

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

**ON MONDAY 5 SEPTEMBER 2011 AT 7:35PM**

**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, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee and John Thain.

**APOLOGIES**

220 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Ben Goldfinch that the apology from Councillor Mark Davies be accepted.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 15 August 2011**

221 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ross Fowler OAM that the minutes of the Ordinary Meeting of 15 August 2011 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Robert Ardill declared a Non Pecuniary Conflict of Interest – Less than Significant in *Item 14 – The Provision of Batting Cages and Pitching Cages at Andrews Road Baseball Facility* as he is an active member of the Club that is the subject of the report. Councillor Ardill stated that he would take no part in the debate and would leave the Chamber during consideration of the item.

**SUSPENSION OF STANDING ORDERS**

222 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:41 pm.

**Mr Robert McCallum**

*Item 10 – DA11/0415 Proposed secondary dwelling at Lot 511 DP 248181 (No. 14) Reindeer Place, Werrington*

Mr McCallum, the applicant, spoke in support of the recommendation and briefly outlined his proposal for the development on his property in Werrington. Mr McCallum then went on to ask Councillors if they had any questions about the proposed development.

**Ms Darani Lewers**

*Item 16 – Penrith Regional Gallery and The Lewers Bequest – Heritage Status*

Ms Lewers, an affected person, spoke against the recommendation, and expressed her support for the nomination for inclusion of the Gallery on the State Heritage Register, as she considered this would ensure the heritage significance of the Gallery is preserved. Ms Lewers stated that this would attract more visitors to the local area, and would greatly assist Penrith in becoming the cultural capital of Western Sydney. Ms Lewers also stated that if the Gallery is heritage listed it would be in a better position to attract funding from the NSW Heritage Council and other sources.

**Mr Darrel Conybeare**

*Item 16 – Penrith Regional Gallery and The Lewers Bequest – Heritage Status*

Mr Conybeare, an interested citizen, spoke in opposition to the recommendation to reject the heritage listing. Mr Conybeare stated that the Gallery is an integral part of the City's cultural capital and that the listing would automatically attract economic benefits, opening up access to government grants at State and Federal levels. Mr Conybeare further stated that in his view there were no disadvantages to the proposed State Heritage Listing.

**RESUMPTION OF STANDING ORDERS**

223 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that Standing Orders be resumed, the time being 7:55 pm.

**REPORTS OF COMMITTEES**

**1 [Report and Recommendations of the Access Committee Meeting held on 3 August 2011](#)**

224 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 3 August, 2011 be adopted.

**2 [Report and Recommendations of the Policy Review Committee meeting held on 22 August 2011](#)**

225 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 22 August, 2011 be adopted.

**Procedural Motion**

226 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that Items 10 and 16 be considered before any other business and that Item 12 be considered after Committee of the Whole has concluded.

**DELIVERY PROGRAM REPORTS**

**A CITY OF OPPORTUNITIES**

**10 [Development Application DA11/0415 Proposed secondary dwelling at Lot 511 DP 248181 \(No. 14\) Reindeer Place, Werrington](#) Applicant: Robert & Michelle McCallum; Owner: Robert & Michelle McCallum DA11/0415**

227 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Development Application DA11/0415 Proposed secondary dwelling at Lot 511 DP 248181 (No. 14) Reindeer Place, Werrington be received.
2. The submitted SEPP 1 be supported.
3. Development Application No DA11/0415 for the installation of a relocatable building for the purposes of a secondary dwelling be approved subject to the following proposed conditions:

**Standard Conditions**

- 3.1 A001 Approved plans that are architecturally drawn
- A008 Works to BCA requirements
- A019 Occupation Certificate
- D001 Implement approved sediment & erosion control measures
- D002 Spraygrass
- D003 Fencing protection to part of site or adjoining property
- D005 No filling without prior approval
- D009 Covering of waste storage area

- D010 Appropriate disposal of excavated or other waste
- E001 BCA compliance
- G002 Section 73 (not for single dwellings)
- G004 Integral Energy (prior to Occupation Certificate)
- H001 Stamped plans & erection of site notice 1 (Class 2-9)
- H022 Survey
- H041 Hours of Work
- N009 Penrith City Council's Section 94 Contributions Plan for Cultural Facilities, District Open Space and Local Open Space apply to the site. The applicant is liable to pay a contribution of \$3,567.00 (herein called "the Contribution").

If however the secondary dwelling is occupied by a relative (along with other occupants) of one of the persons occupying the primary dwelling on the land and the occupant who is the relative is over the age of 55 years then the contribution does not have to be paid. If the occupant of the secondary dwelling is not a relative then the Contribution must be paid (as adjusted by the current CPI) within 28 days of any such occupation.

#### **Special Conditions**

- 3.2 The secondary dwelling shall be provided with the following facilities:
  - (a) a 2m wide clothes drying area.
  - (b) a minimum of 30cu.m. of storage space additional to the wardrobe either within the secondary dwelling or in the carport or in a weatherproof locker.
- 3.3 24 hours notice shall be given to Penrith City Council to enable inspections of:
  - (a) Footing excavation prior to the placement of concrete
  - (b) Drainage lines prior to back filling of trenches
  - (c) Completion of the secondary dwelling prior to occupation.
- 3.3 The secondary dwelling approved herein shall not be occupied until Penrith City Council has issued an Occupation Certificate.
- 3.4 The hot water system for the secondary dwelling approved herein shall have a minimum rating of 3.5 stars. The installer of the hot water system shall submit written documentation to Council confirming compliance with this condition prior to issue of the Occupation Certificate.

- 3.5 Ceiling insulation to an equivalent thermal rating of at least R 3.0 and wall insulation to an equivalent thermal rating of at least R1.5 shall be installed. Written documentary evidence of compliance with this condition must be submitted to Penrith City Council prior to issue of the Occupation Certificate.
- 3.6 Drainage of the secondary dwelling is to be connected to the existing stormwater drainage system.

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 Karen McKeown  
Councillor Greg Davies  
Councillor John Thain  
Councillor Jackie Greenow  
Councillor Kevin Crameri OAM  
Councillor Marko Malkoc  
Councillor Ross Fowler OAM  
Councillor Robert Ardill  
Councillor Ben Goldfinch  
Councillor Tanya Davies  
Councillor Jim Aitken OAM

**A VIBRANT CITY**

**16 [Penrith Regional Gallery and The Lewers Bequest - Heritage Status](#)**

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

That:

1. The information contained in the report on Penrith Regional Gallery and The Lewers Bequest - Heritage Status be received.
2. Council formally advise the NSW Heritage Office that it does not support the PRG&TLB listing on the State Heritage Register.

Councillors Robert Ardill and Kevin Crameri OAM requested that their names be recorded as having voted AGAINST the motion.

## A LEADING CITY

Councillor Prue Guillaume left the meeting, the time being 8:17 pm.

Councillor Robert Ardill left the meeting, the time being 8:17 pm.

Councillor Robert Ardill returned to the meeting, the time being 8:18 pm.

Councillor Prue Guillaume returned to the meeting, the time being 8:19 pm.

### 1 [Delivery Program Six Month Progress Report ~ January 2011 - June 2011](#)

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

That:

1. The information contained in the report on Delivery Program Six Month Progress Report ~ January 2011 - June 2011 be received.
2. Council note the proposed changes to the Delivery Program 2009-2013 and the Operational Plan 2011-2012, as outlined in this report.

### 2 [Audit Committee](#)

230 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Ben Goldfinch that the information contained in the report on Audit Committee be received.

## SUSPENSION OF STANDING ORDERS

231 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Karen McKeown that Standing Orders be suspended to allow Council's Auditor to address the meeting, the time being 8:24 pm.

Council's External Auditor, Mr Dennis Banicevic, a Director of PriceWaterhouse Coopers, addressed the meeting and gave a short presentation on Council's 2010-2011 Financial Statements. Mr Banicevic said that the Statements show Penrith City Council to be in a very sound and stable financial position as at 30 June 2011, and they also demonstrate a high standard of financial reporting and that Council is viable and in a sustainable position.

## RESUMPTION OF STANDING ORDERS

232 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ben Goldfinch that Standing Orders be resumed, the time being 8:38 pm.

**3 2010-11 Draft Financial Statements**

233 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on 2010-11 Draft 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 2011 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 confirms 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 2011 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.

8. Council acknowledge the efforts of Finance staff in preparing the Financial Statements, in particular Vicki O'Kelly, Andrew Moore and Brett Richardson.

#### **4 2011-2012 Financial Assistance Grant**

234 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Robert Ardill

That:

1. The information contained in the report on 2011-2012 Financial Assistance Grant be received.
2. Council increase the Financial Assistance Grant roads component budget by \$6,968 to match the actual Financial Assistance Grant roads component received.

#### **5 Impact of Carbon Tax on Council and Penrith LGA**

235 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Robert Ardill that consideration of this matter be deferred to the Ordinary Meeting of 10 October 2011.

#### **6 Council receives awards recognising successful partnerships**

236 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marko Malkoc that the information contained in the report on Council receives awards recognising successful partnerships be received.

#### **7 Workplace English Language and Literacy (WELL) Program 2011**

237 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Workplace English Language and Literacy (WELL) Program 2011 be received.
2. Council endorse the funding contribution of \$17,700 from the Salary System Training and Development Reserve.



**8 Council Property - Dedication of the Extension of Laycock Street to Andrews Road, Cranebrook**

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

That:

1. The information contained in the report on Council Property - Dedication of the Extension of Laycock Street to Andrews Road, Cranebrook be received.
2. The extension of Laycock Street and the widening of Greygums Road be dedicated as road, with the existing eleven lots consolidated into three as indicated in the report.
3. The Common Seal of the Council of the City of Penrith be affixed to all necessary documentation including the Plan of Subdivision.

**A CITY OF OPPORTUNITIES**

**9 Development Application DA11/0373 Proposed Multi Unit Housing comprising 24 Units at Lots 31, 32 and 33 in DP 32844 (Nos.15 - 19) Rodley Avenue, Penrith Applicant: Byronville Pty Ltd; Owner: Byronville Pty Ltd**

239 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Greg Davies

That:

1. The information contained in the report on Development Application 11/0373 proposing a multi unit housing development comprising twenty four units at Lots 31, 32 and 33 in DP 32844 (Nos. 15 – 19) Rodley Avenue, Penrith be received.
2. Development Application 11/0373 seeking consent for the construction of twenty four units at Lots 31, 32 and 33 in DP 32844 (Nos. 15 – 19) Rodley Avenue be approved subject to the attached conditions:
  - 2.1. **Standard Conditions**
    - A001 - Approved Plans
    - A008 – Works to BCA requirements
    - A009 – Residential Works DCP
    - A014 - Lot Consolidation
    - A019 – Occupation Certificate
    - A038 – Lighting Locations
    - A039 - Graffiti
    - A046 – Obtain Construction Certificate

A043 – Air Conditioner  
B001 – Demolition of Existing dwelling  
B002 – Demolition Standards  
B003 – Asbestos  
B004 – Dust  
B005 – Mud/Soil  
B006 – Hours of Work  
D001 – Sediment and Erosion Control Measures  
D002 – Spray Grass  
D007 – Filling of Land  
D009 – Covering Waste Storage area  
D010 – Waste disposal  
D014 – Plant and Equipment Noise  
E002 – BCA Issues to be addressed  
E008 – Fire Safety List  
E009 – Annual Fire Safety Statement  
E01A – BCA compliance  
E005 – Smoke Alarms  
F006 – Water Tank  
G003 – Section 73 Certificate  
G004 – Integral Energy  
G005 – Rainwater Tank - Plumbing  
H001 – Stamped plans and erection of site notice  
H002 - All forms of construction  
H015 – Termite protection  
H024 – Glass Installation  
H030 – Roof colours  
H036 – Rainwater Tank  
H037 – Safe Supply of Water  
H038 – Connection of Rainwater  
H039 – Rainwater Tank Pumps  
H041 – Hours of work  
K016 – Stormwater  
K202 – Roads Act  
K210 - On Site Detention

K211 – Stormwater Discharge

K220 – Overland Flow

K222 - Access Car Parking

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:

- a) All car parking and manoeuvring must be in accordance with AS2890.1-2004; AS2890.6-2009 and Council's requirements.
- b) Sight Distance at the street frontage has been provided in accordance with AS 2890.1. The required sight lines around the driveway entrance are not to be compromised by street trees, landscaping or fencing.
- c) All cars are to enter and exit the site in a forward direction
- d) The stacked spaces are to be nominated and signposted to a single unit.
- e) Signage indicating location of visitor and accessible parking is required at the driveway entrance.

Any temporary loading zones required during construction will be the subject of a separate application to the Local Traffic Committee and payment of the appropriate fees.

K402 – Flooding

K403 – Flood Proofing

K501 – Roads Authority Clearance

K502 – Works as Executed

K503 – Stormwater Compliance

K504 – Restriction as to User

L001 – Landscaping Requirements

L002 – Landscaping Construction

L003 – Landscaping Report

L005 – Plant Material

L006 – Landscaping Standards

L008 - Tree Preservation Order

P001 – Costs

P002 - Fees

Q001 – Notice of commencement and appointment of PCA

Q010 – Basix Commitments

### Special Conditions

- 2.2. Boundary fencing is to be constructed of *Colorbond* to a height of 1.8 metres In accordance with Part 4.6 Apartment Development of Penrith Development Control Plan 2006 the following is to be provided prior to the issue of Occupation Certificate:
- Privacy screens to the bedroom windows for units 2, 7, 9, 20 and 21;
  - Privacy screens to the western balconies to units 6 and 3;
  - Boundary fencing is to be constructed of *Colorbond* to a height of 1.8 metres; and
  - Storage facilities are provided and signposted for each unit as either a garden shed for ground floor units, enclosed storage areas within the basement or for the attic apartments within the roof space.
- 2.3. Intercom, code or card locks or similar should be installed at the car park entry and exit and at the main entrance to the communal area.
- An intercom system is to be provided at the entrance to the basement car park linked to individual units to allow access to the visitor car parking spaces.
- 2.4. Unit numbers should be clearly provided on each level and each building entry should clearly state the unit numbers accessed from that entry.
- 2.5. The applicant shall make the following provisions to the garbage storage rooms in the basement level:
- Doors leading out of the garbage rooms shall be fitted with a device to hold the doors in a fully open position
  - Security locks fitted to the doors of the garbage rooms shall be the Abloy Locking System used by Council for multi-unit dwelling garbage rooms. The cost of the system (supply, installation and keys) is the responsibility of the applicant
- 2.6. All surfaces within the car park should be painted in light coloured paint or finished in light grey concrete to reflect as much light as possible.
- 2.7. The car park (including entrances to stairwells) shall be well lit, and all potential entrapment points avoided. Mirrors should be used when certain design features are unavoidable.
- 2.8. 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.

- 2.9. The use of low hedges and shrubs or high canopied vegetation is recommended to aid in surveillance, provide clear lines of sight and avoid any potential concealment areas. The landscaping in the communal area is to be appropriately balanced with lighting requirements.
- 2.10. Emergency Vehicle access shall be provided to the development in accordance with the NSW Fire Brigades Policy No. 4 – Guidelines for Emergency Vehicle Access. External fire hydrants may also have to be provided within the development to the satisfaction of the NSW Fire Brigades should the street hydrant coverage be inadequate.  
  
Documentary evidence to indicate compliance with the requirements of the NSW Fire Brigades in regard to emergency vehicle access and hydrant coverage, shall be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**
- 2.11. **Prior to the commencement of works** on site, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing’s “Managing Urban Stormwater: Soils and Construction” 2004.
- 2.12. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 2.13. **Prior to the issue of the Occupation Certificate** street trees are to be planted at a rate of 2 per lot in accordance with Penrith City Council’s Development Control Plan.  
  
Prior to planting of street trees, the plant species and location are to be approved by Penrith City Council . In this regard, please contact Council’s **Development Services Unit** on 4732 7777.
- 2.14. This condition is imposed in accordance with Penrith City Council’s Section 94 Contributions Plan(s) for City Wide - Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$5,589.00 is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council’s Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for City Wide - Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 2.15. This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for City Wide - District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$64,281.00 is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for City Wide - District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 2.16. This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for City Wide - Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$23,259 is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for City Wide - Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

3. Those making submissions notified of the determination.

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 Karen McKeown  
Councillor Greg Davies  
Councillor John Thain  
Councillor Jackie Greenow  
Councillor Kevin Crameri OAM  
Councillor Marko Malkoc  
Councillor Ross Fowler OAM  
Councillor Robert Ardill  
Councillor Ben Goldfinch  
Councillor Tanya Davies  
Councillor Jim Aitken OAM

At 8.54 pm, Deputy Mayor, Councillor Jim Aitken OAM, declared a Pecuniary Interest in *Item 17 – DA 11/0139 (2011SYW035) Staged subdivision of Caddens Release Area stages 1-7 into 346 residential lots, 1 residual lot, construction of the western linear park, western hilltop park and works in the riparian corridor Applicant: Landcom; Owner: Landcom*, as he owns property in the area the subject of the report.

**Procedural Motion**

240 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that Councillor John Thain take the Chair for consideration of Item 17.

The Deputy Mayor, Councillor Jim Aitken OAM then vacated the Chair and left the meeting, the time being 8:55 pm.

Councillor John Thain then took the Chair for consideration of Item 17.

**17 [DA11/0139 \(2011SYW035\) Staged subdivision of Caddens Release Area stages 1-7 into 346 residential lots, 1 residual lot, construction of the western linear park, western hilltop park and works in the riparian corridor](#) Applicant: Landcom; Owner: Landcom**

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

That:

1. The information contained in the report on DA11/0139 (2011SYW035) Staged subdivision of Caddens Release Area stages 1-7 into 346 residential lots, 1 residual lot, construction of the western linear park, western hilltop park and works in the riparian corridor be received.

2. Council endorse the proposed approach outlined in the report in respect of the infrastructure delivery arrangements negotiated with Landcom and the proposed condition No. 2.78 relating to the future transfer of open space land.

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 Karen McKeown  
Councillor Greg Davies  
Councillor John Thain  
Councillor Jackie Greenow  
Councillor Kevin Crameri OAM  
Councillor Marko Malkoc  
Councillor Ross Fowler OAM  
Councillor Robert Ardill  
Councillor Ben Goldfinch  
Councillor Tanya Davies

The Deputy Mayor, Councillor Jim Aitken OAM, returned to the meeting and the Chair, the time being 9:06 pm.

**A GREEN CITY**

**18 [Council wins 2011 Compost Leadership Awards](#)**

242 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Greg Davies that the information contained in the report on Council wins 2011 Compost Leadership Awards be received.

**A LIVEABLE CITY**

**11 [Pathway construction along Barber Avenue, Penrith](#)**

243 A MOTION was moved by Councillor Kevin Crameri OAM seconded Councillor Robert Ardill

That:

1. The information contained in the report on Pathway construction along Barber Avenue, Penrith be received.
2. An amount of \$44,000 be allocated equally from each Ward's voted works to provide pathway construction along Barber Avenue, Penrith.



An AMENDMENT was moved by Councillor Greg Davies seconded Councillor John Thain that pathway construction along Barber Avenue, Penrith be included in the 2011-12 Path Paving Program, with a lesser priority to be removed from the Program.

On being PUT to the meeting, the AMENDMENT was CARRIED and on becoming the MOTION was also CARRIED.

Councillor Kevin Cramer OAM requested that his name be recorded as having voted AGAINST the motion.

### **13 Roads to Recovery Program**

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

That:

1. The information contained in the report on Roads to Recovery Program be received.
2. Council call on the Federal Government to:
  - recognise the successful delivery of the Roads to Recovery Program by local government since 2000.
  - continue the Roads to Recovery Program on a permanent basis to assist local government to meet its responsibilities of providing access for its communities.
  - continue the Roads to Recovery Program with the current administrative arrangements.
  - provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.

Having previously declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 14, Councillor Robert Ardill left the meeting, the time being 9:16 pm.

### **14 The Provision of Batting Cages and Pitching Cages at Andrews Road Baseball Facility**

245 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on The Provision of Batting Cages and Pitching Cages at Andrews Road Baseball Facility be received.
2. Council allocate \$5,000 from each Ward's voted works and an interest free loan of \$14,000, repayable over 5 years, be provided to the Club.

Councillor Robert Ardill returned to the meeting, the time being 9:17 pm.

## A VIBRANT CITY

### 15 [Aboriginal Intergenerational Arts Project](#)

246 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Aboriginal Intergenerational Arts Project be received.
2. Council endorse the expression of interest and the receipt of \$20,000 for the project.
3. Council write to the Minister for Family and Community Services Ageing Disability and Home Care expressing Council's appreciation for the grant.

Councillor Jackie Greenow left the meeting, the time being 9:19 pm.

## REQUESTS FOR REPORTS AND MEMORANDUMS

### RR 1 Copper Thefts from Glenmore Park Housing Estate

Councillor Ben Goldfinch requested a memo reply concerning thefts of copper piping and electrical cabling from new housing being constructed in Glenmore Park, including the possibility of using 'data dot' technology to track the tubing being sold to scrap metal yards. In addition, Councillor Goldfinch requested that warnings of this practice be issued when development applications are approved.

Councillor Jackie Greenow returned to the meeting, the time being 9:21 pm.

### RR 2 Lachlan Partnership

Councillor Ross Fowler OAM requested a report to Council outlining the economic, social and cultural benefits of Penrith Council's partnership with Lachlan, from the perspectives of both Councils.

### RR 3 Penrith BMX Club Event - Saturday 3 September 2011

Councillor Marko Malkoc requested that Council write a letter to the President of the Penrith BMX Club for the event held on Saturday 3 September 2011, after the St Marys Spring Festival, thanking the Board of Directors of the Club for their tireless support of the sport and the co-operation between the BMX Club and Council.

### RR 4 Passing of William (Bill Dunn)

Councillor Kevin Crameri OAM informed Council of the death of Mr William (Bill) Dunn, a former Council employee who was a Dog Catcher and Poundkeeper, and noting that Bill was a well known resident of Penrith and active in the Lions Club and other organisations in the area.

**RR 5      Castlereagh Road**

Councillor Kevin Crameri OAM requested a memo reply to all Councillors advising what action is being taken about mud being deposited on Castlereagh Road as a result of development in the area.

**RR 6      Cap on Section 94 Contributions – Landcom Subdivision –  
Caddens Release Area**

Councillor Kevin Crameri OAM requested that Council write to our Local Members again, regarding this matter and to ascertain what actions have been taken to secure an exemption for the WELL Precinct Section 94 contributions plan from the \$30,000 cap.

**RR 7      Atchison Street, St Marys**

Councillor Jackie Greenow requested that the matter of traffic flow in Atchison Street, St Marys, between Wilson and Hall Streets, be investigated by the Local Traffic Committee, as the street is now being used by heavy vehicles as a major bypass to Mamre Road. Councillor Greenow also requested that officers investigate the right turn closure at Lonsdale Street.

**RR 8      St Marys Spring Festival 2011**

Councillor Jackie Greenow requested that Council write a letter to the development committee of St Marys Spring Festival, thanking them for their efforts in making this year's Festival such a success.

**RR 9      St Marys Spring Festival 2011**

Councillor Greg Davies requested a report to Council on the future logistics of providing staff to assist with organising the St Marys Spring Festival.

**RR 10     Birds of the Waters Exhibition**

Councillor Jackie Greenow congratulated the artist and organisers who provided the Birds of the Waters exhibition which is currently located in Penrith Library for their time and effort involved in providing this exhibit.

**RR 11     Ched Towns Reserve, Glenmore Park**

Councillor Prue Guillaume requested a report to Council on the funding shortfall in costs associated with the project to fence and light the rugby league fields at Ched Towns Reserve, Glenmore Park.

**RR 12     Subsidised Access to Penrith Memorial Swimming Pool**

Councillor Prue Guillaume requested a memo reply concerning the possibility of providing subsidised access for veterans to the Penrith Memorial Swimming Pool.

## URGENT BUSINESS

### UB 1 Leave of Absence

Councillor Kaylene Allison requested Leave of Absence from 6 September 2011 to 18 September 2011 inclusive.

247 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kath Presdee that Councillor Kaylene Allison be granted Leave of Absence from 6 September 2011 to 18 September 2011 inclusive.

## COMMITTEE OF THE WHOLE

248 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kaylene Allison that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:40 pm.

Councillor Ben Goldfinch left the meeting, the time being 9:40 pm.

### 1 Presence of the Public

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

#### *A Leading City*

### 2 [Commercial Matter - Council Property - Leasing of Shop 2 at Gaymark Place 134-138 Henry Street, Penrith](#)

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

### 3 [Commercial Matter - Council Property - Leasing of Part Unused Road Cnr of Henry & Kendall Streets, Penrith to Red Rooster Foods Pty Limited](#)

*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.*

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**4 [The Provision of Concrete Works - Footpath and Kerb & Gutter \(restoration and maintenance works\)](#)**

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

The meeting resumed at 9:50 pm and the General Manager reported that the Committee of the Whole met at 9:40 pm on 5 September 2011, the following being present

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

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

**CONFIDENTIAL BUSINESS**

**2 [Commercial Matter - Council Property - Leasing of Shop 2 at Gaymark Place 134-138 Henry Street, Penrith](#)**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Shop 2 at Gaymark Place 134-138 Henry Street, Penrith be received.
2. Council grant a Two (2) year lease with a Three (3) year option to Veronica Rillo in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**3 Commercial Matter - Council Property - Leasing of Part Unused Road Cnr of Henry & Kendall Streets, Penrith to Red Rooster Foods Pty Limited**

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Ross Fowler OAM

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Part Unused Road Cnr of Henry & Kendall Streets, Penrith to Red Rooster Foods Pty Limited be received.
2. Council grant a new 5 year Licence Agreement to Red Rooster Foods Pty Limited in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

Councillor Ben Goldfinch returned to the meeting, the time being 9:44 pm.

**4 The Provision of Concrete Works - Footpath and Kerb & Gutter (restoration and maintenance works)**

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc

CW4 That the information contained in the report on The Provision of Concrete Works - Footpath and Kerb & Gutter (restoration and maintenance works) be received.

**ADOPTION OF COMMITTEE OF THE WHOLE**

249 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

**12 Provision of Concrete Works - Footpath and Kerb & Gutter (restoration and maintenance works)**

250 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Provision of Concrete Works - Footpath and Kerb & Gutter (restoration and maintenance works) be received.
2. Del Rocchio Concreting Pty Ltd be appointed as the preferred contractor for the provision of Concrete Works – Footpath and Kerb & Gutter for a period of two (2) years with the option to extend for a further two (2) x one (1) year periods subject to satisfactory performance, allowing for rise and fall

provisions.

3. Devcon Civil Pty Ltd be appointed as the secondary contractor and to be engaged in the event the highest ranked contractor is unable to provide the service.

There being no further business the Chairperson declared the meeting closed the time being 9:51 pm.

I certify that these 23 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 5 September 2011.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date