authority issued by NSW Rural Fire Service (Ref D13/1417 DA 13070188008 MA) dated 2 August 2013 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) At the issue of Subdivision Certificate and in perpetuity each lot shall be managed in accordance with Table 1 of Eco Logical's Bush Fire Assessment Report, reference 09SUTBUS-001, dated 18/6/2013 as an Inner Protection Area (IPA) 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',

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 in the instance of providing a public perimeter road.
- 3.3 Construction for any future dwellings should consider the BAL map (Figure 4) supplied by Eco Logical's Bush Fire Assessment Report, referenced 09SUTBUS-000, dated 18/6/2013.
- 3.4 The applicant shall at all times comply with the concurrence issued NSW Roads and Maritime Services (RMS) (Ref SYD13/00741 (A4830590)) dated 17 July 2013 and the following conditions:
- (a) All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.
 - (b) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or

their agents.

- (c) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset Management
Roads and Maritime Services
P O Box 973 PARRAMATTA CBD 2124

A plan checking fee will be payable and a performance bond may be required before RMS's approval is issued. With regard to the Civil Works requirement please contact the RMS's Project Engineer, External Works Ph : 8849 2114 or Fax : 8849 2766.

- (d) Any proposed temporary/partial road closures will require the applicant to apply for a Road Occupancy Licence (Form C & D) by contacting the Transport Management Centre's Planned Incidents Unit on (02) 8396 1513 during office hours (8am – 4pm) or 131 700 after hours.

The applicant will be required to submit the Road Occupancy Licence forms/traffic management plan at least 10 working days prior to the start of works. Plans should be forwarded to the Supervisor Planned Incidents Unit, Transport Operations, Transport Management Centre or on facsimile (02) 8396 1530.

If it is intended to undertake road opening work, the applicant will need to obtain a Road Opening Licence. Details can be obtained from RMS's Sydney Projects Section, Parramatta (Ph: 8849 2496).

- (e) The design and construction of the left-in/left –out intersection and median on The Northern Road shall be in accordance with RMS's requirements. Details of these requirements should be obtained from RMS's Project Services Manager, Traffic Projects Section, Parramatta (PH: 8849 2496).

Detailed design plans of the proposed civil works are to be submitted to RMS for approval prior to the commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by RMS.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RMS's assessment of the detailed civil design plans.

- (f) All ingress/egress to the subdivision shall only be left turn movements into/from The Northern Road.
- (g) All 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.
- (h) All vehicle ingress/egress to/from the subdivision shall be from the internal road network. Vehicular access to individual lots is not permitted from The Northern Road.
- (i) If not already in place, full time "No Stopping" restrictions are to be implemented along the full The Northern Road frontage of the development site. Prior to the installation of the parking restrictions the applicant is to contact RMS's Traffic Engineering Services.
- (j) The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths and sight distance requirements) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
- (k) The swept path of the longest vehicle (including garbage trucks) entering and existing the subject subdivision, as well as manoeuvrability through the subdivision, shall be in accordance with AUSTROADS. In this regard, plans shall be submitted to Council for approval which shows that the proposed development complies with this requirement.
- (l) The car parking provision is to be to Council's satisfaction.
- (m) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the Construction Certificate.
- (n) The proposed development will generate additional pedestrian movements in the area. Consideration should be given to ensuring pedestrian safety, particularly along The Northern Road..

- 3.5 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.

- 3.6 All bicycle path construction is to be in accordance with the relevant provisions of the RTA's *NSW Bicycle Guidelines* and *AUSTROADS Guide to Traffic Engineering Practice – Part 14 Bicycles*.
- 3.7 Approval is granted for the removal of trees within the property boundaries only. Tree protection measures shall be provided in accordance with Section 2.6 Landscape of the Penrith Development Control Plan 2006 to trees likely to be affected by the proposal.
- 3.8 To ensure compliance with the principles of Crime Prevention Through Environmental Design, the following should be applied to enhance the safety and security of all users of this development 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 relevant Australian Standards and requirements.
- Lighting must be of sturdy construction and vandal resistant.
- All pedestrian and cycle networks shall be well lit in accordance with the abovementioned standards.
- The location and design of lighting should take into account all vegetation and landscaping that may reduce the effectiveness of lighting or act as an entrapment spot, including street trees.
- Proposed bus stops must be well-lit in accordance with Australian Standards to provide safe night-time travel for users.
- Street lighting shall be provided to the cul-de-sac Road No.4 the potential pedestrian linkage onto Road No. 303 and Road No. 8 to ensure a safe path of night-time travel and to enable bus drivers to view pedestrians approaching the road.

(b) Landscaping

- Low level planting and high canopied vegetation shall be provided to public spaces intended for passive/active uses (including parks, reserves, walking paths, cycle paths, bus stops) to promote good levels of surveillance and minimise concealment opportunities through effective landscaping. is recommended. Dense shrubs must be avoided, particularly near public seating and walking paths.
- The proposed street trees should not obstruct sightlines for pedestrians or vehicles.
- Orientate residential frontages facing the park directly

onto surrounding residential streets to increase casual surveillance of the area.

(c) Vandalism/graffiti

- Graffiti resistant coatings must be applied to the rear fence along The Northern Road boundary to assist in the prompt removal of graffiti.
- Street/park furniture (i.e. seating, bus shelters, bins) and play equipment shall utilise vandal resistant treatments 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.
- Position park furniture and playground equipment in locations with good levels of surveillance to minimise the risk of vandalism or other forms of antisocial behaviour, particularly at night.

- 3.9 Prior to the issue of an Engineering Construction Certificate, the applicant shall submit to Council the following information:
- Two copies of the archaeological document that outlines the found artefacts on the site.
 - Details in relation to the storage of the found artefacts
 - Information in relation to interpretation on-site of the found artefacts. This Interpretation strategy is to be approved by Council prior to the release of Engineering Construction Certificate.

The final Interpretation elements incorporated into the overall site such as adjacent to the Lake Area, is to be installed and approved by Council prior to the release of linen plans.

- 3.10 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.
- 3.11 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 3.12 All soil material stockpiled for future use on the site is to be stored in such a manner so as to minimise dust.
- 3.13 Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim

Construction Noise Guideline.

3.14 All construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline":

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works that are carried out inside a building that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise also apply to construction works.

3.15 For development within Stage 3C1, 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.

3.16 Prior to the issue of a Subdivision Certificate, a Section 88B restrictive covenant in accordance with the Conveyancing Act, 1919 is to be registered against the new land titles for those lots marked as "Noise attenuation required to dwelling" on the site plans titled "Village 3C1 DA Building Envelope Plan Sheet A, Issue A" and "Village 3C1 DA Building Envelope Plan Sheet B, Issue A", that:

- refers to the 'Lend Lease Stage 3 Development Jordan Springs: Noise Impact Assessment' prepared by Sinclair Knight Merz (SKM) and dated 19 July 2011
- stipulates the noise criteria as outlined in the above document and ensures that it be achieved
- provides advice on the mechanisms required for that lot to meet the criteria (including a reference to Section 6.0 of the above Report).

3.17 Under Section 138 of the Roads Act, a Roads Act approval from the

Roads and Maritime Service is to be obtained for the intersection works at The Northern Road and Road No 1.

- 3.18 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 9343/02 sheets DA01 – DA21, revision B, dated 18/06/2013

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.

- 3.19 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.
- 3.20 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 1 & 303 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.
- 3.21 Prior to the commencement of works a copy of the pavement design report is to be submitted to Penrith City Council.
- 3.22 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.
- 3.23 Prior to the issue of a Subdivision Certificate the treatment of the intersection of The Northern Road / Road No 1 shall be constructed to the satisfaction of the Roads & Traffic Authority and Penrith City Council.
- 3.24 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plans numbered

WPv3C1STPa & WPv3C1STPb, issue A, dated 16/06/2013

- 3.25 The temporary on-site detention system and erosion and sediment control system shall be maintained by the person/company with the benefit of the development consent in accordance with the Operation and Maintenance Manual prepared by J Wyndham Prince, reference 'Jordan Springs Stage 3C1 – Interim Detention and Sediment Basins Operation and Maintenance Manual', 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
- 3.26 A suitable fence between the eastern perimeter road and Regional Park is to be provided in consultation and agreed to by National Parks and Wildlife Service unless otherwise agreed to (in writing).

Advisory Condition

- 3.27 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.
5. A Works Committee Site Inspection be carried out on the residual area that has been deferred being the north-eastern corner of the development site.

The AMENDMENT was PUT.

Councillor Karen McKeown left the meeting, the time being 10:02pm.

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 Maurice Giroto
Councillor John Thain	Councillor Kevin Crameri OAM
Councillor Jackie Greenow OAM	Councillor Tricia Hitchen
Councillor Jim Aitken OAM	
Councillor Bernard Bratusa	
Councillor Marcus Cornish	
Councillor Mark Davies	

The AMENDMENT became the SUBSTANTIVE MOTION.

The MOTION was PUT.

Councillor Karen McKeown returned to the meeting, the time being 10:06pm.

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 Maurice Giroto
Councillor John Thain	Councillor Kevin Crameri OAM
Councillor Karen McKeown	Councillor Tricia Hitchen
Councillor Jackie Greenow OAM	
Councillor Jim Aitken OAM	
Councillor Bernard Bratusa	
Councillor Marcus Cornish	
Councillor Mark Davies	

The MOTION was CARRIED.

OUTCOME 3 - WE CAN GET AROUND THE CITY

7 Local Government Road Safety Program - Roads and Maritime Services Grant Funding 2013-2014

230 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Local Government Road Safety Program - Roads and Maritime Services Grant Funding 2013-2014 be received.
2. Council accept the grants offered by Roads and Maritime Services Local Government Road Safety Program, totalling \$11,000, as outlined in the report.
3. Council write to Roads and Maritime Services and Local State Members thanking them for their continued support for road safety initiatives within the Penrith Local Government Area.

8 NSW Bike Plan "River Cities Program" - Funding Offer from Roads and Maritime Services 2013/14

231 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on NSW Bike Plan "River Cities Program" - Funding Offer from Roads and Maritime Services 2013/14 be

received.

2. Council accept the funding offer of \$1m from the Roads and Maritime Services for the *NSW Bike Plan "River Cities Program*, subject to the following conditions:
 - a) Council's contribution for the 2013/14 project be \$333,000, including support through project management, design and construction for the shared-use path
 - b) Council's acceptance of funding is for 2013/14 only and any future funding associated agreements are separate and discrete from 2013/14 funding
 - c) Council's acceptance of the 2013/14 project does not bind Council to acceptance of future funding/program agreements.
3. Council write to the Minister for Roads, Roads and Maritime Services and the Local Members expressing appreciation of the funding offer.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

9 [Provision of Playground in Nash Street, South Penrith](#)

232 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Provision of Playground in Nash Street, South Penrith be received.
2. \$38,000 from South Ward Voted Works be used to fund the cost of the installation of a playground in Nash Street, South Penrith.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

10 [Update on Western Sydney Regional Odour Investigation](#)

233 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor John Thain that the information contained in the report on Update on Western Sydney Regional Odour Investigation be received.

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

11 [Parks and Leisure Association Conference 2013](#)

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

That:

1. The information contained in the report on Parks and Leisure Association Conference 2013 be received.
2. Council nominate the Mayor, Councillor Mark Davies and Councillor Jim

Aitken OAM and any other interested Councillors, to attend the Parks and Leisure Association Annual National Conference being held between 13 – 16 October 2013, and Leave of Absence be granted accordingly.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

12 Organisational Performance Report - June 2013

235 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Organisational Performance Report - June 2013 be received.
2. The *Organisational Performance Report - June 2013* as at 30 June 2013, including the revised estimates outlined in this report and detailed in *Attachment 1 – Organisational Performance Report – Quarterly Review June 2013* be adopted.
3. Council revoke the works as detailed in the Recommended Revoted Works Lists, detailed in *Attachment 1* for inclusion in the 2013-14 Operational Plan

14 Council Property - Demolition of Residence Located on 1 Collins Street St Marys

236 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Council Property - Demolition of Residence Located on 1 Collins Street St Marys be received.
2. Council terminate the existing lease in 6 months time when it expires.
3. Council arrange demolition of the house in accordance with relevant regulations.
4. Council undertake maintenance of the land following demolition of the house.

15 Local Infrastructure Renewal Scheme - Round 2

237 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Local Infrastructure Renewal Scheme - Round 2 be received
2. Council accepted the interest rate subsidy as outlined in this report.
3. The Common Seal of the Council of the City of Penrith be affixed to those

documents that are necessary to finalise the funding agreement.

17 Summary of Investments & Banking for the period 1 July 2013 to 31 July 2013

238 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 July 2013 to 31 July 2013 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 July 2013 to 31 July 2013 be noted and accepted.
3. The graphical investment analysis as at 31 July 2013 be noted.

13 Government Sustainability Conference

239 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Government Sustainability Conference be received.
2. Council nominate Councillor Michelle Tormey, and any other interested Councillors, to attend the Government Sustainability Conference being held between 7 – 8 October 2013, and Leave of Absence be granted accordingly.

16 Proposed Permanent Road Closure of Weir Road and part of Old Ferry Road, Penrith

240 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Proposed Permanent Road Closure of Weir Road and part of Old Ferry Road, Penrith be received
2. Council apply to the Department of Primary Industry – Crown lands Division (Crown lands) for a permanent road closure over Weir Road and part of Old Ferry Road, Penrith.
3. A further report be submitted to Council seeking Council Resolution for the permanent road closure of Weir Road and part of Old Ferry Road, Penrith following advertising and approval of the Department of Primary Industry – Crown Lands Division.
4. Council enter into a contract with Sinclair Nominees Pty Ltd in accordance with this report.

4. The Common Seal of the City of Penrith be placed on all necessary documentation.
5. Should Council's application for permanent road closure be successful, that Council proceed to 'land swap' arrangements with the property owner by way of Contract.
6. Should Council's application for permanent road closure be successful, arrangements be made for the reclassification of Lot 2, DP 580256, north of Old Ferry Road, Penrith from community land to operational land.
7. Mr Ross Sinclair be advised of Council's resolution.
8. An on-site meeting with the residents from Nepean Avenue and River Road be conducted to update residents on the status of the developments on the subject site.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Complements to Parks Staff

Councillor Marcus Cornish complemented the City Parks staff for their efforts and the quality of landscaping of parks near Warburton Crescent and the wonderful improvements to the Dukes Oval amenities area.

RR 2 Footpath and Tree Cleanup

Councillor Tricia Hitchen thanked the Staff for the quick response to clearing a blocked footpath along a construction site.

RR 3 Jessica Fox Update

Councillor Tricia Hitchen informed the meeting that Jessica Fox won the C1 and K1 World Cup Championship. Council previously sponsored Jessica during the 2012 London Olympics.

RR 4 Urgent Report on the Badgerys Creek Airport

Councillor Kevin Crameri OAM requested an urgent report to Council outlining the reasons why Penrith City Council opposed in 1997 the Badgerys Creek Airport.

RR 5 Memorandum regarding sponsoring UWS Solar Car Team

Councillor Michelle Tormey requested for a memorandum to be sent to all Councillors outlining the benefits of sponsoring University of Western Sydney's Solar Car Team.

RR 6 Report on the relevance of WSROC

Councillor John Thain requested for a report to Council reviewing the relevance of the Western Sydney Regional Organisation of Councils and Council's membership to WSROC. This report should include how this decision may affect our existing contracts with WSROC.

RR 7 Memorandum regarding accident on Andromeda and Northern

Road

Councillor John Thain requested a memorandum on the cause of the accident that occurred on Andromeda and Northern Road during the previous week and that this matter be followed up with a report to the Local Traffic Committee.

RR 8 Report regarding uncovered loads of trucks

Councillor John Thain requested for a report to Council on the complaint process and the regulations relating to uncovered loads of trucks travelling within the Penrith Local Government Area.

RR 9 All Weather Track Petition

Councillor John Thain tabled a petition on behalf of Little Athletics for an All Weather Track in Penrith. Councillor John Thain requested that Council commence and report on the options for the funding of the construction of an All Weather Track in Penrith.

RR 10 Report on subsidies for the Penrith Cricket Club

Councillor Greg Davies requested a report to a Policy Review Committee regarding subsidies for the Penrith Cricket Club in maintaining wickets.

RR 11 Overseas visit opportunity to Tennessee, USA

Councillor Greg Davies requested a report to a Councillor Briefing on the opportunity to undertake investigative work by visiting Nashville, Tennessee as the home of the USA health area and Chattanooga, Tennessee in relation to their broadband development, for the purposes of furthering Penrith's Health and Education Precinct projects.

COMMITTEE OF THE WHOLE

Councillors Jackie Greenow OAM and Michelle Tormey left the meeting, the time being 10:34pm.

Councillors Jackie Greenow OAM and Michelle Tormey returned to the meeting, the time being 10:36pm.

241 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:34pm.

1 Presence of the Public

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

Outcome 1

2 Commercial Matter - Government Development Opportunities

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.

Outcome 7

3 Commercial Matter - Station Lane, Penrith & Timber Lane, Werrington

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 - Leasing of Shop 3, 140-142 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.

The meeting resumed at 10:42pm and the General Manager reported that the Committee of the Whole met at 10:34pm on Monday 26 August 2013, the following being present

His Worship the Mayor, Councillor Mark Davies and Councillors Jim Aitken OAM, Bernard Bratusa, Prue Car, Kevin Crameri OAM, Marcus Cornish, Greg Davies, Maurice Giroto, Jackie Greenow OAM, 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 Commercial Matter - Government Development Opportunities

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

CW2 That:

1. The information contained in the report on Commercial Matter - Government Development Opportunities be received.
2. Council approach the market with an RoI and short list developers for future Government office projects in accordance with this paper.

3. Council transact on the identified sites based on the conditions set within this report.
4. The Common Seal of the City of Penrith be placed on all necessary documentation.

3 Commercial Matter - Station Lane, Penrith & Timber Lane, Werrington

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

CW3 That:

1. The information contained in the report on Commercial Matter - Station Lane, Penrith & Timber Lane, Werrington be received.
2. Council approve the sale of laneway land at part of Station Lane Penrith and Timber Lane Werrington as outlined in the report.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

4 Commercial Matter - Leasing of Shop 3, 140-142 Henry Street Penrith

244 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marcus Cornish

CW4 That:

1. The information contained in the report on Commercial Matter - Leasing of Shop 3, 140-142 Henry Street Penrith be received.
2. Council grant a three (3) year Lease with a three (3) year option 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.

ADOPTION OF COMMITTEE OF THE WHOLE

245 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marcus Cornish that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:44pm.

I certify that these 39 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 26 August 2013.

Chairperson

Date