

CONFIRMED MINUTES

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

ON MONDAY 7 NOVEMBER 2011 AT 7:37PM

His Worship the Mayor, Councillor Greg Davies read Mayoral Minute 5 concerning Honouring Lance Corporal Luke Gavin.

Following the reading of Mayoral Minute 5, a one minute silence was observed.

MAYORAL MINUTES

5 [Honouring Lance Corporal Luke Gavin](#)

284 RESOLVED on the MOTION of the Mayor, Councillor Greg Davies seconded Deputy Mayor, Councillor Jackie Greenow that the Mayoral Minute on Honouring Lance Corporal Luke Gavin be received.

NATIONAL ANTHEM

Following the reading of Mayoral Minute 5, the National Anthem was played.

STATEMENT OF RECOGNITION

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

PRAYER

The Council Prayer was read by Rev Neil Checkley.

PRESENT

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

LEAVE OF ABSENCE

October 2011 to 8 November 2011 inclusive.

APOLOGIES

285 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jackie Greenow that an apology be received from Councillor Kevin Crameri OAM.

CONFIRMATION OF MINUTES - Ordinary Meeting - 10 October 2011

286 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kath Presdee that the minutes of the Ordinary Meeting of 10 October 2011 be confirmed.

DECLARATIONS OF INTEREST

Councillor Jim Aitken OAM declared a Pecuniary Interest in *Item 5 Caddens Voluntary Planning Agreement*, as he owns property in the subject area and therefore will leave the Chambers during the consideration of the item and take no part in the consideration of the report.

Councillor Tanya Davies declared a Non-Pecuniary Interest – Less Than Significant in *Item 5 Caddens Voluntary Planning Agreement*, as her parents live within the vicinity of the subject area identified in the report.

SUSPENSION OF STANDING ORDERS

287 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:43pm.

Mr Ben Williams

Item 8 – Assessment for the proposed closure of Maurice Lane, St Clair

Mr Williams (and on behalf of Mr Abhinash Nand and Mr Douglas Young), affected residents, spoke in support for the recommendation contained in the report and outlined the many issues and anti-social behaviour that occur in Maurice Lane. Mr Williams indicated that his family and the local residents have lived with the issues for a number of years and were hopeful that Council would close the Lane. The issues he outlined included the inappropriate disposal of syringes in and around Maurice Lane, malicious damage occurring in and around Maurice Lane, trail bikes using Maurice Lane and intruders trespassing and breaking and entering. Mr Williams concluded that the closure of Maurice Lane would only cause a small inconvenience to the community.

Ms Amanda Rudolf

Item 7 – Sports Donations and Travel Assistance

Ms Rudolf, representing Nepean Creative and Performing Arts High School, spoke in support for the recommendation contained in the report and provided a brief outline on the events that occurred during the Western Sydney Regional Cultural Tour of China. Ms Rudolf expressed her thanks to Council and Mr Andrew Robinson who helped organise the funding through Council, for the generous donation given to each of the 8 students who as part of the Cultural Tour, performed in Shanghai, Huangpo and Ningbo.

RESUMPTION OF STANDING ORDERS

288 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc that Standing Orders be resumed, the time being 7:52 pm.

MAYORAL MINUTES

1 [Council wins prestigious award for risk management excellence](#)

289 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Council wins prestigious award for risk management excellence be received.

Councillors Jackie Greenow and Ross Fowler OAM a spoke in support of the Mayoral Minute and congratulated the staff, Ken Muir and Council's team. Councillor Jackie Greenow also congratulated Councillor Ross Fowler OAM on his Chairmanship of Westpool.

2 [Sydney Architecture Festival in Penrith a success](#)

290 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch that the Mayoral Minute on Sydney Architecture Festival in Penrith a success be received.

Councillor Ben Goldfinch spoke in support of the Mayoral Minute and congratulated the Council's Events Team.

3 [Councillor Karen McKeown re-elected to Local Government Association of NSW](#)

291 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Councillor Karen McKeown re-elected to Local Government Association of NSW be received.

Councillors Jackie Greenow and John Thain spoke in support of the Mayoral Minute and offered their congratulations to Councillor Karen McKeown on her re-election to the Executive.

4 [Outstanding Service Awards](#)

292 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that the Mayoral Minute on Outstanding Service Awards be received.

Councillors Jim Aitken OAM, Ben Goldfinch, Jackie Greenow, John Thain and Tanya Davies all spoke in support of the Mayoral Minute and congratulated Councillor Ross Fowler OAM and his family on his dedication and self-sacrifice to the Penrith community.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Penrith Valley Community Safety Partnership Meeting held on 28 September 2011](#)

293 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 28 September, 2011 be adopted.

2 [Report and Recommendations of the Access Committee Meeting held](#)

on 5 October 2011

294 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 5 October, 2011 be adopted.

3 Report and Recommendations of the Local Traffic Committee Meeting held on 10 October 2011

295 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 10 October, 2011 be adopted.

4 Report and Recommendations of the Policy Review Committee Meeting held on 31 October 2011

296 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ben Goldfinch that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 31 October, 2011 be adopted.

DELIVERY PROGRAM REPORTS

Procedural Motion

297 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown that Items 7, 8 and 9 be dealt with first.

A LIVEABLE CITY

7 Sports Donations and Travel Assistance

298 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marko Malkoc that the information contained in the report on Sports Donations and Travel Assistance be received.

9 Tender Reference 11/12-01, Mechanical Services Upgrade at 207-209 Queen Street, St Marys

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

That:

1. The information contained in the report on Tender Reference 11/12-01, Mechanical Services Upgrade at 207-209 Queen Street, St Marys be received and noted.
2. A contract be entered into with Haden Engineering Pty Ltd for the tendered lump sum price of \$523,465 (ex GST) for the upgrade of Mechanical

Services at 207-209 Queen Street, St Marys.

8 Assessment for the proposed closure of Maurice Lane, St Clair

300 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Assessment for the proposed closure of Maurice Lane, St Clair be received.
2. Maurice Lane be physically closed through the installation of suitable fencing and gates.
3. The option of sale to adjoining property owners be made available should interest be shown in the future.

Councillor Tanya Davies left the meeting, the time being 8:16pm.

Councillor Tanya Davies returned to the meeting, the time being 8:17pm.

A LEADING CITY

1 Audit Committee

301 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Jackie Greenow that the information contained in the report on Audit Committee be received.

2 Impact of Carbon Tax on Council and Penrith LGA

A MOTION was moved by Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Impact of Carbon Tax on Council and Penrith LGA be received and noted.
2. Council write to the Federal Member of Lindsay and to the Prime Minister expressing Council's opposition to the Carbon Tax in its present form and requesting that the Government honour their previous pre-election commitment that no Carbon Tax would be introduced.

302 An AMENDMENT was MOVED by Councillor John Thain seconded Councillor Karen McKeown that the information contained in the report on Impact of Carbon Tax on Council and Penrith LGA be received and noted.

The AMENDMENT was PUT.

Councillor Ross Fowler OAM called for a DIVISION.

For

Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Greg Davies
Councillor Kath Presdee
Councillor Karen McKeown
Councillor John Thain
Councillor Marko Malkoc

Against

Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Tanya Davies
Councillor Ben Goldfinch
Councillor Jackie Greenow

The AMENDMENT became the SUBSTANTIVE MOTION.

The MOTION was PUT.

The MOTION was CARRIED.

Councillor Ross Fowler OAM called for a FURTHER DIVISION.

For

Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Greg Davies
Councillor Kath Presdee
Councillor Karen McKeown
Councillor John Thain
Councillor Marko Malkoc
Councillor Jackie Greenow

Against

Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Tanya Davies
Councillor Ben Goldfinch

3 [Council Property - Leasing of Vacant "Community" Land to Nepean Blue Mountains Local Health District for Temporary Car Parking Facility](#)

303 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marko Malkoc That:

1. The information contained in the report on Council Property - Leasing of Vacant "Community" Land to Nepean Blue Mountains Local Health District for Temporary Car Parking Facility be received.
2. Council approve leasing of Lots 137, 138, 139 & part of 140 in DP14333 on the corner of Rodgers & Somerset Streets, Kingswood to Nepean Blue Mountains Local Health District in accordance with the terms and conditions set out in the report.
3. Council undertake construction of the temporary car park facility, with full cost of works being paid for by NBM LHD.
4. NBM LHD ensure that a sign is erected on site, for the period of the lease,

advising the public of the temporary nature of the carpark and the associated timeframes. Location and wording to be determined in consultation with Council.

5. NBM LHD remove the car park and restore the land to its natural state at the end of the temporary leasing period at their cost.
6. NBM LHD provide additional embellishment works on the "Community" land to enhance the land as compensation for use of the land.
7. The Common Seal of the City of Penrith be placed on all necessary documentation.

4 2011 Local Government Association Annual Conference

304 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kath Presdee

That:

1. The information contained in the report on 2011 Local Government Association Annual Conference be received.
2. A letter of appreciation be sent by the Mayor to the Chairperson of the Deerubbin Local Aboriginal Land Council thanking the DLALC for their attendance and support at the 2011 Local Government Association Conference.
3. Council write to the Local Government Association and advise of the Council's disappointment that the General Business motions were in the main not dealt with due to the lack of time and scheduled days for debate and that this could be perceived as an attempt to restrict debate. Council request that the Local Government Association Conference Agenda be altered in the future to allow sufficient time on Monday and Tuesday for motions to be dealt with.

A CITY OF OPPORTUNITIES

Having previously declared a Pecuniary Interest in Item 5, Councillor Jim Aitken OAM left the meeting, the time being 9:00pm.

5 Caddens Voluntary Planning Agreement

305 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Karen McKeown

That:

1. The information contained in the report on Caddens Voluntary Planning Agreement be received.
2. Council enter into a Voluntary Planning Agreement with Landcom in relation to Caddens and subject to the negotiated arrangements for security.
3. Council accept Treasury Bonds as a security for payments owing under this

or any future Voluntary Planning Agreements or Development Consents.

4. The revised Caddens Voluntary Planning Agreement be publicly notified for at least 28 days in accordance with the requirements of the Environmental Planning & Assessment Act and Regulations 1979, as amended.
5. Upon conclusion of the Notification period, the Voluntary Planning Agreement be entered into.
6. The signed Voluntary Planning Agreement be forwarded to the Director General of Planning and Infrastructure for record keeping purposes.

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

Councillor Jim Aitken OAM, returned to the meeting, the time being 9:02pm.

- 6** [Section 96\(1A\) Application to Modify Development Consent 11/0235 to remove Condition No. 2 Lot 41 DP 610847 \(No. 31\) Moore Street, St Clair](#) Applicant: Cityscape Planning and Projects; Owner: F & L Russo Pty Ltd C/- Pullman Williams

306 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Section 96(1A) Application to Modify Development Consent 11/0235 to remove Condition No. 2 Lot 41 DP 610847 (No. 31) Moore Street, St Clair be received.
2. The Section 96(1A) Application to Modify Development Consent 11/0235 to remove Condition No. 2 be approved by deleting the following conditions:
 - Condition No.2. - *This consent is limited to a period of 24 months from the date of this consent. Prior to the expiry date of this consent, the applicant will be required to submit an application for any continuance of the use.*
 - Condition No.8. - *Prior to the issue of Occupation Certificate, a*

detailed Security Management Plan is to be provided for Council's consideration.

The Security Management Plan is to contain the following information:

- *The use of CCTV systems. CCTV cameras must be provided covering the entry/exit points and the internal and external layout of the outlet. Cameras should be of a high quality to enable facial recognition) in the event that footage is required for police/investigative purposes. Policies are to be in place in relation to the operation and maintenance of the cameras, retaining of footage/images captured, and response to police requests for footage.*
- *A back-to-base intruder alarm system must be installed in the premises.*
- *Procedures to prevent alcohol-related antisocial behaviour and loitering around the outlet and adjacent car park and bus stop area.*
- *Cash Handling procedures*
- *Staff procedures to respond to an armed hold-up/robbery.*
- *Incident reporting procedures to document any occurrences of anti-social behaviour, to ensure that the relevant authority is informed and to record what action was taken to prevent the incidents reoccurrence.*
- *All incidents of crime and anti-social behaviour and/or suspicious behaviour are to be reported to the Police.*

3. Those who made submissions be notified of the determination.

An AMENDMENT was moved by Councillor Tanya Davies seconded by Councillor Robert Ardill

That:

1. The information contained in the report on Section 96(1A) Application to Modify Development Consent 11/0235 to remove Condition No. 2 Lot 41 DP 610847 (No. 31) Moore Street, St Clair be received.
2. The Section 96(1A) Application to Modify Development Consent 11/0235 to remove Condition No. 2 be declined.
3. Those who made submissions be notified of the determination.

307 A FURTHER AMENDMENT was moved by Councillor Ross Fowler OAM seconded Councillor Jackie Greenow that consideration of this matter be deferred to allow for more clarification on the Report, including Condition No. 2.

The Mover and Seconder of the original AMENDMENT agreed to the FURTHER AMENDMENT and withdrew the ORIGINAL AMENDMENT.

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

The FURTHER AMENDMENT became the SUBSTANTIVE MOTION.

The MOTION was PUT.

The MOTION was CARRIED.

A VIBRANT CITY

10 [Transportation of restricted solid waste to SITA landfill facility](#)

The Deputy Mayor, Jackie Greenow took the Chair, to enable His Worship the Mayor, Councillor Greg Davies to take part in the debate on Item 10, the time being 9.39 pm.

308 A MOTION was moved by Councillor Prue Guillaume seconded by Councillor Kath Presdee

That:

1. The information contained in the report on Transportation of restricted solid waste to SITA landfill facility be received.
2. Council oppose the transportation of any waste from the site at Hunters Hill to the SITA landfill facility at Kemps Creek.
3. A further urgent report be presented to Council detailing Council's interpretation on the new information received from the NSW State Property

Authority and SITA detailing answers to questions raised by Council's officers regarding the transportation of restricted solid waste to the SITA landfill facility at Kemps Creek.

4. An urgent meeting be arranged with the Minister for Financial Services and NSW State Property to discuss Council's concerns with the proposed transportation of restricted solid waste to the SITA landfill facility.

An AMENDMENT was PUT by Councillor Tanya Davies seconded by Councillor Robert Ardill

That:

1. The information contained in the report on Transportation of restricted solid waste to SITA landfill facility be received.
2. Council oppose the transport of the radioactive component of waste from the Hunters Hill landfill facility to the SITA landfill facility at Kemps Creek.

The AMENDMENT was WITHDRAWN by the Mover.

The MOTION was PUT.

The MOTION was CARRIED UNANIMOUSLY.

His Worship the Mayor, Councillor Greg Davies returned to the Chair, the time being 10:03pm.

AND URGENT BUSINESS

RR 1 Trip Hazard off High Street in Woodriff Street

Councillor Jim Aitken OAM requested that a memo reply, in relation to fixing the trip hazard as a result of a raised concrete path just off High Street in Woodriff Street on the eastern side near the phone box.

RR 2 Policy on supporting non-profit organisations

Councillor Jim Aitken OAM requested a report to Council, regarding Council's policy on supporting non-profit community organisations that request financial assistance.

RR 3 Discount given to non-profit Community Groups

Councillor Jim Aitken OAM requested a report to Council and a memo reply, detailing the discounts given to non-profit community groups/organisations and the memo responding to the questions in the letter received from the City of Penrith Eisteddfod Society Inc.

RR 4 Ways to remember the death of Lance Corporal Luke Gavin

Councillor Marko Malkoc requested a memo reply, advising the most appropriate manner in which Council can preserve the memory and legacy of Lance Corporal Luke Gavin and his sacrifice for his Country.

RR 5 Cost of water supply Whitewater Stadium and Pools

Councillor John Thain requested a report to Council, detailing how the water rate increase will affect Whitewater Stadium and local pools.

RR 6 Street Identification for Corpus Christi

Councillor John Thain requested a memo reply, regarding how Corpus Christi would be able to place a street identification road sign at the bottom of Andromeda Drive, Cranebrook.

UB 1 Subsidy of Hall fee for the 'Visit Nepal' festival from voted works

Councillor Prue Guillaume requested that an amount of \$850 be allocated equally from each Ward's voted works to help subsidise the hall fee of St Marys Memorial Hall to assist in the 'Visit Nepal' Festival, organised by the Nepalese community of Western Sydney.

309 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Marko Malkoc that the matter be brought forward and dealt with as an urgent matter.

His Worship the Mayor, Councillor Greg Davies, ruled that the matter was urgent and should be dealt with at the meeting.

310 RESOLVED on the MOTION of Councillor Kath Presdee seconded by Councillor Marko Malkoc that an amount of \$850 be allocated equally from each Ward's voted works to help subsidise the hall fee of St Marys Memorial Hall to assist in the 'Visit Nepal' Festival, organised by the Nepalese community of Western Sydney.

RR 7 St Marys Community Corner

His Worship the Mayor, Councillor Greg Davies, requested a report to Council regarding a budget that may be available for community groups to use the St Marys Community Corner.

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

I certify that these 12 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 7 November 2011.

Chairperson

Date