

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

**ON MONDAY 6 FEBRUARY 2012 AT 7:40PM**

**NATIONAL ANTHEM**

The meeting opened with the National Anthem.

**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 the 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, Kevin Crameri OAM, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee and John Thain.

**APOLOGIES**

There were no apologies.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 12 December 2011**

1 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marko Malkoc that the minutes of the Ordinary Meeting of 12 December 2011 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Jim Aitken OAM declared a pecuniary interest in *Item 9 State Government Review of Potential Housing Opportunities on Landowner Nominated Sites* because he is a landowner and a Director of a Real Estate Company within the Penrith Local Government Area and therefore will leave the room during the consideration of the item and take no part in the consideration of the report.

**SUSPENSION OF STANDING ORDERS**

2 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jackie Greenow that Standing Orders be suspended to allow a member of the public to address the meeting, the time being 7.42pm.

**Mr Geoff Brown**

*Item 9 – State Government Review of Potential Housing Opportunities on Landowner Nominated Sites.*

Mr Brown, representing the Western Sydney Conservation Alliance, spoke in support of the recommendation and expressed concern regarding the ability for this plan to be implemented sustainably. Mr Brown spoke of the risk to the quality of life for current Penrith residents should the proposal proceed and a general concern for the environment. Mr Brown concluded by stating that it was concerning that the State Government was departing from the current Growth Centres Plan and that he believes Council should review all unsustainable developments within the area and have a moratorium on growth.

## RESUMPTION OF STANDING ORDERS

3 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc that Standing Orders be resumed, the time being 7.49pm.

## MAYORAL MINUTES

### 1 [Local residents recognised in Australia Day Honours](#)

4 RESOLVED on the MOTION of the Mayor, Councillor Greg Davies seconded the Deputy Mayor, Councillor Jackie Greenow that the Mayoral Minute on Local residents recognised in Australia Day Honours be received.

### 2 [2012 Australia Day celebrations](#)

5 RESOLVED on the MOTION of the Mayor, Councillor Greg Davies seconded the Deputy Mayor, Councillor Jackie Greenow that the Mayoral Minute on 2012 Australia Day celebrations be received.

## REPORTS OF COMMITTEES

### 1 [Report and Recommendations of the Access Committee meeting held on 7 December 2011](#)

6 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 7 December, 2011 be adopted.

## DELIVERY PROGRAM REPORTS

### A LEADING CITY

### 3 [Summary of Investments and Banking for the period 1 December to 31 December 2011](#)

7 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Prue Guillaume

That:

1. The information contained in the report on Summary of Investments and

Banking for the period 1 December to 31 December 2011 be received.

2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 December 2011 to 31 December 2011 be noted and accepted.
3. The graphical investment analysis as at 31 December 2011 be noted.
4. The Agency Collection Methods as at 31 December 2011 be noted.

**1 Housing the Bennett Wagons**

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

That

1. The information contained in the report on Housing the Bennett Wagons be received.
2. A further report be presented to a future Council meeting outlining potential funding options to provide suitable cover for Housing the Bennett Wagons.

**2 Australian Local Government Women's Association 2012 NSW State Annual Conference**

9 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Australian Local Government Women's Association 2012 NSW State Annual Conference be received.
2. Council nominate Councillors Kaylene Allison, Prue Guillaume, Kath Presdee, Karen McKeown, Jackie Greenow and any other Councillor to attend ALGWA's 59<sup>th</sup> Annual NSW State Conference, to be held in Dubbo from Thursday 22 to Saturday 24 March 2012.

**9 State Government Review of Potential Housing Opportunities on Landowner Nominated Sites**

Having previously declared a pecuniary interest in this item, Councillor Jim Aitken OAM left the room, the time being 8:06pm and took no part in the consideration of the item.

10 RESOLVED on the MOTION of Councillor Prue Guillaume seconded Councillor John Thain

That

1. The information contained in the report on State Government Review of Potential Housing Opportunities on Landowner Nominated Sites be received.
2. Council endorses the submission that has been submitted to the Department of Planning and Infrastructure.

Councillor Jim Aitken OAM returned to the meeting, the time being 8:18pm.

## A CITY OF OPPORTUNITIES

### 4 [Request For Applications for the Commonwealth Inclusion and Professional Support Program](#)

11 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Request For Applications for the Commonwealth Inclusion and Professional Support Program be received.
2. Council endorse an application under the Commonwealth Inclusion and Professional Support Program for the Sydney North West Inclusion Support Agency for the period 1 January 2013 to 30 June 2016.
3. Council be advised of the outcome of the application.

### 5 [Penrith Child Friendly City Strategy](#)

12 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Kath Presdee

That:

1. The information contained in the report on Penrith Child Friendly City Strategy be received.
2. Council endorse the Penrith Child Friendly City Strategy for implementation.

### 6 [DA10/0793 Section 96\(1A\) Modification to DA08/0958 for the Extension of Operating Hours \(SITA\) Lot 1 DP 542395 and Lot 740 DP 810111 \(No. 1725a\) Elizabeth Drive, Badgerys Creek](#) Applicant: Mullane Planning Consultants; Owner: Sita Environmental Solutions Facility & Education Centre

13 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies

That:

1. The information contained in the report on DA10/0793 Section 96(1A) Modification to DA08/0958 for the Extension of Operating Hours (SITA) Lot 1 DP 542395 and Lot 740 DP 810111 (No. 1725a) Elizabeth Drive, Badgerys Creek be received.
2. DA10/0793 Section 96(1A) Modification to DA08/0958 for the Extension of Operating Hours (SITA) Lot 1 DP 542395 and Lot 740 DP 810111 (No. 1725a) Elizabeth Drive, Badgerys Creek be refused for the following reasons:
  - 2.1 The proposal is likely to result in adverse environmental impacts with respect to light spillage which have not been adequately addressed by

- the proponent
- 2.2 The proposal will have an adverse impact on the amenity of the local area
  - 2.3 The proposal is not in the public interest as it is likely to result in land use conflicts and a decrease in the amenity of adjoining neighbours
  - 2.4 The proposal is not compatible with the zone objectives of the E2 Environmental Conservation and RU2 Rural Landscape zones as prescribed by Penrith LEP 2010
  - 2.5 The proposal, if approved, would create an undesirable precedent in Penrith's rural zones
3. Those making submissions be 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 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 Jim Aitken OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Tanya Davies  
Councillor Kevin Crameri OAM

**A LIVEABLE CITY**

**7 [Tender Reference 11/12-09, Supply and Delivery of Pavers and Bluestone Kerbs](#)**

14 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor John Thain that the information contained in the report on Tender Reference 11/12-09, Supply and Delivery of Pavers and Bluestone Kerbs be received.

**8 [Tender Reference Number WSR11/12-01, General Hardware](#)**

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

That:

1. The information contained in the report on Tender Reference Number

WSR11/12-01, General Hardware be received.

2. The tender from J Blackwood & Son Ltd (also trading as A. E. Baker & Co Pty Ltd) be accepted for all General Hardware products on the basis of a unit price standing offer agreement for a period of 3 years with an option to extend the arrangements for a further 2x1 year periods subject to satisfactory performance and with provision for rise & fall.
3. The tender from Complete Office Supplies Pty Ltd for the provision of Paper Janitorial Products (20 items) be accepted on the basis of a unit price standing offer agreement for a period of 3 years with an option to extend the arrangements for a further 2x1 year periods subject to satisfactory performance and with provision for rise & fall.

Councillor Ben Goldfinch left the meeting, the time being 8:32pm.

Councillor Ben Goldfinch returned to the meeting, the time being 8:34pm.

## **REQUESTS FOR REPORTS AND MEMORANDUMS**

### **RR 1 Billington Place, Emu Plains - Parking**

Councillor Ross Fowler OAM requested an urgent report to the next Council meeting concerning parking provisions at this location, including the contributions made by businesses and land owners, and detailing a response concerning the viability of the vacant properties due to the lack of parking turnover.

### **RR 2 Joeys Soccer Club**

Councillor Marko Malkoc requested a memo reply concerning Parker Street Oval, Kingswood. The Club wished to thank Council for the recent upgrades to the canteen and lights, but have requested repairs to the King Street entrance, which has been damaged by heavy vehicles and recent rain.

### **RR 3 Development Application - Luddenham Cemetery**

Councillor Prue Guillaume requested a memo reply concerning the re-submitted Development Application for a cemetery at Luddenham.

### **RR 4 Duck Crossing - Drake Street, Penrith**

Councillor Prue Guillaume requested the Local Traffic Committee investigate the possibility of erecting a duck crossing sign on Drake Street, South Penrith.

## **URGENT BUSINESS**

### **UB 1 Passing of Phil Fisher**

Councillor Kevin Crameri OAM advised the Council of the passing of Phil Fisher who was a long time Council employee and Fire Fighter Captain.

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

17 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jackie Greenow that Council write a letter of condolence to the family.

**UB 2 Fundraising Event - Lance Corporal Luke Gavin**

Councillor Marko Malkoc requested that Council consider a donation of \$440 allocated equally from each Ward's voted works to assist in providing entertainment for the fund raising event being held for the family of Lance Corporal Luke Gavin.

18 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jim Aitken OAM 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.

19 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jim Aitken OAM that \$440 be allocated equally from each Ward's voted works to assist in providing entertainment for the fund raising event being held for the family of Lance Corporal Luke Gavin.

**UB 3 Leave of Absence Request**

The Deputy Mayor, Councillor Jackie Greenow requested leave of absence for a period of 22 days, as disclosed in her Councillor request.

20 RESOLVED on the MOTION of Councillor John Thain 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.

21 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marko Malkoc that leave of absence be granted to the Deputy Mayor, Councillor Jackie Greenow for a period of 22 days, as detailed in her Councillor request.

**UB 4 U3A Cabling Request**

His Worship the Mayor, Councillor Greg Davies requested that Council consider funding cabling costs totally \$1,600 allocated equally from each Ward's voted works to support U3A in their effort to support and provide learning for semi-retired and retired people in a friendly atmosphere.

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

23 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM that Council provide funding for cabling costs totally \$1,600 allocated equally from each Ward's voted works to support U3A in their effort to support and provide learning for semi-retired and retired people in a friendly atmosphere.

## COMMITTEE OF THE WHOLE

24 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Prue Guillaume that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:45pm.

Councillor Robert Ardill left the meeting, the time being 8:45pm.

### 1 Presence of the Public

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

Councillor Robert Ardill returned to the meeting, the time being 8:47pm.

#### *A Leading City*

### 2 [Commercial Matter - Council Property - Easement for Underground Gas Main over Part of Woodriff Gardens High St Penrith by Jemena Gas Networks \(NSW\) Ltd](#)

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

#### *A Liveable City*

### 3 [Commercial Matter - Grave Digging Services](#)

*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 9.08pm and the General Manager reported that the Committee of the Whole met at 8.45pm on Monday, 6 February 2012 the following being present

His Worship the Mayor, Councillor Greg Davies, the Deputy Mayor, Councillor Jackie Greenow and Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Kevin Cramer OAM, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, 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 - Easement for Underground Gas Main over Part of Woodriff Gardens High St Penrith by Jemena Gas Networks (NSW) Ltd**

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Karen McKeown

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Easement for Underground Gas Main over Part of Woodriff Gardens High St Penrith by Jemena Gas Networks (NSW) Ltd be received.
2. Council grant Jemena Gas Networks (NSW) Ltd an Easement for Underground Gas Main 3 metres wide and Variable Width over Lot 3 DP 1051278 and Part Lot 90 DP 752021 High Street, Penrith in accordance with the compensation figure outlined in the summary of the report.
3. Jemena Gas Networks (NSW) Ltd bear all reasonable costs associated with the granting of the easements.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**3 Commercial Matter - Grave Digging Services**

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM.

CW3 That the information contained in the report on Commercial Matter - Grave Digging Services be received.

**ADOPTION OF COMMITTEE OF THE WHOLE**

25 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ben Goldfinch

That the recommendation contained in the Committee of the Whole and shown as CW1, CW2 and CW3 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9.10pm.

I certify that these 9 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 6 February 2012.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

