

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

**ON MONDAY 27 JUNE 2011 AT 7:35PM**

**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, 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.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 30 May 2011**

137 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Kevin Crameri OAM that the minutes of the Ordinary Meeting of 30 May 2011 be confirmed.

**DECLARATIONS OF INTEREST**

Deputy Mayor, Councillor Jim Aitken OAM declared a Pecuniary Interest in:

- *Item 2 – The WELL Precinct – Funding Essential Infrastructure* as he has an interest in properties located in the area subject of the report.
- *Item 11 – Development Application No. 11/0504 for Children's Play Area, Awning, and Business Identification Sign above Rear Entrance at Lot 16 DP 583184 (No. 91) Great Western Highway, Emu Plains* as he is the applicant for the property, subject of the report.
- *Committee of the Whole Item 5 – Development Application DA11/0125 Proposed Torrens Title Subdivision x 71 Residential Lots, Residual Lot x 1, New Roads and Detention Basin Lot 1 DP 209925 & Lot 2 DP 209925 & Lot 32 DP 520322 (No. 159-183) Caddens Road, Kingswood*, as he owns property in the vicinity of the area subject to the report.

Deputy Mayor, Councillor Jim Aitken OAM indicated his intention to leave the room for consideration of Items 2, 11 and Committee of the Whole Item 5 and that Councillor Ross Fowler OAM would take the chair.

Councillor Karen McKeown declared a Non-Pecuniary Conflict of Interest - Significant interest in *Item 14 – Pathway construction between Kingswood Court Nursing Home and the Great Western Highway, Kingswood* as a relative of hers is a resident of the Nursing Home.

Councillor Kath Presdee declared a Non-Pecuniary Conflict of Interest – Significant in *Committee of the Whole Item 4 – Rates Matter – Lot 2 DP 876781* as she acts as a legal representative for a party engaged in ongoing contact with one of the parties involved in this matter.

## REPORTS OF COMMITTEES

### 1 [Report and Recommendations of the Policy Review Committee Meeting held on 6 June 2011](#)

138 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Kaylene Allison that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 6 June, 2011 be adopted.

## DELIVERY PROGRAM REPORTS

### A LEADING CITY

#### **Procedural Motion**

139 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc that Items 17 & 2 be dealt with first.

### 17 [Outcome of Special Rate Variation Application and Amendment to 2011-12 Operational Plan](#)

140 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Outcome of Special Rate Variation Application and Amendment to 2011-12 Operational Plan be received.
2. The 2011-12 Operational Plan (including the SRV) be amended to reflect the approved SRV, revised program and budget reductions as outlined in this report.
3. A further report be provided to Council on the possible funding options to address the shortfall in the proposed program.

Councillor Tanya Davies then called for a DIVISION.

A DIVISION was then called with the following result:

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

Having previously declared a Pecuniary Interest in Item 2, Deputy Mayor, Councillor Jim Aitken OAM, then vacated the Chair and left the meeting, the time being 7.41 pm. Councillor Ross Fowler OAM then took the Chair for consideration of Item 2.

## **2 [The WELL Precinct - Funding Essential Infrastructure](#)**

141 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on The WELL Precinct - Funding Essential Infrastructure be received.
2. Council seek the Minister's commitment to make and exempt ('grandfather') the revised WELL Precinct Development Contributions Plan, the District Open Space Plan, and the Cultural Facilities Plan, as adopted by Council on 24 May 2010.
3. Council endorse Option 2, as outlined in this report, as a policy approach in dealing with current and future Development Applications, such that:
  - a. development contributions up to \$30,000 will be applied, and directed to recreation, community, administration and selected road facilities in the WELL s94 Plan, and the revised District Open Space Plan and the current Cultural Facilities Plans;
  - b. conditions imposed on the development consent will require proponents to provide all required drainage works, to be delivered in accordance with DCP 2006;
  - c. conditions imposed on the development consent will require proponents to provide all roads which are 100% apportioned to the Caddens sub-precinct, to be delivered in accordance with DCP 2006.
4. Further letters be forwarded to all local State Members of Parliament requesting that they seek urgent resolution of Infrastructure funding regarding

Section 94 and the repercussions, particularly for growth councils through the support of the Minister for Local Government and the Minister for Planning.

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

<b>For</b>	<b>Against</b>
Councillor Kaylene Allison	
Councillor Prue Guillaume	
Councillor Karen McKeown	
Councillor Kath Presdee	
Councillor Greg Davies	
Councillor John Thain	
Councillor Jackie Greenow	
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**

- 11 [Development Application No. 11/0504 for Children's Play Area, Awning, and Business Identification Sign above Rear Entrance at Lot 16 DP 583184 \(No. 91\) Great Western Highway, Emu Plains](#) Applicant: **Jim Aitken; Owner: Jim Aitken, James Aitken, Marlene Aitken, David Reeves**

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

That:

1. The information contained in the report on Development Application No. 11/0504 for Children's Play Area, Awning, and Business Identification Sign above Rear Entrance at Lot 16 DP 583184 (No. 91) Great Western Highway, Emu Plains be received.
2. Development Application No.11/0504 for a Children's Play Area, Awning, and Business Identification Sign above Rear Entrance be approved subject to the following conditions:

#### **Standard Conditions**

- 2.1 A02F Approved DA Plans
- A019 Occupation Certificate
- A039 Graffiti
- A046 Obtain Construction Certificate before commencement of works
- E001 BCA Compliance
- H001 Stamped plans & erection of site notice

- H002 All forms of construction
- H041 Hours of work (other devt)
- L012 Retention of existing landscaping
- Q01F Notice of Commencement and appointment of PCA2

### **Special Conditions**

- 2.2 Stormwater from the awning structure is to be directed to the existing stormwater system on site
- 2.3 Access for persons with a disability is to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428.1. Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate
- 2.4 The wrought iron gates are to comply with the provisions of Part D of the Building Code of a Australia as a means of egress from the premises
- 2.5 The playground area is to be fenced and provided with a self-closing gate to ensure that young children are unable to leave the playground enclosure without the assistance of a parent or guardian. The fencing is not to obscure passive surveillance opportunities from the alfresco dining area
- 2.6 A sign is to be erected on the entry gate specifying the 'conditions of play' (or similar). These conditions must provide, at a minimum, that children using the play equipment must be supervised at all times by a parent or guardian
- 2.7 In order to reduce potential for noise impacts on nearby properties, the play equipment is not permitted to be used after 9pm
- 2.8 In order to reduce potential for lightspill or illumination to cause adverse impact on nearby properties the illuminated light box is only permitted to be illuminated when the premises is operating.

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

#### **For**

Councillor Kaylene Allison  
Councillor Prue Guillaume  
Councillor Karen McKeown  
Councillor Kath Presdee  
Councillor Greg Davies  
Councillor John Thain  
Councillor Jackie Greenow  
Councillor Ross Fowler OAM  
Councillor Robert Ardill

#### **Against**

Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Tanya Davies  
Councillor Marko Malkoc  
Councillor Kevin Crameri OAM

## **A LEADING CITY**

The Deputy Mayor, Councillor Jim Aitken OAM then returned to the Chair, the time being 7.58 pm.

Councillor Prue Guillaume left the meeting at 8.00 pm and returned at 8.01 pm.

### **1 Audit Committee**

143 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Audit Committee be received.
2. A letter be sent to the Chairperson of the Penrith City Children's Services Cooperative pointing out the exemplary record of Children's Services.
3. A letter be sent to the Manager - Children's Services Operations, thanking her and her staff for their contribution towards the operation.

### **3 Councillor Representative on Cumberland Rural Fire Service Zone Liaison Committee**

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

That:

1. The information contained in the report on Councillor Representative on Cumberland Rural Fire Service Zone Liaison Committee be received.
2. Councillor Ben Goldfinch be nominated to fill the remaining Council position on the Cumberland Rural Fire Service Zone Liaison Committee.

### **4 Council Property - Electricity Easement at Lot A, DP 152452 Harris Street, St Marys**

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

That:

1. The information contained in the report on Council Property - Electricity Easement at Lot A, DP 152452 Harris Street, St Marys be received.
2. Council grant Endeavour Energy an Easement for Padmount Substation 2.75 metres x 5.5 metres and a 47 square metre Restriction as to User over Lot A,

DP 152452 Harris Street, St Marys.

3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**5 Expansion of Membership - Westpool and United Independent Pools**

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

That the information contained in the report on Expansion of Membership - Westpool and United Independent Pools be received.

**6 Insurance Renewals 2011-12**

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

That:

1. The information contained in the report on Insurance Renewals 2011-12 be received.
2. Council retain its \$100,000 claims excess for Public Liability cover and agree to pay a contribution of \$898,000 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 \$592,000 to United Independent Pools.
4. Council agree to pay UIP a contribution of \$221,000 to the comprehensive motor vehicle insurance pool.

**8 Council wins Bronze at the Australasian Reporting Awards**

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

That the information contained in the report on Council wins Bronze at the Australasian Reporting Awards be received.

**9 Summary of Investments and Banking for the period 1 May to 31 May 2011**

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

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 May to 31 May 2011 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 May 2011 to 31 May 2011 be noted and accepted.

3. The graphical investment analysis as at 31 May 2011 be noted.

## 7 Making of the Rate

150 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Making of the Rate be received.

2. **Ordinary Rate**

In accordance with Section 535 of the Local Government Act 1993, an ordinary rate named Residential ordinary in accordance with Section 543(1) of point four zero zero two four (.40024) cents in the dollar being ad valorem amount on the land value of all rateable land in the City categorised as residential under Section 493 and that an ordinary rate named Farmland ordinary of point two zero zero one two(.20012) cents in the dollar on the land value of all rateable land in the City categorised as farmland and that an ordinary rate named Business ordinary of point six nine six two (.6962) cents in the dollar on all rateable land in the City categorised as business and that an ordinary rate being a subcategory of Business rate named Penrith CBD Rate of point seven nine six seven three (.79673) cents in the dollar and that an ordinary rate being a subcategory of Business rate named St Marys Town Centre Rate of one point zero seven four five (1.0745) cents in the dollar be now made for the period 1 July 2011 to 30 June 2012 subject to a minimum rate under Section 548(5) of seven hundred and fifty five dollars and sixty cents (\$755.60) in respect of each separate parcel of land categorised as Residential and Farmland and that each separate parcel of land categorised as Business or as a subcategory of Business be subject to a minimum rate under Section 548(5) of the Local Government Act, 1993 of nine hundred and sixty six dollars and eighty cents (\$966.80).

3. **Service of Rate Notices**

The rate or charge for the 2011-12 rate year be levied on the land specified in a rates and charges notice by the service of that notice, and the General Manager be and is hereby authorised, to prepare and serve such notice for and on behalf of Council.

4. **Charges**

The charges attached to the report to the Ordinary meeting on 27 June 2011, titled Making of Rates and Charges for 1 July 2011 to 30 June 2012, be made (see attachment 1).

5. **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 for 2011-12 the maximum amount set by the Minister for Local Government (the Minister is yet to announce the maximum rate of interest payable on overdue rates and charges for the 2011-



12 rating year.)

**6. Pension Rebate**

All eligible pensioners under Section 575 of the Local Government Act, 1993 be granted a rebate of 50% of the ordinary rate and domestic waste management service up to a maximum of \$250.00 under Section 575(3) of the Local Government Act, 1993.

**A CITY OF OPPORTUNITIES**

Councillor John Thain left the meeting, the time being 8.05 pm.

**10 [Development Application DA11/0107 Proposed first floor addition at Lot 2 DP 26767 \(No. 4\) Joseph Street, Kingswood](#) Applicant: Tim Harrington; Owner: Peter Russell and Sharon Talbot**

151 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Development Application DA11/0107 Proposed first floor addition at Lot 2 DP 26767 (No. 4) Joseph Street, Kingswood be received.
2. The SEPP 1 objection relating to maximum external wall height be supported.
3. Development Application DA11/0107 Proposed first floor addition at Lot 2 DP 26767 (No. 4) Joseph Street, Kingswood be approved subject to the attached conditions:

**Standard Conditions**

- 3.1 A001 - Approved Plans
- A008 – Works to BCA requirements
- A009 – Residential Works DCP
- A046 – Issue of Construction Certificate
- D009 – Covering Waste Storage area
- D010 – Waste disposal
- E001 – BCA compliance
- H001 – Stamped plans and erection of site notice
- H017 – Loads on existing buildings
- H041 – Hours of work
- L008 – Tree preservation order
- P002 - Fees

Q01f – Notice of commencement and appointment of PCA

Q05f - Occupation Certificate

**Special Conditions**

- 3.2 In accordance with the requirements of clause 94 of the Environmental Planning and Assessment Regulation, you are required to install a hard wired smoke detector in the existing dwelling. This detector is to comply with the requirements of AS3786 and must be located in accordance with 3.7.2 of the Housing Provisions. A certificate from a Licensed Electrician attesting to the installation of the smoke detector is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate
- 3.3 The external finishes of the dwelling are to compliment and blend with the established streetscape and amenity of the area.

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 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 GREEN CITY**

Councillor John Thain returned to the meeting, the time being 8.07 pm.

**12 [Council Wins Highly Commended Award in the Local Government Waste Innovation Awards 2011](#)**

152 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kath Presdee that the information contained in the report on Council Wins Highly Commended Award in the Local Government Waste Innovation Awards 2011 be received.

**13 Clean Up of Illegal Dumping on Deerubbin Local Aboriginal Land Council Lands**

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

That:

1. The information contained in the report on Clean Up of Illegal Dumping on Deerubbin Local Aboriginal Land Council Lands be received.
2. Council endorse the auspicing of the \$30,000 grant funding to the Deerubbin Local Aboriginal Land Council for the prevention and deterrence of illegal dumping on Deerubbin Local Aboriginal Lands.

**A LIVEABLE CITY**

**15 Proposed permanent closure of a part of Woodriff Street, Penrith**

154 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Proposed permanent closure of a part of Woodriff Street, Penrith be received.
2. Council's Property Development Manager be authorised to commence the formal closure process with LPMA.

**16 Samuel Marsden Road Riding Facility Committee**

155 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Samuel Marsden Road Riding Facility Committee be received.
2. Council, under Section 355 of the Local Government Act, approve the following persons to comprise the Samuel Marsden Road Riding Facility Committee:
  - Ralf Grinly (RDA)
  - Stephanie Cass (RDA)
  - Mark Ward (RDA)
  - Sandra Himsley (Pony Club)
  - Rebecca Barnard (Pony Club)
  - Ian Jackson (Pony Club).
3. The General Manager's nominee be the Recreation Manager of Council or, in their absence, the Recreation Coordinator.

Having previously declared a Non-Pecuniary Conflict of Interest – Significant interest in Item 14, Councillor Karen McKeown left the meeting, the time being 8:08 pm.

**14 [Pathway construction between Kingswood Court Nursing Home and the Great Western Highway, Kingswood](#)**

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

That:

1. The information contained in the report on Pathway construction between Kingswood Court Nursing Home and the Great Western Highway, Kingswood be received.
2. The cost of the pathway, as outlined in the report, be funded from North Ward voted words.

Councillor Karen McKeown returned to the meeting, the time being 8.12 pm.

**A LEADING CITY**

**18 [Australian Local Government Women's Association \(ALGWA\) NSW Branch Annual Conference](#)**

Councillor Mark Davies left the meeting, the time being 8.18 pm.

157 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Karen McKeown that the information contained in the report on Australian Local Government Women's Association (ALGWA) NSW Branch Annual Conference be received.

**REQUESTS FOR REPORTS AND MEMORANDUMS**

**RR 1 Traffic Incidents - Regulus Street, Erskine Park**

Councillor Marko Malkoc requested that the matter of recent traffic incidents in the vicinity of Regulus Street, Erskine Park be referred to the Local Traffic Committee for investigation, with a view to installing traffic calming devices in the area.

Councillor Mark Davies returned to the meeting, the time being 8.19 pm.

**RR 2 School Recycling Waste**

Councillor Tanya Davies requested a report to a future Ordinary Council meeting advising whether the Penrith City Council waste contract may be expanded to include pick up of recycling waste from schools, in a similar way to that carried out by Holroyd and Hills Councils.

**RR 3 Condition of Park Road, Wallacia**

Councillor Tanya Davies requested a memo reply to all Councillors investigating the accelerated deterioration of Park Road, Wallacia, due to nearby quarry operations.

**RR 4 Glenmore Park Child and Family Precinct - Shade Structure**

Councillor Tanya Davies requested a memo reply to all Councillors outlining the timeframe for the installation of a shade structure over the playground at the Glenmore Park Child and Family Precinct.

**RR 5 Mark Geyer Statue**

Councillor Ben Goldfinch requested a memo reply to all Councillors investigating the possibility of the statue at Homebush being erected at Penrith and also that Council staff liaise with staff from the Panthers Club to ascertain whether this is feasible.

**RR 6 Special Rate Variation**

Councillor Ross Fowler OAM requested a report to Council investigating the option of introducing different rating categories for Rural Residential and Heritage properties.

**RR 7 Approval to Burn Notices**

Councillor Kevin Crameri OAM requested a memo reply to all Councillors investigating the possibility of modifying the wording on Approval to Burn packs, so that residents do not automatically assume that approval has been given by Council.

**RR 8 Keep Glenmore Park Beautiful Committee**

Councillor Prue Guillaume requested a memo reply to all Councillors concerning Council working with local residents to establish a 'Keep Glenmore Park Beautiful' Committee.

**RR 9 Fundraising**

Councillor Greg Davies requested a memo reply to all Councillors about any information of fundraising activities for a men's shed.

**RR 10 Management Program for cleaning the Glenmore Park Loch**

Councillor Mark Davies requested a memo reply to all Councillors about a program to ensure that the Glenmore Park Loch is clear of weeds and other debris.

**URGENT BUSINESS**

**UB 1 Leave of Absence**

Councillor Jackie Greenow requested Leave of Absence for 4 July 2011.

**UB 2 Purchase of Refrigerator for South Penrith Neighbourhood Centre**

Councillor Karen McKeown requested that an amount of \$2,787 be allocated from South Ward voted works to purchase a refrigerator for the South Penrith Neighbourhood Centre.

158 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Crameri OAM that the matter be brought forward and dealt with as an urgent matter.

The Deputy Mayor, Councillor Jim Aitken OAM, ruled that the matter was urgent and should be dealt with at the meeting.

159 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Crameri OAM that an amount of \$2,787 be allocated from South Ward voted works to purchase a refrigerator for the South Penrith Neighbourhood Centre.

**UB 3 Leave of Absence**

Councillor Karen McKeown requested Leave of Absence from 9 July to 24 July 2011 inclusive.

**UB 4 Leave of Absence**

Councillor Kaylene Allison requested Leave of Absence from 1 July to 10 July 2011 inclusive.

**COMMITTEE OF THE WHOLE**

160 RESOLVED on the MOTION of Councillor Marko Malkoc seconded councillor Greg Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8.34 pm.

**1 Presence of the Public**

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

*A Leading City*

**2 [Council Property - Allen Arcade Lease of Shops 4 & 5, 140-142 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.*

**3 Council Property - Lot 1 DP 1045500 off Monarch Circuit, Glenmore 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 Rates Matter - Lot 2 DP 876781**

*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.*

***A City of Opportunities***

**5 Development Application DA11/0125 Proposed Torrens Title Subdivision x 71 Residential Lots, Residual Lot x 1, New Roads and Detention Basin Lot 1 DP 209925 & Lot 2 DP 209925 & Lot 32 DP 520322 (No. 159 - 183) Caddens Road, Kingswood Applicant: Skamia Pty Ltd; Owner: Essam & Nawal Arraf, Pierre Ajami & Malcolm Ayoub**

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

The meeting resumed at 8.39 pm and the General Manager reported that the Committee of the Whole met at 8.34 pm on 27 June 2011, 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 [Council Property - Allen Arcade Lease of Shops 4 & 5, 140-142 Henry Street, Penrith](#)**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

CW2 That:

1. The information contained in the report on Council Property - Allen Arcade Lease of Shops 4 & 5, 140-142 Henry Street, Penrith be received.
2. Council grant a three (3) year lease with a three (3) year option to B & G Corporation 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.

**3 [Council Property - Lot 1 DP 1045500 off Monarch Circuit, Glenmore Park](#)**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

CW3 That:

1. The information contained in the report on Council Property - Lot 1 DP 1045500 off Monarch Circuit, Glenmore Park be received.
2. Council raise no objection to Telstra installing a telecommunication facility in relation to the existing Transgrid tower located within the transmission easement on Lot 1, DP 1045500 off Monarch Circuit, Glenmore Park.
3. Council accept the access fee in the amount as stated in the current situation of the report.
4. The applicant to be responsible for all survey, legal and construction costs associated with the access notice.
5. The Property Development Manager be authorised to sign an access deed for Telstra to install, operate and maintain telecommunications facilities.

Having previously declared a Non-Pecuniary Conflict of Interest - Significant in Committee of the Whole Item 4, Councillor Kath Presdee left the meeting, the time being 8.36 pm.

**4 [Rates Matter - Lot 2 DP 876781](#)**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM

CW4 That:



1. The information contained in the report on Rates Matter - Lot 2 DP 876781 be received.
2. The action recommended in the report on Rates Matter - Lot 2 DP 876781 be carried out.

Councillor Kath Presdee returned to the meeting, the time being 8:36pm.

Having previously declared a Pecuniary Interest in COW Item 5, the Deputy Mayor, Councillor Jim Aitken OAM, vacated the chair and left the meeting, the time being 8.36 pm. Councillor Ross Fowler OAM then took the chair for consideration of this Item.

**5 Development Application DA11/0125 Proposed Torrens Title Subdivision x 71 Residential Lots, Residual Lot x 1, New Roads and Detention Basin Lot 1 DP 209925 & Lot 2 DP 209925 & Lot 32 DP 520322 (No. 159 - 183) Caddens Road, Kingswood Applicant: Skamia Pty Ltd; Owner: Essam & Nawal Arraf, Pierre Ajami & Malcolm Ayoub**

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Karen McKeown

CW5 That:

1. The information contained in the report on Development Application DA11/0125 Proposed Torrens Title Subdivision x 71 Residential Lots, Residual Lot x 1, New Roads and Detention Basin Lot 1 DP 209925 & Lot 2 DP 209925 & Lot 32 DP 520322 (No. 159 - 183) Caddens Road, Kingswood be received.
2. The legal process outlined above be endorsed.

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 Jackie Greenow  
Councillor John Thain  
Councillor Ross Fowler OAM  
Councillor Robert Ardill  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Tanya Davies  
Councillor Marko Malkoc  
Councillor Kevin Crameri OAM

The Deputy Mayor, Councillor Jim Aitken OAM returned to the meeting, and took the Chair,

the time being 8.39 pm.

**ADOPTION OF COMMITTEE OF THE WHOLE**

161 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that the recommendation contained in the Committee of the Whole and shown as CW2, CW3, CW4 and CW5 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8.42 pm.

I certify that these 18 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 27 June 2011.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date