

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

**ON MONDAY 18 JULY 2011 AT 7:34PM**

**NATIONAL ANTHEM**

The meeting opened with the National Anthem.

**STATEMENT OF RECOGNITION**

Deputy Mayor, Councillor Jim Aitken 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**

Deputy Mayor, Councillor Jim Aitken OAM, Councillors Kevin Crameri OAM, Kaylene Allison, Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Ross Fowler OAM, Jackie Greenow, Prue Guillaume, Marko Malkoc, Kath Presdee and John Thain.

**LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor Ben Goldfinch for the period 17 July 2011 to 26 July 2011 inclusive.

July 2011 to 24 July 2011 inclusive.

**APOLOGIES**

There were no apologies.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 27 June 2011**

162 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc that the minutes of the Ordinary Meeting of 27 June 2011 be confirmed.

**DECLARATIONS OF INTEREST**

Nil.

**REPORTS OF COMMITTEES**

**1 [Report and Recommendations of the Access Committee Meeting held on 1 June 2011](#)**

163 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kaylene Allison that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 1 June, 2011 be adopted.

**2 [Report and Recommendations of the Penrith Valley Community Safety Partnership Meeting held on 29 June 2011](#)**

164 RESOLVED on the MOTION of Councillor Kaylene Allison seconded Councillor Jackie Greenow that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 29 June, 2011 be adopted.

**3 [Report and Recommendations of the Local Traffic Committee Meeting held on 4 July 2011](#)**

165 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Crameri OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 4 July, 2011 be adopted.

## **DELIVERY PROGRAM REPORTS**

### **A LEADING CITY**

**1 [Congratulations to recipients of Queen's Birthday Honours](#)**

166 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Crameri OAM that the information contained in the report on Congratulations to recipients of Queen's Birthday Honours be received.

**4 [Remuneration Tribunal Determination for Mayor and Councillors for 2011/2012](#)**

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

That:

1. The information contained in the report on Remuneration Tribunal Determination for Mayor and Councillors for 2011/2012 be received.
2. The fees payable to the Mayor and Councillors for 2011/2012 be set at the maximum level permitted.

**5 [Pecuniary Interest Returns](#)**

168 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Crameri OAM that the information contained in the report on Pecuniary Interest Returns be received.

**7 [Loan Borrowing Program](#)**

169 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Crameri OAM that the information contained in the report on Loan Borrowing Program be received.

**8 Summary of Investments & Banking for the period 1 June 2011 to 30 June 2011 and Agency Collection Methods**

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 June 2011 to 30 June 2011 and Agency Collection Methods be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 June 2011 to 30 June 2011 be noted and accepted.
3. The graphical investment analysis as at 30 June 2011 be noted.

**3 Draft Penrith City Centre Car Parking Strategy**

171 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Draft Penrith City Centre Car Parking Strategy be received.
2. The Draft Penrith City Centre Car Parking Strategy be placed on public exhibition for a period of 28 days.

**6 2011 Local Government Association Conference**

172 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain

That:

1. The information contained in the report on 2011 Local Government Association Conference be received.
2. Council nominate Councillors Prue Guillaume, Greg Davies, Marko Malkoc, Ross Fowler OAM, Kevin Crameri OAM, Jim Aitken OAM and Ben Goldfinch as its voting delegates to attend the 2011 LGA Conference to be held in Shoalhaven from 23 - 26 October 2011.
3. Council nominate Councillor Jackie Greenow as an observer to attend the 2011 LGA Conference.
4. Council sponsor up to three (3) Aboriginal observers, nominated by the Deerubbin Local Aboriginal Land Council, to attend the 2011 LGA Conference.

**2 [Commemorating Penrith City Council's 140th anniversary celebrations](#)**

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

That:

1. The information contained in the report on Commemorating Penrith City Council's 140th anniversary celebrations be received.
2. The officer responsible for preparation of this report be thanked for their efforts in researching and preparing the material contained in the report.

**A CITY OF OPPORTUNITIES**

**9 [Progress Report - Bicentenary of the First Crossing of the Blue Mountains - 2013](#)**

174 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM that the information contained in the report on Progress Report - Bicentenary of the First Crossing of the Blue Mountains - 2013 be received.

**10 [Variation of 88b restriction and approval of Development Application DA11/0132 for proposed inground swimming pool at Lot 27 DP 270417 \(No. 52\) Portrush Crescent, Luddenham](#) Applicant: Better Pools and Spas; Owner: J & M Walsh and M Macri and L Delaney**

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

That:

1. The information contained in the report on Variation of 88b restriction and approval of Development Application DA11/0132 for proposed inground swimming pool at Lot 27 DP 270417 (No. 52) Portrush Crescent, Luddenham be received
2. The restriction on the use of the land relating to the rear setback at Lot 27 DP 270417 (No.52) Portrush Crescent, Luddenham is varied to allow construction of an inground swimming pool in the location shown on plans and the Common Seal of Penrith City Council be affixed to all necessary documentation
3. Any future requests for a setback variation for lots backing onto the golf course be given Council's Common Seal under the following circumstances:
  - 3.1 The applicant demonstrates the proposed location of pool is necessary to encroach within the rear setback
  - 3.2 The proposed pool maintains a minimum setback of 4.0m from the rear boundary

- 3.3 The applicant can adequately demonstrate that the pool can be integrated into the landscaping/golf course interface in an acceptable manner
- 3.4 The application is notified to the adjoining property owners
- 4. The application for the swimming pool be approved subject the following conditions:
  - 4.1 A001 – Approved Architecturally Drawn Plans
  - A008 – Works to BCA requirements
  - A019 – Occupation Certificate
  - A046 – Construction Certificate Prior to Building Works
  - D009 – Covering of Waste Storage Areas
  - D014 – Plant and Equipment Noise
  - E001 – BCA Compliance
  - F006 – Water Tank & Nuisance
  - H001 – Stamped Plans & erection of Site Notice 1
  - H041 – Hours of Work
  - H038 – Connection of Rainwater Tank Supply
  - H039 – Rainwater Tank Pumps
  - J001 – Excavated Material Removal
  - J002 – Fencing When Water In Pool
  - J004 – Pool Fence - Residential
  - J007 – Boundary Fencing
  - J010 – Pool Board Sign
  - L008 – Tree Preservation Order
  - P002 – Fees Associated With Council Land
  - Q01F – Notice of Commencement & Appointment of PCA2
  - Q05F – Occupation Certificate (Class 10) & Earthworks.

**Special Conditions**

A Special: *Prior to the issue of a Construction Certificate for the development, the variation of the restriction on the use of land fourteenthly referred to in the Section 88b Instrument shall be registered. The variation shall be in accordance with the terms approved by Penrith City Council.*

L Special: *“Landscaping is to be provided along the entire rear boundary in association with the swimming pool development in order to provide appropriate screening from the golf course interface. This shall be in the form of a mixture of suitable species including or similar to Leptospermum, Grevillea, Melaleuca and Banksia. All planting shall be at a minimum height of 1.2m when planted and must be maintained at a minimum height of 1.5 metres. A detailed landscape plan shall be*

*submitted to Council for consideration and approval prior to the Construction Certificate being issued”*

J Special: *“Pool fencing shall be constructed of see-through glass panel fencing or similar. Details are to be provided prior to the issue of a construction certificate”.*

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

**For**

**Against**

Councillor Kaylene Allison  
Councillor Prue Guillaume  
Councillor Kath Presdee  
Councillor Greg Davies  
Councillor John Thain  
Councillor Jackie Greenow  
Councillor Kevin Crameri OAM  
Councillor Ross Fowler OAM  
Councillor Robert Ardill  
Councillor Mark Davies  
Councillor Tanya Davies  
Councillor Marko Malkoc  
Councillor Jim Aitken OAM

**A GREEN CITY**

**11 [Tenders for the Processing, Treatment and/or Disposal of Garbage - Tender No 06-10/11](#)**

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

That:

1. The information contained in the report on Tenders for the Processing, Treatment and/or Disposal of Garbage - Tender No 06-10/11 be received.
2. The contracts for the Processing, Treatment and/or Disposal of Garbage – Tender No 06-10/11 and the Disposal of Garbage – Tender No 06-10/11 be awarded to SITA Environmental Solutions for the terms outlined in the report and documentation be prepared for signing under the Common Seal of the Council of the City of Penrith.

**A LIVEABLE CITY**

**14 Tender Reference 21-10/11, Roof Replacement and Rectification at Ripples Aquatic Centre**

177 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Tender Reference 21-10/11, Roof Replacement and Rectification at Ripples Aquatic Centre be received.
2. A contract be entered into with a delayed starting date between Bilas Knight Pty Limited and Penrith City Council.

**12 Pathway construction along Haynes Street, Penrith from No. 17-25 to Thurston Street**

178 A MOTION was moved by Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Pathway construction along Haynes Street, Penrith from No. 17-25 to Thurston Street be received.
2. The amount of \$24,000 be allocated from North Ward voted works to fund pathway construction along Haynes Street, Penrith from No. 17-25 to Thurston Street.
3. A report be presented to the next Ordinary Meeting of Council detailing the location of existing path paving and missing links within Lemongrove and North Penrith area.

**13 Pathway construction along Barber Avenue, Penrith**

179 A MOTION was moved by Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Pathway construction along Barber Avenue, Penrith be received.
2. The amount of \$44,000 be allocated in equal amounts from North, South and East Wards' voted works to construct a concrete footpath along the southern side of Barber Avenue, Penrith from Colless Street to Parker Street, given the benefit to all residents who utilise the hospital.

An AMENDMENT was moved by Councillor Greg Davies seconded Councillor John Thain

That:

1. The information contained in the report on Pathway construction along Barber Avenue, Penrith be received.
2. Council defer the report to the next Council Ordinary meeting and write to the

Local Member for Penrith, Mr Stuart Ayres MP, advising him of the cost of this work and seeking State funding to assist in construction of this footpath.

The Mover and Seconder agreed to the AMENDMENT and withdrew their MOTION.

The AMENDMENT became the SUBSTANTIVE MOTION.

The MOTION was PUT.

The MOTION was CARRIED.

**15 [Nation Building Black Spot Program 2011/2012 - Funding Confirmation](#)**

180 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Tanya Davies

That:

1. The information contained in the report on Nation Building Black Spot Program 2011/2012 - Funding Confirmation be received.
2. Council accept grant funding of \$870,000 offered for the five successful Black Spot Projects shown in Table 1, under the 100% Federally Funded Nation Building Black Spot Program for the 2011/2012 financial year.
3. Council write to the Federal Member for Lindsay, Mr David Bradbury MP, thanking him for the level of funding and continued support of road safety improvements.

## **REQUESTS FOR REPORTS AND MEMORANDUMS**

### **RR 1 Civic Reception to Honour Sporting Achievements of Jake Stein**

Councillor Tanya Davies requested that, given the extraordinary sporting achievement of Jake Stein of Luddenham, at the IAAF World Youth Octathlon in July 2011, a civic reception be held in his honour.

### **RR 2 Leave of Absence**

Councillor Robert Ardill requested Leave of Absence for the following periods:

- 8 August 2011 to 12 August 2011 inclusive; and
- 20 November 2011 to 21 December 2011 inclusive.

### **RR 3 Penrith Baseball Club - Funding Request**

Councillor Ross Fowler OAM requested a report to Council on options for funding to assist in providing infrastructure at the Penrith Baseball Club.

### **RR 4 Penrith Business Alliance**



Councillor John Thain requested a report to the Policy Review Committee detailing the Penrith Business Alliance's core business and achievements.

**RR 5 Children's Services Co-operative - Financial Position**

Councillor Prue Guillaume requested a report to Council, reassuring the community of the strong financial position of the Children's Services Co-operative.

**RR 6 Establishment of a Men's Shed in the Penrith LGA**

Councillor Prue Guillaume requested a memo reply to all Councillors on grant opportunities that may be available for use by the local committee recently formed to establish a Men's Shed in the Penrith Local Government Area.

**RR 7 Impact of Carbon Tax on Penrith LGA**

Councillor Mark Davies requested a report to Council regarding the impact upon Council and the residents of the Penrith Local Government Area of the proposed Carbon Tax.

There being no further business the Chairperson declared the meeting closed the time being 8:25 pm.

I certify that these 9 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 18 July 2011.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date