

**CONFIRMED MINUTES**  
**OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE**  
**COUNCIL CHAMBERS**  
**ON MONDAY 25 MAY 2015 AT 7:35PM**

**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 Jim Aitken OAM, Bernard Bratusa, Prue Car MP, Kevin Crameri OAM, Marcus Cornish, Maurice Giroto, Ben Goldfinch, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

**LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor Mark Davies for the period 15 May 2015 to 26 May 2015 inclusive.

**APOLOGIES**

113 RESOLVED on the MOTION of Councillor Maurice Giroto seconded Councillor Bernard Bratusa that an apology be received from Councillor Jackie Greenow OAM.

Councillor Michelle Tormey left the meeting, the time being 7:41pm.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 27 April 2015**

114 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown that the minutes of the Ordinary Meeting of 27 April 2015 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Karen McKeown declared a Non-Pecuniary Conflict of Interest – Significant in *COW Item 2 - Status on Litigation and Compliance Matters*. Councillor McKeown stated that she would not take part in the debate and would leave the Chamber during consideration of this item.

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in – *Item 3 – Development Application DA14/1550 Staged subdivision into 215 residential allotments, creation of residue open space lots, future riparian corridor and sewer pump lot and associated fire access lots, road and roundabout construction, earthworks and drainage works (Village 6) Lot 1125 DP 1158660 Ninth Avenue, Jordan Springs* as he lives nearby in Llandilo, although some distance from the subject land, and stated that he would remain in the Chamber during the debate on this item.

Councillor Marcus Cornish declared a Non-Pecuniary Conflict of Interest – Significant in *COW Item 2 - Status on Litigation and Compliance Matters*. Councillor Marcus Cornish stated that his wife was the Secretary of the Protect Penrith Action Group Inc and that he would not take part in the debate and would leave the Chamber during consideration of this Item.

His Worship the Mayor, Councillor Ross Fowler OAM declared a Pecuniary Interest in *Item 4 - Development Application DA15/0122 for Construction of New Dwelling to Rear of Existing Post Office/Residence at Lot 10 DP 1508, (No. 1589) Mulgoa Road, Wallacia Applicant: Tony Fragar Design Pty Ltd; Owner: ~B.N. Fowler Pty Ltd*, as he is a Director of the applicant company. Councillor Ross Fowler OAM then stated that he would vacate the Chair and leave the Chamber and that the Deputy Mayor, Councillor Greg Davies, would take the Chair for consideration of this Item.

### **SUSPENSION OF STANDING ORDERS**

115 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:42pm.

### **Dr Andy Marks**

*Report and Recommendations of the Policy Review Committee Meeting held on 11 May 2015 – Item 2 – Western Sydney Airport – Badgerys Creek*

Dr Marks, the Director of Strategic Relations at the University of Western Sydney, spoke in support of the recommendation. Dr Marks stated that the University supports the establishment of an airport at Badgerys Creek as it would encourage economic development and employment in Western Sydney and went on to enumerate the advantages of having an airport in closer proximity to the University.

Councillor Michelle Tormey returned to the meeting, the time being 7:45pm.

Dr Marks emphasised the benefits that students will accrue from the location of the airport, as well as the generation of employment as a result of the University's proximity to the proposed airport.

### **Jeremy Spinak**

*Report and Recommendations of the Policy Review Committee Meeting held on 11 May 2015 – Item 2 – Western Sydney Airport – Badgerys Creek*

Mr Spinak, representing the proponent of the proposed Sydney Science Park, to be located at Luddenham, spoke in support of the recommendation. Mr Spinak stated that the EJC Group, who is the proponent of the proposed Sydney Science Park supports the location of an airport close to the proposed Park, and that the Sydney Science Park will be a fully integrated, innovative facility focussing on industry, education and business and will create knowledge based jobs, and that the location of an airport at Badgerys Creek would greatly assist in achieving this outcome. Mr Spinak concluded by stating that the location of an airport at Badgerys Creek would open up the project to the rest of Australia and the World.

**Peter Harvey**

*Report and Recommendations of the Policy Review Committee Meeting held on 11 May 2015 – Item 2 – Western Sydney Airport – Badgerys Creek*

Mr Harvey, representing the Mulgoa Progress Association, spoke in opposition to the recommendation. Mr Harvey stated that the establishment of an airport at Badgerys Creek would have an adverse impact on all Penrith residents. Mr Harvey also stated that residents need to be fully informed about the impacts of an airport located in the area and believed that a full disclosure of relevant facts had not been made to residents.

116 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Maurice Giroto that an extension of time be granted to enable the speaker to complete his address, the time being 8:07pm.

Mr Harvey concluded by suggesting that consideration of the matter should be deferred until the residents of Penrith have had an opportunity to comment on the proposal, and that results of a suitable survey of residents be used to frame Council's decision on the matter.

**Sandra Newham**

*Report and Recommendations of the Policy Review Committee Meeting held on 11 May 2015 – Item 2 – Western Sydney Airport – Badgerys Creek*

Ms Newham, an affected person, spoke in opposition to the recommendation and stated that she considered the community consultation carried out regarding the siting of the proposed airport to be inadequate. Ms Newham also raised concerns about noise emanating constantly from an airport that has no curfew and is operational 24 hours per day.

117 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Maurice Giroto that an extension of time be granted to enable the speaker to complete her address, the time being 8:15pm.

Ms Newham concluded by suggesting that the way forward was to revert to the previous advice given by Council's expert planning team and to reject the recommendation of the Policy Review Committee on 11 May 2015.

**Jackie Kelly**

*Report and Recommendations of the Policy Review Committee Meeting held on 11 May 2015 – Item 2 – Western Sydney Airport – Badgerys Creek*

Ms Kelly, an affected person, spoke in opposition to the recommendation. Ms Kelly cited her history of working on issues relating to the proposed airport at Badgerys Creek since 1996. Ms Kelly stated that the noise impact of the proposed airport would have a greater impact on local residents as it would not be shared with other areas as is the current arrangement at Kingsford Smith Airport in Sydney.

118 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Kevin Crameri OAM that an extension of time be granted to enable the speaker to complete her address, the time being 8:29pm.

Ms Kelly concluded her address by citing other issues of concern including lack of curfew at the proposed airport, traffic congestion in the area, and lack of funding commitment for the infrastructure that will be required as a result of establishing an airport in Badgerys Creek.

**Arthur Ilias**

*Item 3 – Development Application DA14/1550 Staged subdivision into 215 residential allotments, creation of residue open space lots, future riparian corridor and sewer pump lot and associated fire access lots, road and roundabout construction, earthworks and drainage works (Village 6) Lot 1125 DP 1158660 Ninth Avenue, Jordan Springs*

Mr Ilias, General Manager for Lend Lease Communities NSW and spokesperson for the applicant, spoke in support of the recommendation. Mr Ilias highlighted the applicant's achievements so far in developing the Jordan Springs project. Mr Ilias stated that the applicant has been a willing participant in consultation processes and has responded to stakeholder concerns and amended subdivision plans.

Mr Ilias concluded by reconfirming the applicant's commitment to work in good faith with Council to find a commercially acceptable solution, and stressed the importance of continuing to provide much needed housing in Penrith.

**Geoff Brown**

*Item 3 – Development Application DA14/1550 Staged subdivision into 215 residential allotments, creation of residue open space lots, future riparian corridor and sewer pump lot and associated fire access lots, road and roundabout construction, earthworks and drainage works (Village 6) Lot 1125 DP 1158660 Ninth Avenue, Jordan Springs*

Mr Brown, an interested citizen, spoke in opposition to the recommendation. Mr Brown expressed his concerns regarding conservation of the site, particularly in regard to the Cumberland Conservation Corridor mapping not being definitive. Mr Brown also expressed the view that the entire Ninth Avenue area should be protected from development.

119 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Tricia Hitchen that an extension of time be granted to enable the speaker to complete his address, the time being 9:20pm.

Mr Brown concluded by seeking a public meeting on the matter as he believed there had been a lack of consultation with residents in the area and called for deferral of consideration of the development application until this consultation had taken place.

**Michael Pate**

*Item 3 – Development Application DA14/1550 Staged subdivision into 215 residential allotments, creation of residue open space lots, future riparian corridor and sewer pump lot and associated fire access lots, road and roundabout construction, earthworks and drainage works (Village 6) Lot 1125 DP 1158660 Ninth Avenue, Jordan Springs*

Mr Pate, Principal of Xavier College, Llandilo, spoke in opposition to the recommendation, stating concerns regarding the environment, the needs of students and their learning of the curriculum. Mr Pate stated that the natural environment is beneficial to students and has a

positive effect on their behaviour. Mr Pate also indicated that the open space provides a natural buffer zone for the school as well as residents during the playing of sports, holding of concerts etc. at the school, as well as providing a buffer for the agricultural studies area where animals are kept.

120 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Marcus Cornish that an extension of time be granted to enable the speaker to complete his address, the time being 9:33pm.

Mr Pate concluded by stating that the school would prefer to retain the current buffer zone as it will address privacy issues for both the school and nearby residents.

### **Lisa Harrold**

*Item 3 – Development Application DA14/1550 Staged subdivision into 215 residential allotments, creation of residue open space lots, future riparian corridor and sewer pump lot and associated fire access lots, road and roundabout construction, earthworks and drainage works (Village 6) Lot 1125 DP 1158660 Ninth Avenue, Jordan Springs*

Ms Harrold, President of the Cumberland Conservation Network and Mulgoa Valley Landcare, spoke in opposition to the recommendation. Ms Harrold stated that she believed the development would fracture the Cumberland Conservation Corridor and that removing 15 blocks would not protect the corridor connectivity as an east/west roadway will compromise the Corridor.

Councillor Kevin Crameri OAM left the meeting at 9:41pm and returned to the meeting at 9:45pm.

Ms Harrold concluded her address by requesting that Council defer its decision on this development application until such time as an alternate roadway suggestion can be fully examined.

### **RESUMPTION OF STANDING ORDERS**

121 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Maurice Giroto that Standing Orders be resumed, the time being 9:53pm.

### **REPORTS OF COMMITTEES**

#### **1 Report and Recommendations of the Access Committee Meeting held on 8 April 2015**

122 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 8 April, 2015 be adopted.

#### **2 Report and Recommendations of the Local Traffic Committee Meeting held on 4 May 2015**

123 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 4 May, 2015 be adopted.

**3 Report and Recommendations of the Policy Review Committee Meeting held on 11 May 2015**

124 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 11 May, 2015 be adopted, with exception of *Item 1 – Planning Proposal- Lots 1-4 Old Bathurst Road, Emu Plains (Cnr Russell Street)* and *Item 2 – Western Sydney Airport – Badgerys Creek*.

**Report and Recommendations of the Policy Review Committee Meeting held on 11 May 2015 - Item 1 - Planning Proposal - Lots 1-4 Old Bathurst Road, Emu Plains (Cnr Russell Street)**

125 RESOLVED on the MOTION of Councillor John Thain seconded Tricia Hitchen that *Item 1 – Planning Proposal- Lots 1-4 Old Bathurst Road, Emu Plains (Cnr Russell Street)* of the Report and Recommendations of the Policy Review Committee Meeting held on 11 May 2015 be adopted.

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

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

**Report and Recommendations of the Policy Review Committee Meeting held on 11 May 2015 - Item 2 - Western Sydney Airport - Badgerys Creek**

126 A MOTION was moved by Councillor John Thain seconded Councillor Bernard Bratusa That:

1. The information contained in the report on Western Sydney Airport - Badgerys Creek be received.
2. Council accept the Federal Government's decision to build an airport on the Government owned land at Badgerys Creek subject to the precondition that the Sydney Airport Curfew Act 1995 be amended to become the Sydney Airports Curfew Act and that it apply to both Sydney and the future Badgerys Creek Airports.
3. Council proactively engage with both Federal and State Governments to ensure the airport and associated infrastructure is delivered in a timely and deliberative manner to bring maximum benefits and uplift to Penrith and Western Sydney.

4. Council undertake the potential actions/advocacy identified in the report.
5. Council write to the Hon Warren Truss MP, Minister for Infrastructure and Regional Development, Mr Russell Matheson MP, Member for Macarthur, Ms Fiona Scott MP, Member for Lindsay and the Department of Infrastructure and Regional Development advising of Council's position on the proposed airport.
6. Council work proactively with Liverpool City Council and the relevant State and Federal Government Departments on the advance planning for the Airport and unlocking the economic potential of the Broader Western Sydney Employment Area and the South West Growth Centre.
7. Council participate in the proposal for councils to pool their resources and engage consultants in readiness for the release of the EIS, subject to an upper limit of \$60,000, with the Federal Government to allow 90 days to respond to the EIS.

An AMENDMENT was moved by Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish:

1. The information contained in the report on Western Sydney Airport - Badgerys Creek be received.
2. Council undertake the potential actions/advocacy identified in this report.
3. Council participate in the proposal for councils to pool their resources and engage consultants in readiness for the release of the EIS, subject to an upper limit of \$60,000.

The AMENDMENT was PUT.

Councillor Kevin Crameri OAM called for a DIVISION.

**For**

Councillor Kevin Crameri OAM  
Councillor Maurice Giroto  
Councillor Marcus Cornish  
Councillor Michelle Tormey

**Against**

Councillor Prue Car MP  
Councillor Greg Davies  
Councillor John Thain  
Councillor Karen McKeown  
Councillor Jim Aitken OAM  
Councillor Ben Goldfinch  
Councillor Tricia Hitchen  
Councillor Bernard Bratusa  
Councillor Ross Fowler OAM

The AMENDMENT was LOST.

The MOTION was PUT.

Councillor Kevin Crameri OAM called for a DIVISION.

**For**

Councillor Prue Car MP  
Councillor Greg Davies  
Councillor John Thain  
Councillor Karen McKeown  
Councillor Jim Aitken OAM  
Councillor Ben Goldfinch  
Councillor Tricia Hitchen  
Councillor Bernard Bratusa  
Councillor Ross Fowler OAM

**Against**

Councillor Kevin Crameri OAM  
Councillor Maurice Giroto  
Councillor Marcus Cornish  
Councillor Michelle Tormey

The MOTION was CARRIED.

**DELIVERY PROGRAM REPORTS**

**OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH**

Councillor John Thain left the meeting, the time being 10:26pm.

**1 Rules regarding 24 Hour Gyms and requirements concerning staffing and qualifications required by staff**

127 RESOLVED on the MOTION of Councillor Maurice Giroto seconded Councillor Karen McKeown

That:

1. The information contained in the report on Rules regarding 24 Hour Gyms and requirements concerning staffing and qualifications required by staff be received.
2. Council make written representations to the Department of Fair Trading and Fitness Australia seeking a review of regulation of the fitness industry and in particular the operation of 24 Hour Gyms.
3. Council write to local State and Federal Members and the Department of Fair Trading outlining concerns in relation to the conduct of 24 Hour Gyms, in particular the policy and policing by Fitness Australia.

**2 Penrith City Centre Civic Improvement s94 Plan - Minor Amendment**

Councillor John Thain returned to the meeting, the time being 10:29pm.

Councillor Karen McKeown left the meeting, the time being 10:29pm.

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

That:

1. The information contained in the report on Penrith City Centre Civic Improvement s94 Plan - Minor Amendment be received
2. The Penrith city centre Civic Improvement Plan (CIP) be amended in accordance with the Attachment to this report.

3. The amended CIP be publicly exhibited for at least 28 days, in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Regulations.
4. After conclusion of the exhibition period a further report be presented to Council outlining the results of the exhibition and the process for bringing the amended CIP into effect.

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 MP  
Councillor Greg Davies  
Councillor John Thain  
Councillor Michelle Tormey  
Councillor Maurice Giroto  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Ben Goldfinch  
Councillor Tricia Hitchen  
Councillor Bernard Bratusa  
Councillor Marcus Cornish  
Councillor Ross Fowler OAM

- 3 Development Application DA14/1550 Staged subdivision into 215 residential allotments, creation of residue open space lots, future riparian corridor and sewer pump lot and associated fire access lots, road and roundabout construction, earthworks and drainage works (Village 6) Lot 1125 DP 1158660 Ninth Avenue, Jordan Springs Applicant: Maryland Development Company Pty Ltd; Owner: ~Penrith City Council**

Councillor Karen McKeown returned to the meeting, the time being 10:31pm.

129 A MOTION was moved by Councillor Prue Car MP seconded Councillor John Thain  
That:

1. The information contained in the report on Development Application DA14/1550 Staged subdivision into 215 residential allotments, creation of residue open space lots, future riparian corridor and sewer pump lot and associated fire access lots, road and roundabout construction, earthworks and drainage works (Village 6) Lot 1125 DP 1158660 Ninth Avenue, Jordan Springs be received; and
- 1(a) Council form the opinion that subject to the proposed conditions of development consent, the proposal does not have a likelihood for a 'significant effect' on threatened species, population or an ecological community as outlined within the body of this report and having regard to the Species Impact Statement submitted by Cumberland Ecology dated October 2014 as amended accompanying the proposed development.

2. Development Application No. DA14/1550 Staged subdivision into 215 residential allotments, creation of residue open space lots, future riparian corridor and sewer pump lot and associated fire access lots, road and roundabout construction, earthworks and drainage works (Village 6) Lot 1125 DP 1158660 Ninth Avenue, Jordan Springs be determined by granting a consent in accordance with Section 80(4)(b) of the Environmental Planning and Assessment Act, 1979 subject to the following conditions.

**Standard Conditions:**

*A001 – Approved plans*

*A008 – Works to BCA requirements*

*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*

*C003 - Uncovering relics*

*D002 – Spraygrass*

*D009 – Covering of waste storage area*

*D010 – Appropriate disposal of excavated or other waste*

*D014 – Plant and equipment noise*

*D026 – Liquid Waste*

*D06A – Approval of bulk earthworks/ major filling operations*

*G001 – Installation of services and Service Clearance (subdivision)*

*H01F – Stamped plans and erection of site notice*

*H002 – During construction requirements*

*H041 – Hours of work*

*K101 – Works at no cost to Council*

*K202 – Section 138 Roads Act Approval*

*K203 – Section 138 Roads Act (roadworks requiring approval of civil drawings)*

*K205 – Construction Certificate for Subdivision works*

*K206 – Road Design Criteria table*

*K207 – Road Safety Audit*

*K224 - Inter-allotment drainage*

*K225 - Bus Stops*

*K301 – Sediment and Erosion Control*

*K302 – Traffic Control Plan*

*K304 – Matters to be address prior to commencement of Subdivision works*

*K405 – Street Lighting*

- K407 – Major Filling/ earthworks*
- K408 – Soil testing – Subdivisions*
- K501A – Completion of Subdivision works*
- K504 – restriction as to User and Positive Covenant*
- K507 – Linemarking & Signage*
- K510 – Street Naming*
- K511 – Bond for final wearing course*
- K513 – Maintenance Bond*
- K514 – Subdivision Compliance documentation*
- K601 – Stormwater Management system operation and maintenance*
- L005 – Planting of plant material*
- L006 – Australian Standard for landscaping*
- L007 – Tree protection measures*
- L008 – Tree Preservation Order*
- M001- Prior to subdivision work*
- M008- Linen plan*
- M009 - 88B Instrument*
- M014 - Surveyors certificate*
- Q01F – Notice of Commencement and Appointment of PCA*
- Q008 - Subdivision Certificate*

**Special Conditions**

- 2.1 The development is required to comply with the General Terms of Approval (GTA) dated 15 May 2015, issued by the NSW Rural Fire Service as outlined below:
- a) At the commencement of subdivision and in perpetuity an Asset Protection Zone (APZ) 20 metres wide shall separate proposed Lot 6016 from the vegetation on the planned combined lot to the west of this lot. The APZ shall be managed 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'.
  - b) At the commencement of subdivision and in perpetuity an Asset Protection Zone (APZ) 20 metres wide shall separate Lot 3492 DP1191642 from the vegetation on the planned combined lot to the east of this lot. The APZ shall be managed 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'
  - c) Water, electricity and gas are to comply with section 4.1.3 of

- 'Planning for Bush Fire Protection 2006'.
- d) Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
  - e) Fire trails shall comply with section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006'.
  - f) Proposed lots 6015 and 6017 shall have a minimum 2.1 metre high non-combustible radiant heat shield constructed along the northern boundary.
- 2.2 The development is required to comply with the General Terms of Approval (GTA) dated 16 January 2015, issued by the NSW Office Of Water as outlined below:
- a) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2014/1550 and provided by Council:
    - (i) Site plan, map and/ or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
  - b) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
  - c) The consent holder must prepare or commission the preparation of:
    - (i) Vegetation Management Plan
    - (ii) Erosion and Sediment Control Plan
    - (iii) Soil and Water Management Plan
  - d) The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
  - e) The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
  - f) The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water
  - g) The consent holder must be suitably qualified person to monitor the progress, completion, performance of works, rehabilitation

- and maintenance and report to the NSW Office of Water as required.
- h) The consent holder must provide a security deposit (bank deposit or cash bond) – equal to the sum of cost of complying with the obligations under any approval – to the NSW Office of Water as and when required.
  - i) The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow 9ii) wash into the water body or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
  - j) The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
  - k) The consent holder must stabilise drain discharge to prevent erosion in accordance with a plan approved by the NSW Office of Water.
  - l) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plans approved by the NSW Office of Water. These works and structures must be inspection and maintained throughout the working period and must not be removed until the site has been fully stabilised.
  - m) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
  - n) The consent holder must establish a riparian corridor along the watercourse in accordance with a plan approved by the NSW Office of Water.
- 2.3 Prior to the release of a Construction Certificate, the subdivision plans are to be amended to detail the amalgamation of Lots 6000 – 6015 & 6152 as a residue lot. With exception of the required asset protection zones, no works are to be undertaken within the residue lot.
- 2.4 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 Lots 6153 - 6163 that no vehicular access to Ninth Avenue is permitted.
- 2.5 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 Lots 6212 - 6221 to include a gate within the boundary fence (minimum 4m width) to enable the movement of fire trucks within the Asset Protection Zone.
- 2.6 Prior to the release of a Subdivision Certificate, a new access gate is to be installed within the boundary fence to the Regional Park, adjacent to Lot 6221. The design and location of the gate is to be

- undertaken in consultation and agreed to by National Parks and Wildlife Service.
- 2.7 Prior to the release of a Construction Certificate, the "Dual Occupancy Entitlements" notations are to be removed from proposed Lots 6075, 6076, 6153 - 6163, 6195 - 6197, 6212 - 6221.
- 2.8 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 Road No.4 and Road No.7 that will link in with the future pedestrian linkage between the two roads.
- 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.
- 2.9 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.
- 2.10 Approval is granted for the removal of trees within the property boundaries that are within areas being the subject of approved cut and fill, road construction and the implementation of asset protection zones.
- 2.11 Prior to the commencement of works, an inspection of tree protection measures implemented within the site is to be undertaken by Penrith

Council Officers.

- 2.12 Prior to the commencement of works, the applicant must engage a suitably qualified and experienced arborist to assess the impact of the proposed road works within Ninth Avenue on the existing street trees. The arborist is to prepare and submit, to the satisfaction of Penrith Council, a report documenting the measures to be employed during the construction of the road works.

All recommendations made to protect and retain trees are to be implemented during and employ industry best practices.

- 2.13 A suitable macrofauna fence between the perimeter roads, fire access tracks and the Regional Park is to be provided in consultation and agreed to by National Parks and Wildlife Service.
- 2.14 Prior to the commencement of works, including the removal of any trees associated with approved subdivision/development activities, an inspection for resident threatened fauna (including inspection of all hollows) is to be undertaken under the supervision of a fauna ecologist. Any fauna found are to be relocated. Should juveniles be contained within the affected tree then clearing is to be delayed until juveniles have vacated. WIRES are to be contacted in the case of any injured fauna.
- 2.15 All trees that are scheduled for removal with a Diameter at Breast Height (DBH) of 30cm or greater, once felled in accordance with the Consent Conditions, are to be sawn into 2-6m lengths and retained for future use within the riparian corridor (Lot 6149) or residue lot to provide additional fauna habitat.
- 2.16 Top soil from areas currently vegetated with regenerating or mature Cumberland Plain Woodland that are scheduled for "Cut" treatment, is to be salvaged and stockpiled for future use within the riparian corridor or residue lot.
- 2.17 The following street trees are to be replaced with species from the approved Street Tree List that are native to western Sydney:

- *Cupaniopsis anacardioides*
- *Waterhousia floribunda*

Suitable trees on the Approved Street Tree List are:

- *Melaleuca linarifolia*
- *Eucalyptus crebra*
- *Eucalyptus sideroxylon*
- *Tristaniopsis laurina*.

Street trees are to be planted prior to the issue of the Subdivision Certificate.

- 2.18 Prior to the issue of a Construction Certificate, a detailed plan that clearly outlines measures that will be implemented by the applicant to facilitate fauna movement across Road 303 is to be submitted to Penrith City Council for approval. If Council is not the certifying authority, a copy of Council's approval for the plan is to be provided to the Principal Certifying Authority. The plan is to consider the following

and must include detailed engineering designs as required:

- The use of traffic calming devices to slow traffic in the vicinity of the Biodiversity Corridor such as speed humps.
- The use of a specifically designed fauna underpass (such as a culvert) to allow safe fauna movement under Road 303.
- The use of rope canopy bridges to allow safe crossing of arboreal mammals over Road 303.
- The modification of the proposed macrofauna fence along the regional park in this location to allow for the movement of small mammals along the residual lot (Lot 6000 – 6015). Evidence of consultation with NPWS must be included.
- Once approved by Penrith Council, all activities outlined in the plan are to be implemented and carried out in accordance with the plan. Council may request a review and if necessary updating of the plan to reflect current environmental standards and legislation. Council must be satisfied with any changes prior to the amendment of the plan.

2.19 The ultimate water quality / detention system shall be maintained by the person/company with the benefit of the development consent for a 3 year period. During the maintenance period the basin will need to be monitored by the developer for water quality and vegetation management as per the adopted maintenance regime / operational manual.

2.20 Prior to the handover of GPTs and related stormwater infrastructure Council will require compliance with Council's WSUD Technical Guidelines (Version 2).

2.21 A Draft Operation and Maintenance manual for the proposed stormwater treatment measures will also need to be submitted to Council for approval. The manual should include details on the cleaning / maintenance requirements as well as provide details on the estimated annual and lifecycle costs associated with the proposed treatment measures. The plan should include details on the following:

- i. Site description (area, imperviousness, land use, annual rainfall, topography etc)
- ii. Site access description
- iii. Likely pollutant types, sources and estimated loads
- iv. Locations, types and descriptions of measures proposed
- v. Operation and maintenance responsibility
- vi. Inspection methods (including inspection checklists)
- vii. Maintenance methods (frequency, equipment and personnel requirements);
- viii. Landscape and weed control requirements
- ix. Operation and maintenance costs;
- x. Waste management and disposal options; and
- xi. Reporting.

- 2.22 The ultimate Stormwater Quality Treatment measures must:
- a) Be consistent with the requirements of the Stormwater Management Study prepared by SKM for the overall development and Council's WSUD policy.
  - b) Meet the requirements of the NSW Office of Environment and Heritage and the NSW Office of Water including the siting and design of the water treatment measures.
  - c) Have detailed engineering plans and supporting calculations for the 2 ultimate water quality and quantity basins (eastern and western) stormwater management systems prepared by a suitably qualified person and shall accompany a future development application. This will need to include a detailed stormwater management strategy which includes MUSIC modelling.
  - d) Include details on the types of GPTs, including details on the location, access and maintenance requirements shall be submitted to Council for approval.
- 2.23 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 2.24 All soil material stockpiled for future use on the site is to be stored in such a manner so as to minimise dust.
- 2.25 Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline.
- 2.26 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.
- 2.27 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.
- 2.28 Dust suppression techniques are to be employed during all works to reduce any potential nuisances to surrounding properties.
- 2.29 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 2.30 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. The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 2.31 Stormwater runoff from the development site shall be managed in accordance with the Interim Stormwater Management Strategy Report prepared by J. Wyndham Price dated October 2014 Reference Number 109343- 10 Village 6.

- 2.32 Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the following works are shown on engineering plans:
- Provision of a 2.5m wide shared concrete footpath along the western side of Road No 3 from Chainage 270 - 410.
  - Replacement of the 2.5m wide shared concrete path with a 1.5m wide concrete footpath on the eastern side of Road No 3 from Chainage 255 - 330.
  - Provision of a 3m wide heavy duty concrete access path for the length of the access handle adjoining Lots 6075 & 6077 and Xavier College. The access path is to extend to the kerb return Road No 3 with provision of a heavy duty gutter crossing. The access path shall also link to the 2.5m wide shared path along the western side of Road No 3. Lockable bollards are to be provided at each end of the access path.
  - Relocation of the 2.5m wide shared concrete path from the western side of Road No 7 (Chainage 0 - 135) to the eastern side of Road No 7 (Chainage 0 - 135).
  - Provision of a 1.5m wide concrete path along the western side of Road No 7 (Chainage 56 - 155) The longitudinal gradient of Road No's 3 & 4 are at a minimum grade of 1%.

All bicycle path construction is to be in accordance with the relevant provisions of the RTA's NSW Bicycle Guidelines and AUSTRROADS Guide to Traffic Engineering Practice – Part 14 Bicycles.

- 2.33 All verge areas are to be turfed for the full width from back of kerb to property boundary at the completion of the works.
- 2.34 Seven (7) days prior to the commencement of works, a copy of the pavement design report is to be submitted to Penrith City Council.
- 2.35 Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the proposed access driveway locations as shown on the building envelope plans for the lots accessing Ninth Avenue comply with sight distance requirements of AS2890 and Austroads Guidelines. Full details are to be submitted with the application for a Construction Certificate
- 2.36 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 Ninth Avenue.
- 2.37 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.
- 2.38 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 Lots 6153 - 6163 that no vehicular access to Ninth Avenue is permitted.

2.39 The development proposal is to comply with the subdivision layout identified on the drawing prepared by Lend Lease, number: D646, sheets 1-5, dated 13/03/2015, with the exception of all lots from the east boundary of Xavier College to the Northern Road, pending discussion between the applicant, Council and the College regarding the possibility of a buffer zone.

**Advisory Note:** The site is subject to the provisions of the St Marys Penrith Planning Agreement, as amended. The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Penrith Planning Agreement, as amended.

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

An AMENDMENT was moved by Councillor Michelle Tormey seconded Councillor Kevin Crameri OAM that consideration of this matter be deferred pending urgent discussions with the applicant.

The AMENDMENT was PUT.

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

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

The AMENDMENT was LOST.

The MOTION was PUT.

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

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

The MOTION was CARRIED.

Having previously declared a Pecuniary Interest in Item 4, His Worship the Mayor, Councillor Ross Fowler OAM, vacated the Chair and left the Chamber for consideration of this Item, and the Deputy Mayor, Councillor Greg Davies took the Chair for consideration of this Item, the time being 10:52pm.

**4 Development Application DA15/0122 for Construction of New Dwelling to Rear of Existing Post Office/Residence at Lot 10 DP 1508, (No. 1589) Mulgoa Road, Wallacia Applicant: Tony Fragar Design Pty Ltd; Owner: ~B.N. Fowler Pty Ltd**

Councillor Marcus Cornish left the meeting, the time being 10:52pm.

130 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Development Application DA15/0122 for Construction of New Dwelling to Rear of Existing Post Office/Residence at Lot 10 DP 1508, (No. 1589) Mulgoa Road, Wallacia be received.
2. Development Application DA15/0122 for Construction of New Dwelling to Rear of Existing Post Office/Residence at Lot 10 DP 1508, (No. 1589) Mulgoa Road, Wallacia be approved subject to the following conditions:

Standard Conditions:

- A001 – Approved plans
- A008 – Works to BCA requirements
- A019 – Occupation Certificate
- A046 – Obtain Construction Certificate before commencement of works
- B001 – Demolition of existing structures
- B002 – Demolition and disposal to approved landfill site
- B003 – Asbestos
- B004 – Dust
- B005 – Mud/soil
- B006 – Hours of work
- D001 – Implement approved sediment and erosion control measures
- D009 – Covering of waste storage area
- D010 – Appropriate disposal of excavated or other waste
- E001 – BCA compliance
- E005 – Smoke detectors
- F006 – Water tank and nuisance
- G003 – Section 73 Certificate

- G004 – Endeavour Energy clearance
- G005 – Rainwater tank plumbing
- H001 – Stamped plans and erection of site notice
- H002 – During construction requirements
- H011 – Engineering plans and specifications
- H014 – Slabs/footings
- H015 – Termites
- H022 – Survey
- H033 – Clothesline
- H036 – Rainwater tank
- H037 – Safe supply of water from catchment areas
- H038 – Connection of rainwater tank supply
- H039 – Rainwater tank pumps
- H041 – Hours of work
- J001 – Excavated material removal
- J002 – Fencing when water in pool
- J004 – Pool fence (residential)
- J007 – Boundary fencing
- J009 – Backyard pool safety package
- J010 – Pool board/sign
- K101 – Works at no cost to Council
- K202 – Section 138 Roads Act Approval
- K202A – Infrastructure bond
- K208 – Stormwater discharge
- K215 – Flood planning level
- K217 – Flood compatible materials
- K221 – Access, car parking and manoeuvring
- K403 – Flood proofing of electrical services
- K501 – Penrith City Council clearance (Roads Act Approval)
- L001 – Landscaping in accordance with plans
- L005 – Planting of plant material
- L006 – Australian Standard for landscaping
- L007 – Tree protection measures
- L008 – Tree Preservation Order
- L012 – Retain existing landscaping
- N001 – Section 94 contribution – Cultural Facilities
- N001 – Section 94 contribution – District Open Space

- N001 – Section 94 contribution – Local Open Space
- P001 – Works to be done at no cost to Council
- P002 – Fees associated with Council land
- Q01F – Notice of Commencement and Appointment of PCA
- Q05F – Occupation Certificate

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

<b>For</b>	<b>Against</b>
Councillor Prue Car MP	
Councillor Greg Davies	
Councillor John Thain	
Councillor Karen McKeown	
Councillor Michelle Tormey	
Councillor Maurice Giroto	
Councillor Kevin Crameri OAM	
Councillor Jim Aitken OAM	
Councillor Ben Goldfinch	
Councillor Tricia Hitchen	
Councillor Bernard Bratusa	

The Deputy Mayor, Councillor Greg Davies then vacated the Chair and His Worship the Mayor, Councillor Ross Fowler OAM returned to the Chamber and took the Chair, the time being 10:53pm.

### **OUTCOME 3 - WE CAN GET AROUND THE CITY**

#### **5 2015/16 Traffic and Safety Management Programs - Active Transport - Offer of Funding for Design of Shared-Use Paths**

131 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on 2015/16 Traffic and Safety Management Programs - Active Transport - Offer of Funding for Design of Shared-Use Paths be received.
2. Council accept the 100% funding offer of \$365,000 from the Roads and Maritime Services for the 2015/16 Traffic Management Programs – Active Transport.
3. Council write to the Minister for Roads, Roads and Maritime Services and the State Member for Penrith, the Hon Stuart Ayres MP, the State Member for Mulgoa, Mrs Tanya Davies MP and the State Member for Londonderry, Ms Prue Car MP, expressing appreciation of the funding offer and of their continued support.

**6 2015/16 Nation Building Blackspot and Safer Roads Programs - Acceptance of Project Funding**

132 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on 2015/16 Nation Building Blackspot and Safer Roads Programs - Acceptance of Project Funding be received.
2. Council accept grant funding of \$400,000 offered for the five successful Black Spot Projects shown in Table 1, under the 100% Federally Funded Nation Building Black Spot Program for the 2015/16 financial year.
3. Council accept grant funding of \$301,000 offered for the two successful Black Spot Projects shown in Table 2, under the 100% State Funded Safer Roads Program for the 2015/16 financial year.
4. Council write to the Federal Member for Lindsay, Ms Fiona Scott MP, thanking her for the continued support of road safety improvements.
5. Council write to the State Member for Penrith, the Hon Stuart Ayres MP and the State Member for Mulgoa, Mrs Tanya Davies MP thanking them for their continued support of road safety improvements.

**OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES**

**7 Werrington Community Cottage**

133 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Werrington Community Cottage be received.
2. Werrington Cottage, located at 13-19 Cottage Street, Werrington be demolished.
3. The Werrington Community Cottage Management Committee be formally dissolved.
4. A morning or afternoon tea be held for the Management Committee members in recognition of their service to Council.

**8 Tender Reference 14/15-16 Construction of Sportsfield & Associated Infrastructure for Glenmore Park Sportsfield Stage 2, Parkway Avenue Glenmore Park**

134 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Tender Reference 14/15-16 Construction of Sportsfield & Associated Infrastructure for Glenmore Park

Sportsfield Stage 2, Parkway Avenue Glenmore Park be received.

2. In accordance with Section 178 (1)(b) of the Local Government (General) Regulation 2005 that the Council not accept any tender for the Construction of Sportsfield & Associated Infrastructure for Glenmore Park Sportsfield Stage 2, Parkway Avenue Glenmore Park.
3. In accordance with Section 178 (3)(b) of the Local Government (General) Regulation 2005 that Council invite fresh tenders for civil works & landscape works, including irrigation and lighting with minor adjustments to suit the site conditions.
4. A further tender for the amenities block be undertaken when revised scope of work is completed.

## **OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT**

### **11 Fire and Rescue NSW Fire Safety Report**

135 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Fire and Rescue NSW Fire Safety Report be received.
2. Council continue to monitor properties as part of its Fire Safety Audit Program.
3. Council Officers update Fire and Rescue NSW of its decisions.

### **9 Penrith CBD Detailed Overland Flow Flood Study**

Councillor Marcus Cornish returned to the meeting, the time being 10:55pm.

Councillors Prue Car MP, Jim Aitken OAM and Michelle Tormey left the meeting, the time being 10:55pm.

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

That:

1. The information contained in the report on Penrith CBD Detailed Overland Flow Flood Study be received.
2. The Penrith CBD Detailed Overland Flow Flood Study 2014 be adopted.
3. The Penrith CBD Detailed Overland Flow Flood Study 2014 be made available to the public through Council's website.
4. Council implement the communication strategy detailed in the body of the report to advise property owners and the public of the adoption of the flood study.

5. Council update s149 (2) flood planning notations by including properties identified by the Penrith CBD Detailed Overland Flow Flood Study 2014 as affected by the Flood Planning Levels (100 year flood level plus 500mm freeboard).

#### **10 Drainage Issues at Littlefields Road, Mulgoa**

Councillor John Thain returned to the meeting, the time being 10:57pm.

Councillor Tricia Hitchen left the meeting, the time being 10:57pm.

137 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor John Thain that consideration of this matter be deferred to allow further consultation with the affected residents.

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

#### **12 Draft Keeping of Animals Local Orders Policy**

Councillor Tricia Hitchen returned to the meeting, the time being 10:59pm.

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

That:

1. The information contained in the report on Draft Keeping of Animals Local Orders Policy be received.
2. The draft Keeping of Animals Local Orders Policy be placed on public exhibition for 30 days to seek comment from the community.

### **OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL**

#### **15 Proposed Permanent Closure of Part Ninth Avenue, Llandilo**

139 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Proposed Permanent Closure of Part Ninth Avenue, Llandilo be received.
2. Council approve the procedure to apply to NSW Trade and Investment (Crown Lands) to permanently close Part Ninth Avenue Llandilo.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

**16 Amendment to the Council's 2015 Meeting Calendar**

140 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Amendment to the Council's 2015 Meeting Calendar be received.
2. Council's meeting calendar be amended by transferring a Policy Review Committee Meeting scheduled for 15 June 2015 to 22 June 2015.

**17 Tender Reference RFT14/15-27 for the Provision of Web Development and Hosting Services**

141 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Tender Reference RFT14/15-27 for the Provision of Web Development and Hosting Services be received.
2. In accordance with Section 178 (1)(b) of the Local Government (General) Regulation 2005 that the Council not accept any tender for the Provision of Web Development and Hosting Services.
3. In accordance with Section 178 (3)(b) of the Local Government (General) Regulation 2005 that Council invite fresh tenders for the Provision of Web Development and Hosting Services.
4. Further market research be conducted prior to the calling for fresh tenders and that the outcomes of the research be taken into consideration in the preparation of the fresh tender documents.
5. Bluecentral Pty Limited be advised of the Council's decision to not accept any tenders and call for fresh tenders.

**18 Organisational Performance Report - March 2015**

142 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Organisational Performance Report - March 2015 be received.
2. The *Organisational Performance Report - March 2015* as at 31 March 2015, including the revised estimates outlined in this report and detailed in the attached *Organisational Performance Report – March 2015* be adopted.

**19 Local Government Remuneration Tribunal Determination for Mayor and Councillors for 2015-16**

143 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Local Government Remuneration Tribunal Determination for Mayor and Councillors for 2015-16 be received.
2. The fees payable to the Mayor and Councillors for 2015-16 be set at the maximum level permitted.

**21 Summary of Investments and Banking for the period 1 April 2015 to 30 April 2015**

144 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 April 2015 to 30 April 2015 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 April 2015 to 30 April 2015 be noted and accepted.
3. The graphical investment analysis as at 30 April 2015 be noted.

**14 Request to Demolish Units 1, 2, 3, 4 & 6 at 682 High Street Penrith on Termination of Existing Residential Leases**

Councillor Prue Car returned to the meeting, the time being 11:00pm.

Councillor Bernard Bratusa left the meeting, the time being 11:00pm.

Councillor Jim Aitken OAM returned to the meeting, the time being 11:00pm.

Councillor Kevin Crameri OAM left the meeting, the time being 11:00pm.

Councillor Michelle Tormey returned to the meeting, the time being 11:01pm.

145 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Request to Demolish Units 1, 2, 3, 4 & 6 at 682 High Street Penrith on Termination of Existing Residential Leases be received.
2. Council provide complying notices to terminate the tenancies as they arise following lease termination dates.

3. Council supply removalist assistance to the tenant in Unit 3 and cease charging rental in lieu of continued leasing for more than 20 years to assist compliance with the Residential Act – long term tenants termination of lease rights.
4. Council undertake demolition of the premises at conclusion of leasing terms of Units 1, 2, 3, 4 & 6, 682 High Street, Penrith.

**20 Australian Local Government Women's Association (ALGWA) NSW Conference 2015**

146 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that the information contained in the report on Australian Local Government Women's Association (ALGWA) NSW Conference 2015 be received.

**13 Update on the Fire at Severn Street, St Marys**

Councillor Bernard Bratusa returned to the meeting, the time being 11:02pm.

147 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Greg Davies

That:

1. The information contained in the report on Update on the Fire at Severn Street, St Marys be received.
2. Council Officers engage with the EPA on training opportunities.

**REQUESTS FOR REPORTS AND MEMORANDUMS and URGENT BUSINESS**

**RR 1 Code of Meeting Practice**

Councillor Marcus Cornish requested a memo to all Councillors concerning the currency of the Code of Meeting Practice supplied to Councillors and requesting a copy of the updated Code to be supplied to all Councillors.

Councillor Kevin Crameri OAM returned to the meeting, the time being 11:04pm.

**UB 1 Holding of People's Poll**

Councillor Marcus Cornish requested that a People's Poll be held on whether the residents of Penrith want a mosque or Islamic prayer hall in the Penrith Local Government Area.

148 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Crameri OAM that the matter be brought forward and dealt with 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.

The MOTION was PUT.

Councillor Marcus Cornish called for a DIVISION.

**For**

Councillor Marcus Cornish  
Councillor Maurice Giroto  
Councillor Jim Aitken OAM  
Councillor Kevin Crameri OAM

**Against**

Councillor Prue Car MP  
Councillor Greg Davies  
Councillor John Thain  
Councillor Karen McKeown  
Councillor Michelle Tormey  
Councillor Ben Goldfinch  
Councillor Tricia Hitchen  
Councillor Bernard Bratusa  
Councillor Ross Fowler OAM

The MOTION was LOST.

**RR 2 Number of Premises in Penrith CBD - Legally and Illegally Operated**

Councillor Marcus Cornish requested a report to Council on the number of legal and illegal brothels, massage parlours and tattoo parlours in Penrith CBD, with the report to include how often Council checks compliance of these establishments and if they have ever been checked by Council.

**RR 3 Petition - Rate Increase**

Councillor Kevin Crameri OAM tabled a petition from North Ward rural local residents objecting to any increase in Council rates and requested that this be taken into consideration when the rates are next being set.

**RR 4 Petition regarding Cranebrook Shops**

Councillor John Thain tabled a petition from Cranebrook residents urging Council to ensure that the development of the new Cranebrook shopping centre go ahead as a staged development as originally planned to ensure continuity of shopping access to the Cranebrook community.

**RR 5 Skate Parks in Penrith Local Government Area**

Councillor Prue Car requested a report to Council investigating the construction of future skate parks in the Penrith LGA, particularly in the suburbs of St Marys and Cambridge Park.

Councillors Ben Goldfinch, Marcus Cornish and Prue Car MP left the meeting at 11:22pm and did not return.

HAVING PREVIOUSLY DECLARED A NON-PECUNIARY CONFLICT OF INTEREST – SIGNIFICANT IN *COW ITEM 2 - STATUS ON LITIGATION AND COMPLIANCE MATTERS*, COUNCILLOR KAREN MCKEOWN LEFT THE CHAMBER FOR CONSIDERATION OF THIS ITEM AND DID NOT RETURN.

**COMMITTEE OF THE WHOLE**

149 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Maurice Giroto that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 11:23pm.

**1 Presence of the Public**

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

**Outcome 5**

**2 Status on 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.*

The meeting resumed at 11:28pm and the General Manager reported that the Committee of the Whole met at 11:23pm on 25 May 2015, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Greg Davies and Councillors Jim Aitken OAM, Bernard Bratusa, Kevin Crameri OAM, Maurice Giroto, Tricia Hitchen, 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 Status on Litigation and Compliance Matters**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa

CW2 That the information contained in the report on Status on Litigation and Compliance Matters be received with further information to be provided in relation to the mechanism for reporting on matters which have been finalised.

**ADOPTION OF COMMITTEE OF THE WHOLE**

150 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen that the recommendations contained in the Committee of the Whole and shown as CW1 and CW2 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 11:32pm.

I certify that these 31 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 25 May 2015.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date