

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

ON MONDAY 25 FEBRUARY 2013 AT 7:38PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Mark 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 Mark Davies, Deputy Mayor, Councillor Ross Fowler OAM and Councillors Jim Aitken OAM, Bernard Bratusa, Prue Car, Kevin Crameri OAM, Marcus Cornish, Greg Davies, Ben Goldfinch, Jackie Greenow, Tricia Hitchen (arrived 8:35pm), Karen McKeown, John Thain and Michelle Tormey.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Maurice Giroto for the period 5 February 2013 to 2 March 2013 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 4 February 2013

26 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the minutes of the Ordinary Meeting of 4 February 2013 be confirmed.

DECLARATIONS OF INTEREST

Councillor Ross Fowler OAM declared a Pecuniary Interest in Item 12 – *Tender Reference 12/13-12, Supply and Delivery of Compostable and Biodegradable Bags and/or Distribution of Bags to Penrith City Residents* as he is a Director of one of the organisations that submitted a tender. Councillor Ross Fowler OAM stated that he would leave the room during the discussion of this item.

Councillor Jim Aitken OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 1 – *Billington Place Car Park, Emu Plains - Review of 2P Parking Restrictions & Parking Demand in Commuter Car Parks* of the Report and Recommendations of the Local Traffic Committee Meeting held on 4 February 2013 and in Item 7 –

Development Application DA12/0823 for a Detached Dual occupancy at Lot 6 DP 817264 (No. 1a) Leonay Parade, Leonay Applicant: Mullane Planning Consultants Pty Limited; Owner: Zac Homes Developments Pty Ltd as he owns land in the vicinity of the area subject to the report.

Councillor Ben Goldfinch declared a Pecuniary Interest in Item 15 – *Tender Reference 12/13-13 - Construction Works to Amenities Block at Leonay* as one of the tendering organisations is a customer of a company to which he is an appointed Director. Councillor Ben Goldfinch stated that he would leave the room during the discussion of this item.

His Worship the Mayor, Councillor Mark Davies declared a Pecuniary Interest in Item 10 – *Environmental Assessment for the Remediation of the former Radium Hill Company site - Nelson Parade, Hunters Hill* as his wife is the State Member for Mulgoa. The Mayor indicated he would leave the room and vacate the Chair for consideration of this item.

SUSPENSION OF STANDING ORDERS

27 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:46pm.

Ms Melissa Grand

Item 7 – Development Application DA12/0823 for a Detached Dual occupancy at Lot 6 DP 817264 (No. 1a) Leonay Parade, Leonay Applicant: Mullane Planning Consultants Pty Limited; Owner: Zac Homes Developments Pty Ltd

Ms Grand, a neighbour, spoke against the recommendation expressing concern regarding the safety in relation to the laneway and that the proposed development will enclose the laneway and provide opportunities for antisocial behaviour. Ms Grand also outlined concerns regarding the impact of traffic and indicated that the traffic impact assessment is not an accurate assessment of the traffic as the traffic assessment was conducted during school holidays and therefore did not assess traffic during peak times.

Ms Grand concluded by asking Council whether consideration has previously been given to rezoning the land.

Mr Adam McBurney

Item 9 – Development Application DA12/0308 at Lot 1 DP237071 (No. 265) Seventh Avenue. Llandilo Applicant: Sharon Jones Architectural Design; Owner: Adam John McBurney & Tennille Gay McBurney

Mr McBurney, owner of the property spoke in opposition to the recommendation and requested that Council furnish him with information he is seeking and requested Council to defer the matter pending receipt of this information.

Ms Izabella Paruit

Item 10 – Environmental Assessment for the Remediation of the former Radium Hill Company site - Nelson Parade, Hunters Hill

Ms Paruit, affected person spoke in support of the recommendation. She expressed her position to oppose the transfer of restricted solid waste from the former Radium Hill Company, Hunters Hill Site to the SITA facility in Kemps Creek. Ms Paruit expressed her concerns regarding the safety of the community and indicated some of the other alternatives that could be considered.

28 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Ross Fowler OAM that an extension of time be granted to enable the speaker to complete her address, the time being 8:02pm.

Ms Paruit concluded by expressing the concerns raised by the local community and spoke about the monitoring regime required for the radioactive waste and the intergenerational issues associated with the transfer of the restricted solid waste to Kemps Creek.

Ms Suzie Wright

Item 10 – Environmental Assessment for the Remediation of the former Radium Hill Company site - Nelson Parade, Hunters Hill

Ms Wright, concerned citizen spoke in support of the recommendation. She indicated her opposition to uranium mining and the industry uses of uranium. Ms Wright expressed concerns about the transparency of the process. Ms Wright indicated concerns about the volume of restricted solid waste and the separation process of hazardous waste material and the averaging of restricted solid waste across the Hunters Hill site. Ms Wright also expressed concerns about the onsite storage of the restricted waste material.

29 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that an extension of time be granted to enable the speaker to complete her address, the time being 8:08pm

Ms Wright concluded by requesting Council provide a public meeting with guest speakers and experts to address the community with regards to the science of restricted solid waste and the options available for storing and transferring restricted solid waste appropriately.

RESUMPTION OF STANDING ORDERS

30 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ben Goldfinch that Standing Orders be resumed, the time being 8:17pm.

MAYORAL MINUTES

Councillor Michelle Tormey left the meeting, the time being 8:17pm.

Councillor Michelle Tormey returned to the meeting, the time being 8:19pm.

2 [Recipients of the Louise Petchell 'Learning for Sustainability' Scholarship 2013](#)

Councillor Karen McKeown spoke in support of the Mayoral Minute.

31 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown that the Mayoral Minute on Recipients of the Louise Petchell 'Learning for Sustainability' Scholarship 2013 be received.

1 [Local Government Association of New South Wales -Long Service Awards](#)

Councillors Ross Fowler OAM, John Thain and Ben Goldfinch spoke in support of the Mayoral Minute.

32 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM that the Mayoral Minute on Local Government Association of New South Wales -Long Service Awards be received.

His Worship the Mayor, Councillor Mark Davies presented the Long Service Awards to Emeritus Mayor, Councillor Greg Davies and Councillors Jackie Greenow and Jim Aitken OAM.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Local Traffic Committee Meeting held on 4 February 2013](#)

33 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 4 February, 2013 be adopted.

2 [Report and Recommendations of the Policy Review Committee Meeting held on 11 February 2013](#)

34 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 11 February, 2013 be adopted.

DELIVERY PROGRAM REPORTS

A LEADING CITY

Procedural Motion

35 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Marcus Cornish that Item 10 be dealt with first.

Having previously declared a Pecuniary Interest in *Item 10 – Environmental Assessment for the Remediation of the former Radium Hill Company site - Nelson Parade, Hunters Hill*, His Worship the Mayor, Councillor Mark Davies vacated the Chair and left the meeting, the time being 8:32pm.

10, the time being 8:32pm.

10 [Environmental Assessment for the Remediation of the former Radium Hill Company site - Nelson Parade, Hunters Hill](#)

Councillor Tricia Hitchen arrived, the time being 8:35pm.

36 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Prue Car

That:

1. The information contained in the report on Environmental Assessment for the Remediation of the former Radium Hill Company site - Nelson Parade, Hunters Hill be received.
2. Council remains opposed to any waste materials being transferred from any site in Nelson Parade, Hunters Hill to the SITA Facility in Kemps Creek.
3. Council write to the Minister for the Environment and express its strong objection to having only one waste management facility in NSW licensed to accept Restricted Solid Wastes.

Councillor Michelle Tormey called for a DIVISION.

For

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM

Against

Councillor Tricia Hitchen
Councillor Ben Goldfinch
Councillor Bernard Bratusa
Councillor Marcus Cornish

Councillors Ben Goldfinch, Bernard Bratusa and Marcus Cornish abstained from voting and therefore were taken to have voted against the motion.

On being PUT to the meeting the MOTION was CARRIED.

Deputy Mayor, Councillor Ross Fowler OAM adjourned the meeting, the time being 9:30pm.

His Worship the Mayor, Councillor Mark Davies, returned to the meeting and took the Chair, the time being 9:36pm.

His Worship the Mayor, Councillor Mark Davies, reconvened the meeting, the time being 9:36pm.

5 Summary of Investments and Banking for the period 1 January 2013 to 31 January 2013

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

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 January 2013 to 31 January 2013 be received
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 January 2013 to 31 January 2013 be noted and accepted.
3. The graphical investment analysis as at 31 January 2013 be noted.

1 Webcasting of Council Meetings

A MOTION was MOVED by Councillor Prue Car seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Webcasting of Council Meetings be received.
2. A further report with specific costings be brought back to Council
3. Council undergo consultation through the strategic planning process on the demand for webcasting of Council Meetings and also refer the matter to the Access Committee for comment.
4. Council reaffirm its commitment to open, transparent and accountable local government.

38 An AMENDMENT was MOVED by Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the information contained in the report on Webcasting of Council Meetings be received.

The AMENDMENT was PUT.

Councillor Michelle Tormey called for a DIVISION.

For

Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen

Against

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey

Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

Councillor Jackie Greenow

The AMENDMENT was CARRIED and on becoming the SUBSTANTIVE MOTION was also CARRIED.

Councillor Michelle Tormey called for a DIVISION.

For

Against

Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow

2 Organisational Performance Report - December 2012

Councillor Ben Goldfinch left the meeting, the time being 9:59pm.

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

That:

1. The information contained in the report on Organisational Performance Report - December 2012 be received.
2. The *Organisational Performance Report - December 2012* as at 31 December 2012, including the revised estimates outlined in this report and detailed in the attached – *Organisational Performance Report – Financial Review Summary - December 2012* be adopted.

3 Urban Development Institute of Australia National Congress 2013

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

That:

1. The information contained in the report on Urban Development Institute of Australia National Congress 2013 be received.
2. Council nominate His Worship the Mayor, Councillor Mark Davies and Councillors Jim Aitken OAM and Greg Davies to attend the Urban Development Institute of Australia National Congress 2013 to be held in Melbourne from 4-7 March 2013 and grant leave of absence as appropriate.

Councillor Ben Goldfinch returned to the meeting, the time being 10:05pm.

4 [2012 Local Government Elections - 8 September 2012](#)

41 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that the information contained in the report on 2012 Local Government Elections - 8 September 2012 be received.

A CITY OF OPPORTUNITIES

6 [Development Application DA12/0961 Charter & Tourism Boating Facility at Lot 2 DP 612169 Tench Avenue, Jamisontown](#) Applicant: **Stimson Consultant Services Pty Ltd; Owner: Penrith City Council**

42 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Development Application DA12/0961 Charter & Tourism Boating Facility at Lot 2 DP 612169 Tench Avenue, Jamisontown be received.
2. Development Application DA12/0961 Charter & Tourism Boating Facility at Lot 2 DP 612169 Tench Avenue, Jamisontown be determined by granting Deferred Commencement consent subject to the following conditions.

Schedule 1 : Conditions to be Complied with Prior to Consent Becoming Operational:

- a. Within six (6) months from the date of decision of this Deferred Commencement, the applicant shall amend and re-submit to Penrith City Council all supporting documents detailing the implementation a pontoon for the operation of the Charter and Tourism Boating Facility, while ensure public access to the existing landing at all times.
- b. Within six (6) months from the date of decision of this Deferred Commencement, a licence is to be obtained from Penrith Council for the use of the existing landing.

Contact Council's Property Development Department on (02) 4732 7777 in relation to obtaining an appropriate licence and payment of applicable fees.

Schedule 2

Standard Conditions

- A001 Approved plans that are architecturally drawn
A003 Deferred Commencement use
A007 Variable time period

This consent is limited to a period until 31 December 2016. Prior to the expiry date of this consent, the applicant will be required to submit a new development application for any continuance of the use.

A029 Hours of operation & delivery times

The operating hours are from 9:30am to one hour prior to sunset, Monday to Sunday.

E006 Disabled access and facilities

Special Conditions of Consent

1. Prior to the commencement of the use, an Accessibility Report is to be prepared addressing the Disability (Access to Premises - Buildings) Standards 2010, in particular detailing the following:

- An accessible path of travel is to be provided from the existing landing to the pontoon.
- An accessible path of travel from the existing car park within Tench Reserve to the pontoon.

In the event that construction works are required within Tench Reserve, a separate Development Application is to be submitted for these works.

2. Prior to the commencement of the use, a Plan of Management is to be prepared in consultation with the Nepean Rowing Club New South Wales Rowing and Sydney International Regatta Centre. The to ensure the operation of the Charter and Tourism Boating Facility does not conflict or interfere with rowing events to be held on the Nepean River.

3. Prior to the commencement of the use, an operational plan is to be prepared and submitted to Council for approval, which includes, but is not limited to the following details:

- Plans detailing the users of the paddle boats are limited to an area north of the existing landing and outside of the existing rowing lanes within the Nepean River. The area is to be marker through the use of buoys.
- Details of the placement of the marker buoys within the Nepean River and their subsequent removal during a major rowing event.
- Details relating to the operation of the Charter and Tourism Boating Facility without limiting access to the existing landing for other users of the Nepean River.
- Details of sales and management of the Charter and Tourism Boating Facility within the pontoon area.
- Procedures for the movement of the paddle boats and associated pontoon from the storage site, being Lot 31 DP 772196, to the existing landing.
- Safety procedures to protect the users of the paddleboats, including access to a safety boats to assist in the rescue/ return of the paddleboats.

4. Prior to the commencement of the use, details are to be submitted to

- Penrith Council for approval relating to the implementation of advertising for the Nepean Belle on the paddleboats.
5. The operation of amplified music is not permitted in conjunction with the Charter and Tourism Boating Facility.
 6. Life jackets are to be worn by hirers at all times when on the paddle boats.
 7. The pontoon and paddle boats are to be removed from the Nepean River at the end of each day and store within Lot 31 DP 772196, No. 102 Factory Road Regentville.
 8. The Charter and Tourism Boating Facility is not to operate during times of flood or any rise in river height.
 9. The operation of the Charter and Tourism Boating Facility is limited to the use of nine (9) paddleboats on the Nepean River at anyone time.
 10. The operation of the Charter and Tourism Boating Facility is not to result in the exclusive use of the existing landing.
 11. At no time are paddle boats are to be stored on the banks of the Nepean River or with Tench Reserve.
 12. The area of operation shall be maintained in a clean and tidy manner at all times
 13. At no times are paddle boats to interfere with the use of existing boat ramp.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Against

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

7 **Development Application DA12/0823 for a Detached Dual occupancy at Lot 6 DP 817264 (No. 1a) Leonay Parade, Leonay Applicant: Mullane Planning Consultants Pty Limited; Owner: Zac Homes Developments Pty Ltd**

Councillor Marcus Cornish left the meeting, the time being 10:21pm.

Councillor Marcus Cornish returned to the meeting, the time being 10:22pm.

A MOTION was MOVED by Councillor John Thain seconded by Councillor Marcus Cornish that the matter be deferred to the next Ordinary Council meeting.

43 An AMENDMENT was MOVED by Councillor Greg Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Development Application DA12/0823 for a Detached Dual occupancy at Lot 6 DP 817264 (No. 1a) Leonay Parade, Leonay be received.
2. Development Application DA12/0823 for a Detached Dual occupancy at Lot 6 DP 817264 (No. 1a) Leonay Parade, Leonay be approved subject to the following conditions:

Standard Conditions

- | | | |
|-----|------|--|
| 2.1 | A001 | Approved plans |
| | A008 | Works to BCA requirements |
| | A009 | Residential works DCP |
| | A019 | Occupation Certificate |
| | A039 | Graffiti |
| | A046 | Obtain Construction Certificate before commencement of works |
| | B005 | Mud/Soil |
| | D001 | Implement approved sediment and erosion control measures |
| | D005 | No filling without prior approval |
| | D009 | Covering of waste storage area |
| | D010 | Appropriate disposal of excavated or other waste |
| | E001 | BCA compliance |
| | E005 | Smoke detectors |
| | G003 | Section 73 |
| | G004 | Integral Energy |

H001	Stamped plans and erection of site notice
H002	Provision of site facilities prior to commencement of construction works
H006	Implementation of waste management plan
H014	Slabs/footings
H041	Hours of construction work
K041	Infrastructure restoration fees
K101	Works at no cost to Council
K202	Roads Act - Minor Works
K208	Stormwater drainage
K221	Access and manoeuvring
K501	Roads Authority Clearance
L001	Approved landscaping plans
L005	Planting of plant material
L006	Landscaping to Australian Standard
L008	Tree preservation order
N001	Section 94 Contributions
P001	Costs
Q01F	Notice of commencement and appointment of PCA
Q006	Occupation Certificate

Special Conditions

- 2.2 Noise levels within the dwellings shall not exceed the relevant noise criteria detailed in “Noise Report – Road Traffic Noise Intrusion Report: 6 Leonay Parade, LEONAY” (Report No. 4906), prepared by Day Design and dated 3 August 2012. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and **shall be shown on plans accompanying the Construction Certificate application.**
- 2.3 A Certificate is to be obtained from a qualified acoustic consultant certifying that the buildings have been constructed to meet the noise criteria in accordance with the above report. This certificate is to be submitted to the Principal Certifying Authority **prior to the issue of the Occupation Certificate.**
- 2.4 The air conditioning units shall be installed in accordance with the approved plans. The noise levels emitted by the air conditioning unit shall not exceed 5dB(A) above the ambient background noise level measured at the property boundary.

- 2.5 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
 - 2.6 Trucks entering and leaving the site carrying construction materials that may generate dust shall be covered.
 - 2.7 Stockpiles of soil or other materials shall be covered or sprayed with water on a regular basis, particularly during dry or windy conditions.
 - 2.8 All vehicles are to enter and leave the site in a forward direction.
 - 2.9 All vehicles are to be wholly contained on site before being required to stop.
 - 2.10 Any existing or proposed landscaping and/or fencing must not restrict sight distance of approaching traffic travelling along Leonay Parade, Leonay.
 - 2.11 All works associated with the proposed development shall be at no cost to NSW Roads and Maritime Service.
 - 2.12 **Prior to the issue of an Occupation Certificate** ‘No Stopping’ signage shall be installed across the full frontage of the Lot at no cost to Council.
 - 2.13 **Prior to the issue of an Occupation Certificate**, a lighting system shall be installed to provide uniform lighting across adjoining laneway, common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 “Control of the obtrusive effects of outdoor lighting” (1997).
 - 2.14 Security fittings / locks to all external doors and windows shall be installed prior to the issue of an occupation certificate.
 - 2.15 A fence of see through construction not more than 1.8m high shall be provided front of the building alignment along Pamela Lane. Details shall be submitted with the application for a Construction Certificate.
3. The applicant be requested to investigate, in consultation with the adjoining residents, measures to improve the safety of the laneway for Crime Prevention through Environmental Design and investigate the possibility of a slip lane for vehicular access from Leonay Parade.

The AMENDMENT was PUT.

The AMENDMENT was CARRIED and on becoming the SUBSTANTIVE MOTION was also CARRIED.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For	Against
Councillor Greg Davies	Councillor Prue Car
Councillor Jackie Greenow	Councillor John Thain
Councillor Kevin Crameri OAM	Councillor Karen McKeown
Councillor Jim Aitken OAM	Councillor Michelle Tormey
Councillor Ross Fowler OAM	Councillor Bernard Bratusa
Councillor Ben Goldfinch	Councillor Marcus Cornish
Councillor Tricia Hitchen	
Councillor Mark Davies	

8 [The Penrith Progression](#)

Councillor Prue Car left the meeting, the time being 10:34pm.

Councillor Prue Car returned to the meeting, the time being 10:36pm.

44 A MOTION was moved by Councillor Jim Aitken OAM seconded Councillor Marcus Cornish

That:

1. The information contained in the report on The Penrith Progression be received.
2. \$100,000 against the Glenmore Park Stage 2 land owner's contribution is advanced to the PBA to commence Stage 3 of *The Penrith Progression*.
3. A further report is provided to the Economic Opportunities Working Party once the cost plan has been prepared for the remainder of The Penrith Progression.

An AMENDMENT was MOVED by Councillor Michelle Tormey and seconded by Councillor Kevin Crameri OAM

That:

1. The information contained in the report on The Penrith Progression be received.
2. The \$100,000 against the Glenmore Park Stage 2 land owner's contribution is advanced to the PBA to commence Stage 3 of *The Penrith Progression* be deferred for further consideration in conjunction with the Community Engagement Framework reports to be furnished at a future Councillor Briefing.
3. A full briefing report be provided to all Councillors on the work of the Penrith Progression and the Penrith Business Alliance Board to date with the briefing to include information on the Voluntary Planning Agreement for Glenmore Park Stage 2; on what contributions were required from developers by Council and why the employment contributions raised from the developer are being returned to the developer and business dominated Penrith Business Alliance Board to progress the Penrith Progression.
4. The report on the Community Engagement Framework being used by the

Penrith Progression project to include a list of community representatives on the Penrith Business Alliance Board, how they were elected to the Board and which community groups they are elected to represent.

The AMENDMENT was PUT.

The AMENDMENT was LOST.

The MOTION was PUT.

The MOTION was CARRIED.

Councillor Michelle Tormey called for a DIVISION.

For

Against

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

Councillor Michelle Tormey
Councillor Kevin Crameri OAM

9 [Development Application DA12/0308 at Lot 1 DP237071 \(No. 265\) Seventh Avenue. Llandilo](#) Applicant: Sharon Jones Architectural Design; Owner: Adam John McBurney & Tennille Gay McBurney

Councillor Karen McKeown left the meeting, the time being 10:45pm.

Councillor Karen McKeown returned to the meeting, the time being 10:46pm.

Councillor Ross Fowler OAM left the meeting, the time being 10:56pm.

Councillor John Thain left the meeting, the time being 10:57pm.

Councillor Ross Fowler OAM returned to the meeting, the time being 10:58pm.

Councillor John Thain returned to the meeting, the time being 10:59pm.

A MOTION was MOVED by Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that the matter be deferred pending the provision of information to the Applicant as requested by the Applicant.

45 An AMENDMENT was moved by Councillor Greg Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report for Development Application DA12/0308 at Lot 1 DP237071 (No. 265) Seventh Avenue. Llandilo be received.
2. Development Application DA12/0308 at Lot 1 DP237071 (No. 265) Seventh

Avenue. Llandilo be refused for the following reasons:

- (i) Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act, 1979 – The proposed development is inconsistent with the following objectives of the RU4 zone under Penrith Local Environmental Plan 2010:
 - a) *is compatible with the flood hazard of the land, and*
 - b) *if located in a floodway, is compatible with the flow conveyance function of the floodway and the flood hazard within the floodway, and*
 - c) *is not likely to adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
 - d) *is not likely to significantly alter flow distributions and velocities to the detriment of other properties or the environment, and*
 - e) *is not likely to adversely affect the safe and effective evacuation of the land and the surrounding area, and*
- (ii) Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979 – The proposed development is inconsistent with the following provisions of Penrith Development Control Plan 2010.

Flood Hazard Classifications

- a) *Council will consider development on flood liable land but will not grant consent to development in floodways or in high hazard areas.*
 - b) *Consideration will be given to such matters as depth and nature of flood waters, whether the area forms flood storage, the nature and risk posed to the development by flood waters, the velocity of floodwaters and the speed of inundation, and whether the development lies in an area classed as a 'floodway', 'flood fringe area' or 'flood storage area'.*
 - (iii) Section 79C(1)(c) of the Environmental Planning and Assessment Act, 1979 – The proposal is located in a floodway and is not considered to be in accordance with the Local Environmental Plan 2010 and Development Control Plan 2010 and as a result is unsuitable for the subject site.
3. Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979 – The proposed development will impact on the flood characteristics of the floodway. The cumulative effect of future like development could further increase potential impacts on the flood characteristics of the floodway to the detriment of the occupiers of the subject land, present and future owners, property and the community and is therefore not in the public interest.

The AMENDMENT was PUT.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For	Against
Councillor Prue Car	Councillor Michelle Tormey
Councillor Greg Davies	Councillor Jackie Greenow
Councillor John Thain	Councillor Kevin Crameri OAM
Councillor Karen McKeown	Councillor Bernard Bratusa
Councillor Jim Aitken OAM	Councillor Marcus Cornish
Councillor Ross Fowler OAM	
Councillor Ben Goldfinch	
Councillor Tricia Hitchen	
Councillor Mark Davies	

The AMENDMENT became the SUBSTANTIVE MOTION.

The MOTION was PUT.

The MOTION was CARRIED.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For	Against
Councillor Prue Car	Councillor Michelle Tormey
Councillor Greg Davies	Councillor Jackie Greenow
Councillor John Thain	Councillor Kevin Crameri OAM
Councillor Karen McKeown	Councillor Bernard Bratusa
Councillor Jim Aitken OAM	Councillor Marcus Cornish
Councillor Ross Fowler OAM	
Councillor Ben Goldfinch	
Councillor Tricia Hitchen	
Councillor Mark Davies	

A GREEN CITY

11 [Penrith Recycled Water Scheme - Stage 2](#)

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

That:

1. The information contained in the report on Penrith Recycled Water Scheme - Stage 2 be received.
2. Council not proceed with the Penrith Recycled Water Scheme – Stage 2 project at this time.
3. The government funding authorities be thanked for their interest in the project and any unspent funds be returned to them.
4. Council write to the Local Members, to thank them for their ongoing commitment and support to the project.

Having previously declared a Pecuniary Interest in Item 12, Deputy Mayor, Councillor Ross Fowler OAM left the meeting, the time being 11:07pm.

Councillor Kevin Cramer OAM left the meeting, the time being 11:07pm.

12 [Tender Reference 12/13-12, Supply and Delivery of Compostable and Biodegradable Bags and/or Distribution of Bags to Penrith City Residents](#)

47 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Greg Davies

That:

1. The information contained in the report on Tender Reference 12/13-12, Supply and Delivery of Compostable and Biodegradable Bags and/or Distribution of Bags to Penrith City Residents be received.
2. The matter be deferred until further information is provided to all Councillors regarding the assessment process for this tender.
3. A report be brought to a future Policy Review Committee meeting detailing tendering processes at Council generally.

Councillor Ross Fowler OAM returned to the meeting, the time being 11:13pm.

Councillor Kevin Cramer OAM returned to the meeting, the time being 11:13pm.

Having previously declared a Pecuniary Interest in Item 15, Councillor Ben Goldfinch left the meeting, the time being 11:16pm.

A LIVEABLE CITY

15 [Tender Reference 12/13-13 - Construction Works to Amenities Block at Leonay](#)

48 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Tender Reference 12/13-13 - Construction Works to Amenities Block at Leonay be received.
2. The tender for the construction works to the amenities block for the amount of \$174,603 (ex GST) from Westco Building Consultants Pty Ltd be accepted.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

16 Tough Mudder Special Event - Traffic Management Plan Endorsement

49 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Tough Mudder Special Event - Traffic Management Plan Endorsement be received.
2. The event applicant be advised that this is a Class 1 Event under the “*Guide to Traffic and Transport Management for Special Events*”, and that all conditions and requirements specified in the Guide must be complied with prior to the event.
3. The Traffic Management Plan submitted by the event applicant detailing the proposed traffic diversions for the event to be held on 13 and 14 April 2013 be endorsed. The subsequent Traffic Control Plans incorporating all traffic devices be implemented in accordance with the Traffic Management Plan.
4. A Transport Management Plan including a Risk Management Plan be lodged by the event applicant with the Roads and Maritime Services for concurrence, prior to the event. A copy of the Roads and Maritime Services Traffic Management Centre’s approval must be submitted to Council prior to the event.
5. The event applicant obtain separate approval from the NSW Police and submit a Schedule 1 Form under the Summary Offences Act to the NSW Police prior to the event. A copy of the NSW Police approval must be submitted to Council prior to the event.
6. The applicant must submit to Council a copy of Public Liability Insurance (usually a Certificate of Currency) of minimum \$10 million, prior to the event. In addition, the applicant indemnify Council in writing against all claims for damage and injury which may result from the proposed event.
7. A detailed series of Traffic Control Plans shall be prepared by a qualified and certified professional and submitted to Council, the Roads and Maritime Services and NSW Police prior to the event.
8. The event applicant arrange to place barricades and traffic cones and provide Roads and Maritime Services accredited Traffic Controllers where required by the endorsed Traffic Management Plan. Where the Traffic Management and Traffic Control Plans indicate Traffic Controllers are to be used, all Traffic Controllers must have current Roads and Maritime Services certification.
9. The event applicant must provide advice to Council prior to the event that the event complies with the NSW Occupational Health & Safety Act 2000 and the NSW Occupational Health & Safety Regulations 2001.
10. The event applicant advertise the proposed traffic diversions in local newspapers and other media as described in the Traffic Management Plan, a minimum of two weeks prior to the event.
11. The event applicant notify ambulance and fire brigade (NSW Fire Brigade and Rural Fire Service) and State Emergency Services of the proposed event

and submit a copy of the notification to Council prior to the event.

12. The event applicant notify private bus companies and coach organisations and taxi companies of the proposed event and submit a copy of the notification to Council prior to the event.
13. The event applicant shall ensure that noise control measures are in place as required by the Protection of the Environment Operations (Noise Control) Regulation 2000.
14. All works as part of this approval are conducted at no cost to Council.
15. The event applicant to ensure that foliage is cleared near both the access driveways to Fernhill Estate in order to improve sight distances for exiting vehicles.
16. The event applicant to ensure that access driveway aprons are sealed with a spray seal or similar in order to minimise rubble spilling onto Mulgoa Road.
17. The applicant be advised of Council's resolution.

Councillor Ben Goldfinch returned to the meeting, the time being 11:17pm.

13 [Penrith City Centre Public Domain Masterplan](#)

50 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Penrith City Centre Public Domain Masterplan be received.
2. The Final Draft Masterplan Report be endorsed for public exhibition.

Councillor Michelle Tormey called for a DIVISION.

For

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Mark Davies

Against

Councillor Kevin Crameri OAM
Councillor Marcus Cornish

14 Energy Efficient Public Lighting Business Case

51 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Energy Efficient Public Lighting Business Case be received.
2. A further report be provided to Council, once the results of the submitted Round 2 CEEP applications are announced.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Request for Memorandum regarding LEP and Building Size on land at Sixth Avenue Llandilo

Councillor Marcus Cornish requested a memorandum be sent to all Councillors regarding the building rights and building size requirements and what needs to be obtained in order to enable building rights on land in Sixth Avenue Llandilo with respect to the LEP and other relevant planning instruments.

RR 2 Report regarding Free WiFi

Councillor Tricia Hitchen requested a report to Council detailing the costing and the cost benefit analysis for the provision of free WiFi in the Penrith CBD and Memory Park Area.

RR 3 Report and Briefing regarding the Penrith Progression and Penrith Business Alliance

Councillor Michelle Tormey requested a briefing on the work and operation of the Penrith Progression and the Penrith Business Alliance Board to date and all available Councillors are invited to attend this briefing.

Councillor Marcus Cornish left the meeting, the time being 11:25pm.

Councillor Marcus Cornish returned to the meeting, the time being 11:26pm.

RR 4 Request to investigate the recording of voting in Council meeting minutes

Councillor Michelle Tormey requested that when the Code of Meeting Practice is next reviewed there be a consideration of recording in the minutes of the meeting the vote of each individual Councillor on each motion.

RR 5 Request for Memorandum regarding the placement of signage at Woodriff Gardens Tennis Courts

Councillor Karen McKeown requested a memorandum providing information on the increasing amount of signage being placed at the tennis courts and that the memorandum provide information on revenue and council policy regarding signage being placed at the tennis courts.

RR 6 Request for Report on Badgerys Creek Airport

Councillor John Thain requested a report to Council on the history of Badgerys Creek Airport and its current situation including the latest position of WSROC with regards to the proposal.

RR 7 Request for Urgent Memorandum regarding the state of Bren Close, St Clair

Councillor Greg Davies requested an urgent memorandum detailing solutions to rectify the badly damaged surface due to trucks turning in the cul-de-sac.

RR 8 Request for Report regarding government consultation with Council

Councillor Greg Davies requested a report to Council addressing the lack of consultation by government departments when selling land that Council has shown interest in for community use.

RR 9 Request for memorandum regarding the erection of a fence in Erskine Park

Councillor Greg Davies requested a memorandum regarding an update to the erection of a fence in Erskine Park as per previous requests.

RR 10 Request for Report regarding Pedestrian Crossing at the East Side of Kmart, Penrith

Councillor Kevin Crameri OAM requested a report to Council providing information on the safety issues relating to the pedestrian crossing on the east side of Kmart leading back to South Penrith.

RR 11 Request for Memorandum regarding Hunters Hill chronology of events

Councillor Kevin Crameri OAM requested a memorandum be sent to all Councillors providing a chronology of events including meeting minutes and correspondence in relation to the Hunters Hill matter between June 2010 and November 2010.

RR 12 Request for Memorandum regarding grass cutting

Councillor Kevin Crameri OAM requested a memorandum regarding the long grass on the south west corner of the Northern Road and Great Western Highway.

RR 13 Request for rubbish removal

Councillor Kevin Crameri OAM requested for rubbish to be removed from Seventh Avenue and between Terrybrook Road and Northern Road, Llandilo.

RR 14 Request for pest spraying

Councillor Kevin Crameri OAM requested for Gaymark Lane to be sprayed for cockroaches.

RR 15 Request for Report regarding M4 East and the proposed west annex

Councillor Prue Car requested a report to Council on the different plans being proposed for both a possible M4 East and the proposed west annex. The report should include the proposed routes, possible funding opportunities, possible tolling arrangements and improvements in estimated travel times.

RR 16 Request for Report regarding the odour in St Clair and Erskine Park

Councillor Prue Car requested a report to Council providing an update on the management of odour in St Clair and Erskine Park coming from surrounding tips.

URGENT BUSINESS

UB 1 Voted Works - Plaque to celebrate 200 years since the crossing of the Blue Mountains

Councillor Ben Goldfinch requested up to \$1500 be allocated and divided equally from each Ward's Voted Works to fund the purchase of a plaque to celebrate 200 years since the crossing of the Blue Mountains and requested for a memorandum to be sent to all Councillors detailing the actual cost for the purchase of the plaque.

52 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Karen McKeown that the matter be brought forward and dealt with as a matter of urgency.

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

53 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Karen McKeown that up to \$1500 be allocated and divided equally from each Ward's Voted Works to fund the purchase of a plaque to celebrate 200 years since the crossing of the Blue Mountains and for a memorandum to be sent to all Councillors detailing the actual cost for the purchase of the plaque.

UB 2 Leave of Absence Request

Councillor Ross Fowler OAM requested leave of absence from 8 March to 25 March 2013 inclusive.

54 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Tricia Hitchen that the matter be brought forward and dealt with as a matter of urgency.

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

55 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Tricia Hitchen that leave of absence for Councillor Ross Fowler OAM be granted from 8 March to 25 March 2013 inclusive.

UB 3 Leave of Absence Request

Councillor Prue Car requested leave of absence for a period of 6 weeks with dates to be advised at a later time.

56 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Karen McKeown that the matter be brought forward and dealt with as a matter of urgency.

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

57 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Karen McKeown that leave of absence for Councillor Prue Car be granted for a period of 6 weeks with dates to be advised at a later date.

Having previously declared a Pecuniary Interest in *Item 10 – Environmental Assessment for the Remediation of the former Radium Hill Company site - Nelson Parade, Hunters Hill*, as Urgent Business 4 is a matter related to the subject of Item 10, His Worship the Mayor, Councillor Mark Davies vacated the Chair and left the meeting, time being 11:48pm.

Deputy Mayor, Councillor Ross Fowler OAM then took the Chair for consideration of Urgent Business 4, the time being 11:48pm.

UB 4 Public rally support regarding radioactive waste from Nelson Parade Hunters Hill

Councillor Prue Car requested

That:

1. Council pay for the hire of the Joan Sutherland Performing Arts Centre for a public rally in April about the State Government's proposal to bring radioactive waste from 7 – 9 and 11 Nelson Parade, Hunters Hill to the SITA facility at Kemps Creek.
2. Council work with the action group to arrange and pay for the advertising of the event.
3. A further report detailing the cost of hiring Joan Sutherland Performing Arts Centre and options for alternative venues be brought to the next Policy Review Committee meeting on 11 March 2013.

58 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor John Thain that the matter be brought forward and dealt with as a matter of urgency.

The Deputy Mayor, Councillor Ross Fowler OAM, ruled that the matter was urgent and should be dealt with at the meeting.

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

1. A further report detailing the cost of hiring suitable potential venues for a public rally in April about the State Government's proposal to bring radioactive waste from 7 – 9 and 11 Nelson Parade, Hunters Hill to the SITA facility at Kemps Creek and assistance Council may be able to provide in terms of advertising the event be brought to the next Policy Review Committee meeting on 11 March 2013.

His Worship the Mayor, Councillor Mark Davies, returned to the meeting and took the Chair, the time being 11:49pm.

Councillor Ben Goldfinch left the meeting, the time being 11:49pm.

UB 5 Committee of the Whole

Councillor Kevin Crameri OAM advised that he had a matter of a confidential nature to be considered, and requested that it be considered in Committee of the Whole as it refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Councillor Ben Goldfinch returned to the meeting, the time being 11:51pm.

COMMITTEE OF THE WHOLE

60 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Jackie Greenow that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 11:51pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Jim Aitken OAM seconded Councillor Jackie Greenow that the press and public be excluded from Committee of the Whole to deal with the following matters:

A Leading City

2 [Council Property - Lease Assignment of Shop 3 at Gaymark Place 134-138 Henry Street Penrith](#)

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.

3 Commercial Matter – Lease Accommodation Proposal – Penrith CBD

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.

4 Urgent Business – Personnel Matter

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.

The meeting resumed at 12:05am and the General Manager reported that the Committee of the Whole met at 11:51pm on 25 February 2013, the following being present

His Worship the Mayor, Councillor Mark Davies, Deputy Mayor, Councillor Ross Fowler OAM and Councillors Jim Aitken OAM, Bernard Bratusa, Prue Car, Kevin Crameri OAM, Marcus Cornish, Greg Davies, Ben Goldfinch, Jackie Greenow, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

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 [Council Property - Lease Assignment of Shop 3 at Gaymark Place 134-138 Henry Street Penrith](#)

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish

CW2 That:

1. The information contained in the report on Council Property - Lease Assignment of Shop 3 at Gaymark Place 134-138 Henry Street Penrith be received.
2. Council grant lease assignment from Austinly Industrial Pty Limited to David Wainwright Ellis and Andrew David Ellis in accordance with the terms and conditions set out in the report.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

3 Commercial Matter – Lease Accommodation Proposal – Penrith CBD

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish

CW3 That:

1. The verbal report given in relation to the Lease Accommodation Proposal – Penrith CBD be received.
2. The proposed submission be endorsed and lodged.

4 Urgent Business – Personnel Matter

CW4 That Councillor Kevin Crameri OAM’s request and the information concerning the personnel matter be received and that the requested action be undertaken.

ADOPTION OF COMMITTEE OF THE WHOLE

61 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, CW3 and CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 12:06am.

I certify that these 27 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 25 February 2013.

Chairperson

Date