

CONFIRMED MINUTES

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

ON MONDAY 28 FEBRUARY 2011 AT 7:35PM

29 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that Council reaffirm Standing Orders in place and prohibit the use of an electronic device during the meeting.

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

Deputy Mayor, Councillor Jim Aitken 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

Deputy Mayor Councillor Jim Aitken OAM, Councillors, Kevin Crameri OAM, Kaylene Allison, 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

30 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM than an apology be received for Councillor Robert Ardill.

CONFIRMATION OF MINUTES - Ordinary Meeting - 7 February 2011

31 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Greg Davies that the minutes of the Ordinary Meeting of 7 February 2011 be confirmed.

DECLARATIONS OF INTEREST

Councillor Kevin Crameri OAM declared a Non Pecuniary Conflict of Interest – Less than Significant in Item 1 - *Code of Conduct - Mayor Councillor Kevin Crameri OAM* as the matter relates to him.

Deputy Mayor, Councillor Jim Aitken OAM declared a Pecuniary Interest in the *Report and Recommendations of the Policy Review Committee held on 21 February, 2011* as he is a owner of property in the area.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 7 February 2011

32 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Greg Davies that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 7 February, 2011 be adopted.

3 Report and Recommendations of the Access Committee Meeting held on 2 February 2011

33 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Crameri OAM that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 2 February, 2011 be adopted.

Councillor Jackie Greenow spoke to *General Business Item 5- Pathway Construction St Marys Village Shopping Centre* in the report and wished to acknowledge the efforts of the Shop Owners in contributing half of the required funds required to construct the pathway which provides improved pedestrian access to St Marys Village Shopping Centre from Carinya Avenue.

Councillor Jackie Greenow also spoke to *General Business Item 4 - Accessible Holiday Accommodation* in the report and asked that a motion be presented to the Local Government Association that ensures standard Accessible Holiday Accommodation information is available advising customers of the level of accessibility of the facilities..

Deputy Mayor, Councillor Jim Aitken OAM advised this would be included as a recommendation in Item 6 of tonight's meeting.

Having previously declared a Pecuniary Interest in *Report and Recommendations of the Policy Review Committee held on 21 February, 2011*, Deputy Mayor, Councillor Jim Aitken OAM left the meeting, the time being 7:46pm.

Councillor Ross Fowler OAM, took the Chair for consideration of *Report and Recommendations of the Policy Review Committee held on 21 February, 2011*.

2 Report and Recommendations of the Policy Review Committee held on 21 February, 2011

34 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marko Malkoc that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 21 February, 2011 be adopted.

Deputy Mayor, Councillor Jim Aitken OAM, returned to the meeting and took the Chair the time being 7:48pm.

DELIVERY PROGRAM REPORTS

A LEADING CITY

3 Pecuniary Interest Returns

35 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ben Goldfinch that the information contained in the report on Pecuniary Interest Returns be received.

4 Summary of Investments for Period 1 January 2011 to 31 January 2011

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

That:

1. The information contained in the report on Summary of Investments for Period 1 January 2011 to 31 January 2011 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 January 2011 to 31 January 2011 be noted and accepted.
3. The graphical investment analysis as at 31 January 2011 be noted.

7 Amendments to 2011 Meeting Calendar

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

That:

1. The information contained in the report on Amendments to 2011 Meeting Calendar be received
2. The 2011 Meeting Calendar be altered as follows:
 - an additional Ordinary Council Meeting be convened for 7:00pm on Monday 11 April 2011 for the purpose of considering one item of business only - the 'Adoption of the Draft Operational Plan for 2011-12 for exhibition';
 - the Operational Plan Public Forum be held on Wednesday 4 May 2011 in lieu of Monday 30 May 2011; and
 - the Ordinary Council meeting scheduled for Monday 23 May 2011 be held instead on Monday 30 May 2011.

1 Code of Conduct - Mayor Councillor Kevin Crameri OAM

Deputy Mayor, Councillor Jim Aitken OAM read a statement expressing disappointment over the incidents discussed in the report and his confidence in the transparency of the process in bringing this report to an open Council meeting.

Councillor John Thain expressed concern towards the Mayor's actions and disappointment in the lack of contrition the Mayor has demonstrated and outlined the training that had been provided.

Councillor Kevin Crameri OAM spoke to the report and expressed his disappointment at not being able to show a presentation to the meeting. Councillor Kevin Crameri OAM strongly denied any inappropriate behaviour with young women, and reiterated that all photographs he appeared in were requested by other parties, with the exception of one.

At the conclusion of Councillor Kevin Crameri's OAM 5 minute address he was invited by the Deputy Mayor, Councillor Jim Aitken OAM to ask for an extension of time to continue addressing the meeting. Councillor Crameri OAM however, indicated that he would close his address as he had previously been told that he could not make his full electronic presentation and declined to request an extension.

Councillor Ross Fowler OAM requested that a Councillor Officer highlight the process which has been undertaken since the Code of Conduct matter was first raised.

Group Manager – Legal & Governance, Stephen Britten responded outlining the process that had been followed in relation to providing Councillor Kevin Crameri OAM with natural justice.

Councillor Ross Fowler OAM then discussed the 'Reasonable Man Test' and whether natural justice has been served. Councillor Ross Fowler OAM stated he believed anyone who reviewed the process and the opportunities that have been extended to Councillor Kevin Crameri OAM to comment on the issues raised would say that natural justice has been served. Councillor Ross Fowler OAM, reaffirmed that all Councillors had adopted and agreed to the same Code of Conduct and that it is reasonable to determine that the series of behaviours outlined in the report would be a breach of the Code of Conduct.

Councillor Greg Davies requested a response from Councillor Kevin Crameri OAM in respect of recommendation 10.

Councillor Kevin Crameri OAM indicated that any resignation would mean pleading guilty to the 38 complaints. Councillor Crameri OAM stated he stepped aside voluntarily and indicated that he will wait until the Division of Local Government makes a further decision.

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

That:

1. The information contained in the report on Code of Conduct - Mayor

Councillor Kevin Crameri OAM be received.

2. Council Receive and note the report of the Conduct Review Committee;
3. The Council determines that the Mayor Councillor Kevin Crameri OAM has breached clauses 6.1 (c), 6.2 and 6.3 of Penrith City Council's Model Code of Conduct.
4. The Mayor, Councillor Crameri OAM be censured for misbehaviours in (22) of (38) allegations, defined in the Report through (22) Breaches of the Penrith City Council Code of Conduct identified by Clauses 6.1 (c), 6.2 and 6.3.
5. The Mayor, Councillor Crameri OAM be required to provide to the Council, the Penrith Business Alliance, the International Friendship Alliance and to the leaders of the host delegations in the Cities visited, an unreserved written apology for his inappropriate behaviour while on a trade delegation to China, Korea and Japan between 14 October 2010 and 3 November 2010. The written apology is to be copied to all Councillors and to the General Manager.
6. The Mayor, Councillor Crameri OAM be required to participate in a planned Counselling Program. The Program is to be determined by an appropriate independent person.
7. The censuring, apologies and counselling are to be completed within 30 days of the Council decision on the report.
8. That the Council considers the conduct of the Mayor, Councillor Kevin Crameri OAM to be of such a nature that warrants the Division of Local Government to consider suspension of the Mayor as a Councillor under Section 440H (1) (a) of the Local Government Act 1993, and that Council Officers write to the Division seeking the Division of Local Government consider the suspension of the Mayor, Councillor Kevin Crameri OAM at the request of Council.
9. Council moves that it has no confidence in Councillor Kevin Crameri OAM as Mayor.
10. This Council call Councillor Crameri OAM to resign as Mayor effective immediately.

Councillor Kevin Crameri OAM, left the meeting and did not return, the time being, 8:14pm.

2 Six Month Review of the Delivery Program 2009-2013 and the December Quarter Review of the 2010-2011 Operational Plan

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

That:

1. The information contained in the report on Six Month Review of the Delivery Program 2009-2013 and the December Quarter Review of the 2010-2011 Operational Plan be received
2. The 2010-11 Operational Plan Review as at 31 December 2010, including the revised estimates identified in the recommended budget, be adopted.

5 Planning for Penrith Lakes

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

That:

1. The information contained in the report on Planning for Penrith Lakes be received
2. The Minister for Planning, the Head of the State Government Taskforce, and the Chairman of the Board of Directors of the Penrith Lakes Development Corporation be invited to brief Council on the status of planning for the Penrith Lakes Scheme.
3. The Department of Planning be requested to coordinate a briefing of Council staff by the Penrith Lakes Development Corporation and their technical consultants on the methodology and infrastructure for managing flooding within the Scheme in order to progress the application.
4. Council write to the Minister for Planning requesting that a Councillor and a Council Officer be included as members of the State Government Taskforce.

6 2011 Australian Local Government Association (ALGA) National General Assembly of Local Government

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

That:

1. The information contained in the report on 2011 Australian Local Government Association (ALGA) National General Assembly of Local Government be received
2. Council nominate Deputy Mayor, Councillor Jim Aitken OAM as its voting delegate for the 2011 National General Assembly of Local Government.

3. Council nominate Councillors Ross Fowler OAM, Karen McKeown, Jackie Greenow and Marko Malkoc to attend as observers at the 2011 National General Assembly of Local Government.
4. Leave of Absence be granted to all Councillors attending the 2011 National General Assembly of Local Government to be held in Canberra from 19-22 June 2011.
5. A further report detailing suggested motions be considered at Council's Policy Review Committee meeting to be held on 4 April 2011.
6. A motion be presented to the Australian Local Government Association that ensures standard Accessible Holiday Accommodation information is available advising customers of the level of accessibility of the facilities.

A CITY OF OPPORTUNITIES

9 Community Assistance Program Rolling Component Projects Approved Under Delegated Authority July - December 2010

42 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Jackie Greenow

That the information contained in the report on Community Assistance Program Rolling Component Projects Approved Under Delegated Authority July - December 2010 be received.

8 Grant Application - Regentville Hall Kitchen upgrade

43 RESOLVED on the MOTION of Councillor Prue Guillaume seconded Councillor Greg Davies

That:

1. The information contained in the report on Grant Application - Regentville Hall Kitchen upgrade be received
2. The funding agreement between Council and Ageing, Disability and Home Care NSW Department of Human Services be signed enabling the sum of \$46,070 to be utilised for the refurbishment of the Regentville Hall kitchen.
3. Correspondence be forwarded to the Minister for Ageing, Disability Services, Volunteering and Youth thanking the NSW Government for the grant to complete the project as outlined in this report.

10 St Marys Spring Festival

44 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler OAM

That:

1. The report on the St Marys Spring Festival be received.

2. Option 2 (the St Marys Development Committee engage an external event manager to organise the festival) be pursued with the additional \$10,000 funding required to come from \$3,000 voted works for North and South Wards, and \$4,000 from East Ward.
3. At the conclusion of the 2011 St Marys Spring Festival a comprehensive review be undertaken to determine a long term solution to delivering the Spring Festival into the future.
4. A contribution of \$1,377 be voted from each ward from voted works (total \$4,131) to cover the net deficit for the 2010 St Marys Spring Festival.

A GREEN CITY

11 Support for Earth Hour 2011

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

That:

1. The information contained in the report on Support for Earth Hour 2011 be received
2. Council participate in Earth Hour 2011 and promote the event to the community.

A LIVEABLE CITY

12 Great River Walk Stages 7 and 7a grants

46 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on Great River Walk Stages 7 and 7a grants be received.
2. Council endorse the acceptance of funding for Great River Walk Stage 7 – West Bank Construction Phase 2 offered under the Metropolitan Greenspace Program 2010.
3. Council send letters of thanks to the Minister for Planning and the Local Member, and to the Great River Walk Inc and Hawkesbury City Council for their support.
4. Council endorse the lodgement of the application for the 2011 Metropolitan Greenspace Program grant for the Great River Walk Stage 7a – West Bank Construction Phase 3 as outlined in this report.

13 Community Safety Grant Funding

47 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on Community Safety Grant Funding be received.
2. Council accept the grant funding from the NSW Department of Justice and Attorney General, CPTED Graffiti Hotspot Program, in the amount of \$103,833.
3. Council accept the grant funding under the Federal Government's, Safer Suburbs Program, in the amount of \$200,000.
4. Council write to the NSW Attorney General expressing appreciation of the funding offer.
5. Council write to the Federal Minister for Home Affairs/Minister for Justice expressing appreciation of the funding offer.

A VIBRANT CITY

14 Fire Safety Report

48 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Fire Safety Report be received
2. Council continue to monitor the four premises as part of its Fire Safety Audit Program with a view to ensure essential fire safety measures are being maintained in the buildings
3. Council advise the Brigade of its decision

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 50/50 Development

Councillor John Thain requested a report to Council on the status of what the proposed 50/50 development would mean to the current LEP and will it need to be revised, and if so the cost in doing so. Also, what will this mean to the City Centre and Rural Lands.

RR 2 Economic Benefits of Sporting Events - Penrith Whitewater Stadium & Regatta Centre

Councillor Kath Presdee requested a report to a future Policy Review Committee meeting, on

the economic benefits of international, national and state level sporting events at the Penrith Whitewater Stadium and Regatta Centre.

RR 3 Public Space - Surveyors Creek, Glenmore Park

Councillor Prue Guillaume requested a memo reply on the space near Surveyors Creek, Glenmore Park which adjoins Aberdeen Circuit and expedite plans for it's urgent clean up.

RR 4 50/50 Urban Development

Councillor Prue Guillaume requested a report to Council, detailing how many Greenfield sites will need to be considered for housing to accommodate the NSW Coalition's plan for 50/50 Urban development should they be elected.

RR 5 St Marys Town Centre

Councillor Greg Davies requested an urgent report on the processes to be put in place to replace the St Marys Town Centre Manager following the retirement of the current position holder.

RR 6 Traffic Safety - Bromley Street & Russell Street intersection - Emu Heights

Councillor Mark Davies requested a memo regarding safety issues at the intersection of Bromley & Russell Street, Emu Heights and the possibility of making the intersection safer in terms of pulling out on to Russell Street.

URGENT BUSINESS

UB 1 Christchurch Earthquake Appeal

Councillor Marko Malkoc requested that an amount of \$1,000 be taken from each ward's voted works and donated to the New Zealand 2011 Red Cross Earthquake Appeal.

COMMITTEE OF THE WHOLE

49 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:56pm.

Councillors Ross Fowler OAM and Tanya Davies left the meeting, the time being 8:57pm.

1 Presence of the Public

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

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2 Commercial Matter - Property Great Western Highway, St Marys

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

3 Council Property - Lease of Shop 5, Cranebrook Village Shopping Centre to existing Tenants, Stuart & Tammie Plevy

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 8:59pm and the General Manager reported that the Committee of the Whole met at 8:57pm on Monday 28 February 2011, the following being present

Deputy Mayor Councillor Jim Aitken OAM, Councillors Kevin Crameri OAM, Kaylene Allison, 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 Great Western Highway, St Marys

50 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch

CW2 That:

1. The information contained in the report on Commercial Matter - Property Great Western Highway, St Marys be received
2. Council purchase the subject property in accordance with Conditions 1-6 as outlined in the summary of the report
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation

3 Council Property - Lease of Shop 5, Cranebrook Village Shopping Centre to existing Tenants, Stuart & Tammie Plevey

51 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Greg Davies

CW3 That:

1. The information contained in the report on Council Property - Lease of Shop 5, Cranebrook Village Shopping Centre to existing Tenants, Stuart & Tammie Plevey be received
2. Council grant a five (5) year lease with a five (5) year option to the existing tenant in accordance with the terms and conditions as outlined in the report
3. The Common Seal of the Council of the City of Penrith be placed on all documentation.

Councillors Ross Fowler OAM and Tanya Davies returned to the meeting, the time being 8:59pm.

ADOPTION OF COMMITTEE OF THE WHOLE

52 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that the recommendations contained in the Committee of the Whole and shown as CW1, CW2 and CW3 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:00pm.

I certify that these 12 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 28 February 2011.

Chairperson

Date