

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

ON MONDAY 23 JULY 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, Prue Car, Kevin Crameri OAM, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Marko Malkoc, Karen McKeown, Kath Presdee and John Thain.

APOLOGIES

179 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jackie Greenow that an apology be received for Councillor Robert Ardill.

CONFIRMATION OF MINUTES - Ordinary Meeting - 9 July 2012

180 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc that the minutes of the Ordinary Meeting of 9 July 2012 be confirmed.

DECLARATIONS OF INTEREST

Councillor Tanya Davies declared a Non-Pecuniary Conflict of Interest - Less than Significant in *Item 6 – Release of a Positive Covenant applying Lot 59 DP 1157436 (No. 46-48) Bringelly Road, Kingswood* as her mother-in-law is employed by Mission Australia.

Councillor Mark Davies declared a Non-Pecuniary Conflict of Interest - Less than Significant in *Item 6 – Release of a Positive Covenant applying Lot 59 DP 1157436 (No. 46-48) Bringelly Road, Kingswood* as his mother is employed by Mission Australia.

SUSPENSION OF STANDING ORDERS

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

Mr Greg Allchin

Item 1 – Stage 2 of the Penrith Citywide Local Environmental Plan – Penrith Health and Education Precinct and North Penrith

Mr Allchin, representing Penrith Business Alliance, spoke in support of the recommendation concerning the Penrith Health and Education Precinct. Mr Allchin outlined the economic rationale and longer term benefits to the City of implementing the B7 zoning on lands on the corner of Great Western Highway and French Street, Kingswood. Mr Allchin also stated that one in four jobs in the last decade have been created in the health sector and that the Penrith Health and Education Precinct would significantly increase local employment.

RESUMPTION OF STANDING ORDERS

182 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that Standing Orders be resumed, the time being 7:49 pm.

MAYORAL MINUTES

2 [Council wins Bronze at the Australasian Reporting Awards](#)

183 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Council wins Bronze at the Australasian Reporting Awards be received.

1 [Thank you and farewell to Brother Stan Rossato](#)

184 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Thank you and farewell to Brother Stan Rossato be received.

Councillors Jackie Greenow, Ross Fowler OAM, Kevin Crameri OAM and John Thain spoke in support of the Mayoral Minute. The Council expressed its appreciation for Brother Stan Rossato by acclamation.

3 [Passing of Mona Pizarro](#)

185 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Passing of Mona Pizarro be received.

Councillor Jackie Greenow spoke in support of the Mayoral Minute, after which a minute's silence was observed, at 8:02 pm.

Councillor Tanya Davies left the meeting, the time being 8:03 pm.

NOTICES OF MOTION

His Worship the Mayor, Councillor Greg Davies, vacated the Chair, the time being 8:04 pm.
The Deputy Mayor, Councillor Jackie Greenow then took the Chair, the time being 8:04 pm.

1 [Request for Council to write to the Minister for Planning and Local MP's](#)

186 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Prue Car
That:

1. Council urgently write to the Minister for Planning and Local MP's seeking clarification on whether the new green paper concerning Planning Proposals will override the current LEP's in the gateway process or the LEP being undertaken by Council, and where it leaves Section 94 Plans in the current planning process and cap.
2. Council write to the Minister for Planning seeking an 8 week extension to the deadline to enable Council to prepare a proper submission on the Green Paper.

Councillor Ross Fowler OAM called for a Division.

For

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

Against

Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Kevin Crameri OAM (Abstained)

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Penrith Valley Community Safety Partnership Meeting held on 27 June 2012](#)

187 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 27 June, 2012 be adopted.

2 [Report and Recommendations of the Local Traffic Committee Meeting held on 2 July 2012](#)

188 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of

the Local Traffic Committee meeting held on 2 July, 2012 be adopted.

Procedural Motion

189 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that Item 7 be considered after Committee of the Whole.

DELIVERY PROGRAM REPORTS

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2 Pecuniary Interest Returns

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

3 Tender - Legal Services

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

That:

1. The information contained in the report on Tender - Legal Services be received.
2. Sparke Helmore Lawyers and Gadens Lawyers be appointed to Council's external legal panel for the next 4 years.
3. Adams and Partners Lawyers be appointed to Council's external legal panel to provide support to the internal legal team in relation to localised matters like prosecutions and locally based court matters or matters that can be handled locally.
4. Matthews Folbigg Lawyers be appointed to Council's external legal panel to provide advice where Gadens Lawyers and Sparke Helmore Lawyers have a conflict of interest or where more independence is required.

5 Summary of Investments & Banking for the period 1 June to 30 June 2012

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

That:

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

4. The Agency Collection Methods as at 30 June 2012 be noted.

1 Stage 2 of the Penrith Citywide Local Environmental Plan – Penrith Health & Education Precinct and North Penrith

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

That:

1. The information contained in the report on Stage 2 of the Penrith Citywide Local Environmental Plan – Penrith Health & Education Precinct and North Penrith be received.
2. The planning approach recommended in Attachment 1 (Penrith Health and Education Precinct) be applied in the Planning Proposal for the Stage 2 LEP for the purpose of public exhibition.
3. The planning approach recommended in Attachment 2 (North Penrith - Residual Sites) be applied in the Planning Proposal for the Stage 2 LEP for the purpose of public exhibition.

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 Car
Councillor Kath Presdee
Councillor Karen McKeown
Councillor John Thain
Councillor Jackie Greenow
Councillor Marko Malkoc
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Greg Davies

4 Urban Activation Precinct Program

194 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Urban Activation Precinct Program be received.
2. Council join with the Penrith Business Alliance to nominate the Penrith City Centre as an Urban Activation Precinct.
3. Council support the NSW Land and Housing Corporation should they

nominate the Glossop Street, St Marys Precinct as an Urban Activation Precinct.

4. Council write to the local State Members of Parliament seeking their support for the nomination(s) to the Urban Activation Precinct Program.
5. A further report be brought to Council should the nomination for the Penrith City Centre as an Urban Activation Precinct be successful.

A CITY OF OPPORTUNITIES

6 [Release of a Positive Covenant applying Lot 59 DP 1157436 \(No. 46 - 48\) Bringelly Road, Kingswood](#) Applicant: Mission Australia; Owner: Mission Australia

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

That:

1. The information contained in the report on Release of a Positive Covenant applying Lot 59 DP 1157436 (No. 46 - 48) Bringelly Road, Kingswood be received.
2. The Common Seal of Penrith City Council be affixed to all necessary documentation to remove the covenant.

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 Mark Davies
Councillor Prue Car	Councillor Tanya Davies
Councillor Kath Presdee	
Councillor Karen McKeown	
Councillor John Thain	
Councillor Jackie Greenow	
Councillor Marko Malkoc	
Councillor Kevin Cramer OAM	
Councillor Jim Aitken OAM	
Councillor Ross Fowler OAM	
Councillor Ben Goldfinch	
Councillor Greg Davies	

Councillors Mark Davies and Tanya Davies abstained from voting on this matter.

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9 [Roads and Maritime Services \(RMS\) 2012/13 Road Funding Grants](#)

196 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin

Cramerer OAM

That:

1. The information contained in the report on Roads and Maritime Services (RMS) 2012/13 Road Funding Grants be received.
2. The RMS 2012/13 Program Funding Block Grant of \$1,048,000 be accepted.
3. Council accept the grant of \$250,000, offered under the 2012/13 Roads and Maritime Services REPAIR Program, for the reconstruction of Old Bathurst Road, Emu Plains, from 100m west of David Road to 300m west of Smith Street.
4. Council accept the grant of \$50,000, offered under the 2012/13 Roads and Maritime Services REPAIR Program, for the reconstruction of Dunheved Road, Werrington from John Batman Ave to John Oxley Ave.
5. The Supplementary Road component be allocated to the resurfacing of Llandilo Road, Llandilo (between Sunnymede Road and Sixth Road).
6. The Common Seal of the Council of the City of Penrith be affixed to the 'Agreement for Block Grant Assistance to Council for Regional Roads 2012/13'.

Councillor Prue Car left the meeting, the time being 9:08 pm.

8 [Nepean River Green Bridge - Public Exhibition of Transport Study](#)

197 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Cramerer OAM

That:

1. The information contained in the report on Nepean River Green Bridge - Public Exhibition of Transport Study be received.
2. Option 5: Punt Road to Old Ferry Road be endorsed as Council's preferred option for the new bridge alignment.
3. Council write to Transport for NSW and Roads and Maritime Services advising of Council's preferred alignment.
4. The Memorandum of Understanding (MOU) with Transport for NSW (TfNSW) and the Road and Maritime Services (RMS), and the Terms of Reference (ToR), for the establishment of the "Nepean River Green Bridge Steering Group" be endorsed.
5. Council congratulate the Local State Member on his efforts and achievements in this matter.
6. Council request copies of the submissions that were made.

Councillor Prue Car returned to the meeting, the time being 9:13 pm.

10 Penrith Commuter Car Park Update

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

That:

1. The information contained in the report on Penrith Commuter Car Park Update be received.
2. Council write to the Federal local member thanking and congratulating him on the project.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Footpath - River Road, Emu Plains

Councillor Ross Fowler OAM requested a memo reply outlining a solution to the subsiding footpath in the vicinity of 22 River Road, Emu Plains, which is causing damage to property.

RR 2 Progressing of LEP

Councillor Ross Fowler OAM requested an urgent memo reply to all Councillors concerning the presentation of a report to the Ordinary Meeting of 6 August 2012 to adopt those planning matters of the Penrith LEP Stage 2 that can be progressed and deferring those matters that cannot be progressed.

RR 3 Lewers Gallery

Councillor Kevin Cramer OAM requested a memo reply to all Councillors, followed by a report to Council, on the contents and implications of the letter provided by him to the General Manager, concerning the Lewers Gallery.

RR 4 Council Policy on Car Parking

Councillor Kevin Cramer OAM requested a report to the Policy Review Committee, after September 2012, on Council's carparking policies.

RR 5 Flood damage to Castlereagh Property

Councillor John Thain requested a site meeting with the Member for Londonderry and the Local State Member, as well as other stakeholders, at a property in Castlereagh that has suffered severe erosion along the river, caused by flooding, as there may be danger to a home on the property as well as to a telecommunications tower.

URGENT BUSINESS

UB 1 Provision of Footpath along North side of Stafford Street, Penrith

Councillor Jim Aitken OAM requested that \$15,400 be allocated from South Ward voted works to construct a footpath along the north side of Stafford Street, Penrith, from Castlereagh Street to the eastern end of 121-125 Stafford Street, Penrith.

199 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the matter be brought forward and dealt with as a matter of urgency.

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

200 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown that \$15,400 be allocated from South Ward voted works to construct a footpath along the north side of Stafford Street, Penrith, from Castlereagh Street to the eastern end of 121-125 Stafford Street, Penrith.

UB 2 Provision of sandpit for Child Care Centre operated by Penrith Community Aid

Councillor Karen McKeown requested that up to \$1,500 be allocated from South Ward voted works to supply and install a sandpit, and \$4,400 be allocated from South Ward voted works to supply and install vinyl flooring at the child care centre operated by Penrith Community Aid at 7 Reserve Street, Penrith.

201 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the matter be brought forward and dealt with as a matter of urgency.

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

202 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM that up to \$1,500 be allocated from South Ward voted works to supply and install a sandpit, and \$4,400 be allocated from South Ward voted works to supply and install vinyl flooring at the child care centre operated by Penrith Community Aid at 7 Reserve Street, Penrith.

COMMITTEE OF THE WHOLE

203 RESOLVED on the MOTION on Councillors Karen McKeown seconded Councillor Marko Malkoc that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:25 pm.

1 Presence of the Public

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

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2 [Commercial Matter - Tender reference 11/12-16, Provision of Security Services](#)

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 9:42pm and the General Manager reported that the Committee of the Whole met at 9:25 pm on 23 July 2012, the following being present

His Worship the Mayor Councillor Greg Davies, Deputy Mayor, Councillor Jackie Greenow, Councillors Jim Aitken OAM, Kaylene Allison, Prue Car, Kevin Crameri OAM, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, 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 - Tender reference 11/12-16, Provision of Security Services](#)

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

CW2 That the information contained in the report on Commercial Matter - Tender reference 11/12-16, Provision of Security Services be received.

ADOPTION OF COMMITTEE OF THE WHOLE

204 RESOLVED on the MOTION of Councillors Marko Malkoc seconded Councillor Ben Goldfinch that the recommendation contained in the Committee of the Whole and shown as CW1 and CW2 be adopted.

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7 [Tender Reference 11/12-16, Provision of Security Services](#)

205 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor

Mark Davies

That:

1. The information contained in the report on Tender Reference 11/12-16, Provision of Security Services be received.
2. The contract for the provision Security Services be awarded to Triple O Security Service Pty Ltd for an initial period of two (2) years, with an option to extend for a further two (2) x one (1) year periods, with provision for rise and fall subject to satisfactory performance.
3. The Common Seal of the Council of Penrith be affixed to any necessary documentation.
4. Council send a letter of thanks to the security company currently contracted to Council for their outstanding service.

Councillor John Thain requested that his name be recorded as having voted AGAINST the recommendation.

There being no further business the Chairperson declared the meeting closed the time being 9:50 pm.

I certify that these 11 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 23 July 2012.

Chairperson

Date