

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

ON MONDAY 21 MAY 2012 AT 7:34PM

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 - 23 April 2012

99 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Crameri OAM that the minutes of the Ordinary Meeting of 23 April 2012 be confirmed.

DECLARATIONS OF INTEREST

Councillor Jim Aitken OAM declared a Pecuniary Interest in Report and Recommendations *Item 3 -Report and Recommendations of the Local Traffic Committee Meeting held on 7 May 2012, General Business Item 2 - Billington Place Car Park, Emu Plains – Provision of 4P Parking Restrictions* as is a proprietor of land in the area. Councillor Jim Aitken OAM declared he would leave the room for discussion on the item.

MAYORAL MINUTES

1 [Thank you to Leigh Hartog for sponsorship](#)

100 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Thank you to Leigh Hartog for sponsorship be received.

2 [2012 Relay for Life](#)

101 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Cramer OAM that the Mayoral Minute on 2012 Relay for Life be received.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Penrith Valley Community Safety Partnership Meeting held on 28 March 2012](#)

102 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kaylene Allison that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 28 March, 2012 be adopted.

2 [Report and Recommendations of the Access Committee Meeting held on 11 April 2012](#)

103 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Prue Guillaume that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 11 April, 2012 be adopted.

4 [Report and Recommendations of the Policy Review Committee Meeting held on 7 May 2012](#)

104 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 7 May, 2012 be adopted.

3 [Report and Recommendations of the Local Traffic Committee Meeting held on 7 May 2012](#)

Having previously declared a Pecuniary Interest, Councillor Jim Aitken OAM left the meeting, the time being 7:50pm.

105 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 7 May, 2012 be adopted with the amendment to General Business Item 2 - Billington Place Car Park, Emu Plains – Provision of 4P Parking Restrictions to now read:

1. Council notes the correspondence received from the Roads and Maritime Services on behalf of Transport for NSW.
2. 28 unrestricted parking spaces within Billington Place Car Park, behind Pauls Warehouse, be signposted 2(P).
3. The businesses who signed the petitions be advised of Council's resolution.
4. The provision of a "Park in Marked Bays" scheme along the Northern side of Railway Row not be supported.

5. The provision of a "Park in Marked Bays" scheme, along the Southern side of Railway Road be instigated.
6. A review report to Council be prepared after 6 months.

DELIVERY PROGRAM REPORTS

A LEADING CITY

Councillor Jim Aitken OAM, returned to the meeting the time being, 7:56pm.

1 [2011-12 Operational Plan - March Quarter Review](#)

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

That:

1. The information contained in the report on 2011-12 Operational Plan - March Quarter Review be received.
2. The 2011-12 Operational Plan Review as at 31 March 2012, including the revised estimates and revotes identified in the recommended budget outlined in this report and detailed in Attachment 1 – *2011-12 Operational Plan, Services Performance and Financial Review Summary* be adopted.

3 [Audit Committee](#)

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

That:

1. The information contained in the report on Audit Committee be received.
2. Mr Darren Greentree be appointed to Council's Audit Committee as detailed in the report.
3. Council write to Professor Reid, Vice-Chancellor of the University of Western Sydney, thanking her for the nomination of Mr Greentree and advising of the appointment.

5 [Council Property - Easement for Underground Cables for Endeavour Energy over Lot 700 DP 859470 being part of Surveyors Creek drainage system, Surveyors Creek Road, Glenmore Park](#)

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

That:

1. The information contained in the report on Council Property - Easement for

Underground Cables for Endeavour Energy over Lot 700 DP 859470 being part of Surveyors Creek drainage system, Surveyors Creek Road, Glenmore Park be received.

2. Council grant Endeavour Energy an Easement for Underground Cables 1 metre wide over Lot 700 DP 859470 Surveyors Creek Road, Glenmore Park, and Council accept compensation in the amount of \$12,100 plus GST.
3. Endeavour Energy 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.

8 Summary of Investments & Banking for the period 1 April 2012 to 30 April 2012

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 April 2012 to 30 April 2012 be received.
1. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 April 2012 to 30 April 2012 be noted and accepted.
2. The graphical investment analysis as at 30 April 2012 be noted.

Councillor Mark Davies left the meeting, the time being 8:02pm, and did not return.

2 One Association - Nomination of Council's Voting Delegates

110 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kath Presdee

That:

1. The information contained in the report on One Association - Nomination of Council's Voting Delegates be received.
2. Council nominate Councillors Robert Ardill, Mark Davies, Ben Goldfinch, Jackie Greenow, Kath Presdee, Prue Guillaume and John Thain to take part in the forthcoming secret postal ballot to deal with the matter of One Association, and that their names and contact postal addresses be forwarded to the Associations to form the Roll of Voters.
3. Council write to Fair Work Australia and request a 'No Case' for amalgamation be put forward with the forthcoming secret postal ballot.

4 New Residents Nights

111 RESOLVED on the MOTION of Councillor Prue Guillaume seconded Councillor Robert Ardill

That:

1. The information contained in the report on New Residents Nights be received.
2. The New Residents Nights be incorporated into Council's civic and community events program on a 12 month trial basis with the first event taking place in November 2012.
3. Council investigate the use of corporate sponsorship for the New Resident Nights.
4. A further report be presented to Council on the practicality, both legally and physically of holding New Resident Nights in collaboration with Citizenship Ceremonies.

6 Council Property - Easement to Drain Water over Lot 55 DP 28389, No. 28 Maranie Avenue, St Marys

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

That:

1. The information contained in the report on Council Property - Easement to Drain Water over Lot 55 DP 28389, No. 28 Maranie Avenue, St Marys be received.
2. Council grant an easement to drain water over Open Space land on Lot 55 DP 28389, No. 28 Maranie Avenue, St Marys to benefit Lot 105 DP 28389, No. 26 Schultz Street, St Marys.
3. Payment of compensation by the applicant to Council in the amount of \$7,500 be required for the granting of the easement over Lot 55 DP 28389, No. 28 Maranie Avenue, St Marys.
4. The applicant be responsible for all drainage costs, survey, legal and registration costs associated with the creation of the easement.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation to effect registration of the easement.

7 Insurance Renewals 2012-13 and Flood Protection of Council Building Assets

113 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Insurance Renewals 2012-13 and Flood Protection of Council Building Assets be received.
2. Council retain its \$100,000 claims excess for Public Liability cover and agree to pay a contribution of \$829,000 to Westpool for liability cover.
3. Council retain its \$20,000 claims excess for Industrial Special Risk and General Property cover and agree to pay a contribution of \$507,000 to United Independent Pools.
4. Council agree to pay UIP a contribution of \$209,000 to the comprehensive motor vehicle insurance pool.
5. Council Officers be congratulated for their efforts in relation to flood protection of Council buildings.

A CITY OF OPPORTUNITIES

9 Development Application DA11/1342 for proposed demolition of the existing dwelling and swimming pool and erection of a detached dual occupancy at Lot 75 DP 703021 (No. 49) Glenbrook Street, Jamisontown Applicant: Margaret J Onus; Owner: Margaret J Onus

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

That:

1. The information contained in the report on Development Application DA11/1342 for proposed demolition of the existing dwelling and swimming pool and erection of a detached dual occupancy at Lot 75 DP 703021 (No. 49) Glenbrook Street, Jamisontown be received.
2. The objection pursuant to State Environmental Planning Policy No. 1 to vary the rear boundary set back distance be supported.
3. The Development Application DA11/1342 for proposed demolition of the existing dwelling and swimming pool and erection of a detached dual occupancy at Lot 75 DP 703021 (No. 49) Glenbrook Street, Jamisontown be approved subject to the following standard and special conditions:
 - 3.1 **Standard conditions**
 - A001 – Stamped-approved plans (including landscape plan)
 - A008 – Works to BCA requirements
 - A009 – Residential works DCP

- A019 – Occupation Certificate
- B002 – AS for demolition and disposal to approved landfill site
- B003 – Asbestos
- B004 – Dust
- B005 – Mud/soil
- B006 – Hours of work
- D001 – Implement approved sediment and erosion control measures
- D009 – Covering of waste storage areas
- E001 – BCA compliance
- G003 – Section 73 Certificate
- G004 – Integral Energy
- H001 – Stamped plans and erection of site notice
- H041 – Hours of work
- L003 – Report requirements
- N001 – Section 94 contribution (4 separate conditions required for each applicable plan)
- Q010 – BASIX Certificate

3.2 A Construction Certificate shall be obtained prior to commencement of any building works

3.3 The stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Kneebone Beretta and Hall Pty Ltd, revision A, dated 13.2.12

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties

Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works

3.4 Prior to issue of a Construction Certificate, the Certifying Authority shall ensure that an additional stormwater surface pit (minimum 450 mm sq.) is located in the northern corner of the lawn area for Unit 2 and on the southern side of the landscaped garden. The stormwater surface pit is to capture and discharge any water that has accumulated by the installation of the garden edge system. The additional

stormwater pit shall be connected to the proposed stormwater system

- 3.5 **Prior to the issue of a Construction Certificate** a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:

- a) Provision of a vehicular crossing/s
- b) Removal of redundant vehicular crossings and reinstatement of kerb and gutter

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's **City Works Department** on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required)

4. Persons who have made a submission be notified of the decision.

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 Ben Goldfinch
Councillor Tanya Davies
Councillor Jim Aitken OAM
Councillor Kevin Crameri OAM
Councillor Robert Ardill

A GREEN CITY

10 [Investigation into opportunities for energy generation for Council and the City](#)

115 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM

That:

- 1. The information contained in the report on Investigation into opportunities for

energy generation for Council and the City be received.

2. A further report be presented to Council investigating the use of water turbines at Penrith Whitewater Stadium, Penrith Weir and Ripples.
3. A further report be presented to Council investigating the feasibility of Council facilitating involvement in a City Wide/Bulk purchase of electricity for local residents and businesses, and also information on encouraging community reduction in energy usage.
4. Council Officers be thanked for a comprehensive report.

A LIVEABLE CITY

11 [Western Sydney Carpool Project - Service Agreement](#)

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

That:

1. The information contained in the report on Western Sydney Carpool Project - Service Agreement be received.
2. Council enter into a Service Agreement with Western Sydney Community Forum for the management of the Western Sydney Carpool Project.
3. An allocation of \$5,000 per year, for three years, (2012/13, 2013/14 and 2014/15) be approved to continue to support this initiative with funding being made available through the Car Parking/Traffic Facilities Reserve.

12 [Proposal for Additional Alcohol Free Zones and Alcohol Prohibited Areas](#)

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

That:

1. The information contained in the report on Proposal for Additional Alcohol Free Zones and Alcohol Prohibited Areas be received.
2. Council support the progression of a consultation period for the newly proposed Alcohol Free Zones and Alcohol Prohibited Areas outlined in this report.

13 [Council's delegation to manage parking within 1km of designated train stations](#)

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

That

1. The information contained in the report on Council's delegation to manage

parking within 1km of designated train stations be received.

2. Council convene an urgent meeting with the Local Members of Parliament and relevant Ministers to discuss the overall concept and control of Council car parking spaces within 1km of railway stations.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Russell Street, Railway Overpass

Councillor Ben Goldfinch requested a report to the Local Traffic Committee seeking investigation into the Railway Overpass which travels over Russell Street and the possibility of providing different options to improve safety, and to also speak to the relevant government bodies and State Member.

RR 2 Country Western Music Weekend

Councillor Kevin Crameri OAM requested a report to Council investigating the option of a Major Country Western Festival being held at the Rowing Course, with parking for up to 500 caravans. Councillor Crameri OAM indicated a submission from interested parties would soon be provided to Council.

RR 3 Pot Hole Fourth Road, Berkshire Park and Repairs to Ninth Avenue

Councillor Kevin Crameri OAM requested urgent repairs to a massive road failure, at Fourth Road, Berkshire Park, East of St Marys Road. Councillor Crameri OAM also requested that a memo reply be provided concerning the cost of repairs to Ninth Avenue, Llandilo, Londonderry, Berkshire Park and Werrington County.

RR 4 Major Oak Restaurant - 32 Years of Operation

Councillor Marko Malkoc requested that a letter of congratulations be provided to the Major Oak Restaurant which is celebrating 32 years of operation in St Marys this year. Councillor Malkoc also requested a letter be sent to Host, Bobby Bradford who is celebrating 28 years of service to the restaurant and community.

RR 5 Penrith PCYC Fundraising

Councillor Marko Malkoc requested a letter of congratulations be sent to the Penrith PCYC for raising \$12,079 in their Time 4 Kids fundraiser that was held earlier this year.

RR 6 All Weather Track - Little Athletics

Councillor John Thain requested a report to Council regarding the provision of an All Weather Athletics Track, the cost involved, and identification of a suitable site. Councillor Thain requested that the report should give consideration to a model that Manly Council currently has in place.

RR 7 Penrith Valley Sports Stadium

Councillor John Thain requested a report or memo to Council concerning Council investigating the development of the Werrington Sports Stadium as a sports hub, to work with the adjoining sports to share amenities and outlets. Councillor Thain requested that the Penrith Business Alliance be contacted for possible involvement in seeking expressions of interest for a food and beverage outlet at the centre.

RR 8 Childcare Centres - Enrolment

Councillor Prue Guillaume requested a memo reply regarding how childcare centres are using the centralised system of enrolment for families.

RR 9 Declaration of Interests - Code of Conduct

Councillor Prue Guillaume requested an urgent report to Council investigating whether Council's code of conduct can mandate that Councillors with development interests declare that interest in LEP discussions and decisions, given the State Government's recent decision.

RR 10 Collins Street - Footpath

Councillor Greg Davies requested a report to Council concerning the provision of foot paving between Swanston Street and Koala Corner, on Collins Street, St Marys.

RR 11 Old Council Chambers, St Marys

Councillor Greg Davies requested a report to Council providing an update on the old Council Chambers, St Marys, in regards to disability requirements.

URGENT BUSINESS

UB 1 Leave of Absence

Councillor Prue Guillaume requested Leave of Absence from 4 June 2012 to 15 June 2012 inclusive.

119 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kath Presdee that Prue Guillaume be granted Leave of Absence from 4 June 2012 to 15 June 2012 inclusive.

UB 2 Leave of Absence

Councillor Kaylene Allison requested Leave of Absence from 28 May 2012 to 8 July 2012 inclusive.

120 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc that Kaylene Allison be granted Leave of Absence from 28 May 2012 to 8 July 2012 inclusive.

COMMITTEE OF THE WHOLE

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Karen McKeown seconded Councillor Jackie Greenow that the meeting be closed to the press and the public to discuss Confidential Business as recommended in Item 1 of the report to Committee of the Whole, the time being 9:15pm.

A Leading City

2 Personnel Matter - Senior Staff Matters

This item has been referred to Committee of the Whole as the report refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

3 Commercial Matter - Council Property - Lot 414 DP 862828 at Andromeda Drive, Cranebrook

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

4 Commercial Matter - The Temporary Carpark at Rodgers Street, Kingswood

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 9:31pm and the General Manager reported that the Committee of the Whole met at 9:15pm on 21 May 2012, the following being present

His Worship the Mayor, Councillor Greg Davies, Deputy Mayor, Councillor Jackie Greenow Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Kevin Crameri OAM, 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 [Personnel Matter - Senior Staff Matters](#)

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM

CW2 That:

1. The information contained in the report on Personnel Matter - Senior Staff Matters be received.
2. The recommendation of the Senior Staff Recruitment Review Committee be received and that the offer of a new Contract of Employment to the General Manager in the terms as reported by the Senior Staff Recruitment Review Committee is approved.

3 [Commercial Matter - Council Property - Lot 414 DP 862828 at Andromeda Drive, Cranebrook](#)

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Ben Goldfinch

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Lot 414 DP 862828 at Andromeda Drive, Cranebrook be received.
2. Council raise no objection to Telstra investigating the installation of a mobile telecommunication facility in relation to the existing light pole located at the Andromeda Drive Reserve at Andromeda Drive, Cranebrook on Lot 414 DP 862828.
3. Council accept the access fee in the amount as stated in the report.
4. The applicant be responsible for all survey, legal and construction costs associated with the access notice.
5. The Property Development Manager be authorised to sign an access deed for Telstra to install, operate and maintain telecommunication facilities.

4 [Commercial Matter - The Temporary Carpark at Rodgers Street, Kingswood](#)

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Ben Goldfinch

CW4 That:

1. The information contained in the report on Commercial Matter - The Temporary Carpark at Rodgers Street, Kingswood be received.
2. Council endorse the amendment of the lease with Nepean Blue Mountains Local Health District for the temporary carpark on Lots 137, 138, 139 and part of 140 in DP14333 on the corner of Rodgers and Somerset Streets,

Kingswood in accordance with the first 2 years income going to the Nepean Blue Mountains Local Health District and any future years income to be directed to Council.

ADOPTION OF COMMITTEE OF THE WHOLE

121 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Ross Fowler OAM that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:35pm.

I certify that these 14 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 21 May 2012.

Chairperson

Date