

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

**ON MONDAY 23 JUNE 2014 AT 7:36PM**

**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 Acting Senior Governance Officer, Adam Beggs.

**PRESENT**

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

**LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor Kevin Crameri OAM for the period 10 June 2014 to 25 July 2014 inclusive.

**APOLOGIES**

153 RESOLVED on the MOTION of Councillor Maurice Giroto seconded Councillor Jim Aitken OAM that an apology be accepted for Councillor Jackie Greenow OAM.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 26 May 2014**

154 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Jim Aitken OAM that the minutes of the Ordinary Meeting of 26 May 2014 be confirmed, with Minute No. 148 to now read:

That:

1. The information contained in the report on Impact of repeal of Carbon Price be received.
2. Council write to the Hon Bill Shorten MP, Leader of the Opposition and Senator Christine Milne requesting that they and their Parliamentary colleagues support the repeal of the Carbon Price.

Councillor Michelle Tormey requested the names be recorded for voting on the matter.

**For**

Councillor Maurice Giroto  
Councillor Kevin Cramer OAM  
Councillor Jim Aitken OAM  
Councillor Tricia Hitchen  
Councillor Bernard Bratusa  
Councillor Marcus Cornish  
Councillor Ross Fowler OAM

**Against**

Councillor Prue Car  
Councillor Greg Davies  
Councillor John Thain  
Councillor Michelle Tormey  
Councillor Jackie Greenow OAM

**DECLARATIONS OF INTEREST**

Councillor Mark Davies declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 13 – Proposed Permanent Closure of Maurice Lane, St Clair*, as his wife Mrs Tanya Davies MP, submitted a letter of support of the closure of the laneway.

**SUSPENSION OF STANDING ORDERS**

155 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:40 pm.

**Mr Geoff Brown**

*Item 1 – Proposed Corridor for South West Rail Link Extension – Council's Submission*

Mr Brown, representing the Western Sydney Conservation Alliance Inc, spoke in opposition to the recommendation. Mr Brown stated his concerns regarding the environmental impact on the Orchard Hills defence site that this corridor is proposed to include, as the area was a haven for local fauna and that the area was currently populated with pristine flora, including a number of rare native plant species.

156 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Tricia Hitchen that an extension of time be granted to enable the speaker to complete his address, the time being 7:47pm.

Mr Brown concluded that in his opinion the community has not received enough information on the proposal for the Rail Link Extension and the land area that would need to be acquired for this project and requested Councillors not support the submission until further information is provided.

**Mr Greg Hall**

*Item 5 – Development Application DA13/1432 Construction of a front fence, entry feature and filling works at Lot 122 DP 709303 (Nos. 41-47) Jolly Street, Castlereagh*

Mr Hall, the applicant's consultant, spoke in support of the proposed development and provided a brief background to the application and the history of the site. Mr Hall outlined the compromises and amendments the applicant has made to the proposal during the assessment process and gave his assurances that no imported material would be used for fill

on the site.

**Ms Vicki Cotter & Ms Micaela Price***Item 10 – Adoption of Council’s 2014-15 Operational Plan and Fees & Charges 2014-15*

Ms Cotter and Ms Price, representing Cranebrook High School, spoke in support of the recommendation. Ms Cotter and Ms Price then made a presentation to Council in support of their request for funding to improve parks in Cranebrook. Ms Cotter and Ms Price stated that their research has revealed there are insufficient parks and recreational facilities in the Cranebrook area and suggested ways of improving outdoor places and facilities, and parks in Callisto Drive and Andromeda Drive were most in need of attention.

**Mr Ben Williams***Item 13 – Proposed Permanent Closure of Maurice Lane, St Clair*

Mr Williams, an affected neighbour, spoke in support of the recommendation to close Maurice Lane, St Clair. Mr Williams stated that before Maurice Lane was closed, it was the subject of much antisocial behaviour and he expressed his appreciation for this closure. Mr Williams noted that the neighbourhood is now quiet and peaceful and that neighbours feel safer going outside with the closure of the laneway and asked that Council support its permanent closure.

**RESUMPTION OF STANDING ORDERS**

157 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Maurice Giroto that Standing Orders be resumed, the time being 8:04 pm.

**MAYORAL MINUTES****1 [Passing of Brian Griffiths](#)**

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

158 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on Passing of Brian Griffiths be received.

At 8:11 pm, His Worship the Mayor, Councillor Ross Fowler OAM then asked the Councillors, staff and gallery to stand for one minute’s silence to acknowledge the passing of Brian Griffiths.

**2 [Locals recognised in Queen's Birthday Honours](#)**

159 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on Locals recognised in Queen’s Birthday Honours be received.

**3 [Patrick Jackson: First Penrith cricketer to win O'Reilly Medal](#)**

Councillor Greg Davies spoke in support of the Mayoral Minute.

160 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on Patrick Jackson: First Penrith cricketer to win O'Reilly Medal be received.

**4 [2014 Australasian Reporting Awards](#)**

Councillor Michelle Tormey left the meeting, the time being 8:27 pm.

Councillor Michelle Tormey returned to the meeting, the time being 8:29 pm.

Councillors Jim Aitken OAM, Ben Goldfinch and Greg Davies spoke in support of the Mayoral Minute.

161 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on 2014 Australasian Reporting Awards be received.

**5 [Prestigious award for Neighbourhood Renewal project](#)**

Councillors Jim Aitken OAM, Tricia Hitchen, Mark Davies and Prue Car spoke in support of the Mayoral Minute.

162 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on Prestigious award for Neighbourhood Renewal project be received.

**REPORTS OF COMMITTEES**

**1 [Report and Recommendations of the Local Traffic Committee Meeting held on 2 June 2014](#)**

163 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 June, 2014 be adopted.

**Procedural Motion**

164 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown that Items 10 and 11 be dealt with before any other business and that Item 20 – Digital Economy Strategy and Smart Work Hub Update would now be considered in Committee of the Whole at the conclusion of all other business.

DELIVERY PROGRAM REPORTS

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

10 [Adoption of Council's 2014-15 Operational Plan and Fees & Charges 2014-15](#)

165 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Adoption of Council's 2014-15 Operational Plan and Fees & Charges 2014-15 be received.
2. In accordance with the Local Government Act 1993 under section 405, Council adopt the revised *Operational Plan* for 2014-15 and draft *Fees and Charges 2014-15*, including any amendments made at tonight's meeting.
3. Those who made submissions be advised of Council's decision and thanked for their contribution.
4. Those projects in the *Operational Plan 2013-14*, which were approved by Council in the March Quarterly Review 2014, be carried forward and added to the adopted *Operational Plan* for 2014-15.
5. Council approve for expenditure the budget as detailed in the *Operational Plan* for 2014-15, and on that basis formally vote these funds for the 2014-15 financial year.

11 [Making of the Rate](#)

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

That:

1. The information contained in the report on Making of the Rate be received.
2. **Ordinary Rate** - Council make its Residential, Business and Farmland rates for 2014-15 in accordance with Section 535 of the Local Government Act 1993 such rate to be as follows:

Residential	Minimum Amount	\$843.95
	Ad Valorem	0.4452 Cents in the Dollar
Farmland	Minimum Amount	\$843.95
	Ad Valorem	0.2226 Cents in the Dollar
Business	Minimum Amount	\$1,079.90
	Ad Valorem	0.7761 Cents in the Dollar
Business subcategory – Penrith CBD	Minimum Amount	\$1,079.90
	Ad Valorem	0.8810 Cents in the Dollar
Business	Minimum Amount	\$1,079.90

subcategory – St Ad Valorem 1.1925 Cents in the Dollar  
 Marys Town Centre

**3. Stormwater Charges**

A Stormwater Management Service charge will be applied on all urban residential and urban business land as outlined below. This is in accordance with Council’s Policy outlined in the 2014-15 Operational Plan and Fees & Charges (except land which is exempt from the Stormwater Management Services charge as outlined in Section 496A of the Local Government Act 1993).

For the 2014-15 year, the charges will be:

Residential non-strata properties	\$25 per annum
Residential strata properties	\$12.50 per annum
Urban business properties	\$22.80 plus an additional \$22.80 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres.

**4. Domestic Waste Charges**

A Domestic Waste Service charge will apply to each parcel of rateable land for which the service is available, including vacant land, in accordance with Section 496 of the Local Government Act 1993. The charges will be at the amounts specified in the 2014-15 Operational Plan and 2014-15 Fees & Charges.

**5. Effluent Charges**

An annual charge for effluent removal services will apply to each residential occupancy with a single or shared pump out septic tank system at the rates specified in the 2014-15 Operational Plan and 2014-15 Fees & Charges. Additional pump-out services are subject to an additional charge at the amounts specified in the 2014-15 Operational Plan and 2014-15 Fees & Charges.

**6. Interest**

For the purpose of calculating the interest on overdue rates and charges in accordance with Section 566(3) of the Local Government Act 1993, Council make the interest charge 8.5% per annum for 2014-15.

**7. Pension Rebate**

In addition to the mandatory pensioner rebate under the Local Government Act, 1993, Council will provide a voluntary rebate under Section 582 of the Local Government Act 1993. The voluntary rebate will be equivalent to the annual stormwater charge applicable to the property. Pro-rata calculations will be applied to rebates that start or cease within the financial year according to Sections 575 and 584 of the Local Government Act 1993.

**8. Service of Rate Notices**

The General Manager be and is hereby authorised, to prepare and serve Rates and Charges Notices for and on behalf of Council.

## OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

### 1 [Proposed Corridor for South West Rail Link Extension - Council's Submission](#)

167 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Karen McKeown

That:

1. The information contained in the report on Proposed Corridor for South West Rail Link Extension - Council's Submission be received.
2. Council endorse the attached submission on the location of the proposed Corridor and proposed stations, together with any additional issues identified by Councillors, as the basis for a final submission to Transport for NSW.
3. A copy of the final submission be provided to NSW Planning and Environment, other relevant councils, UWS, WSROC and local State Members of Parliament.
4. An additional principle be included in the submission requiring the final alignment of the Corridor to minimise any potential adverse environmental, economic and social impacts, including any impacts on threatened species, populations or ecological communities on the Cumberland Plain.
5. Council request the State Government to consider bringing forward the planning and construction of the proposed rail line so as to facilitate the development of the Western Sydney Employment Lands, whether the airport proceeds or not.

### 2 [Development Application DA14/0072 for Attached Dual Occupancy at Lot 11 DP 1097496, \(No. 44\) Russell Street, Emu Plains](#) Applicant: Zac Homes Pty Ltd; Owner: ~Zac Homes Pty Ltd

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

That:

1. The information contained in the report on Development Application DA14/0072 for Attached Dual Occupancy at Lot 11 DP 1097496, (No. 44) Russell Street, Emu Plains be received.
2. The variation to the covenant numbered 2(iii) referred to in Section 88b of the Conveyance Act 1919 Instrument applying to 44 Russell Street be supported for the reasons outlined in this report.
3. Development Application DA14/0072 for the construction of an attached dual occupancy at Lot 11 DP 1097496 (44 Russell Street, Emu Plains) be approved subject to the following conditions:

A001	Approved plans
A008	Works to BCA requirements
A009	Residential works DCP
A019	Occupation Certificate
A046	Issue of Construction Certificate

- D001 Sedimentation and Erosion Controls
- D007 Cut and Fill of Land requiring Validation Certificate
- D009 Covering Waste Storage area
- D010 Appropriate disposal of excavated or other waste
- E001 BCA Compliance
- E005 Smoke detectors-interconnect
- F006 Water Tank & nuisance
- G003 Section 73 – Sydney Water
- G004 Integral energy
- G005 Rainwater tank – plumbing
- H001 Stamped plans and erection of site notice
- H002 All forms of construction
- H014 Slabs/footings
- H015 Termites
- H01F Stamped plans erected of site notice 2
- H033 Clothes line
- H036 Rainwater Tank
- H037 Safe supply of water from catchment areas
- H038 Connection of rainwater tank supply
- H039 Rainwater tank pumps
- H041 Hours of work (for construction)
- K016 Stormwater
- K041 Bond
- K202 Roads Act (Minor Roadworks)
- K208 Stormwater discharge (Minor Development)
- K221 Access, Car Parking and Manoeuvring
- K501 Roads Authority clearance
- L001 Approved landscaping plans
- L002 Landscape Construction
- L003 Landscaping Report Requirements
- L005 Planting of plant
- L006 Australian Standard landscaping requirements
- L007 Tree protection measures
- L008 Tree preservation order
- L012 Existing landscaping
- N001 Section 94 Contributions (Cultural Facilities)
- N001 Section 94 Contributions (District Open Space)
- N001 Section 94 Contributions (Local Open Space)
- P001 Costs
- P002 Fees associated with Council land
- Q01F Notice of Commencement & appointment of PCA
- Q05F Occupation Certificate

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 Jim Aitken OAM



Councillor Mark Davies  
 Councillor Ben Goldfinch  
 Councillor Tricia Hitchen  
 Councillor Bernard Bratusa  
 Councillor Marcus Cornish  
 Councillor Ross Fowler OAM

**3 [Development Application DA14/0387 for Demolition of Existing Dwelling & Construction of Medical Centre at Lot 22 DP 31239, \(No. 2\) Hope Street, Penrith](#) Applicant: McKay Architects; Owner: ~Dr Yasser Khatib**

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

That:

1. The information contained in the report on Development Application DA14/0387 for Demolition of Existing Dwelling & Construction of Medical Centre at Lot 22 DP 31239, (No. 2) Hope Street, Penrith be received.
2. The objection pursuant to State Environmental Planning Policy No. 1 – Development Standards regarding landscaped area development standard under Clause 12(3) of Penrith Local Environmental Plan 1998 (Urban Land) be supported.
3. Development Application DA14/0387 for Demolition of Existing Dwelling & Construction of Medical Centre at Lot 22 DP 31239, (No. 2) Hope Street, Penrith be approved subject to the following conditions:

**Standard Conditions**

- |     |      |  |
|-----|------|--|
| 3.1 | A001 | Approved plans   |
|     | A008 | Works to BCA requirements  |
|     | A019 | Occupation Certificate   |
|     | A026 | Advertising sign   |
|     | A029 | Hours of operation   |
|     | A030 | No retail sales  |
|     | A032 | Goods in buildings   |
|     | A039 | Graffiti   |
|     | A046 | Obtain Construction Certificate before commencement of works   |
|     | B002 | Australian Standard for demolition and disposal to approved landfill site and Occupational Hygienist clearance report prior to Occupational Certificate. |
|     | B003 | Asbestos disposal  |
|     | B004 | Dust suppression   |
|     | B005 | Mud/Soil   |
|     | B006 | Hours of work  |
|     | D001 | Implement approved sediment and erosion control measures   |
|     | D005 | No filling without prior approval  |
|     | D006 | No filling without prior approval  |
|     | D009 | Covering of waste storage area   |
|     | D010 | Appropriate disposal of excavated or other waste   |
|     | D014 | Plant and equipment noise  |
|     | D026 | Liquid wastes  |
|     | E01A | BCA compliance (Class 2-9)   |

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E008	Fire safety list
E009	Annual fire safety – essential fire safety (Class 2-9 buildings)
G002	Section 73 (not for single dwellings)
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
H011	Engineering plans and specifications
H041	Hours of construction work
K202	Roads Act- Minor Works
K202A	Infrastructure bond
K203	S138 – Roads Act
K209	Stormwater management
K222	Access, car parking and manoeuvring
K501	Roads Authority Clearance
K502	Works as executed plans
K503	Stormwater compliance
K504	Restriction as to user
L001	Approved landscaping plans
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
L007	Tree protection measures
L008	Tree preservation order
Q01F	Notice of commencement and appointment of PCA
Q006	Occupation Certificate

### Special Conditions

- 3.2 The development shall comply with the following community safety and CPTED (Crime Prevention Through Environmental Design) matters:
- (a) All gates shall be lockable.
  - (b) The landscaping in the form of shrubs to the front of the car parking area shall be low in height. Dense vegetation with concentrated top to bottom foliage shall be avoided. The use of low vegetation will improve surveillance, provide clear lines of sight and avoid concealment areas along the frontage of the site.
  - (c) The external lighting facing the driveway area shall have a wide beam of illumination which reaches to the beam of the next light, or the perimeter of the area being traversed (i.e. the car parking area)
  - (d) Lighting shall be directed towards access/egress routes to illuminate potential offenders as well as the areas where people are most vulnerable
  - (e) Lighting shall be contained within the property boundary and no light shall be projected upwards
  - (f) Where appropriate, movement sensitive and diffused lights shall be used

- (g) All lighting shall be vandal resistant where practical.
- 3.3 In the event of ongoing substantiated noise complaints relating to the development being received by Council, the owner and or occupier of the development will be required by Council to engage the services of a suitability qualified acoustic consultant to undertake a noise impact assessment on the development to address the effect of the developments activities on the affected residential receivers.
  - 3.4 The ionising radiation apparatus is to be registered with the NSW Office of Environment & Heritage (OEH) prior to its use. Note: Guidance may be obtained from the NSW EPA guidelines "*Radiation Guideline 6 - Registration requirements and industry best practice for ionising radiation apparatus used in diagnostic imaging*". Any X-ray device must incorporate all necessary safety features to prevent exposure to radiation in excess of that permitted by the *Radiation Control Act 1990* and Regulations and any other relevant legislation, code or standard.
  - 3.5 Suitably constructed waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, contaminated or related waste prior to final disposal of the material at a facility approved by the NSW Office of Environment & Heritage. A licensed clinical waste contractor must be engaged to collect and dispose of all clinical waste generated on site and produced to Council upon request. Receipts of service must be kept on site specifying the volume collected and the dates of service.
  - 3.6 All vehicles are to enter and leave the premises in a forward direction.
  - 3.7 The existing "No Stopping" zone adjacent to the property boundaries at the intersection of Parker and Hope Streets is to be maintained.
  - 3.8 The required sight lines around the driveway entrance are not to be compromised by street trees, landscaping or fencing.
  - 3.9 All car parking and manoeuvring must be in accordance with AS2890.1:2004 and AS2890.6-2009 and Council's requirements. Signage indicating location of customer parking is required at the driveway entrance.
  - 3.10 All signage shall be constructed of high quality and durable materials and it shall not incorporate flashing devices.
  - 3.11 Access, car parking and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

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

- 4 [Section 96 Application DA08/1223.02 for Modification of Condition 36 requiring Payment of Section 94 Contributions at Lot 2 DAP 1130750 at \(No. 56\) Second Avenue, Kingswood](#) [Section 96 Application DA13/0161.02 for Deletion of Condition 40 requiring Payment of Section 94 Contributions at Lot 14 DP 850402, Great Western Highway, Kingswood](#) Applicant: University of Western Sydney;  
Owner: ~University of Western Sydney

170 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Section 96 Application DA08/1223.02 for Modification of Condition 36 requiring Payment of Section 94 Contributions at Lot 2 DP 1130750, (No. 56) Second Avenue, Kingswood be received.
2. Condition 36 of DA08/1223 be modified to read as follows:  

*The development shall remain under the care and control of the University of Western Sydney for the purposes of 'public benefit' as directed by Circular D6 -'Crown Development Applications and Conditions of Consent' issued by the Department of Urban Affairs and Planning, September 1995. Should the management and operation of the development be used for commercial purposes, then a modification of consent would be required.*
3. The information contained in the report Section 96 Application DA13/0161.02 for Deletion of Condition 40 requiring Payment of Section 94 Contributions at Lot 14 DP 850402, Great Western Highway, Kingswood be received.
4. Condition 40 of DA13/0161 be deleted.

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

5 [Development Application DA13/1432 Construction of a front fence, entry feature and filling works at Lot 122 DP 709303 \(Nos. 41-47\) Jolly Street, Castlereagh](#) Applicant: Mr & Mrs Gosling; Owner: ~Mr & Mrs Gosling

Councillor Mark Davies left the meeting, the time being 9:03 pm.

171 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marcus Cornish that consideration of this matter be deferred until such time as a site inspection by Councillors has taken place.

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

**For**

Councillor Prue Car  
Councillor Greg Davies  
Councillor John Thain  
Councillor Karen McKeown  
Councillor Michelle Tormey  
Councillor Maurice Giroto  
Councillor Jim Aitken OAM  
Councillor Ben Goldfinch  
Councillor Tricia Hitchen  
Councillor Bernard Bratusa  
Councillor Marcus Cornish  
Councillor Ross Fowler OAM

**Against**

**OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES**

6 [Relocation of NSW Sport and Recreation Offices to Penrith](#)

Councillor Ben Goldfinch left the meeting, the time being 9:04 pm.

172 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Relocation of NSW Sport and Recreation Offices to Penrith be received.
2. Council make representations to relevant State Members seeking their support for a City Centre location for the new Government office space in Penrith.

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

**7 [Swimming Pools Registration Program](#)**

Councillors Ben Goldfinch and Mark Davies returned to the meeting, the time being 9:05 pm.

173 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Michelle Tormey that the information contained in the report on Swimming Pools Registration Program be received.

**8 [Hawkesbury-Nepean Valley Flood Management Review by the NSW Government](#)**

174 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marcus Cornish that the information contained in the report on Hawkesbury-Nepean Valley Flood Management Review by the NSW Government be received.

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

**9 [Parks and Leisure Association Annual Conference 2014](#)**

175 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Parks and Leisure Association Annual Conference 2014 be received.
2. Councillors interested in attending the Parks and Leisure Association Annual National Conference being held between 24–27 August 2014 at the Cairns Convention Centre, register their interest with the Recreation Manager by close of business on Monday 30 June 2014, and Leave of Absence be granted accordingly.

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

**12 [Proposed Permanent Closure of Part of Ninth Avenue, Llandilo](#)**

176 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Proposed Permanent Closure of Part of Ninth Avenue, Llandilo be received.
2. Council proceed with the application to legally close the subject road.
3. Consolidate the closed road with our adjacent Lot 10 DP 802822.
4. Upon closure the closed road be classified as operational land.

**13 [Proposed Permanent Closure of Maurice Lane, St Clair](#)**

177 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Proposed Permanent Closure of Maurice Lane, St Clair be received
2. Upon permanent closure of the laneway Council sell the land to the interested adjoining owners
3. Upon closure the closed road be classified as operational land

**17 [Insurance Renewals 2014-15](#)**

178 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Insurance Renewals 2014-15 be received.
2. Council retain its \$100,000 claims excess for Public Liability cover and agree to pay a contribution of \$820,000 to Westpool for liability cover.
3. Council retain its \$20,000 claims excess for Industrial Special Risk and General Property cover and agree to pay a contribution of \$568,000 to United Independent Pools.
4. Council agree to retain its \$2,000 excess and agree to pay UIP a contribution of \$153,000 to the comprehensive motor vehicle insurance pool.

**19 [Pecuniary Interest Returns](#)**

179 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ben Goldfinch that the information contained in the report on Pecuniary Interest Returns be received.

**21 [Summary of Investments and Banking for the period of 1 May - 31 May 2014](#)**

180 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ben Goldfinch

That:

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

**14 [Proposed Compulsory Acquisition of Council land by Roads and Maritime Services and Early Entry Permit - Part Lot 2 DP 580256 - Old Ferry Road, Penrith - Nepean River Green Bridge](#)**

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

That:

1. The information contained in the report on Proposed Compulsory Acquisition of Council land by Roads and Maritime Services and Early Entry Permit - Part Lot 2 DP 580256 - Old Ferry Road, Penrith - Nepean River Green Bridge be received.
2. Council agree to the compulsory acquisition of the subject land, with compensation as determined by the Valuer General to be accepted by Council and any minor variation to the location or size be considered acceptable to Council.
3. Council agree to enter into an Early Entry Permit with the RMS for access to Part Lot 2 DP 580256 – Old Ferry Road, Penrith.
4. The Common Seal of the City of Penrith be placed on all necessary documents.

Councillor Michelle Tormey called for a DIVISION.

**For**

**Against**

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

Councillor Maurice Giroto  
Councillor Marcus Cornish

**15 [Local Government NSW Annual Conference 2014](#)**

182 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Local Government NSW Annual Conference 2014 be received.
2. Council's voting delegates to attend the 2014 Local Government NSW Conference to be held at Coffs Ex-Service Club, Coffs Harbour from 19-21 October 2014 be Councillors  
  
Ross Fowler OAM, Jim Aitken OAM, Ben Goldfinch, Bernard Bratusa, Marcus Cornish, Kevin Cramer OAM, Prue Car, John Thain, Karen McKeown and Michelle Tormey.
3. Council's observers to the 2014 Local Government NSW Conference be



Councillors Greg Davies and Jackie Greenow OAM.

4. Council sponsor up to three (3) Aboriginal observers, nominated by the Deerubbin Local Aboriginal Land Council, to attend the 2014 Local Government NSW Conference.

**16 ALGWA 2014**

Councillor Jim Aitken OAM left the meeting, the time being 9:25 pm.

Councillor Jim Aitken OAM returned to the meeting, the time being 9:26 pm.

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

That:

1. The information contained in the report on ALGWA 2014 be received.
2. Council thank its delegates to the ALGWA 2014 conference for their professional conduct during attendance at the conference.

**18 Federal Budget Announcements**

Councillor Marcus Cornish left the meeting, the time being 9:30 pm.

Councillor Marcus Cornish returned to the meeting, the time being 9:32 pm.

A MOTION was moved by Councillor Prue Car, seconded Councillor Greg Davies

That:

1. The information contained in the report on Federal Budget Announcements be received.
2. Council condemn the Federal Government for the removal of indexation of Financial Assistance Grants to Councils.
3. Council write to the NSW Government to urge the Government to extend the concession assistance for pensioners beyond the next 12 months.

An AMENDMENT was moved by Councillor Mark Davies seconded Councillor Jim Aitken OAM

That:

1. That the information contained in the report on Federal Budget Announcements be received.
2. Council express its disappointment to the Federal Government for the removal of indexation of Financial Assistance Grants to Councils.
3. Council write to the NSW Government to urge the Government to extend the concession assistance for pensioners beyond the next 12 months.
4. Council write to the Federal Opposition Leader expressing Council's disappointment in the fiscal management that led to this situation.

Councillor Mark Davies then withdrew his AMENDMENT.

184 A FURTHER AMENDMENT was moved by Councillor Mark Davies seconded Councillor Jim Aitken OAM that the information contained in the report on Federal Budget Announcements be received.

The FURTHER AMENDMENT was PUT.

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

Councillor John Thain called for a DIVISION.

<b>For</b>	<b>Against</b>
Councillor Marcus Cornish	Councillor Prue Car
Councillor Mark Davies	Councillor Greg Davies
Councillor Bernard Bratusa	Councillor Karen McKeown
Councillor Tricia Hitchen	Councillor John Thain
Councillor Jim Aitken OAM	Councillor Michelle Tormey
Councillor Ben Goldfinch	Councillor Maurice Giroto
Councillor Ross Fowler OAM	

## **REQUESTS FOR REPORTS AND MEMORANDUMS**

### **RR 1 Development Proposal - corner of John Oxley Avenue and Dunheved Road, Werrington County**

Councillor Prue Car requested an extension of time for the close of submissions on the proposed development on the corner of John Oxley Avenue and Dunheved Road, Werrington County and also requested a subsequent report to Council, after a site inspection by Councillors.

### **RR 2 Carpark Area - Hewitt Street Shops, Colyton**

Councillor Prue Car requested a memo reply to all Councillors concerning the possibility of designating the carpark at the Hewitt Street Shops in Colyton an 'alcohol free zone'.

### **RR 3 Hewitt Street Shops - Colyton - Graffiti Mural**

Councillor Prue Car requested that the Penrith Community Safety Partnership negotiate with the shop owners at the Hewitt Street shops in Colyton about the possibility of establishing a graffiti mural at the shops.

### **RR 4 Speeding Vehicles - Rebecca Street, Colyton**

Councillor Prue Car requested that the matter of speeding vehicles on Rebecca Street, Colyton be referred to the Local Traffic Committee, with a view to providing traffic calming devices in this area.

### **RR 5 Footpaving - Milton Street, Colyton**

Councillor Prue Car requested a memo reply on the cost of providing a footpath on Milton Street, Colyton and whether there are any plans for footpaving at this location.

### **RR 6 Support for Queen of Hearts Foundation Fundraising**

Councillor Prue Car requested a memo reply on the possibility of assisting the local charity Queen of Hearts Foundation for child abuse prevention, by providing an office space location for minimal rent.



**URGENT BUSINESS**

**UB 1 Bhutanese Community Youth Festival**

Councillor John Thain requested that an amount of \$200 be allocated from each Ward's voted works to hire Parker Oval for the Bhutanese Youth Festival to be held on 3 July 2014.

185 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies that the matter be brought forward 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.

186 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies that an amount of \$200 be allocated from each Ward's voted works to hire Parker Oval for the Bhutanese Youth Festival to be held on 3 July 2014.

**UB 2 Nathan Pentecost Push for the Homeless**

Councillor John Thain requested that an amount of \$250 be allocated from North Ward voted works for Nathan Pentecost Push for the Homeless to raise awareness and funds for the homeless.

187 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marcus Cornish that the matter be brought forward 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.

188 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marcus Cornish that an amount of \$250 be allocated from North Ward voted works for Nathan Pentecost Push for the Homeless to raise awareness and funds for the homeless.

Councillor John Thain left the meeting, the time being 10:06 pm.

**REQUESTS FOR REPORTS AND MEMORANDUMS**

**RR 7 Parking - Service NSW**

Councillor Greg Davies requested that the matter of parking issues surrounding the relocation of RMS services to the Service NSW building in High Street, Penrith be referred to the Local Traffic Committee for investigation and that a subsequent report be presented to Council outlining solutions to the parking issues at this location.

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

**RR 8 Exotic Animals in Circuses**

Councillor Michelle Tormey requested a report to Council on Council's current position with regard to the approval of circuses with exotic animals/ non domesticated animals on Council owned and private lands, the report to include any history of community concerns and any similar policies adopted by other councils.

Councillor Greg Davies left the meeting, the time being 10:13 pm.

**RR 9 Dunheved Business Park**

Councillor Mark Davies requested a memo reply concerning further measures being undertaken to mitigate flooding of premises in Charles Street in the Dunheved Business Park. Councillor Mark Davies also requested that street lighting be increased in Charles Street.

Councillor Greg Davies returned to the meeting, the time being 10:15 pm.

**URGENT BUSINESS**

**UB 3 Penrith Valley Sports Foundation – Annual Dinner**

Councillor Ben Goldfinch requested that an amount of \$3,501 be allocated in equal amounts from each Ward's voted works to assist the Penrith Valley Sports Foundation in obtaining a guest speaker for its Annual Dinner this year.

189 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Tricia Hitchen that the matter be brought forward 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.

190 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Tricia Hitchen that an amount of \$3,501 be allocated in equal amounts from each Ward's voted works to assist the Penrith Valley Sports Foundation in obtaining a guest speaker for its Annual Dinner this year.

**REQUESTS FOR REPORTS AND MEMORANDUMS**

**RR 10 Flu Vaccinations for Penrith City Council Staff**

Councillor Bernard Bratusa requested a report to Council on the possibility of providing all Penrith City Council staff with free flu vaccinations.

**COMMITTEE OF THE WHOLE**

191 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Mark Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:16 pm.

**1 Presence of the Public**

CW1 RESOLVED on the motion of Councillor Bernard Bratusa seconded Councillor Mark Davies that the press and public be excluded from Committee of the Whole to deal with the following matters:

**Outcome 7****2 [Commercial Matter - Smart Work Hub - Recommended EOJ Respondent Update](#)****Item 20 – Digital Economy Strategy and Smart Work Hub Update  
(referred from Open Council)**

*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 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.*

**Outcome 2****3 [Legal Matter - Development Application DA12/0308 Update on status of Lot 1 DP 237071 \(No. 265\) Seventh Avenue, Llandilo Applicant: Sharon Jones Architectural Design; Owner: ~Adam John McBurney and Tennille Gay McBurney](#)**

*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.*

**Outcome 5****4 [Legal Matter - Compliance Issues, 8 Farm Road, Mulgoa](#)**

*This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

The meeting resumed at 10:26 pm and the General Manager reported that the Committee of the Whole met at 10:16 pm on 23 June 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, Marcus Cornish, Greg Davies, Mark Davies, Maurice Giroto, Ben Goldfinch, 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.

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**CONFIDENTIAL BUSINESS**

**2 [Commercial Matter - Smart Work Hub - Recommended EOI Respondent Update](#)**

**Item 20 – Digital Economy Strategy and Smart Work Hub Update**  
**(referred from Open Council)**

Councillor Michelle Tormey left the meeting, the time being 10:22pm.

RECOMMENDED on the MOTION of Councillor Tricia Hitchen seconded Councillor John Thain

CW2 That:

1. The information contained in the report on the Smart Work Hub - Recommended EOI Respondent Update be received.
2. Council enter into an agreement with Trexzon Pty Ltd to support the delivery of a Smart Work Hub in accordance with the terms of the funding deed with DTRIS.
3. Council endorse the General Managers signing, under delegated authority of the funding deed with the NSW Department of Trade and Investment to establish and operate a Smart Work Hub pilot.
4. Council enter negotiations with the preferred EOI respondent with a view to forming a contract to support the establishment and operation of a Smart Work Hub pilot.
5. Council in accordance with Section 356 of the *Local Government Act 1993* (NSW) publically advertise the notice of resolution for providing financial assistance to establish and operate a Smart Work Hub pilot for a period of 28 days.

Councillor Michelle Tormey returned to the meeting, the time being 10:24pm.

**3 [Legal Matter - Development Application DA12/0308 Update on status of Lot 1 DP 237071 \(No. 265\) Seventh Avenue, Llandilo](#) Applicant: Sharon Jones Architectural Design; Owner: ~Adam John McBurney and Tennille Gay McBurney**

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Mark Davies

CW3 That the information contained in the report on Legal Matter - Development Application DA12/0308 Update on status of Lot 1 DP 237071 (No. 265) Seventh Avenue, Llandilo be received.

**4 [Legal Matter - Compliance Issues, 8 Farm Road, Mulgoa](#)**

RECOMMENDED on the MOTION of Councillor Bernard Bratusa seconded Councillor Maurice Giroto

CW4 That the information contained in the report on Legal Matter - Compliance Issues, 8 Farm Road, Mulgoa be received.

**ADOPTION OF COMMITTEE OF THE WHOLE**

192 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Tricia Hitchen that the recommendations 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 10:28pm.

I certify that these 23 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 23 June 2014.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date