

CONFIRMED MINUTES

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

ON MONDAY 27 AUGUST 2012 AT 7:39PM

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

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 6 August 2012

220 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jim Aitken OAM that the minutes of the Ordinary Meeting of 6 August 2012 be confirmed.

DECLARATIONS OF INTEREST

Councillor Ross Fowler OAM declared a Non Pecuniary Conflict of Interest - Less than Significant in *Item 9 - Dance Oolites Inc - Dance Group for People with Disability* as the Producer and Director of the Group is a client of his company. Councillor Fowler OAM indicated he would not vote on the matter, but would remain in the room.

SUSPENSION OF STANDING ORDERS

221 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc that Standing Orders be suspended to allow a member of the public to address the meeting, the time being 7:44pm.

Mr John Mullane

Item18 – *Construction of parking areas within public reserve area adjacent to Glenmore Park Sports Field and Luttrell Street, Glenmore Park*

Mr Mullane advised that the car park would provide residents of Glenmore Park with additional parking for adjacent sporting fields and will provide a long term community benefit.

RESUMPTION OF STANDING ORDERS

222 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that Standing Orders be resumed, the time being 7:48pm.

MAYORAL MINUTES

1 [Rural Fire Service volunteers awarded](#)

223 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Rural Fire Service volunteers awarded be received.

Councillors Jackie Greenow, John Thain, Ben Goldfinch, Tanya Davies, Mark Davies, Jim Aitken OAM, Karen McKeown and Ross Fowler OAM all expressed their personal thanks to Councillor Kevin Crameri OAM and the other RFS Volunteers for their service to the community.

The Council then expressed their appreciation by way of acclamation.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Local Traffic Committee Meeting held on 6 August 2012](#)

224 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 6 August, 2012 be adopted.

2 [Report and Recommendations of the Policy Review Committee Meeting held on 13 August 2012](#)

225 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 13 August, 2012 be adopted.

3 [Report and Recommendations of the Access Committee Meeting held on 8 August 2012](#)

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

That:

1. The recommendations contained in the Report and Recommendations of the Access Committee meeting held on 8 August, 2012 be adopted.
2. In reference to General Business 5 - Award of Churchill Fellowship, a Mayoral letter of congratulations be sent to Michael Morris as well as letters of introduction.

DELIVERY PROGRAM REPORTS

Procedural Motion

227 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Ross Fowler OAM that *Item 18 - Construction of parking areas within public reserve area adjacent to Glenmore Park Sports Field and Luttrell Street, Glenmore Park* be moved and discussed in Committee of the Whole.

A LEADING CITY

1 [Delivery Program 2009-13 - Six Monthly Review. 2011-12 Operational Plan - June Quarter Review](#)

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

That:

1. The information contained in the report on Delivery Program 2009-13 - Six Monthly Review. 2011-12 Operational Plan - June Quarter Review be received.
2. The 2011-12 Operational Plan June End of Year Review as at 30 June 2012, including the revised estimates identified in the recommended budget outlined in this report and detailed in *Attachment 1 – Organisational Performance & Financial Review Summary* be adopted.
3. Council revote the works as detailed in the Recommended Revoted Works Lists, detailed in Attachment 1 for inclusion in the 2012-13 Operational Plan.

2 [Social and Economic benefit of athlete training at Penrith Whitewater Stadium and the International Regatta Centre](#)

229 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the information contained in the report on Social and Economic benefit of athlete training at Penrith Whitewater Stadium and the International Regatta Centre be received.

3 [2012 National General Assembly of Local Government](#)

230 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the information contained in the report on 2012 National General Assembly of Local Government be received.

6 [Outcome of Public Exhibition of Proposed Adjustment of Glenmore Park Suburb Boundary to include Glenmore Park Stage 2](#)

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

That:

1. The information contained in the report on Outcome of Public Exhibition of Proposed Adjustment of Glenmore Park Suburb Boundary to include Glenmore Park Stage 2 be received.
2. Council submit a proposal to the GNB to amend the Glenmore Park Suburb Boundary to include Glenmore Park Stage 2.

4 [Relocation of Nepean Historical & Archaeology Group & Nepean Art Society to temporary accommodation and demolition of both premises](#)

232 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown

That:

1. The information contained in the report on Relocation of Nepean Historical & Archaeology Group & Nepean Art Society to temporary accommodation and demolition of both premises be received.
2. Council grant permission to demolish Nos. 3 & 4 North Street, Penrith as outlined in the report.

5 [A New Planning System for NSW - Green Paper](#)

His Worship the Mayor, Councillor Greg Davies vacated the Chair the time being 8:23pm.

The Deputy Mayor, Councillor Jackie Greenow took the Chair, the time being 8:23pm.

233 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown

That:

1. The information contained in the report on A New Planning System for NSW - Green Paper be received.
2. Council endorse the matters outlined in the Attachment as a basis for its submission to the DoPI on the Green Paper phase of the reform of the NSW Planning System.
3. Council officers finalise the submission and forward a copy to Councillors for information when complete.

His Worship the Mayor, Councillor Greg Davies returned to the Chair the time being 8:29 pm.

7 [Attendance by Councillors at Meetings during the current term of Council](#)

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

That:

1. The information contained in the report on Attendance by Councillors at Meetings during the current term of Council be received.
2. Council review its meeting procedures and consider keeping records of attendance for all meeting types and the reasons for absences by Councillors.

8 [Summary of Investments & Banking for the period 1 July to 31 July 2012](#)

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 July to 31 July 2012 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 July 2012 to 31 July 2012 be noted and accepted.
3. The graphical investment analysis as at 31 July 2012 be noted.
4. The staff involved in preparing the Summary of Investments & Banking report be thanked for providing these informative reports.

A CITY OF OPPORTUNITIES

9 [Dance Oolites Inc - Dance Group for People with Disability](#)

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

That:

1. The information contained in the report on Dance Oolites Inc - Dance Group for People with Disability be received.
2. \$600 be allocated equally from each Ward Voted Works to assist the Dance Oolites Inc Dance Group with the hire costs of the Joan Sutherland Performing Arts Centre.
3. Council review its policy for donations, taking into consideration CAP funding and other funding opportunities that are available.

A GREEN CITY

10 [Penrith Managed Aquifer Recharge \(MAR\) Project](#)

237 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Penrith Managed Aquifer Recharge (MAR) Project be received.
2. Council defer the final decision on this matter until such time as the incoming Council has had the opportunity to be briefed on the matter, and that further to this the Local Federal and State Members of Parliament be contacted to ascertain if they can provide further assistance on this Project.

11 [Update on proposed transport of Restricted Solid Waste to SITA, Kemps Creek](#)

Councillor Kevin Crameri OAM left the meeting, the time being 9:04pm.

Councillor Kevin Crameri OAM returned to the meeting, the time being 9:14pm.

238 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Update on proposed transport of Restricted Solid Waste to SITA, Kemps Creek be received.
2. Penrith City Council reaffirm its opposition the transportation of any waste from the site at Hunters Hill to the SITA landfill facility at Kemps Creek.

Councillor Prue Car called for a DIVISION.

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

12 [Information on the Bulk Purchase of Electricity for the City and Use of Micro Hydro Generation](#)

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

That:

1. The information contained in the report on Information on the Bulk Purchase of Electricity for the City and Use of Micro Hydro Generation be received.
2. A further report to Council be prepared exploring the possibility of holding workshops with residents, including seniors, about reducing energy use.

A LIVEABLE CITY

13 [St Marys CBD 40km/h High Pedestrian Activity Area Scheme - Roads & Maritime Services Funding Offer](#)

240 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on St Marys CBD 40km/h High Pedestrian Activity Area Scheme - Roads & Maritime Services Funding Offer be received.
2. A 40km/h High Pedestrian Activity Area Scheme be designed and implemented in the St Marys CBD, as detailed in this report.
3. Council accept the Roads and Maritime Services offer of \$250,000 for the implementation of traffic calming devices associated with the St Marys CBD 40km/h High Pedestrian Activity Area Scheme.
4. Council's contribution to the project of \$250,000 be funded from existing programs identified in the report.

5. Consultation with affected stakeholders be carried out prior to the implementation of traffic calming devices within the St Marys CBD.
6. Council staff investigate the possibility of removing trees approaching the pedestrian crossing located near Chappell Street, St Marys to improve visual access.
7. Council write to the RMS thanking them for their funding offer of \$250,000.

A VIBRANT CITY

14 [Development Application DA12/0349 Demolition of Existing Dwelling and Ancillary Structures and Construction of a 2 storey dwelling Lot 2105 DP 263159 \(No. 13\) Dianella Place, Kingswood](#) Applicant: Innovation Planning Australia P/L; Owner: J and S Joyce

241 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Development Application DA12/0349 Demolition of Existing Dwelling and Ancillary Structures and Construction of a 2 storey dwelling Lot 2105 DP 263159 (No. 13) Dianella Place, Kingswood be received.
2. The SEPP 1 objection relating to the rear setback be supported.
3. Development Application DA12/0349 Demolition of Existing Dwelling and Ancillary Structures and Construction of a 2 storey dwelling Lot 2105 DP 263159 (No. 13) Dianella Place, Kingswood be approved subject to the attached conditions:

Standard Conditions

- 3.1 A001 - Approved Plans
- A008 – Works to BCA requirements
- A009 – Residential Works DCP
- A019 – Occupation Certificate
- A046 – Issue of Construction Certificate
- B001 – Demolition of Existing Structures
- B002 – AS for Demolition and Disposal to Approved Landfill Site
- B003 - Asbestos
- B004 - Dust
- B005 – Mud/Soil
- B006 – Hours of Work
- D001 – Implement Sediment and Erosion Control Measures
- D007 – Cut and fill of land requiring Validation Certificate

D009 – Covering Waste Storage area
D010 – Waste disposal
E001 – BCA compliance
H001 – Stamped plans and erection of site notice
H002 – All Forms of Construction
H009 – Cut/Fill Details
H022 - Survey
H030 – Roof colours
H036 – Rainwater Tank
H037 – Safe Supply of Water From Catchment
H038 – Connection of Rainwater Tank Supply
H039 – Rainwater Tank Pumps
H041 – Hours of work
I003 – Roads Act Approval 1
K016 – Stormwater
K026 – Stabilised Access
K0041 – Infrastructure Bond
L008 – Tree preservation order
P002 – Fees
Q01f – Notice of commencement and appointment of PCA
Q05f – Occupation Certificate

4. Special Conditions

K Special – The proposed stormwater drainage system shall be designed and certified by a qualified practising Hydraulic Engineer or suitably qualified person. Details are to be provided for consideration and approval **prior to the issue of a Construction Certificate.**

L Special – Two trees capable of obtaining a minimum height of 10m at maturity are to be planted on the site.

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 Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Greg Davies

15 Board Member Recruitment - St Marys Town Centre and Penrith City Centre Corporation

242 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain

That:

1. The information contained in the report on Board Member Recruitment - St Marys Town Centre and Penrith City Centre Corporation be received.
2. Council endorse the recommendations of the assessment panel with regard to the make up of the new St Marys Town Centre and Penrith City Centre Corporations.
3. A letter is sent to all current members of the St Marys Town Centre and Penrith City Centre Associations thanking them for their work and contribution to the two centres.
4. The past Committee members of both Boards be thanked for their participation on the Boards.

16 St Marys Corner Community and Cultural Precinct - Family Fun Day

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

1. The information contained in the report on St Marys Corner Community and Cultural Precinct - Family Fun Day be received.
2. \$6500 in total be allocated equally from each Wards Voted Works to assist with the proposed community event to be held at St Marys Corner Community and Cultural Precinct to take place on Sunday 18 November 2012.
3. Council write to Sims Metal Limited thanking them for their contribution to the event.

17 St Clair Youth and Neighbourhood Team Request for Funding

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

1. The information contained in the report on St Clair Youth and Neighbourhood Team Request for Funding be received.
2. Funding of \$1,250 for a youth program activity as part of the October 2012 school holiday program for young people be provided from East Ward Voted Works.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Nepean Street - Closure

Councillor Kevin Crameri OAM requested an urgent report on keeping Nepean Street open. As the closure will cause “rat running” and problems with emergency vehicles.

RR 2 41 Laycock Street

Councillor Kevin Crameri OAM requested Council contact Mr Brian Bennett concerning the trouble he is having getting out of his driveway. Councillor Crameri OAM asked that Council consider the increased difficulty that will be experienced with the closure of Nepean Street, in addition to 3 trees in the location, the curve and school parking.

RR 3 Council Property Portfolio

Councillor Kevin Crameri OAM requested a report on Council’s property portfolio including details of what we own, why, its value and the return compared to bank interest.

RR 4 Nepean Street - Cranebrook

Councillor John Thain requested in relation to the Nepean Street road closure that a memo reply is provided to All Councillors on when the decision to close the road was made, and that this be communicated to residents.

COMMITTEE OF THE WHOLE

245 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kath Presdee that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:04pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Ross Fowler OAM seconded Councillor Kath Presdee 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 4 at Cranebrook Village Shopping Centre to Sen Khun & Boyanmolika Kong

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.

3 Commercial Matter - Council Property - No. 121 Great Western Highway, Emu Plains

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.

4 Commercial Matter - 33-37 Cook Parade, St Clair

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.

5 Commercial Matter - Construction of parking areas within public reserve area adjacent to Glenmore Park Sports Field and Luttrell Street, Glenmore Park

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 10:14pm and the General Manager reported that the Committee of the Whole met at 10:04pm on 27 August 2012, the following being present

His Worship the Mayor Councillor Greg Davies, Deputy Mayor Councillor Jackie Greenow and Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Prue Car, Kevin Cramer 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 - Council Property - Leasing of Shop 4 at Cranebrook Village Shopping Centre to Sen Khun & Boyanmolika Kong](#)

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marko Malkoc

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Shop 4 at Cranebrook Village Shopping Centre to Sen Khun & Boyanmolika Kong be received.
2. Council grant Sen Khun & Boyanmolika Kong a 3 year lease over Shop 4 at Cranebrook Village Shopping Centre in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

3 [Commercial Matter - Council Property - No. 121 Great Western Highway, Emu Plains](#)

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Kath Presdee

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - No. 121 Great Western Highway, Emu Plains be received.
2. Council transfer part of Lot 1 DP745985 in accordance with Conditions 1-3 as outlined in the summary of the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

4 [Commercial Matter - 33-37 Cook Parade, St Clair](#)

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow

CW4 That:

1. The information contained in the report on Commercial Matter - 33-37 Cook Parade, St Clair be received.
2. Council purchase Lots 671 & 673 DP739138, No. 33-37 Cook Parade, St

Clair for \$650,000 exclusive of GST.

3. The land, Lots 671 & 673 DP739138, be classified as “operational” land upon settlement.
4. The Acting Property Development Manager be authorised to sign the Contract of Sale for the purchase of the property.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.
6. After the exchange of contracts occur, residents in the vicinity of the land are advised of the outcome accordingly.

5 Commercial Matter - Construction of parking areas within public reserve area adjacent to Glenmore Park Sports Field and Luttrell Street, Glenmore Park

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Jackie Greenow

CW5 That the information contained in the report on Construction of parking areas within public reserve area adjacent to Glenmore Park Sports Field and Luttrell Street, Glenmore Park be received.

ADOPTION OF COMMITTEE OF THE WHOLE

246 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ben Goldfinch that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

18 Construction of parking areas within public reserve area adjacent to Glenmore Park Sports Field and Luttrell Street, Glenmore Park

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

That:

1. The information contained in the report on Construction of parking areas within public reserve area adjacent to Glenmore Park Sports Field and Luttrell Street, Glenmore Park be received.
2. Lot 9102 and 9103 DP1022720 be dedicated as public road by notice in the Government Gazette.
3. The proposed licence deed over park Lot 1 DP833308 be notified and exhibited in accordance with the Local Government Act 1993.
4. A Review of Environmental Factors be submitted by Village Fair Glenmore Park Pty Ltd and approved by Council prior to the commencement of any construction work. The Review of Environmental Factors should address the following;
 - A detailed Construction Management Plan addressing accessibility to and from the shopping centre and the temporary car parking.

- Lighting and public and community safety of the temporary car park.
 - Management and maintenance of the car park.
 - A drainage and water quality plan.
5. The General Manager be granted authority to execute the two licence agreements referred in this report.
 6. In the event that s.55 of the Local Government Act 1993 applies, then tenders not be called and Council rely on its extenuating circumstances exemption from the requirements for the reasons set out above in this report.
 7. Council write to applicant requesting that consideration be given to constructing elements of an accessible playground into the playground proposed on the site.

There being no further business the Chairperson declared the meeting closed the time being 10:17pm.

I certify that these 15 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 27 August 2012.

Chairperson

Date