

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

**ON MONDAY 2 MAY 2011 AT 7:38PM**

**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 Jim Aitken OAM, Councillors Kevin Crameri 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**

87 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ross Fowler OAM that an apology be received for Councillor Ben Goldfinch.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 11 April 2011**

88 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Greg Davies that the minutes of the Ordinary Meeting of 11 April 2011 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Kath Presdee declared a Pecuniary Interest in Item 3 - *Council Property - Electricity Easements over Public Reserve - Lot 1150 DP 259016, Pasturegate Avenue, Werrington Downs* as she lives on the street and stated her intention to leave the chamber for discussion of the item.

Councillor Ross Fowler OAM declared a Non – Pecuniary Conflict of Interest – Less Than Significant in Item 12 - *The Foundation for Creative Enterprise - Nepean Creative Embroiderers Art Needlework Project* as he is the Honorary Auditor of the organisation. Councillor Fowler OAM stated his intention to remain in the chamber, but declared he would take no part in any discussion of the item.

## **SUSPENSION OF STANDING ORDERS**

89 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Robert Ardill that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:41pm.

### *Item 11 - Pedestrian Laneways*

#### **Mrs Susan Harmon**

Mrs Harmon, an affected person spoke in support of the recommendation and stated that since the closure of the laneway her life has returned to normal. The anti-social activity which had been occurring while the laneway was open has ceased. Mrs Harmon requested that Council continue to keep the laneway closed.

#### **Mr Peter Shaw**

Mr Shaw, an affected person spoke in support of the recommendation. Mr Shaw outlined that nearly his entire property fronts the laneway and that over the years his family and property have been subjected to various forms of anti-social behaviour and vandalism including, trespassing, burglary, property damage, fire, and noise. Mr Shaw highlighted that the laneway is primarily used at night, and provides an easy escape route.

#### **Procedural Motion**

90 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies that Mr Shaw be granted an extension of time to complete his address, the time being 7:48 pm.

Mr Shaw requested that given the laneway does not provide a shortcut to public transport or shopping centres, and is infrequently used during the day that Council continue the closure of the laneway.

## **RESUMPTION OF STANDING ORDERS**

91 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Robert Ardill that Standing Orders be resumed, the time being 7:50pm.

## **REPORTS OF COMMITTEES**

### **1 Report and Recommendations of the Penrith Valley Community Safety Partnership Meeting held on 30 March 2011**

92 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kaylene Allison that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 30 March, 2011 be adopted.

## DELIVERY PROGRAM REPORTS

### Procedural Motion

93 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Robert Ardill that *Item 11 – Pedestrian Laneways* be moved to be dealt with first.

## A LIVEABLE CITY

### 11 Pedestrian Laneways

94 RESOLVED on the MOTION of Councillor Kaylene Allison seconded Councillor Tanya Davies

That:

1. The information contained in the report on Pedestrian Laneways be received
2. Peachtree Lane, Penrith and Carlyle Lane, Cambridge Gardens be physically closed through the installation of suitable fencing and gates and given the initial interest shown, the option of sale to adjoining property owners be pursued.
3. Short Lane, Emu Plains remains open.
4. Morningbird Lane St, Clair remains physically closed.

Councillor Tanya Davies left the meeting, the time being 7:54pm.

## A LEADING CITY

### 1 Annual GST Compliance Certificate

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

That:

1. The information contained in the report on Annual GST Compliance Certificate be received.
2. The Deputy Mayor Councillor Jim Aitken OAM, Councillor Ross Fowler OAM, General Manager and Group Manager - Finance / Responsible Accounting Officer sign the 2011 GST Compliance Certificate.

### 2 Council Property - Dedication as Road - Volume 855 Folio 183, Lot 6-10 DP 234163, The Northern Road, Cranebrook

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

That:

1. The information contained in the report on Council Property - Dedication as Road - Volume 855 Folio 183, Lot 6-10 DP 234163, The Northern Road, Cranebrook be received.
2. Lots 6-10 DP 234163, being the residue in Volume 855 Folio 183 be formally dedicated as public road by notice in the Government Gazette under Section 10 of the Roads Act 1993.

**3 Council Property - Electricity Easements over Public Reserve - Lot 1150 DP 259016, Pasturegate Avenue, Werrington Downs**

Having previously declared a Pecuniary Interest, Councillor Kath Presdee left the meeting, the time being 7:54pm.

97 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Council Property - Electricity Easements over Public Reserve - Lot 1150 DP 259016, Pasturegate Avenue, Werrington Downs be received.
2. Council grant Integral Energy an Easement for Padmount Substation 2.75 x 5.5 metres over Lot 1150 DP 259016 Pasturegate Avenue, Werrington Downs.
3. Council accept the compensation in the amount of \$6,050 plus GST for the easement.
4. Integral Energy bear all reasonable costs associated with the granting of the easements.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

Councillor Tanya Davie returned to the meeting, the time being 7:56pm.

Councillor Kath Presdee returned to the meeting, the time being 7:56pm.

**4 Transfer of Land from Landcom to Council - Lot 101 DP 700213, No. 2b Brookfield Avenue, Werrington Downs**

98 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Transfer of Land from Landcom to Council - Lot 101 DP 700213, No. 2b Brookfield Avenue, Werrington Downs be received.
2. Council accept the transfer of Lot 101 DP 700213 from Landcom for Open Space on the terms outlined in the summary.

3. The land be classified as “community” land.
4. A letter of appreciation be forwarded to the Chairman of Landcom conveying his appreciation for their offer to transfer this land to the community at minimum cost.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.
6. Letters be sent to local residents in the area outlining the outcome of this project.

## **A CITY OF OPPORTUNITIES**

### **5 Tender Reference 12-10/11, Provision of Supply and Delivery of Child Care Food Services**

99 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Tender Reference 12-10/11, Provision of Supply and Delivery of Child Care Food Services be received.
2. The tender process for the Provision of Supply and Delivery of Child Care Food Services be discontinued.
3. ABCOE Distributors Pty Ltd be thanked for their participation in this tender and be advised of the outcome of this process.
4. Council consider the process of Expression of Interest as a trial for one of the five products outlined in the report, and if this process to be satisfactory that an Expression of Interest process be used for the remaining four products.

### **6 Development Application DA10/1240 existing awning at Lot 235 DP 815531 (No. 8) Mulloo Place, Cranebrook. Applicant: Anthony Farrugia; Owner: Anthony Farrugia**

100 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kath Presdee

That:

1. The information contained in the report on Development Application DA10/1240 existing awning at Lot 235 DP 815531 (No. 8) Mulloo Place, Cranebrook be received.
2. The owner be issued with a \$750.00 penalty notice for erecting the awning without development consent.
3. The SEPP 1 objection relating to landscaped area and rear setback be approved.

4. DA10/1240 for existing awning at 8 Mulloo Place, Cranebrook be approved subject to the following conditions:

**Standard Conditions**

- 4.1 A001 – Approved Plans  
4.2 E001 – BCA Compliance

**Non-Standard Condition**

- 4.3 As marked in red on the approved plans, an area of 1m x 12.8m on the side boundary and 2.8m to 2m x 9.8m of paved area along the rear boundary to be removed. The area to be landscaped with native plants and vegetation.

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

**For**

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

**Against**

**A GREEN CITY**

**7 Tender for the Design & Risk Assessment Consultancy Service for the Penrith Recycled Water Project**

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

That:

- 1 The information contained in the report on Tender for the Design & Risk Assessment Consultancy Service for the Penrith Recycled Water Project be received
- 2 The tender be awarded to the NSW Public Works to undertake concept design and risk assessment for the amount of \$ 44,706.
- 3 Subject to the acceptance of risk assessment report, the NSW Public Works be further engaged to undertake the detailed design and Review of Environmental Factors for the amount of up to \$112,486.

- 4 A further report be presented to Council on completion of the concept design and risk assessment.

**8 Management of Gipps Street Reserve Lot 2 DP81099 (No. 34 - 102)  
Gipps Street, Claremont Meadows**

102 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kevin Cramer OAM

That:

1. The information contained in this report on Management of Gipps Street Reserve Lot 2 DP81099 (No. 34 - 102) Gipps Street, Claremont Meadows be received.
2. \$187,200 be allocated from the Waste Reserve for leachate treatment system maintenance and management works and the final site validation and site audit as detailed in this report.
3. The annual leachate monitoring budget funded through the Waste Reserve be increased from \$55,000 per year to \$70,000 per year as detailed in this report.
4. A report be brought back to Policy Review Committee on the proposed funding arrangements and status update on the project overall.

**A LIVEABLE CITY**

**9 The naming of a walking track at Blair Oval**

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

That:

1. The information contained in the report on The naming of a walking track at Blair Oval be received
2. That Council endorse the naming of the informal walking track at Blair Oval "The Kevin Stone Memorial Walk"
3. That a sign reflecting the name of the walk be installed.

**10 Green Cover Demonstration Design Project - Successful Project  
Application**

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

That:

1. The information contained in the report on Green Cover Demonstration Design Project - Successful Project Application be received
2. That the project team comprising representatives of Council's Sustainability

Unit, Major Projects Unit and Parks Department work with the Government Architects Office in the delivery of the project.

3. That the completed design project be presented to Council at a future Policy and Review Committee meeting.

## **A VIBRANT CITY**

### **12 The Foundation for Creative Enterprise - Nepean Creative Embroiderers Art Needlework Project**

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

That:

1. The information contained in the report on The Foundation for Creative Enterprise - Nepean Creative Embroiderers Art Needlework Project be received.
2. An amount of \$5,000 be allocated equally from each Ward Voted Works to assist with the "Birds of the Waters project".

## **REQUESTS FOR REPORTS AND MEMORANDUMS**

### **RR 1 Honoured Citizen Recognition - Former Councillor Malcolm Borland**

Councillor Ross Fowler OAM requested a report be brought to Council considering the bestowing on former Councillor Malcolm Borland the title of "Honoured Citizen of the City of Penrith".

### **RR 2 Development Application Approval Process**

Councillor Greg Davies requested that a report be brought back to Council outlining the resource and cost effects on Council given that all development applications will now be dealt with by Council, as opposed to previously when some were considered by the Department of Planning.

### **RR 3 Glenmore Park Loch**

Deputy Mayor, Councillor Jim Aitken OAM requested a memorandum concerning the "clean up" of the Loch as well as the safety of the walkway into the Loch.

### **RR 4 Waste on side of Roads**

Councillor Jim Aitken OAM requested a memorandum concerning the amount of waste on the side of the roads, and what can be undertaken to keep our suburbs beautiful.

## **GENERAL BUSINESS**

**GB 1      Certificate of Appreciation**

Councillor Tanya Davies presented a Certificate of Appreciation to the Deputy Mayor, Jim Aitken OAM recognising Penrith City Council for its support, dedication and contribution to the “Camp Victory 2011 program”.

## COMMITTEE OF THE WHOLE

106 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:32pm.

### 1 Presence of the Public

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

#### *A Leading City*

### 2 Council Property - Lease Assignment of Shop 6 at Cranebrook Village Shopping Centre

*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 3, 32-52 Harris Street, North St Marys within the North St Marys Commuter Car Park

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

### 4 Council Property - Lease of Shop 1, 144 Henry Street, Penrith

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

The meeting resumed at 8:35pm pm and the Acting General Manager reported that the Committee of the Whole met at 8:32pm on 2 May 2011, the following being present

Deputy Mayor Jim Aitken OAM, Councillors Kevin Crameri 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 Council Property - Lease Assignment of Shop 6 at Cranebrook Village Shopping Centre**

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

CW2 That:

1. The information contained in the report on Council Property - Lease Assignment of Shop 6 at Cranebrook Village Shopping Centre be received
2. Council grant an Assignment of the Lease from Mr Zafar Ali to Brittle Pty Ltd ATF Maniodra Property Trust 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 documentation

**3 Council Property - Lease of Shop 3, 32-52 Harris Street, North St Marys within the North St Marys Commuter Car Park**

108 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor John Thain

CW3 That:

1. The information contained in the report on Council Property - Lease of Shop 3, 32-52 Harris Street, North St Marys within the North St Marys Commuter Car Park be received
2. Council grant a two year lease with a five year option to Glenn & Nerryl Williams 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

**4 Council Property - Lease of Shop 1, 144 Henry Street, Penrith**

109 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Robert Ardill

CW4 That:

1. The information contained in the report on Council Property - Lease of Shop 1, 144 Henry Street, Penrith be received.
2. Council grant a 5 year lease with a 5 year option to ReinRab Pty Limited 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 necessary documentation.

**ADOPTION OF COMMITTEE OF THE WHOLE**

110 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3 & CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:38pm.

I certify that these 12 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 2 May 2011.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date