

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

ON MONDAY 13 DECEMBER 2010 AT 7:09PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Kevin Crameri OAM read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

PRAYER

The Council Prayer was read by Rev. Neil Checkley.

PRESENT

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee and John Thain.

APOLOGIES

There were no apologies.

DECLARATIONS OF INTEREST

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Significant in Item 12 - *Development Application DA10/0275 - Proposed 2 Lot Torrens Title Subdivision at Lot 200 DP 811535 (No. 28 - 30) Grays Lane, Cranebrook. Applicant: Freeburn Surveying; Owner: Lexie and Giovanni Cettolin* of the Confirmation of Minutes - Ordinary Meeting - 29 November 2010 as he exchanged preferences with one of the owners at the last local government election.

Councillor Kevin Crameri OAM also declared a Non-Pecuniary Conflict of Interest – Less than Significant in Committee of the Whole Item 4 – *Personnel Matter - Communication Protocol* as the matter indirectly concerns an individual who voluntarily handed out election material for Councillor Kevin Crameri OAM. Councillor Kevin Crameri OAM indicated he would leave the room for discussion of the item.

Councillor Robert Ardill declared a Pecuniary Interest in Item 3 - *Development Application Referrals to the Access Committee, DA09/0779 Lot 1 DP 781405 (No. 241-245) High Street, Penrith – Part demolition of the existing building and construction of a new building for a Medical Centre* of the Report and Recommendations of the Access Committee Meeting held on 1 December 2010 as the medical centre are a client of his. Councillor Ardill indicated he would leave the room for consideration of this item.

Councillor Ben Goldfinch declared a Pecuniary Interest in Item 12 - *Development Application DA10/0275 - Proposed 2 Lot Torrens Title Subdivision at Lot 200 DP 811535 (No. 28 - 30) Grays Lane, Cranebrook. Applicant: Freeburn Surveying; Owner: Lexie and Giovanni Cettolin* of the Confirmation of Minutes - Ordinary Meeting - 29 November 2010 as he exchanged preferences with one of the owners at the last local government election.

Councillor Ross Fowler OAM also declared a Pecuniary Interest in Item 12 - *Development Application DA10/0275 - Proposed 2 Lot Torrens Title Subdivision at Lot 200 DP 811535 (No. 28 - 30) Grays Lane, Cranebrook. Applicant: Freeburn Surveying; Owner: Lexie and Giovanni Cettolin* of the Confirmation of Minutes - Ordinary Meeting - 29 November 2010 as the owners are a client of his.

CONFIRMATION OF MINUTES - Ordinary Meeting - 29 November 2010

435 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Marko Malkoc that the minutes of the Ordinary Meeting of 29 November 2010 be confirmed with the exception of Item 12 - *Development Application DA10/0275 - Proposed 2 Lot Torrens Title Subdivision at Lot 200 DP 811535 (No. 28 - 30) Grays Lane, Cranebrook. Applicant: Freeburn Surveying; Owner: Lexie and Giovanni Cettolin*

Having previously declared Pecuniary Interests in Item 12 of the confirmed minutes His Worship the Mayor, Councillor Kevin Crameri OAM and Councillors Ross Fowler OAM and Ben Goldfinch left the room, the time being 7:16pm.

Deputy Mayor, Councillor Jim Aitken OAM took the chair for consideration of Item 12 - *Development Application DA10/0275 - Proposed 2 Lot Torrens Title Subdivision at Lot 200 DP 811535 (No. 28 - 30) Grays Lane, Cranebrook. Applicant: Freeburn Surveying; Owner: Lexie and Giovanni Cettolin* of the Confirmation of Minutes - Ordinary Meeting - 29 November 2010.

Councillor Marko Malkoc put forward that a case in support of the Development Application was attached to a Memorandum issued to all Councillors by the Council's Group Manager – Legal & Governance and that it is proper for Council Officers to forward that document to the Department of Planning in support of Resolution number 417.

436 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor John Thain that Item 12 - *Development Application DA10/0275 - Proposed 2 Lot Torrens Title Subdivision at Lot 200 DP 811535 (No. 28 - 30) Grays Lane, Cranebrook. Applicant: Freeburn Surveying; Owner: Lexie and Giovanni Cettolin* of the Confirmation of Minutes - Ordinary Meeting - 29 November 2010 be confirmed with the document that supports the case of the Development Application being forwarded to the Department of Planning.

MAYORAL MINUTES

1 The passing of Pat Singh

437 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on The passing of Pat Singh be received.

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

2 Council recognised for commitment to gender equity

438 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on Council recognised for commitment to gender equity be received.

Councillors Jim Aitken OAM and Karen McKeown spoke in support of the Mayoral Minute.

3 2010 National Disability Awards

439 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on 2010 National Disability Awards be received.

Councillors Jim Aitken OAM and Jackie Greenow spoke in support of the Mayoral Minute.

4 James Courtney wins V8 Supercar Championship

440 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain that the Mayoral Minute on James Courtney wins V8 Supercar Championship be received.

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

Councillor John Thain left the meeting, the time being 7:45pm.

5 Retirement of Panthers Director Barry Walsh OAM

441 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on Retirement of Panthers Director Barry Walsh OAM be received.

Councillor Jim Aitken OAM spoke in support of the Mayoral Minute.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Penrith Valley Community Safety Partnership Meeting held on 24 November 2010

442 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 24 November, 2010 be adopted.

Having previously declared a Pecuniary Interest in Item 3 of the Report and Recommendations of the Access Committee Meeting held on 1 December 2010, Councillor Robert Ardill left the meeting, the time being 7.48pm.

Councillor John Thain returned to the meeting, the time being 7:48pm.

2 Report and Recommendations of the Access Committee Meeting held on 1 December 2010

443 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Prue Guillaume that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 1 December, 2010 be adopted with an amendment to Councillor Robert Ardill's declaration of interest in Item 3, to be a Pecuniary Interest.

Councillor Robert Ardill returned to the meeting, the time being 7:48pm.

3 Report and Recommendations of the Waste Services Committee Meeting held on 2 December 2010

444 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kath Presdee that the recommendations contained in the Report and Recommendations of the Waste Services Committee meeting held on 2 December, 2010 be adopted.

Procedural Motion

445 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Report and Recommendations of the Waste Services Committee Meeting held on 2 December 2010 be moved to Committee of the Whole to consider a:

Personnel matter

As this item refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Note: A further resolution on this matter is included at Minute No. 458 of these Minutes, when the matter was recommitted for consideration of Council.

4 Report and Recommendations of the Local Traffic Committee Meeting held on 6 December 2010

446 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor John Thain that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 6 December, 2010 be adopted.

DELIVERY PROGRAM REPORTS

A LEADING CITY

2 Decision Making Arrangements During the Christmas/New Year Council Recess

447 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Karen McKeown

That:

1. The information contained in the report on Decision Making Arrangements During the Christmas/New Year Council Recess be received.
2. Development Applications which would normally warrant reporting to Council between 14 December 2010 and 6 February 2011 inclusive be determined under the General Manager's delegation by the General Manager, after consultation with the Mayor.
3. A report be presented to the Ordinary Council Meeting to be held on 7 February 2011 relating to the operations of the organisation during this period.

3 Summary of Investments & Banking for the period 1 November 2010 to 30 November 2010

448 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Karen McKeown

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 November 2010 to 30 November 2010 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 November 2010 to 30 November 2010 be noted and accepted.
3. The graphical investment analysis as at 30 November 2010 be noted.

1 Public Exhibition of the Wianamatta Regional Park draft Masterplan

449 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Robert Ardill

That:

1. The information contained in the report on Public Exhibition of the Wianamatta Regional Park draft Masterplan be received.

2. Council endorse a submission to DECCW that indicates general support for the draft Masterplan, and outlines the matters addressed in this report.

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

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

A CITY OF OPPORTUNITIES

4 Advocacy Program

450 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Advocacy Program be received.
2. Council endorse the Advocacy Program as a platform to lobby for the City's current and future needs.

5 Development Application DA10/0802 Proposed boundary adjustment, construction of a new dwelling, installation of an on-site sewage management system and landscaping at Lot 6 DP 258484 & Lot 5 DP 258484 (No. 70 - 72) Church Lane, Cranebrook. Applicant: PreTech Pty Ltd; Owner: Mr Terence & Mrs Jacqueline Brown

451 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Development Application DA10/0802 Proposed boundary adjustment, construction of a new dwelling, installation of an on-site sewage management system and landscaping at Lot

6 DP 258484 & Lot 5 DP 258484 (No. 70 - 72) Church Lane, Cranebrook be received.

2. The submitted SEPP 1 objection to Clauses 11(2)(b) and 12 (2)(a) be supported.
3. Development Application DA10/0802 be referred to the Department of Planning for concurrence.
4. Upon receipt of concurrence from the Department of Planning, Development Application DA10/0802 be determined under delegated authority by way of approval.

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

For

Against

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

A LIVEABLE CITY

6 Penrith Commuter Carpark - Tender 15-10/11 Selection

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

That:

1. The information contained in the report on Penrith Commuter Carpark - Tender 15-10/11 Selection be received.
2. Tender 15-10/11 for the construction of the Penrith Commuter Carpark be awarded to Denham Constructions Pty Ltd for a Fixed Lump Sum of \$10,845,101 (excluding GST), once:
 - (i) the carpark site has been transferred to Council;
 - (ii) the State and Federal funding agreements have been executed; and
 - (iii) the carpark construction plans have been approved by TNSW and

RailCorp.

- 3 The General Manager be authorised to execute the funding agreements.
- 4 The Council seal be affixed to any necessary documentation.
5. A letter be sent to the Federal Member for Penrith, thanking him for his personal efforts in securing funding for the car park.

A VIBRANT CITY

7 2011 Seniors Week Grants Program

453 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on 2011 Seniors Week Grants Program be received.
2. Council approve Seniors Week grants to fourteen (14) local community organisations to the value of \$6,473 as outlined in this report for activities to celebrate Seniors Week 2011.

Councillor Robert Ardill left the meeting, the time being 8:05pm.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Reopening of Riley Street to Buses

Councillor John Thain requested a report to the Local Traffic Committee and a meeting with Westfield and Westbus concerning the reopening of Riley Street to buses and how this can be achieved.

Councillor Robert Ardill returned to the meeting, the time being 8:06pm.

RR 2 Shadlow Crescent, St Clair - Speeding Issues

Councillor Tanya Davies has received petitions concerning 2 zones outside of 6 & 47 Shadlow Crescent, St Clair where speeding is a major concern. Councillor Tanya Davies requested that the speeding in these areas be investigated and measured and a report brought back to the Local Traffic Committee.

Councillor John Thain left the meeting, the time being 8:09pm.

Councillor John Thain returned to the meeting, the time being 8:10pm.

RR 3 Walkers Lane, St Clair - Motorbike traffic

Councillor Tanya Davies requested a report to the Local Traffic Committee and investigation on Walkers Lane to explore all options available to prevent motorbike access through this laneway.

RR 4 Purchase of Cat Traps

Councillor Tanya Davies requested a report to Council concerning the option of purchasing 10 cat traps from East Ward voted works to be loaned to a resident of St Clair.

RR 5 Woodstock House, Plumpton - Heritage

Councillor Jackie Greenow requested a report to Council outlining Blacktown City Council's purchase of Woodstock house and the restoration plans and why Penrith City Council cannot do the same with similar heritage properties.

Councillor John Thain left the meeting, the time being 8:14pm.

Councillor John Thain returned to the meeting, the time being 8:14pm.

RR 6 Placement of Speed Reduction Devices

Councillor Mark Davies requested a memorandum to all Councillors outlining the policy or procedure for the placement of speeding barriers.

URGENT BUSINESS

UB 1 Solander Road, St Clair - Amenities Block

Councillor Greg Davies requested that an amount of \$8,000 for repairs to the amenities block at Solander Road, St Clair (Peter Kearns Reserve) be allocated from East Ward Voted works and that attempts to complete the work are made prior to the commencement of the fields for training in 2011.

454 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the matter be brought forward and dealt with as an urgent matter.

His Worship the Mayor, Councillor Kevin Crameri OAM, ruled that the matter was urgent and should be dealt with at the meeting.

455 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that that an amount of \$8,000 for repairs to the amenities block at Solander Road, St Clair (Peter Kearns Reserve) be allocated from East Ward Voted works and that attempts to complete the work are made prior to the commencement of the fields for training in 2011.

COMMITTEE OF THE WHOLE

456 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jackie Greenow that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:16pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Marko Malkoc 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 Commercial Matter - Property - High Street, Penrith

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

3 Commercial Matter - Council Property - Lease Assignment of Shop 6 at Cranebrook Village Shopping Centre

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

4 Personnel Matter - Communication Protocol

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.

5 Personnel Matter - Report and Recommendations of the Waste Services Committee Meeting held on 2 December 2010

This item has been referred to the 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 8:52pm and the Acting General Manager reported that the Committee of the Whole met at 8:16pm on 13 December 2010 the following being present

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Ross Fowler

OAM, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee and John Thain

and the Committee of the Whole excluded the press and public from the meeting for the reasons set out in CW1 and that the Committee of the Whole submitted the following recommendations to Council.

CONFIDENTIAL BUSINESS

2 Commercial Matter - Property - High Street, Penrith

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

CW2 That:

1. The information contained in the report on Commercial Matter - Property - High Street, Penrith be received.
2. Negotiations commence with the owner's agent as outlined in the valuers letter.
3. A further report be presented to Council as to the outcome of this matter.

3 Commercial Matter - Council Property - Lease Assignment of Shop 6 at Cranebrook Village Shopping Centre

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Lease Assignment of Shop 6 at Cranebrook Village Shopping Centre be received.
2. Council grant an Assignment of the Lease from Mr John Lui to Mr Zafar Ali over Shop 6 at Cranebrook Village Shopping Centre in accordance with the terms outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documents.

5 Personnel Matter - Report and Recommendations of the Waste Services Committee Meeting held on 2 December 2010

CW5 RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee that the information contained in the Report and Recommendations of the Waste Services Committee Meeting held on 2 December 2010 be received.

Having previously declared a Non-Pecuniary Conflict of Interest – Less than Significant in Committee of the Whole Item 4 – *Personnel Matter - Communication Protocol* and his

intention to leave the room for discussion of the matter, Councillor Kevin Crameri OAM left the meeting, the time being 8:31pm.

Deputy Mayor, Councillor Jim Aitken OAM took the Chair for consideration of Item 4 – *Personnel Matter – Communication Protocol* the time being 8:32pm.

4 Personnel Matter - Communication Protocol

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain

CW4 That:

1. The information contained in the report on Personnel Matter - Communication Protocol be received.
2. The recommendations in the report be adopted.
3. That as the Mayor, Councillor Kevin Crameri OAM has declared a Conflict of Interest in this Item, Council appoint the Deputy Mayor, Councillor Jim Aitken OAM subject to the Division of Local Government raising no objection, to investigate the matters referred to in this report.

His Worship the Mayor, Councillor Kevin Crameri OAM, returned to the meeting the time being 8:51pm, and resumed the Chair.

ADOPTION OF COMMITTEE OF THE WHOLE

457 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

Recommittal of Report and Recommendations of the Waste Services Committee Meeting held on 2 December 2010

458 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee that the recommendations contained in the Report and Recommendations of the Waste Services Committee meeting held on 2 December, 2010 be adopted with a sentence in General Business to now read “Discussion ensued about social media activities”.

There being no further business the Chairperson declared the meeting closed the time being 8:55pm.

I certify that these 12 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 13 December 2011.

Chairperson

Date