

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

**ON MONDAY 24 FEBRUARY 2014 AT 7:34PM**

**NATIONAL ANTHEM**

The meeting opened with the National Anthem.

**STATEMENT OF RECOGNITION**

His Worship the Mayor, Councillor Ross Fowler OAM 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 Ross Fowler OAM, Deputy Mayor, Councillor Jim Aitken OAM and Councillors Bernard Bratusa, Prue Car, Kevin Crameri OAM, Marcus Cornish, Greg Davies, Mark Davies, Maurice Giroto, Ben Goldfinch, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey (arrived 7:41pm).

His Worship the Mayor, Councillor Ross Fowler OAM read a statement expressing Council's condolences to the family of Samuel Morris who recently passed away.

The meeting observed a minute's silence at 7.39pm.

**LEAVE OF ABSENCE**

24 February 2014 to 6 March 2014 inclusive.

**APOLOGIES**

26 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor John Thain that an apology be received for Councillor Ben Goldfinch.

Councillor Michelle Tormey arrived at the meeting, the time being 7:41pm.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 3 February 2014**

27 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that the minutes of the Ordinary Meeting of 3 February 2014 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Tricia Hitchen declared a Pecuniary Interest in *Item 1 - Development Application DA13/0604 for Self-Storage Unit Building with associated Car Parking, Landscaping and Site Works at Lot 8 DP 1105133, (No. 142) Old Bathurst Road, Emu Plains* as she is the owner of the land subject to the Development Application. Councillor Hitchen indicated she

would leave the room for consideration of the matter.

His Worship the Mayor, Councillor Ross Fowler OAM declared a Pecuniary Interest in *Item 1 - Development Application DA13/0604 for Self-Storage Unit Building with associated Car Parking, Landscaping and Site Works at Lot 8 DP 1105133, (No. 142) Old Bathurst Road, Emu Plains* as he is Accountant for the owner of the land subject to the Development Application. The Mayor indicated he would leave the room, and the Deputy Mayor Councillor Jim Aitken OAM would take the Chair for consideration of this matter.

## MAYORAL MINUTE

### 1 [Four staff awarded Louise Petchell Sustainability Scholarships](#)

Councillors Jim Aitken OAM and Michelle Tormey spoke in support of the Mayoral Minute.

28 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Karen McKeown that the Mayoral Minute on Four staff awarded Louise Petchell Sustainability Scholarships be received.

## REPORTS OF COMMITTEES

### 1 [Report and Recommendations of the Local Traffic Committee Meeting held on 3 February 2014](#)

29 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marcus Cornish that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 3 February, 2014 be adopted.

### 2 [Report and Recommendations of the Policy Review Committee Meeting held on 10 February 2014](#)

30 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 10 February, 2014 be adopted.

## DELIVERY PROGRAM REPORTS

### OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

Having previously declared Pecuniary Interests in Item 1, His Worship the Mayor, Councillor Ross Fowler OAM and Councillor Tricia Hitchen left the room, the time being 7:54pm.

Deputy Mayor, Councillor Jim Aitken OAM took the Chair for consideration of Item 1, the time being 7:54pm.

**1 [Development Application DA13/0604 for Self-Storage Unit Building with associated Car Parking, Landscaping and Site Works at Lot 8 DP 1105133, \(No. 142\) Old Bathurst Road, Emu Plains](#)**

31 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Development Application DA13/0604 for Self-Storage Unit Building with associated Car Parking, Landscaping and Site Works at Lot 8 DP 1105133, (No. 142) Old Bathurst Road, Emu Plains be received.
2. That Development Application DA13/0604 for Self-Storage Unit Building with associated Car Parking, Landscaping and Site Works at Lot 8 DP 1105133, (No. 142) Old Bathurst Road, Emu Plains be approved subject to the following conditions:

**Standard Conditions**

- 2.1 A001 Approved plans
- A019 Occupation certificate
- A026 Advertising signage
- A032 Goods in building
- A037 Positive covenant
- A039 Graffiti
- A046 Construction Certificate
- D001 Sediment and erosion controls
- D009 Waste storage
- D010 Disposal of waste
- D014 Plant and equipment noise
- E006 Disabled access and facilities
- E008 Fire safety
- E009 Annual fire safety certificate
- E01A BCA compliance class 2-9
- G002 Section 73 Certificate
- G004 Endeavour Energy
- H001 Stamped plans and erection of site notice
- H002 All forms of construction
- H011 Engineering plans and specifications
- H022 Survey
- H041 Hours of work

K027	Car parking
L001	General landscaping
L002	General landscaping construction
L003	Landscaping report requirements
L005	Planting of plant material
L006	Landscaping to Australian Standards
L007	Tree protection measures
L012	Existing landscaping
M013	Street tree planting
P001	Costs
P002	Payment of fees
Q01f	Notice of commencement
Q05f	Occupation Certificate

**Special Conditions**

- 2.2 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
- 2.3 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 2.4 The floodway area as defined in DP1105133 and the 88B instrument shall not be used for the storage of any vehicles, plant, machinery or other items likely to obstruct the free flow of floodwaters.
- 2.5 The existing surface levels and batters within the drainage easement shall not be altered.
- 2.6 The stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Kneebone, Beretta & Hall, reference number 89967-1, revision A, dated 3.6.2013.

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

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

**Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Penrith City Council's Design

Guidelines and Construction Specification for Civil Works.

- 2.7 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that the proposed development is compatible with the recommendations of the Flood Report prepared by Worley Parsons, reference number LR301015-01262-22DMC131114.dox and dated 15.11.2013.

Details prepared by a qualified person, demonstrating compliance with this report, shall form part of any Construction Certificate issued.

- 2.8 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that the structure can withstand the forces of floodwater including debris and buoyancy up to the 1% Annual Exceedence Probability Event.
- 2.9 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.
- 2.10 **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.
- 2.11 After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

- 2.12 **Prior to the issue of select an Occupation Certificate**, the Principal Certifying Authority shall ensure that the:
- a) On-site detention system/s
  - b) Stormwater pre-treatment system/s
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
  - Have met the design intent with regard to any construction variations to the approved design.
  - Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as

part of the works-as-executed drawings.

2.13 **Prior to the issue of an Occupation Certificate**, a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

2.14 All land required for vehicular access within the site is to be concreted or sealed with a bitumeous pavement.

2.15 Finished floor levels of the building shall be a minimum of RL 24.9m AHD (standard flood level + 0.5m).

2.16 All electrical services associated with the proposed building works shall be adequately flood proofed in accordance with Penrith City Council's Development Control Plan relating to flood liable land. Flood sensitive equipment (including electric motors and switches) shall also be located above RL 24.9m AHD (standard flood level + 0.5m).

2.17 **Prior to the issue of an Occupation Certificate** for the development, Development Consent No. DA11/0276 shall be surrendered to Penrith City Council in accordance with the provisions of the Environmental Planning and Assessment Act, 1979.

2.18 A total of 20 shipping containers shall be stored on the site at any one time. The storage of the shipping containers shall be stacked and arranged as per the site plan in order to minimise the visual impacts and to facilitate vehicular access throughout the site.

2.19 **Prior to the issue of an Occupation Certificate**, all landscaping, including street trees, approved under Development Consent No. 10/0289 shall be re-instated. If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation, which died or was removed.

2.20 To ensure that the hinged chain mesh screen system provided to the north and south elevations of the buildings substructure is maintained to allow the free flow of flood waters under the building, a 'positive covenant' shall be registered over the land to which the development relates, **prior to the issue of an Occupation Certificate**.

**During the construction of the development**, documentation and associated legal paperwork shall be forwarded to Penrith City Council

for consideration and endorsement which notes Council's interest in the positive covenant before the positive covenant is registered with Land and Property Information division of the Department of Lands.

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 Maurice Giroto  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Mark Davies  
Councillor Bernard Bratusa  
Councillor Marcus Cornish

His Worship the Mayor, Councillor Ross Fowler OAM returned to the meeting and resumed the Chair, the time being 7:55pm.

Councillor Tricia Hitchen returned to the meeting, the time being 7:57pm.

**OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT**

**2 [Onsite Encapsulation Feasibility - Remediation of the Former Radium Hill Company Site, Nelson Parade, Hunters Hill](#)**

32 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Onsite Encapsulation Feasibility - Remediation of the Former Radium Hill Company Site, Nelson Parade, Hunters Hill be received.
2. Council continues to be opposed to any waste materials being transferred from any site in Nelson Parade, Hunters Hill to the SITA Facility in Kemps Creek.

**OUTCOME 6 - WE'RE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT**

**3 Chameleon Reserve - Amenity Building**

33 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Chameleon Reserve - Amenity Building be received.
2. Council reallocate \$72,300, previously identified as part of the allocation of remaining funds in the Erskine Park S94 Plan, for the construction of an additional netball court and lighting at the Chameleon Reserve to the construction of an amenity building.
3. Council allocate \$20,000 available in the Section 94 Local Open Space Plan for landscaping at Chameleon Reserve, as a contribution towards the landscaping component included with the construction of an amenity building at Chameleon Reserve.
4. Consideration of a funding source for the currently unfunded component of \$61,800 form part of Council's 2014-2015 budget development process, including the identification of available grant funding opportunities.
5. Council Officers support the submission of grant applications by the Club.
6. Council seeks a contribution from the Penrith District Netball Association for the construction of an amenity building at Chameleon Reserve.
7. Council write to the Member for Smithfield, Andrew Rohan MP and the Member for Mulgoa, Tanya Davies MP requesting their support for any submissions made for grant funding.

**4 Australian Government and NSW State Government Grant Funding for Recreation and Neighbourhood Facility Projects**

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

That:

1. The information contained in the report on Australian Government and NSW State Government Grant Funding for Recreation and Neighbourhood Facility Projects be received.
2. Council accept the Australian Government's Community Development Grant Funding offer of:
  - \$20,000 to deliver a floodlight upgrade project at Hunter Fields, Emu Plains.
  - \$90,000 to deliver the provision of shade and a canteen upgrade at the Jamison Park Netball Pavilion, South Penrith.
  - \$25,500 to deliver a drainage upgrade project at Andromeda Oval,



- Cranebrook.
  - \$60,000 to deliver an upgrade to the surface and amenity awning at Greygums Reserve (Oval 2), Cranebrook.
  - \$26,000 to provide the installation of fences at Andrews Road Baseball Complex, Penrith.
  - \$45,000 to deliver a playing surface upgrade at Hickey's Park, Penrith.
- 3. Council accept the NSW Community Building Partnership Grant Funding offer of:
  - \$50,000 for the installation of new floodlights and canteen upgrade at Kevin Dwyer Fields (Roper Road).
  - \$24,985 for the installation of floodlights and drainage at Andromeda Reserve, Cranebrook.
  - \$13,977 for the upgrade of the athletics facility and Saunders Park, St Clair.
  - \$14,000 for the supply and installation of an automated field lighting at six sportsgrounds.
  - \$5,610 for the replacement of three sliding glass doors at Erskine Park Hall.
- 4. Council letters of thanks and grant acceptance are sent to the Australian Government's Minister for Infrastructure and Regional Development Australian and NSW Government's Community Partnership and the local Federal and State Members.

**5 [NRL Harmony Day Festival and U16 Harmony Day Cup](#)**

35 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on NRL Harmony Day Festival and U16 Harmony Day Cup be received.
2. Council allocate a total of \$9,000 to be allocated equally from each Ward's Voted Works to contribute to the implementation of the events planned for NRL Harmony Day.

**OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL**

**6 [2014 Australian Local Government Association \(ALGA\) National General Assembly of Local Government](#)**

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

That:

1. The information contained in the report on 2014 Australian Local Government Association (ALGA) National General Assembly of Local Government be received.

2. Council nominate His Worship the Mayor, Councillor Ross Fowler OAM as its voting delegate for the 2014 National General Assembly of Local Government.
3. Council nominate Councillors Jim Aitken OAM, Tricia Hitchen, Marcus Cornish and Michelle Tormey and any other interested Councillors to attend as observers at the 2014 National General Assembly of Local Government.
4. Leave of Absence be granted to all Councillors attending the 2014 National General Assembly of Local Government to be held in Canberra from 15-18 June 2014.
5. A further report detailing suggested motions be considered at Council's Policy Review Committee meeting to be held on 14 April 2014.

**7 Organisational Performance Report - December 2013**

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

That:

1. The information contained in the report on Organisational Performance Report - December 2013 be received.
2. The *Organisational Performance Report - December 2013* as at 31 December 2013, including the revised estimates outlined in this report and detailed in the attachment be adopted.
3. Council staff consider providing a regular report to Policy Review Committee meetings on the organisational performance of the Council.

**8 Summary of Investments and Banking for the period 1 January to 31 January 2014**

38 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 January to 31 January 2014 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 January 2014 to 31 January 2014 be noted and accepted.
3. The graphical investment analysis as at 31 January 2014 be noted.

**REQUESTS FOR REPORTS AND MEMORANDUMS**

**RR 1 Parking Restrictions - Emu Plains**

Councillor Jim Aitken OAM requested a report to Council concerning the parking restrictions in place on the Great Western Highway, Emu Plains

**RR 2 Nepean Bridge Options**

Councillor Jim Aitken OAM requested a report to Council on other options available given the now planned Jane Street extension.

**RR 3 Badgerys Creek Airport - Community Forum**

Councillor Kevin Cramer OAM requested that Council Officers start planning a community forum along the same lines as Blacktown City Council.

**RR 4 Louise Petchell Scholarship**

Councillor Karen McKeown requested a report to Council on the Louise Petchell Scholarship providing information on an annual increase in the Scholarship in line with CPI.

**RR 5 Homelessness Summit**

Councillor John Thain requested a report to Council on options to facilitate a Homelessness Summit in Penrith incorporating all the services including volunteer groups, refugees, affordable housing groups and all levels of government that can advise and recommend outcomes on how services can be improved.

**RR 6 Staff Matter**

Councillor John Thain requested that a Staff Matter be referred to the committee of the whole in tonight's agenda as the matter refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

**RR 7 Kurambee School, Werrington**

Councillor John Thain requested a memo reply concerning the provision of No Standing signs at the entrance to Kurambee School, Werrington.

**RR 8 Dunheved Road - Speeding**

Councillor Prue Car requested a memo reply through the Local Traffic Committee for an investigation into serious speeding concerns along Dunheved road, along side Werrington County Shops.

**RR 9 Increased Random Patrols - Werrington County**

Councillor Prue Car requested a memo reply asking that representations be made to St Marys Local Area Command to increase random patrols in the Werrington County Area.

**RR 10 Speeding - Chapel Street, St Marys**

Councillor Prue Car requested a memo reply asking that the Local Traffic Committee conduct an investigation into speeding along Chapel Street, St Marys.

**RR 11 St Marys Tennis Courts - Upgrade**

Councillor Prue Car requested a memo reply on the costs involved in upgrading the tennis court facilities at St Marys.

**RR 12 Speeding - Cook Park, St Marys**

Councillor Prue Car requested a memo reply asking that the Local Traffic Committee conduct an investigation into reports of speeding drivers surrounding Cook Park, St Marys.

**RR 13      Playground Equipment Removal - St Marys**

Councillor Prue Car requested a memo reply concerning the background of the removal of playground equipment at the small reserve on Cutler Avenue, St Marys and whether there are any future schedule of works.

**RR 14      Noise Complaints - M4 and Shepherd Street, Colyton**

Councillor Prue Car requested a memo reply through the Local Traffic Committee requesting the RMS investigate the noise complaints coming from residents on Shepherd Street, Colyton.

**RR 15      Pop Up Park**

Councillor Marcus Cornish requested a legal matter concerning the Pop Up Park be referred to the committee of the whole in tonight's agenda as the matter refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

**URGENT BUSINESS**

**UB 1      Leave of Absence Request**

Councillor Michelle Tormey requested leave of absence for the period 4 March 2014 until 11 April 2014 inclusive.

39 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 Ross Fowler OAM, ruled that the matter was urgent and should be dealt with at the meeting.

40 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Karen McKeown that Councillor Michelle Tormey be granted leave of absence for the period 4 March 2014 until 11 April 2014 inclusive.

## COMMITTEE OF THE WHOLE

41 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:46pm.

### 1 Presence of the Public

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

### 2 Shower Facilities for Homeless People

*This item has been referred to Committee of the Whole as the report refers to matters affecting the security of the Council, Councillors, Council staff or Council property and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

### 3 Staff 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*

### 4 Pop Up Park

*This item has been referred to committee of the whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

The meeting resumed at 9:20pm and the General Manager reported that the Committee of the Whole met at 8:46pm on Monday 24 February 2014, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Jim Aitken OAM and Councillors Bernard Bratusa, Prue Car, Kevin Crameri OAM, Marcus Cornish, Mark Davies, Greg Davies, Maurice Giroto, 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 [Shower Facilities for Homeless People](#)**

RECOMMENDED on the MOTION of Councillor Karen McKeown seconded Councillor John Thain

CW2 That the information contained in the report on Shower Facilities for Homeless People be received.

**3 Staff Matter**

RECOMMENDED on the MOTION of Councillor Karen McKeown seconded Councillor John Thain

CW3 That the information contained in the verbal report on the Staff Matter be received.

**4 Pop Up Park**

RECOMMENDED on the MOTION of Councillor Karen McKeown seconded Councillor John Thain

CW4 That the information contained in the verbal report on Pop Up Park be received.

**ADOPTION OF COMMITTEE OF THE WHOLE**

42 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Maurice Giroto that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:24pm.

I certify that these 14 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 24 February 2014.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date