

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

ON MONDAY 27 OCTOBER 2014 AT 7:36PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

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

PRAYER

The Council Prayer was read by the Rev Neil Checkley.

PRESENT

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

LEAVE OF ABSENCE

October 2014 to 10 November 2014 inclusive.

APOLOGIES

294 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ben Goldfinch that the apology from Councillor Jim Aitken OAM be accepted.

Councillor Jackie Greenow OAM introduced to the Council Emily Pollock, Council's Student Ambassador to Fujieda City, Japan.

Emily Pollock presented an appreciation letter from the Mayor of Fujieda City, Japan to His Worship the Mayor, Councillor Ross Fowler OAM.

His Worship the Mayor, Councillor Fowler OAM read this letter to the Council and congratulated the Penrith International Friendship Committee and the Students Ambassadors. He noted that this year was the 30th anniversary of the Sister City Program with Fujieda City, Japan.

CONFIRMATION OF MINUTES - Ordinary Meeting - 29 September 2014

295 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch that the minutes of the Ordinary Meeting of 29 September 2014 be confirmed.

DECLARATIONS OF INTEREST

Councillor Karen McKeown declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 5 – Development Application DA14/0622 Retrospective approval for earthworks, construction of a shed and parking of 2 x truck vehicles (rigid truck and semi trailer) at Lot 122 DP 709303 (No.s 41-47) Jolly Street, Castlereagh* as her son was

employed by a company owned by the applicants for the development. Councillor McKeown stated that she would not participate in any debate of this matter and she would leave the meeting during consideration of this item.

Councillor Michelle Tormey declared a Non-Pecuniary Conflict of Interest – Less than Significant in *COW Item 5 COW – Commercial Matter - Proposed Licence and Information Regarding Existing Temporary Car Park located at the corner of Rodgers & Somerset Streets, Kingswood* as she has a family member employed by one of the organisations which is subject to the report. Councillor Tormey stated that she would not participate in any debate of these matters and she would leave the meeting during consideration of this item.

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 8 – Roads to Recovery Funding Allocations 1 July 2014 to 30 June 2019* as it mentions two roads which are in close proximity to his property.

Councillor Ben Goldfinch declared a Pecuniary Interest in *Item 6 – Development Application DA14/0691 for Attached Dual Occupancy and Strata Subdivision at Lot 354 DP 241114 (No. 5) Ridge Street, South Penrith* as the company he works for works for the Applicant. Councillor Goldfinch stated that he would not participate in any debate of these matters and he would leave the meeting during consideration of this item.

Deputy Mayor, Councillor Greg Davies declared a Pecuniary Interest in *Item 3 contained within Item 2 – Report and Recommendations of the Policy Review Committee Meeting held on 13 October 2014* as his spouse is the editor of a company subject to one of the matters to be discussed in the report. Councillor Davies indicated that he would not participate in any debate of these matters and he would leave the meeting during consideration of this item.

His Worship the Mayor, Councillor Ross Fowler OAM declared a Pecuniary Interest in *Item 3 contained within Item 2 – Report and Recommendations of the Policy Review Committee Meeting held on 13 October 2014* as he is a Director and Shareholder of a company subject to one of the matters to be discussed in the report and that he would vacate the Chambers while this matter was being considered.

Procedural

296 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that Councillor John Thain Chair the meeting for consideration of *Item 3 contained within Item 2 - Report and Recommendations of the Policy Review Committee Meeting held on 13 October 2014* as both the Mayor and the Deputy Mayor will be leaving the Chambers during the consideration of *Item 3 contained within Item 2 - Report and Recommendations of the Policy Review Committee Meeting held on 13 October 2014*.

SUSPENSION OF STANDING ORDERS

297 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Karen McKeown that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:48pm.

Mr Richard Smyth

Item 3 – Development Application DA13/1467 for Conversion of Shed and Additions for a Prayer Hall at Lot 18 DP 30265 (No. 1247-1253) Mamre Road, Kemps Creek

Mr Smyth, the applicant's consultant, spoke in support of the Development Application before Council. He indicated that the population of the community is growing and that this facility would cater for this growing community.

Ms Dianne Pearson

Item 4 – Development Application DA 13/0311 for Residential Flat Building and Townhouses (49 units) and Associated Car Park at Lot 1311 DP 1161827, 119 Glengarry Drive, Glenmore Park

Ms Pearson, a concerned neighbour, spoke in support of the recommendation proposed in the report for this Development Application. She indicated that she was disappointed by the lack of information by the developer Stockland regarding future possibilities of constructing multi storey housing in the area. She believed that multi storey housing was not in keeping with the estate and does not fit into the design and construction of adjoining houses. Ms Pearson also raised issues relating to increased traffic and noise should this Development Application be approved.

Mr Glenn Harris

Item 4 – Development Application DA 13/0311 for Residential Flat Building and Townhouses (49 units) and Associated Car Park at Lot 1311 DP 1161827, 119 Glengarry Drive, Glenmore Park

Mr Harris, a concerned neighbour, spoke in support of the recommendation proposed in the report for this Development Application. He drew Councillors attention to section 2.4 of the recommendations. He reiterated the reasons in this section as being indicators which supports the refusal of this development.

Ms Carly Jardin

Item 4 – Development Application DA 13/0311 for Residential Flat Building and Townhouses (49 units) and Associated Car Park at Lot 1311 DP 1161827, 119 Glengarry Drive, Glenmore Park

Ms Jardin, an affected person, spoke in support of the recommendation proposed in the report for this Development Application. She indicated that the design of the proposed development was inappropriate and was not in keeping with the quiet and family orientated environment of the estate. She also indicated that the high density style housing would increase traffic and parking issues. Ms Jardin also indicated that the design of the building would impede on the view of the Blue Mountains. She concluded that the Development Application would have a negative impact on the community.

RESUMPTION OF STANDING ORDERS

298 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Karen McKeown that Standing Orders be resumed, the time being 8:01pm.

MAYORAL MINUTES

1 [Council awarded for Risk Management Practices](#)

299 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that the Mayoral Minute on Council awarded for Risk Management Practices be received.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Local Traffic Committee Meeting held on 13 October 2014](#)

300 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor John Thain that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 13 October, 2014 be adopted.

Having previously declared a Pecuniary Interest in Item 2, His Worship the Mayor, Councillor Ross Fowler OAM vacated the Council Chambers at 8:06pm while *Item 3 contained within Item 2 - Report and Recommendations of the Policy Review Committee Meeting held on 13 October 2014* was being considered.

Councillor John Thain took the Chair, the time being 8:06 pm.

Councillor Greg Davies left the meeting, time being 8:06pm.

2 [Reports and Recommendations of the Policy Review Committee Meeting held on 13 October 2014](#)

Councillor John Thain having taken the Chair, brought forward for consideration *Item 3 contained within Item 2 - Report and Recommendations of the Policy Review Committee Meeting held on 13 October 2014*.

301 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Kevin Crameri OAM that Council not proceed with the appointment of a local newspaper at this stage and that the matter be returned to the Advertising Working Party in order to implement a tender process.

After considering the above item, Councillor John Thain vacated the Chair, the time being 8:07 pm.

Councillors Ross Fowler OAM and Greg Davies returned to the meeting, time being 8:08pm.

Councillor Ross Fowler OAM took the Chair, the time being 8:08 pm.

302 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ben Goldfinch that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 13 October, 2014 be adopted with the exception of *Item 3 – Placement of Council news page* having already been resolved above.

DELIVERY PROGRAM REPORTS

Procedural

303 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that Item 19 be considered first, to be followed by Item 4, before all other remaining business.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

SUSPENSION OF STANDING ORDERS

304 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow OAM that Standing Orders be suspended to allow for Council's Auditor Mr Gary Mottau, a Director of Hill Rogers Spencer Steer to address the meeting, the time being 8:09pm.

Mr Mottau advised the Council that an unqualified audit opinion would be issued as a result of the audit. Further, Mr Mottau advised that the Council's financial position was satisfactory.

19 [Draft 2013-14 Financial Statements](#)

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

That:

1. The information contained in the report on Draft 2013-14 Financial Statements be received
2. Pursuant to s413(2)(c) it is the Council's opinion that:
 - a. The financial statements and schedules have been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, the Local Government Australian Infrastructure Management Guidelines, and Australian Accounting Standards. The Code requires a phasing in of the new accounting requirements
 - b. The statements comply with Australian Statements of Accounting Concepts
 - c. The financial statements present fairly the Council's financial position as at 30 June 2014 and the operating result for the year then ended
 - d. The statements are in accord with Council's accounting and other records.
3. Pursuant to the Local Government Code of Accounting Practice and Financial Reporting and section 215 of the Local Government (General) Regulation 2005 it is the Council's opinion that:
 - a. The accompanying Special Purpose Financial report has been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, and the requirements of National Competition Policy. The Code requires the inclusion of various charges and

- subsidies which are not actually paid or payable.
- b. The report is a special purpose report and is not required to comply with Australian Accounting Standards. The above legislative requirements differ from Australian Accounting Standards and hence the report does not comply with Australian Accounting Standards.
 - c. The financial statements present a modelled scenario for comparative purposes. They do not report an actual result.
4. Council confirm its endorsement of the budget in the knowledge that some of its business activities are not making commercial returns. The existence of notional subsidies represents Council's commitment to its community service obligations.
 5. The Statements be forwarded to Council's Auditors.
 6. Abandonments for 2013-14 as detailed be written off.
 7. The balance of stores and materials be adjusted in the stores and materials registers in accordance with the various write-offs.

RESUMPTION OF STANDING ORDERS

306 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow OAM that Standing Orders be resumed, the time being 8:16pm.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

- 4 [Development Application DA13/0311 for Residential Flat Building and Townhouses \(49 Units\) and Associated Car Park at Lot 1311 DP 1161827, 119 Glengarry Drive, Glenmore Park](#) Applicant: Melham Hazzouri; Owner: ~Melham Hazzouri

307 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Development Application DA13/0311 for Residential Flat Building and Townhouses (49 Units) and Associated Car Park at Lot 1311 DP 1161827, 119 Glengarry Drive, Glenmore Park be received.
2. Development Application DA13/0311 for Residential Flat Building and Townhouses (49 Units) and Associated Car Park at Lot 1311 DP 1161827, 119 Glengarry Drive, Glenmore Park, 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 State Environmental Planning Policy No.65:

Part 2- Design quality principles:-

 - Clause 9 – Principle 1- Context
 - Clause 10 – Principle 2- Scale
 - Clause 11 – Principle 3- Built form

- Clause 12 – Principle 4- Density
- Clause 13 – Principle 5 – Resource, energy and water efficiency
- Clause 14 – Principle 6- Landscape
- Clause 15 – Principle 7- Amenity
- Clause 16 – Principle 8: Safety and Security
- Clause 18 – Principle 10- Aesthetics

and the Residential Flat Design Code Part 1- -Local context- Primary Development Controls

- Building separation
- Street setbacks

- 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 scale and density is inconsistent with the provisions of Penrith Development Control Plan 2006 – Chapter 6.18 Glenmore Park Stage 2 – Structure Plan.
- 2.3 The application is not satisfactory for the purpose of Section 79C(1)(b) of the Environmental Planning and Assessment Act in terms of the likely adverse amenity impacts upon the existing built environment of existing and future adjoining residents namely privacy and view sharing.
- 2.4 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:
- The ridgetop location on the gateway entry of Bradley Street to Glenmore Park Stage 2 is not suitable for the bulk and scale of the proposal given the existing and desired future residential character and context;
 - The excessive height and bulk of the proposed buildings in relation to existing detached dwellings adjoining
 - The topography of the site necessitates excessive cutting for the scale of the proposal
 - The site is removed from the future local centre such that it is not within a comfortable walking distance.
- 2.5 The application is not satisfactory for the purpose of Section 79C(1)(e) of the Environmental Planning and Assessment Act as the proposed development is not in the public interest.
3. Persons 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 Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Ross Fowler OAM

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

1 [Cost of Childcare Consumables](#)

Councillor Bernard Bratusa left the meeting, the time being 8:22pm.

Councillor Bernard Bratusa returned to the meeting, the time being 8:23pm.

308 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen that the information contained in the report on Cost of Childcare Consumables be received.

2 [Department of Education - Long Day Care Professional Development Grant Funding Program](#)

309 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Department of Education - Long Day Care Professional Development Grant Funding Program be received.
2. Council accept the grant offered by the Department of Education, the total being \$609,357.54, as outlined in the report.
3. Council write to the Department of Education and the Federal Member for Lindsay, Ms Fiona Scott MP thanking them for the funding support.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

- 3 [Development Application DA13/1467 for Conversion of Shed and Additions for a Prayer Hall at Lot 18 DP 30265 \(No. 1247-1253\) Mamre Road, Kemps Creek](#) Applicant: Allah-Yari Manzoor; Owner: ~Allah-Yari Manzoor

310 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Michelle Tormey

That:

1. The information contained in the report on Development Application DA13/1467 for Conversion of Shed and Additions for a Prayer Hall at Lot 18 DP 30265 (No. 1247-1253) Mamre Road, Kemps Creek be received.
2. The Development Application be granted consent subject to the following conditions:

GENERAL

Standard Conditions

A001	Approved plans
A008	Works to BCA requirements
A019	Occupation Certificate
A026	Advertising sign
A032	Goods must be stored within buildings
A039	Graffiti removal
A041	Construction in bushfire areas
A046	Obtain Construction Certificate before commencement of works
B002	Australian Standard for demolition and disposal to approved landfill site and Occupational Hygienist clearance report prior to Occupation Certificate.
B003	Asbestos disposal
B006	Hours of work
D001	Implement approved sediment and erosion control measures
D002	Spray grass of finished earth to achieve grass cover
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
E001A	BCA compliance (Class 2-9)
E005	Smoke detectors

E006	Disabled access and facilities
E008	Fire safety list with construction certificate
E009	Annual fire safety – essential fire safety (Class 2-9 buildings)
H001	Stamped plans and erection of site notice
H002	Provision of site facilities prior to commencement of construction works
H006	Implementation of waste management plan
H011	Engineering plans and specifications
H024	Glass installations to comply with AS 1288
H041	Hours of construction work
K101	Works at no cost to Council
K221	Access, Car Parking and Manoeuvring – General
L001	Approved landscaping plans
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree preservation order
Q01F	Notice of commencement and appointment of PCA
Q006	Occupation Certificate

Special Conditions

- 2.1 The operating hours are from 7:30 am to 9:30 pm Mondays to Sundays. Delivery and service vehicles generated by the development are limited to daylight hours.
- 2.2 Dust suppression techniques are to be employed during demolition and construction to reduce any potential nuisances to surrounding properties.
- 2.3 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 2.4 The 'Unexpected Finds Protocol' in the letter correspondence titled 'Proposed Prayer Hall: 1247 Mamre Road, Kemps Creek' prepared by Environmental Investigation Services dated 21 July 2014 (Ref. E26656K let1) is to be complied with at all times during the construction phase of the development.

All remediation works in the Penrith Local Government Area are considered

to be Category 1 works under State Environmental Planning Policy 55 - Remediation of Land and Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River. In turn, should remediation works be found to be required as a result of complying with the above Protocol then development consent is to be sought from Penrith City Council before remediation works can commence.

- 2.5 The temporary toilet block is to be decommissioned and demolished after the main system has been decommissioned and prior to the issue of the Occupation Certificate.
- 2.6 Only wastewater from the existing cottage is to be disposed of using the existing septic tank. No other waste is to be disposed of using the existing septic tank and absorption bed on-site sewage management system.
- 2.7 Prior to the issue of the Occupation Certificate, the effluent management area is to be fenced to prevent public access.
- 2.8 Noise levels from the premises shall not exceed the relevant noise criteria detailed in "DA Noise Impact Assessment - Proposed Place of Worship: 1247-1253 Mamre Road, Kemps Creek" prepared by SLR Consulting Australia Pty Ltd dated 31 July 2013. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

- 2.9 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Civil Engineering Services, reference number DA1 and DA2, dated 24.04.2014.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in

accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

- 2.10 Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.
- 2.11. Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

- 2.12. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

a) Stormwater management systems (including water sensitive urban design)

Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.

Have met the design intent with regard to any construction variations to the approved design.

Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

- 2.13. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- a) Stormwater management systems (including water sensitive urban design).

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage for Building Development.

2.14. The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.

2.15 Food shall not be prepared or handled at the premises for the purposes of sale as defined in chapter 3 of the ANZFA Food Safety Standards without further development approval from Penrith City Council. To sell food includes:

- (a) barter, offer or attempt to sell; or
- (b) receive for sale; or
- (c) have in possession for sale; or
- (d) display for sale; or
- (e) cause or permit to be sold or offered for sale; or
- (f) send, forward or deliver for sale; or
- (g) dispose of by any method for valuable consideration; or
- (h) dispose of to an agent for sale on consignment; or
- (i) provide under a contract of service; or
- (j) supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work;

- (k) dispose of by way of raffle, lottery or other game of chance; or
- (l) offer as a prize or reward; or
- (m) give away for the purpose of advertisement or in furtherance of trade or business; or
- (n) supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment; or
- (o) supply food (whether or not for consideration) in the course of providing services to patients or inmates in public institutions, where 'public institution' means 'public institution' as defined in the Act, if it is so defined; or
- (p) sell for the purpose of resale.

An application to Penrith City Council shall be submitted for any proposed temporary event or stall where food for sale will occur.

- 2.16 No native trees or other vegetation (including shrubs and other understory vegetation) are to be removed, ringbarked, cut, topped, lopped, slashed or wilfully destroyed (other than those on the approved plan prepared by Stuart Pittendrigh, December 2013) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

Trees to be retained shall be fenced off and protected from the proposed demolition works as detailed in Section 4 -Tree Protection Measures of AS 4970 - 2009 The Protection of Trees on Development Sites.

- 2.17 No fill, machinery, or materials are to be placed or stored within the drip line of any tree.
- 2.18 Two trees are to be planted on the subject property for every 1 tree removed as per the approved Landscape Plan prepared by Stuart Pittendrigh, 2013. This is a total of 14 trees. Species are to be of those already specified in the landscape Plans:

- Eucalyptus tereticornis
- Eucalyptus crebra

Trees must be maintained for a period of 3 years or until they reach a height of 3 metres, whichever comes last.

All other landscaping is to be undertaken as per the Landscape Plan prepared by Stuart Pittendrigh, 2013.

- 2.19 No wastewater associated with the on-site sewage management system is to be applied or irrigated within the drip line of any trees within the Effluent Management Area. It is the responsibility of the applicant to ensure the ongoing health of the trees in relation to the effluent disposal area.
- 2.20 Sediment and erosion control measures should be appropriately placed around demolition and construction areas on the subject site to prevent runoff of sediment and nutrient-enriched waters into nearby bushland areas and drainage lines. The effectiveness of these traps should be closely monitored during construction, ensuring that treated site run-off meets EPA guidelines.
- 2.21 All car parking and manoeuvring must be in accordance with AS/NZS 2890.1: 2004, AS/NZS 2890.1: 2004/ Amt. 1:2005, AS 2890.2:2002, AS 2890.3: 1993, AS 2890.5: 1993, AS/NZS 2890.6:2009;
- 2.22 The required sight lines around the driveway entrance is not to be compromised by street trees, landscaping or fencing;
- 2.23 All vehicles are to enter and exit in the site in a forward direction;
- 2.24 Consideration is to be given to the provision of secure bicycle parking in accordance with AS 2890.3: 1993;
- 2.25 Sight distance requirements and driveway widths are to be met in accordance with AS/NZS 2890.1: 2004;
- 2.26 The proposed accessible parking spaces are to be designed to conform to AS/NZS 2890.6: 2009;
- 2.27 The access off Mamre Road shall be modified in accordance with Roads and Maritime Services requirements to provide a combined auxiliary lane right turn treatment (AUR) and auxiliary lane left turn treatment (AUL). These requirements include:
- a. The design and construction of the AUR and AUL treatments on

Mamre Road shall be in accordance with Australian Standards and RMS's requirements. Detail of these requirements should be obtained from the RMS's Project Services Manager, Traffic Projects Section, Parramatta (Telephone 8849-2496) and the RMS's Senior Land Use Planner, Transport Planning, Sydney Region (Telephone 8849 2219). These improvements are to include RMS requirements for street lighting at this treatment.

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

- b. All construction activities associated with the proposed development are to be contained on site as no construction zones will be permitted on Mamre Road in the vicinity of the site.
- c. A Road Occupancy Licence should be obtained from the RMS Transport Management Centre (TMC) for any works that may impact on traffic flows on Mamre Road during construction activities.
- d. 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 for determination prior to the issue of a construction certificate.
- e. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- f. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004.
- g. All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS.

2.28 A total of 166 car parking spaces shall be provided on bitumen/gravel hardstand and 76 spaces shall be provided as overflow parking on grass on site.

2.29 The proposed development shall comply with the following:

- The access provisions of the BCA
- The Access to Premises Standard
- AS 1428 suite of Standards
- AS 2890.6 for car parking.

Details shall accompany the application for a construction certificate.

2.30 All areas intended to be used at night shall allow appropriate levels of visibility. Car parks must be lit to the minimum Australian Standard AS 1158 with consideration given to AS 4282 (Control of the obtrusive effects of outdoor lighting). Lights shall be directed towards access/egress routes. Lighting shall take into account all vegetation and landscaping that may act as an entrapment zone. Lighting shall be designed so that it is difficult for vandals to break.

All lighting shall be maintained and kept in a clean condition with all broken or burnt out globes replaced quickly.

2.31 The buildings shall be constructed in accordance with the provisions of the "Planning for Bushfire Protection" December 2006 and AS 3959-2009 "Construction of buildings in bushfire prone areas".

2.32 The on-site sewage management (OSSM) system shall be installed and operated in accordance with the recommendations contained in the following documents and the conditions of this consent:

- "On Site Wastewater Assessment for Proposed Worship Hall at 1247 Mamre Road Kemps Creek" prepared by Harris Environmental Consulting dated 28 May 2014 (Ref. 981ww)
- "Onsite Wastewater Management System" for 1247 Mamre Road Kemps Creek NSW prepared by Australian Wastewater Management Strategies Pty Limited dated 28 May 2014

Prior to the issue of the Occupation Certificate and before the OSSM system can be used, an 'Approval to Operate' for the OSSM system is to be sought from and issued by Penrith City Council.

2.33 All wastewater generated on the site is to be diverted to a 100 000 litres primary/flow regulation/balancing tank and dosed to an Ultra Clear

Commercial AWTS Model CT25 at a maximum rate of 3200 litres per day. It is then to be disposed of by way of four raised soil absorption beds in the approved effluent management area. The effluent management area is to be located in accordance with Figure 2 'General Site Plan' and Figure 3 'Design and location of Raised Soil Absorption Beds' in the stamped approved "On Site Wastewater Assessment for Proposed Worship Hall at 1247 Mamre Road Kemps Creek" prepared by Harris Environmental Consulting dated 28 May 2014 (Ref. 981ww).

The system and effluent management area are to be installed and managed in accordance with the:

- "Environmental and Health Protection Guidelines On Site Sewage Management for Single Households"
- Australian Standards AS 1547:2012,
- Council's On-Site Sewage Management and Greywater Reuse Policy,
- the "On Site Wastewater Assessment for Proposed Worship Hall at 1247 Mamre Road Kemps Creek" prepared by Harris Environmental Consulting dated 28 May 2014 (Ref. 981ww) and the "Onsite Wastewater Management System" for 1247 Mamre Road Kemps Creek NSW prepared by Australian Wastewater Management Strategies Pty Limited dated 28 May 2014.

2.34 Penrith City Council is both the consent authority and certifying authority for the installation of the On-Site Sewage Management System (OSSM). It is your responsibility to contact Council's Development Services Department to organise all inspections required for the installation of the system. In this regard, the following will require inspection:

- All drainage lines, septic tanks and absorption trenches before they are backfilled.
- On completion of the system's installation and prior to its commissioning, ensuring compliance with those conditions specific to the installation of the system.

A copy of the satisfactory inspection reports carried out by Council shall be submitted to the Principal Certifying Authority if Council is not the Principal

Certifying Authority

2.35 The septic tank, drainage lines and effluent management area shall not be altered without the prior approval of Council. In addition, the septic tank shall not be buried or covered.

2.36 All house sewer and plumbing work shall be carried out in accordance with the Plumbing Code of Australia.

2.37 The disposal area shall:

- be prepared in accordance with the approved Wastewater Report;
- have the distribution line is to be buried from the tank to the designated disposal area;
- ensure the treated wastewater can be evenly irrigated across the entire designated disposal area.

2.38 There shall be no effluent runoff from the subject property to adjoining premises, public places or reserves.

2.39 Prior to the issue of the Occupation Certificate, a minimum of two signs shall be erected within the effluent management area. These signs are to state "RECLAIMED EFFLUENT - NOT FOR DRINKING - AVOID CONTACT". The signage shall be maintained for the term of the development.

2.40 The owner/occupier shall enter into an annual service contract with the manufacturer, distributor or other person authorised (in writing) by Penrith City Council to service the aerated septic tank(s) every three (3) months from the date of commissioning in the following manner:

i. A three monthly service shall include a check on all mechanical, electrical and functioning parts of the aerated system including:

- the chlorinator,
- replenishment of the disinfectant,
- all pumps and switches,

- the air blower, fan or air venturi,
 - the alarm system,
 - the effluent disposal area,
 - the slime growth on the filter media, and
 - the operation of the sludge returns system.
- ii. The following field tests are to be carried out at every service:
- free residual chlorine using DPD colorimetric or photometric method,
 - pH from a sample taken from the irrigation chamber,
 - dissolved oxygen from a sample taken from the final aeration or stilling chamber (although recommended) is optional.
- iii. On the yearly anniversary date of the commissioning of the system, an annual service of the system shall also be carried out which includes a check on the sludge accumulation in the septic tank (primary treatment tank) and the clarifier, where appropriate.
- iv. For systems which utilise the sewage treatment principle of activated sludge or contact aeration, a sludge bulking test, known as a SV30 Test, shall also be conducted on an annual basis. This test is to determine whether the accumulated sludge is bulking, indicating that the aeration compartment(s) will require desludging.
- v. On completion of each service, a service report sheet is to specify all service items and test results, the amount of chlorine compound provided, parts replaced (if applicable), the date the service was conducted and the technician's name. A copy of the service report is to be:
- given to the property owner and another to the applicant (if not the same), and
 - forwarded to Penrith City Council.

Each service agent shall provide a registered business office which, if unattended during business hours, is provided with a telephone answering device or service. A means of reporting a malfunction or breakdown outside

normal business hours shall be available. In the event of a breakdown or malfunction, the service agent shall, within 24 hours of the breakdown or malfunction, ensure that temporary repairs are carried out to the aerated system to ensure continued operation of the system. This may necessitate provision of adequate spare parts and temporary replacement blowers and irrigation pumps where repairs cannot be completed on site.

- 2.41 The effluent management area is to be turfed to the satisfaction of Council. Where a specific variety of turf is identified in the approved Wastewater Report that variety is to be installed and maintained.
- 2.42 No concreting, driveways, vehicles or any other structure or access way is to be located over any portion of the effluent management area.
- 2.43 All stormwater and seepage shall be diverted away from the septic tank and the disposal area by using an agricultural drain or earthen bund and dish drain.

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

Having previously declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 5, Councillor Karen McKeown left the meeting, the time being 8:50pm.

5 [Development Application DA14/0622 Retrospective approval for earthworks, construction of a shed and parking of 2 x truck vehicles \(rigid truck and semi trailer\) at Lot 122 DP 709303 \(No.s 41-47\) Jolly Street, Castlereagh](#) Applicant: Mr and Mrs Gosling; Owner: ~Mr and Mrs Gosling

311 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ben Goldfinch that this matter be deferred to the Committee of the Whole in order to consider legal advice in relation to this matter.

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 Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Ross Fowler OAM

Councillor Karen McKeown returned to the meeting, the time being 8:51pm.

Having previously declared a Pecuniary Interest in Item 6, Councillor Ben Goldfinch left the meeting, the time being 8:51pm.

6 [Development Application DA14/0691 for Attached Dual Occupancy and Strata Subdivision at Lot 354 DP 241114 \(No. 5\) Ridge Street, South Penrith](#) Applicant: Danny Constructions Pty Ltd; Owner: ~Mariska P Watkins & Gary V Watkins

312 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Development Application DA14/0691 for Attached Dual Occupancy and Strata Subdivision at Lot 354 DP 241114 (No. 5) Ridge Street, South Penrith be received.
2. The objection under State Environmental Planning Policy No. 1 (Development Standards) to the rear setback development standard of Penrith Local Environmental Plan 1998 (Urban Land) be supported.
3. Development Application DA14/0691 for the demolition of existing structures, erection of an attached dual occupancy & strata subdivision at Lot 354 DP 241114 (No. 5) Ridge Street, South Penrith be approved subject to the following conditions:

Special Conditions

- 3.1 No fencing is permitted within the development's setback to Ridge Street.
- 3.2 Prior to the issue of a Construction Certificate and the commencement of any works on site an Arborist's Report must be submitted and approved by Council . The Report must be included as part of the construction plans to be used on site and must include the following:
 - An assessment of the existing gum tree and the possibility of its retention including recommendation for relocation of fencing, stormwater and/or construction techniques.

- Details and specifications for the implementation of tree protection measures for all trees to be retained on site. These trees must be retained and protected in accordance with the Arborist's Report recommendations and AS 4970 -2009.

All trees approved by Council for removal shall be removed in a manner so as to prevent damage to those trees that are to be retained. All precautions shall be taken to adequately protect trees on public property (i.e. footpaths, roads, reserves, etc) against damage during construction. No trees on public property shall be removed, pruned or damaged during construction – this includes the erection of any fences, hoardings or other temporary works. The placement of construction materials beneath the canopy of street trees is prohibited.

3.3 Prior to the issue of a Construction Certificate and the commencement of works a revised Landscape Plan must be submitted and approved by Council. The revised landscape shall incorporate the following requirements:

- The recommendations of the Arborist's Report required by Special Condition (3.2)
- Retention of existing trees along the rear boundary which do not conflict with the building footprint or use of the development.
- The planting of a total of two (2) street trees. One (1) tree within the road reserve of each Ridge Street and Gilda Avenue.
- Suitable replacement trees (preferably native trees) capable of and nurtured to grow to at least ten (10) metres in height at maturity, must be planted in a suitable location within the property. Replacement trees must be planted prior to the issue of an Occupation Certificate. Such replacement planting shall be at a rate of one replacement tree per one tree required to be removed.
- Revised fencing set out.

All landscape works are to be constructed in accordance with the approved plan and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

Standard Conditions

- A001 Approved plans that are architecturally drawn
- A008 Works to BCA requirements A009
- A019 Occupation Certificate
- A039 Graffiti
- A046 Obtain a Construction Certificate
- B001 Demolition of Existing Structure B002
- B003 Demolition and disposal to an approved landfill site
- B004 General Asbestos
- B005 Dust
- B006 Mud/Soil
- 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
- G003 Section 73 Certificate
- G004 Integral Energy
- G005 Rainwater Tank Plumbing
- H001 Stamped plans
- H002 All forms of construction
- H033 Clothes Line
- H036 Rainwater tank
- H037 Safe supply of water from catchment
- H041 Hours of Work
- I003 Roads Act Approval
- K016 Stormwater
- K041 Infrastructure Bond
- L002 Landscape Construction
- L003 Report Requirement
- L005 Planting of a Plant
- L006 Landscaping Australian Standards
- L008 Tree Preservation Order
- N001 Section 94 Contributions (x 3)
- Q009 Strata Certificate
- Q01F Notice of Commencement of Appointment of PCA

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 Giroto
Councillor Kevin Crameri OAM
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Ross Fowler OAM

7 Badgerys Creek Airport - Stationery

Councillor Ben Goldfinch returned to the meeting, the time being 8:52pm.

A MOTION was moved by Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish That:

1. The information contained in the report on Badgerys Creek Airport - Stationery be received.
2. Council revert to placing "No Airport at Badgerys Creek" back on Council stationery.

313 An AMENDMENT was moved by Councillor Ben Goldfinch seconded Councillor Greg Davies that the information contained in the report on Badgerys Creek Airport - Stationery be received.

Upon being PUT to the meeting, a DIVISION was called by Councillor Ross Fowler OAM with the following result:

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

The AMENDMENT was CARRIED and became the SUBSTANTIVE MOTION.

The SUBSTANTIVE MOTION was PUT to the meeting, and a DIVISION was called by Councillor Ross Fowler OAM with the following result:

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

The SUBSTANTIVE MOTION was carried.

Councillor John Thain left the meeting, the time being 9:21pm.

OUTCOME 3 - WE CAN GET AROUND THE CITY

8 [Roads to Recovery Funding Allocations 1 July 2014 to 30 June 2019](#)

Councillor Ben Goldfinch left the meeting, the time being 9:22pm.

Councillor Ben Goldfinch returned to the meeting, the time being 9:24pm.

Councillor John Thain returned to the meeting, the time being 9:24 pm.

314 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Roads to Recovery Funding Allocations 1 July 2014 to 30 June 2019 be received.
2. Council accept the allocation of \$6,316,595 from the Australian Government under the Roads to Recovery Program.
3. Council write to the Federal Government formally thanking them for the funding under the Roads to Recovery Program.
4. Council write to the Federal Member for Lindsay Ms Fiona Scott MP thanking her for her ongoing support of the City.

9 [Nepean River Green Bridge - Review of Environmental Factors](#)

315 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Michelle Tormey

That:

1. The information contained in the report on Nepean River Green Bridge - Review of Environmental Factors be received.
2. A written submission be provided to the Roads and Maritime Services in response to the exhibition of the Review of Environmental Factors.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

10 [Tender Reference 14/15-10 Provision of All Age Health and Fitness Zone at Jamison Park](#)

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

That:

1. The information contained in the report on Tender Reference 14/15-10 Provision of All Age Health and Fitness Zone at Jamison Park be received.
2. Design Landscapes Pty Ltd be awarded the contract for Provision of All Age Health and Fitness Zone at Jamison Park for an amount of \$542,430 (excluding GST).
3. The Common Seal of the Council of the City of Penrith be placed on all

documentation, if necessary.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

Councillor Marcus Cornish left the meeting, the time being 9:32pm.

Councillor Marcus Cornish returned to the meeting, the time being 9:33pm.

11 [Floodplain Management Association 55th Annual Conference & Second National Conference - 19 to 22 May 2015](#)

317 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Floodplain Management Association 55th Annual Conference & Second National Conference - 19 to 22 May 2015 be received.
2. Council's delegates to the 2015 Floodplain Management Association Conference and Workshops to be held in Brisbane from 19 May 2015 to 22 May 2015 be Councillors Kevin Crameri OAM, Jackie Greenow OAM and Jim Aitken OAM, together with any other available Councillors.

Councillor Kevin Crameri OAM left the meeting, the time being 9:37pm.

Councillor Marcus Cornish left the meeting, the time being 9:38 pm.

Councillors Kevin Crameri OAM and Marcus Cornish returned to the meeting, the time being 9:43pm.

12 [Fire & Rescue NSW - Impact of Fire Station Closures](#)

318 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Fire & Rescue NSW - Impact of Fire Station Closures be received.
2. Penrith City Council condemns the NSW State Government's policies of closing fire stations which put lives and property at risk.
3. Penrith City Council write to the State Members for Penrith, Mulgoa and Londonderry expressing our opposition to the current policies of closing fire stations.

13 [Tender Reference RFT 14/15-06 Construction of Andrews Road Bioretention System](#)

319 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Tender Reference RFT 14/15-06

- Construction of Andrews Road Bioretention System be received.
2. Collective Pty Ltd be awarded the contract for the construction of Andrews Road Bioretention System for an amount of \$1,104,877 excluding GST.
 3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

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

Councillor Greg Davies left the meeting, the time being 9:45pm.

14 [Grant Application – Department of Social Services Housing and Homelessness Service Improvement and Sector Support Funding Program 2014](#)

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

That:

1. The information contained in the report on Grant Application – Department of Social Services Housing and Homelessness Service Improvement and Sector Support Funding Program 2014 be received.
2. Council endorse the submission for funding under the Department of Social Services Housing and Homelessness Service Improvement and Sector Support Program 2014 for the Penrith Homeless Outreach Service Hubs Project.

15 [Access Committee - Appointment of Community Members 2014-2016](#)

321 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Access Committee - Appointment of Community Members 2014-2016 be received.
2. The following persons be appointed as community members on Council's Access Committee for the two year term 2014-16:

Mrs Denise Heath
Mr Michael Morris
Mrs Farah Madon
Mr David Currie
Ms Emma Husar
Ms Carole Grayson

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

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

Councillor Greg Davies returned to the meeting, the time being 9:48pm.

17 Pecuniary Interest Returns

322 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Pecuniary Interest Returns be received.
2. Council officers write to the Office of Local Government notifying that two designated employees did not lodge their pecuniary interest returns by the due date.

20 Proposal to amend the Council's 2014 Meeting Calendar

323 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Proposal to amend the Council's 2014 Meeting Calendar be received.
2. Council's meeting calendar be amended to transfer the Policy Review Committee Meeting scheduled for 8 December 2014 to 2 December 2014.

21 Summary of Investments & Banking for the period 1 September to 30 September 2014

324 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 September to 30 September 2014 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 September 2014 to 30 September 2014 be noted and accepted.
3. The graphical investment analysis as at 30 September 2014 be noted.
4. The Agency Collection Methods as at 30 September 2014 be noted.

16 Impact of TAFE cuts and increased TAFE fees

325 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor John Thain

That:

1. The information contained in the report on Impact of TAFE cuts and increased TAFE fees be received.

2. Penrith City Council condemn the NSW State Government's decision to raise TAFE fees from 1 January 2015.

18 Local Infrastructure Renewal Scheme (LIRS) - Round 3

326 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Local Infrastructure Renewal Scheme (LIRS) - Round 3 be received.
2. Council borrow \$5.7m as the loan funded portion of the Penrith CBD Drainage Upgrade Program (PCDUP).
3. The General Manager be given delegated authority to negotiate the loans in accordance with this resolution.
4. The Seal of the Council of the City of Penrith be affixed to those documents that are necessary to finalise these borrowings.
5. The Seal of the Council of the City of Penrith be affixed to the funding agreement for the Local Infrastructure Renewal Scheme – Round 3.
6. Council write to the Minister for Local Government, the Hon Paul Toole MP for the approved funding through the Local Infrastructure Renewal Scheme – Round 3.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Disabled Parking - Medicare Penrith Office

Councillor Bernard Bratusa requested a memo reply to all Councillors investigating whether additional disabled parking is required at the Centrelink building in Penrith, bordered by Union Lane and Union Road, due to increased patronage since the Medicare Office has been moved to this location.

RR 2 Impacts of Repeal of Carbon Tax

Councillor Bernard Bratusa requested a memo to all Councillors advising of Council's response in relation to Council's position on this matter and an explanation of any positive impacts the Federal Government's repeal of the Carbon Tax will have on Council's services. The memo needs to also include a timeline on when waste charges are to be reduced, as a result of the repeal of the Carbon Tax, and/or an explanation as to why Council is not passing on savings to ratepayers.

RR 3 'Penrith Pacifica' Event

Councillor Bernard Bratusa requested a memo to all Councillors advising of Council's progress with a proposal for a major event in the City titled 'Penrith Pacifica' which was submitted in August this year.

RR 4 Letter of Congratulations - John Maclean

Councillor Bernard Bratusa requested that Council send a letter of congratulations to John

Maclean on his successful completion of the recent Atmosphere Nepean Triathlon. Councillor Bratusa also advised that four persons have completed every Nepean Triathlon since it started and asked that a letter of congratulations be also sent to them.

RR 5 Ambassador for 'Penrith the Adventure Capital'

Councillor Bernard Bratusa requested a memo to all Councillors regarding the formation of a Councillor Committee, and recommendations be sought from the community, to select an Ambassador for 'Penrith the Adventure Capital'.

RR 6 Attempt at Blindfold Land Speed Record by Ben Felten

Councillor Ben Goldfinch requested that Council write to staff member Ben Felten, congratulating him on his recent attempt at breaking the Blindfold Motorcycle Land Speed Record and also his success in the trials leading up to the attempt. Also, that Council write to the Mayor of Temora, Councillor Rick Firman, thanking him for his support and hosting of this event.

RR 7 Future location of Local Government Conferences

Councillor Ben Goldfinch requested a memo to all Councillors concerning the possibility of Penrith City Councillors meeting to discuss options for the future location of the Local Government Conference, as well as the possible length of the Conference.

RR 8 Flooding and Road Closure - Stony Creek

Councillor Maurice Giroto requested a report to Council, in follow up to a recent memo from the Engineering Services Department, regarding Stony Creek flooding and road closure and suggesting a way forward.

RR 9 Signage indicating flooding - Castlereagh Road

Councillor Maurice Giroto requested a report to Council after having been referred to the Local Traffic Committee, addressing the issue of the lack of signage indicating flooding on Castlereagh Road, under the railway line.

RR 10 Signage for Penrith Local Government Area

Councillor Maurice Giroto requested a report to Council investigating the feasibility of erecting signage indicating entrance and exit to the Penrith Local Government Area.

UB 1 Request for Leave of Absence

Councillor Jackie Greenow OAM requested Leave of Absence for 24 November 2014.

327 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Ben Goldfinch that the matter be brought forward as a matter of urgency.

His Worship the Mayor, Councillor Ross Fowler OAM, ruled that the matter was urgent and should be dealt with at the meeting.

328 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor John Thain that Leave of Absence be granted to Councillor Jackie Greenow OAM for 24 November 2014.

Councillor Maurice Giroto left the meeting, the time being 10:20pm.

RR 11 Coal Seam Gas Signage

Councillor Michelle Tormey requested a report to Council on its current stand on coal seam gas mining, including the cost of providing signage at City entry points opposing coal seam gas mining.

UB 2 Request for Leave of Absence

Councillor Michelle Tormey requested Leave of Absence for 10 November 2014.

329 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that the matter be brought forward as a matter of urgency.

His Worship the Mayor, Councillor Ross Fowler OAM, ruled that the matter was urgent and should be dealt with at the meeting.

330 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that Leave of Absence be granted to Councillor Michelle Tormey for 10 November 2014.

Councillor Maurice Giroto returned to the meeting, the time being 10:22pm.

RR 12 UWS Solar Car Challenge 2015

Councillor Michelle Tormey requested a report to Council regarding a formal meeting and presentation to be organised from the Challenge Team to the Council's Sustainability Team and Sustainability Champions, any interested Councillors and Council staff, to discuss further options for supporting the Challenge and outlining the relevant cost.

RR 14 Proposed Wianamatta Regional Park

Councillor Michelle Tormey requested a report to Council providing an update on matters related to the proposed Wianamatta Regional Park, including:

1. when will the transfer of the land take place;
2. what is the status of the emu population on the site and have there been any recent changes;
3. what is the status of the PhD study into a sustainable emu population on the site.

UB 3 Community Assistance Program

Councillor Karen McKeown requested that an amount of \$3,000 be allocated from each Ward's voted works towards the next 10 eligible Community Assistance Program applicants, as outlined in the memo prepared by the Acting Manager, Community & Cultural Development.

331 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Tricia Hitchen that the matter be brought forward as a matter of urgency.

His Worship the Mayor, Councillor Ross Fowler OAM, ruled that the matter was urgent and should be dealt with at the meeting.

332 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ben Goldfinch that an amount of \$3,000 be allocated from each Ward's voted works towards the

next 10 eligible Community Assistance Program applicants, as outlined in the memo prepared by the Acting Manager, Community & Cultural Development.

Councillor Marcus Cornish left the meeting, the time being 10:28pm.

Councillor Marcus Cornish returned to the meeting, the time being 10:30pm.

RR 15 Western Sydney Homeless Connect

Councillor John Thain requested a report to Council regarding supporting the recently held Western Sydney Homeless Connect Services Day with the view to explaining how we can replicate similar events in Penrith.

Councillor Jackie Greenow OAM left the meeting, the time being 10:31pm.

RR 16 Leadership Development Program

Councillor John Thain requested a memo reply to Councillors concerning contact to be made with David Morris regarding the establishment of a leadership program for young and emerging leaders in conjunction with the University of Western Sydney and that a report on this matter be presented to a meeting of the Policy Review Committee.

RR 17 Lakeside Parade, Jordan Springs

Councillor Prue Car requested a report to Council advising of any plans to erect a pedestrian crossing on the corner of Lakeside Parade and Jordan Springs Boulevard, Jordan Springs, as a result of planned lights at the same location.

Councillor Jackie Greenow OAM returned to the meeting, the time being 10:33pm.

RR 18 Shopping Centre Signage - Jordan Springs

Councillor Prue Car requested a memo to all Councillors concerning the provision of a directional 'shopping centre' sign on the street sign on Jordan Springs Boulevard, Jordan Springs.

RR 19 Filling Lakes from Nepean River

Councillor Kevin Crameri OAM requested a report to Council on the control and operation of Penrith Lakes, advising as to water quality and also if water from the Nepean River is being used.

RR 20 FAGs Item - Local Government Association Conference

Councillor Greg Davies requested a memo reply to Councillors concerning the motion regarding indexing action concerning FAGs which was submitted to the recent Local Government Conference. Also that Council write to the Local Government NSW regarding their planned actions and what actions that have been already undertaken in this regard.

COMMITTEE OF THE WHOLE

Councillors Prue Car and Ben Goldfinch left the meeting, the time being 10:38pm.

Councillor Marcus Cornish left the meeting, the time being 10:38pm and did not return.

333 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow OAM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:38pm.

Councillors Prue Car and Ben Goldfinch returned to the meeting, the time being 10:39pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Greg Davies seconded Councillor Jackie Greenow OAM that the press and public be excluded from Committee of the Whole to deal with the following matters:

Outcome 5

2 [Litigation and Compliance Matters](#)

This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

3 [Compliance status at 461 Cranebrook Road, Cranebrook](#)

This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Outcome 2

4 [Status on Development Application 14/0370 Residential New Second Occupancy - Alterations and Additions to Existing Dwelling and Retrospective Approval for a Secondary Dwelling at Lot 40 DP 27098 \(No. 148\) Carrington Road, Londonderry](#) Applicant: Mr David and Mrs Connie Sultana; Owner: ~Mr David and Mrs Connie Sultana

This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Outcome 7**5 [Commercial Matter - Proposed Licence and Information Regarding Existing Temporary Car Park located at the corner of Rodgers & Somerset Streets, Kingswood](#)**

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

6 [Commercial Matter - Council Property - Leasing of Shop 131 Queen Street, St Marys \(adjoining Coachman's Park\) to CJP World Wide 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.

7 [Commercial Matter - Compulsory Acquisition of Council Land By Roads and Maritime Services - Lot 2, DP 580256 - Nepean River Green Bridge](#)

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 2 - (referred from Open Council)**8 [Item 5 – Development Application DA14/0622 Retrospective approval for earthworks, construction of a shed and parking of 2 x truck vehicles \(rigid truck and semi trailer\) at Lot 122 DP 709303 \(No.s 41-47\) Jolly Street, Castlereagh](#)
Applicant: Mr and Mrs Gosling; Owner:~Mr and Mrs Gosling**

This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 11:29pm and the Acting General Manager reported that the Committee of the Whole met at 10:38pm on 27 October 2014, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Greg Davies and Councillors Bernard Bratusa, Prue Car, Kevin Crameri OAM, Maurice Giroto, Ben Goldfinch, 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

Councillor Karen McKeown left the meeting, the time being 10:40pm.

Councillor Karen McKeown returned to the meeting, the time being 10:41pm.

2 Litigation and Compliance Matters

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Tricia Hitchen

CW2 That the information contained in the report on Litigation and Compliance Matters be received.

3 Compliance status at 461 Cranebrook Road, Cranebrook

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM

CW3 That:

1. The information contained in the report on Compliance status at 461 Cranebrook Road, Cranebrook be received.
2. A notation be placed on the Section 149 certificate in relation to the existing Structure.

4 Status on Development Application 14/0370 Residential New Second Occupancy - Alterations and Additions to Existing Dwelling and Retrospective Approval for a Secondary Dwelling at Lot 40 DP 27098 (No. 148) Carrington Road, Londonderry Applicant: Mr David and Mrs Connie Sultana; Owner: ~Mr David and Mrs Connie Sultana

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM

CW4 That:

1. The information contained in the report on Status on Development Application 14/0370 Residential New Second Occupancy - Alterations and Additions to Existing Dwelling and Retrospective Approval for a Secondary Dwelling at Lot 40 DP 27098 (No. 148) Carrington Road, Londonderry be received.
2. A notation be placed on the Section 149 certificate in relation to the existing Structure.
3. A meeting to be arranged with Councillor John Thain, Council Officers and the applicant to discuss the way forward for this application.

Having previously declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 5 – COW, Councillor Michelle Tormey left the meeting, the time being 11:01pm.

5 [Commercial Matter - Proposed Licence and Information Regarding Existing Temporary Car Park located at the corner of Rodgers & Somerset Streets, Kingswood](#)

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

CW5 That:

1. The information contained in the report on Commercial Matter - Proposed Licence and Information Regarding Existing Temporary Car Park located at the corner of Rodgers & Somerset Streets, Kingswood be received.
2. Council accept a request to terminate the licence agreement with Nepean and Blue Mountains District Health for a car park.
3. Council approve of entering into a 5 year Licence Agreement with Healthscope Limited for the use of the car park at a commencing rental of \$60,000 pa with a minimum term of 3 years before Healthscope can seek termination at 6 months notice.
4. Council commences the advertising process for a new 5 year licence agreement to Healthscope Limited over the existing temporary car park on the corner of Rodgers and Somerset Streets, Kingswood in accordance with Section 47A of the Local Government Act 1993.
5. A further report be submitted to Council following completion of the advertising period.

6 [Commercial Matter - Council Property - Leasing of Shop 131 Queen Street, St Marys \(adjoining Coachman's Park\) to CJP World Wide Pty Ltd](#)

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Prue Car

CW6 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Shop 131 Queen Street, St Marys (adjoining Coachman's Park) to CJP World Wide Pty Ltd be received.
2. Council grant a 5 year lease with a 5 year option to CJP World Wide Pty Ltd in accordance with the terms and conditions as outlined in this report.
3. Lot 98 DP 128213 be categorised as Operational Land pursuant to Section 31(2) of the Local Government Act 1993.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

7 [Commercial Matter - Compulsory Acquisition of Council Land By Roads and Maritime Services - Lot 2, DP 580256 - Nepean River Green Bridge](#)

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

CW7 That:

1. The information contained in the report on Commercial Matter - Compulsory

Acquisition of Council Land By Roads and Maritime Services - Lot 2, DP 580256 - Nepean River Green Bridge be received.

2. Council accept nominal compensation of \$1 for the compulsory acquisition of Lot 2 DP 580256 by Roads and Maritime Services.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documents to effect transfer of Lot 2, DP 580256 to Roads and Maritime Services.

Having previously declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 5 – COW, Councillor Karen McKeown left the meeting, the time being 11:05pm and did not return.

Councillor Michelle Tormey returned to the meeting, the time being 11:05 pm.

8 [Item 5 – Development Application DA14/0622 Retrospective approval for earthworks, construction of a shed and parking of 2 x truck vehicles \(rigid truck and semi trailer\) at Lot 122 DP 709303 \(No.s 41-47\) Jolly Street, Castlereagh](#)

**Applicant: Mr and Mrs Gosling;
(referred from Open Council)**

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM

CW8 That the verbal legal advice in relation to Development Application DA14/0622 Retrospective approval for earthworks, construction of a shed and parking of 2 x truck vehicles (rigid truck and semi trailer) at Lot 122 DP 709303 (No.s 41-47) Jolly Street, Castlereagh be received.

ADOPTION OF COMMITTEE OF THE WHOLE

334 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Prue Car that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5, CW6, CW7 and CW8 be adopted.

5 [Development Application DA14/0622 Retrospective approval for earthworks, construction of a shed and parking of 2 x truck vehicles \(rigid truck and semi trailer\) at Lot 122 DP 709303 \(No.s 41-47\) Jolly Street, Castlereagh](#) Applicant: Mr and Mrs Gosling; Owner: ~Mr and Mrs Gosling

335 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen

That:

1. The information contained in the further report on Development Application DA14/0622 Retrospective approval for earthworks, construction of a shed and parking of 2 x truck vehicles (rigid truck and semi trailer) at Lot 122 DP 709303 (No.s 41-47) Jolly Street, Castlereagh be received.
2. Development Application No DA14/0622 be approved subject to the following proposed conditions:

Special Conditions

- 2.1 A trial consent period of twelve (12) months is granted for the storage and basic maintenance of two (2) pieces of plant or truck vehicles operated only by the occupier or occupiers of the property this consent lapses upon expiry of 12 months from the date of consent. This consent is effective from the issue of an Occupation Certificate for the shed. Prior to expiry of the date of the trial consent period, the applicant may submit a new Application for any continuance of the use.
- 2.2 The shed shall only be used for the storage and basic maintenance of two (2) pieces of plant or truck vehicles, where the plant or truck vehicles are operated only by the occupier or occupiers of the property. The shed may also be used to store personal items ancillary to the dwelling or rural use of the land, but is not to be habitable or for commercial purposes.
- 2.3 Truck movements are restricted to four (4) vehicle trips per day and restricted to between 6:00am and 8:00pm Monday to Fridays. No trucks movements are permitted on Saturdays, Sundays and public holidays.
- 2.4 The property must not be used as a truck/transport depot and/or vehicle repair workshop or vehicle repair station for:
 - i) the parking or servicing of motor vehicles used in connection with a business, industry or freight transport undertaking garaging or storage or maintenance or servicing of any other trucks; or
 - ii) repair of vehicles other than the two (2) pieces of plant or trucks approved herein.
- 2.5 Storage of additional trucks or employee's vehicles must occur at a site which is subject to development consent for such use. Employees of the business are not to leave their vehicles on site and drive one of the two trucks stored on site, unless they are a permanent occupier of the property.
- 2.6 The demountable office building must be lawfully removed from the property within 30 days of the issue of this consent.
- 2.7 All minor truck maintenance work is to be undertaken only by the owner of the property and must be undertaken inside the shed on the site. Minor truck maintenance work is to be restricted to between 6:00am and 8:00pm Monday to Fridays, 9:00am and 1:00pm Saturdays. No minor truck maintenance work is permitted on Sundays and Public Holidays.
- 2.8 Any driveway works and hard stand area are not to have an adverse impact upon stormwater surface flows on or from adjoining properties. All works are to be flush with the natural surface. Any works, including mounding, are not to dam, concentrate, or divert surface flows onto adjoining properties.

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- 2.9 The two trucks must be stored inside the shed at all times and no loading or unloading of goods to or from the trucks is permitted on the site.
- 2.10 No native trees or other vegetation (including shrubs and other understory vegetation) are to be removed, ringbarked, cut, topped, lopped, slashed or wilfully destroyed without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.
- 2.11 No fill, machinery, or materials are to be placed or stored within the drip line of any tree.
- 2.12 Any aggregate material used for the construction of the driveway is to comply with the requirements of the EPA Recovered Aggregate Exemption 2010.
- 2.13 Exterior lighting is not permitted and any erected lighting structures are to be removed from the site prior to the issue of the Occupation Certificate.
- 2.14 The earthworks approved herein must comply with AS 3798 and Council's Design Guidelines and Construction Specifications for Civil Works.
- 2.15 Prior to the issue of an Occupation Certificate for the shed, a Work-as-Executed Plan prepared by an appropriately qualified consultant is to be submitted to Penrith City Council and verifies that the finished ground levels reflected within the approved survey drawing (approved as part of this consent) have been maintained. Any changes to finished ground level beyond those approved are to be rectified prior to the issue of any Occupation Certificate.
- 2.16 The colour of the shed is to be earthy tones, consistent with nearby sheds and in accordance with the list on the DCP and non-reflective. Details of the colour are to be provided with the construction certificate.
- 2.17 All piles of fill are to be removed, either dispersed over the site as top dressing within the levels permitted by this consent or removed off site with details of the disposal location provided to Council.
- 2.18 Prior to OC, a vegetated buffer 3m wide surrounding the hardstand area to offset the impact of previous vegetation and habitat removal and to help manage erosion and runoff, and visual amenity is to be installed. This is approximately 500m². The vegetated buffer is to consist of species from the Castlereagh Scribbly Gum vegetation community and is to contain a selection of species from the mid/under storey and the ground stratum. The species are to be selected from the following lists:
- List A – Ground stratum - At least 8 different species planted at a density of 2 plants per m².
- *Aristida ramosa*

- *Aristida warburgii*
- *Boronia polygalifolia*
- *Dianella revoluta* var. *revoluta*
- *Entolasia stricta*
- *Goodenia bellidifolia* subsp. *bellidifolia*
- *Lomandra glauca*
- *Lomandra multiflora* subsp. *multiflora*
- *Patersonia sericea*
- *Platysace ericoides*
- *Stylidium graminifolium*
- *Themeda australis*
- *Thysanotus tuberosus* subsp. *tuberosus*
- *Xanthorrhoea minor*
- List B – Shrub stratum - At least 8 different species planted at a density of 1 plant per m².
 - *Acacia brownii*
 - *Acacia elongata*
 - *Banksia oblongifolia*
 - *Banksia spinulosa*
 - *Bossiaea rhombifolia*
 - *Callistemon pinifolius*
 - *Daviesia ulicifolia*
 - *Grevillea mucronulata*
 - *Hakea dactyloides*
 - *Hakea sericea*
 - *Isopogon anemonifolius*
 - *Leptospermum polygalifolium*
 - *Leptospermum trinervium*
 - *Lissanthe strigosa*
 - *Melaleuca erubescens*
 - *Melaleuca thymifolia*

NOTE: All plants are to be local provenance and are to be sourced from nurseries using local provenance seed.

- 2.19 In addition to the vegetated buffer plantings, 20 trees are to be planted on the property (note: these are at a ratio of approximately 2:1 for the trees removed for the initial unauthorised works). At least 5 of these trees are to be located within the vegetated buffer surrounding the hardstand area and the remaining trees should be planted to the rear of the hardstand area, augmenting the cleared and degraded areas. Trees are to be of the following species only:
- *Eucalyptus sclerophylla*
 - *Eucalyptus parramattensis*;
 - *Angophora bakeri*.

Note: NO trees are to be planted within the Asset Protection Zone of the house.

Note: All plants are to be local provenance and are to be sourced from nurseries using local provenance seed.

- 2.20 All landscape plantings are to be maintained for a period of 36 months (3 years). This includes watering, weeding and replacement planting if plant death exceeds 15%.

- 2.21 Prior to the issue of an engineering construction certificate the plans are required to reflect minor regrading of ground levels to ensure overland flow is effectively managed and dispersed through the truck turning area with no adverse impact onto adjoining properties.

Standard Conditions

- A001 – Approved plans that are architecturally drawn – amend in red
- A008 – Compliance with BCA
- A019 – Occupation Certificate
- A020 – Use of Building
- A030 – No Retail Sales
- A032 – Goods in Building
- A046 – Issue of Construction Certificate
- B004 - Dust
- B005 - Mud/Soil
- D001 – Sedimentation and Erosion Controls
- D002 - Spraygrass
- D005 – No filling without prior approval
- D006 – No Filling without prior approval
- D009 – Covering Waste Storage area
- D010 - Appropriate disposal of excavated or other waste
- D014 – Plant and Equipment Noise
- E001 - BCA compliance
- H001 - Stamped plans & erection of site notice 1 (Class 2-9)
- H002 - All forms of construction
- H011 – Engineering plans & specifications
- H041 – Hours of work
- L007 - Tree protection measures–no TMP with DA
- L008 – Tree preservation order
- K202 – Section 138 Roads Act
- K208 - Stormwater Discharge – Minor Development
- K501 – Penrith City Council Clearance – Roads Act/Local Government Act
- Q001F – Notice of Commencement & Appointment of PCA
- Q005F – Occupation Certification for Class 10 Structure

3. Further compliance action be pursued in relation to identified unauthorised works on the site.
4. Council's Compliance Officers monitor the site for compliance with conditions of consent.
5. The location and orientation of the shed be altered to that originally proposed in DA 13/0354.
6. Natural overland flow and stormwater drainage be retained with no stormwater diversion works approved as part of this consent.

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 Bernard Bratusa
Councillor John Thain	Councillor Greg Davies
Councillor Michelle Tormey	
Councillor Jackie Greenow OAM	
Councillor Maurice Giroto	
Councillor Kevin Crameri OAM	
Councillor Ben Goldfinch	
Councillor Tricia Hitchen	
Councillor Ross Fowler OAM	

There being no further business the Chairperson declared the meeting closed the time being 11:36 pm.

I certify that these 43 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 27 October 2014.

Chairperson

Date