

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

ON MONDAY 15 OCTOBER 2012 AT 7:33PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Mark Davies 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

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

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Ben Goldfinch for the period 25 September 2012 to 17 October 2012 inclusive.

Leave of Absence was previously granted to Councillor Tricia Hitchen for the period 11 October 2012 to 19 October 2012 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 24 September 2012

311 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that the minutes of the Ordinary Meeting of 24 September 2012 be confirmed, as amended, with Minute No. 291 to now read:

“291 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that Council appoint Councillors Mark Davies and Ross Fowler OAM to the Joint Regional Planning Panel.”

DECLARATIONS OF INTEREST

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 2 – 2012-13 Financial Assistance Grant*, with regard to events proposed to be held in Llandilo, as he is a resident of this area.

Councillor Jim Aitken OAM declared a Pecuniary Interest in *Item 6 - Council Property - Owner's Consent to DA Submission over Lot 3 DP234477 Billington Place, Emu Plains to DA12/0194 over Lot 1 DP91022 and Lot 10 DP807323 Lamrock Street, Emu Plains* as he owns property in the vicinity of these properties.

Councillor Ross Fowler OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 3 of Report and Recommendations of the Policy Review Committee meeting held on 8 October, 2012*, as he was a member of the Joint Regional Planning Panel that previously considered this matter.

Councillor Ross Fowler OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 8 – Community Assistance Program Planned Component 2012-13*, as he is the Auditor/Accountant of a number of organisations listed in this report.

MAYORAL MINUTE

1 [Congratulations Ruth Goldsmith - 2012 Public Service Excellence Award](#)

312 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM that the Mayoral Minute on Congratulations Ruth Goldsmith - 2012 Public Service Excellence Award be received.

Councillors Ross Fowler OAM, John Thain, Greg Davies, Jim Aitken OAM and Jackie Greenow congratulated Ms Goldsmith on being presented with this prestigious award.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Local Traffic Committee Meeting held on 8 October 2012](#)

313 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 8 October, 2012 be adopted.

2 [Report and Recommendations of the Policy Review Committee Meeting held on 8 October 2012](#)

314 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 8 October, 2012 be adopted, with the exception of Item 3 – Planning Proposal – Land at 1-4 Old Bathurst Road, Emu Plains.

Item 3 - Report and Recommendations of the Policy Review Committee Meeting held on 8 October 2012 (Planning Proposal – Land at 1-4 Old Bathurst Road, Emu Plains)

315 A MOTION was moved by Councillor John Thain seconded Councillor Greg Davies

That:

1. The information contained in the report on Planning Proposal - Land at 1-4 Old Bathurst Road, Emu Plains be received.
2. In accordance with Sections 55 and 56 of the *Environmental Planning and Assessment Act 1979*, that the Planning Proposal prepared by Cityscape Planning and Projects dated September 2011, the original rezoning application dated February 2006 and supporting documentation, and the Department of Planning and Infrastructure's 25 September 2012 Evaluation Report be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination.
3. The Department of Planning and Infrastructure be requested to include in its Gateway Determination confirmation of the terms of reference that are identified in the Independent Evaluation Report, prepared by the Department of Planning and Infrastructure for an independent review of flooding matters and any other specific further investigations required under Section 56 of the *Environmental Planning and Assessment Act 1979*.
4. The engagement of a suitably qualified consultant be agreed between Council and the proponent to conduct an independent review of flooding matters based on the terms of reference confirmed by the Department of Planning and Infrastructure's Gateway Determination.
5. Council officers be authorised to request the proponents to make any minor amendments to the Planning Proposal necessary to meet the Department of Planning and Infrastructure's guidelines for the content and format for Planning Proposals.

An AMENDMENT was moved by Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that consideration of this matter be deferred to enable a site inspection by Councillors to take place, and that a Briefing be arranged for the Council on the matter.

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

The AMENDMENT was PUT.

The AMENDMENT was LOST, the voting being:

For	Against
Councillor Michelle Tormey	Councillor Prue Car
Councillor Maurice Girotto	Councillor Greg Davies
Councillor Kevin Crameri OAM	Councillor John Thain
Councillor Jim Aitken OAM	Councillor Karen McKeown
Councillor Ross Fowler OAM	Councillor Jackie Greenow
Councillor Bernard Bratusa	Councillor Marcus Cornish
	Councillor Mark Davies

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

The MOTION was PUT.

The MOTION was CARRIED, the voting being:

For	Against
Councillor Prue Car	Councillor Michelle Tormey
Councillor Greg Davies	Councillor Maurice Giroto
Councillor John Thain	Councillor Kevin Crameri OAM
Councillor Karen McKeown	Councillor Jim Aitken OAM
Councillor Jackie Greenow	Councillor Ross Fowler OAM
Councillor Marcus Cornish	Councillor Bernard Bratusa
Councillor Mark Davies	

DELIVERY PROGRAM REPORTS

A LEADING CITY

2 [2012-13 Financial Assistance Grant](#)

316 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown that the information contained in the report on 2012-13 Financial Assistance Grant be received.

5 [Pecuniary Interest Returns](#)

317 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown that the information contained in the report on Pecuniary Interest Returns be received.

6 [Council Property - Owner's Consent to DA Submission over Lot 3 DP234477 Billington Place, Emu Plains to DA12/0194 over Lot 1 DP91022 and Lot 10 DP807323 Lamrock Street, Emu Plains](#)

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

That:

1. The information contained in the report on Council Property - Owner's Consent to DA Submission over Lot 3 DP234477 Billington Place, Emu Plains to DA12/0194 over Lot 1 DP91022 and Lot 10 DP807323 Lamrock Street, Emu Plains be received.
2. Owner's consent be provided in relation to the lodgement of DA12/0194 in relation to a proposed alternative access over Council's land Lot 3 DP234477 Billington Place, Emu Plains.

7 [Summary of Investments and Banking for the period 1 September to 30 September 2012](#)

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

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 September to 30 September 2012 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 September 2012 to 30 September 2012 be noted and accepted.
3. The graphical investment analysis as at 30 September 2012 be noted.
4. The Agency Collection Methods be noted.

1 [2011-12 Financial Statements](#)

320 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM that the information contained in the report on 2011-12 Financial Statements be received.

3 [2012 Community Building Partnership Program](#)

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

That:

1. The information contained in the report on 2012 Community Building Partnership Program be received.
2. Council endorse the submission of the following four projects to the 2012 Community Building Partnership Program:
 - Londonderry Electoral District: Install new floodlights at Parkes Avenue Reserve: grant request \$30,000; Council contribution \$42,000 from the Telecommunications Access Fund.
 - Mulgoa Electoral District: Upgrade canteen at Blair Oval amenities: grant request \$30,000; matching funding from Building Asset Renewal Program; and Upgrade canteen at Ridge Park amenities: grant request \$30,000; matching funding from Building Asset Renewal Program.
 - Penrith Electoral District: Replace shade awning for children's pools at Penrith Swim Centre: grant request \$25,000; matching funding from Pool operation/maintenance program.

Smithfield Electoral District: Install solar panels and upgrade lighting at Erskine Park Community Centre and upgrade lighting at Erskine Park Community Centre: grant request \$15,634; matching funding from WaSIP.

4 Australian Local Government Women's Association 2012 National Conference

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

That:

1. The information contained in the report on Australian Local Government Women's Association 2012 National Conference be received.
2. Council's delegates to attend the Australian Local Government Women's Association 2012 National Conference, to be held in Ipswich from 8 to 10 November 2012, be Councillors Jackie Greenow, Michelle Tormey, Karen McKeown and any other interested and available Councillors, with leave of absence being granted as appropriate.

15 Funding of Emergency Services - Discussion Paper

323 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Funding of Emergency Services - Discussion Paper be received.
2. Council lodge a submission to the *Funding our Emergency Services – Discussion Paper* as outlined in this report, with the following amendments:
 - (a) that Penrith City Council not become an agency for the collection of the proposed levy; and
 - (b) that a flat rate levy across all property types not be supported.

A CITY OF OPPORTUNITIES

8 Community Assistance Program Planned Component 2012-13

324 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Community Assistance Program

Planned Component 2012-13 be received.

2. Council approve funding the applications and amounts totalling \$30,000.00 from the Planned Component of the 2012/2013 Community Assistance Program as outlined in Table 3 of this report.

9 [Access Committee - Appointment of Community Members 2012-2014](#)

325 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Prue Car

That:

1. The information contained in the report on Access Committee - Appointment of Community Members 2012-2014 be received.
2. The following persons be appointed as community members on Council's Access Committee for the two year term 2012-14:

Mrs Denise Heath

Ms Ronda Hopkins

Mr Michael Morris

Mrs Farah Madon

Mr David Currie

Ms Melanie Coid.

3. A letter be forwarded to all applicants to thank them for submitting an Expression of Interest for appointment to the Access Committee.

10 [Draft NSW Long Term Transport Master Plan](#)

326 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Draft NSW Long Term Transport Master Plan be received.
2. Council officers finalise a submission on the Draft NSW Long Term Transport Master Plan and lodge it with Transport for NSW by 26 October 2012.
3. Copies of Council's submission be sent to the local State Members seeking their support, particularly noting the necessity of providing additional trains between the City and Western Sydney, as well as the urgent need to upgrade the Jane Street and Mulgoa Road intersection.

A LIVEABLE CITY

13 [NSW Bike Plan River Cities Program - Funding Offer from Roads and Maritime Services for Year 3](#)

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

That:

1. The information contained in the report on NSW Bike Plan River Cities Program - Funding Offer from Roads and Maritime Services for Year 3 be received.
2. Council accept the funding offer of \$1.5m from the Roads and Maritime Services for the NSW Bike Plan – River Cities Program, subject to the following conditions:
 - (a) Council’s contribution towards the Year 3 (2012/13) project be \$500,000, including support through design and project management
 - (b) Council’s acceptance of funding be for Year 3 only and any future funding associated agreements be separate and discrete from Year 3 funding
 - (c) Council’s acceptance of Year 3 project not bind Council to acceptance of future funding/program agreements.
3. Council write to the Minister for Roads and the Local Members expressing appreciation of the funding offer.

11 [North Penrith Commuter Car Park - Execution of Lease](#)

328 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on North Penrith Commuter Car Park - Execution of Lease be received.
2. The Mayor and General Manager be authorised to execute the Lease for the North Penrith Commuter Car Park with Rail Corporation New South Wales.
3. The Council seal be affixed to any necessary documentation.

12 [Torkington Creek Flood Investigation](#)

329 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Torkington Creek Flood Investigation be received.
2. The Draft Final Report on the Torkington Creek Flood Review be endorsed for exhibition.
3. A public meeting be arranged at Londonderry to gain community input on the report.
4. A further report be submitted to Council, following the exhibition, to adopt the Final Report.

A VIBRANT CITY

- 14 [Development Application DA12/0598 for Two storey dwelling - Lot 2018 DP 1022422 \(No. 82\) Andromeda Drive, Cranebrook](#) . Applicant: **John I Klinsic; Owner: John I Klinsic**

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

That:

1. The information contained in the report on Development Application DA12/0598 for Two storey dwelling - Lot 2018 DP 1022422 (No. 82) Andromeda Drive, Cranebrook be received.
2. The SEPP 1 objection relating to the rear setback be supported.
3. Development Application DA12/0598 for Two storey dwelling - Lot 2018 DP 1022422 (No. 82) Andromeda Drive, Cranebrook be approved subject to the following conditions:

Standard Conditions

A001 - Approved Plans

A008 – Works to BCA requirements

A009 – Residential Works DCP

A019 – Occupation Certificate

A046 – Issue of Construction Certificate

D001 – Implement Sediment and Erosion Control Measures

D007 – Cut and fill of land requiring Validation Certificate

D009 – Covering Waste Storage area

D010 – Waste disposal

E001 – BCA compliance

- H001 – Stamped plans and erection of site notice
- H002 – All Forms of Construction
- H009 – Cut/Fill Details
- H022 – Survey
- H030 – Colours and finishes
- H036 – Rainwater Tank
- H037 – Safe Supply of Water From Catchment
- H038 – Connection of Rainwater Tank Supply
- H039 – Rainwater Tank Pumps
- H041 – Hours of work
- I003 – Roads Act Approval 1
- K016 – Stormwater
- K026 – Stabilised Access
- K041 – Infrastructure Bond
- L008 – Tree preservation order
- P002 – Fees
- Q01f – Notice of commencement and appointment of PCA
- Q05f – Occupation Certificate.

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

For

Against

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow
Councillor Maurice Girotto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Garbage Collection Arrangements - Christmas 2012

Councillor Marcus Cornish requested a memo reply concerning Council's arrangements for the collection of garbage over the six-week Christmas period, particularly in regard to the red and yellow bins.

RR 2 Widening of Northern Road, Cranebrook

Councillor Kevin Crameri OAM requested an urgent report to Council on the widening of Northern Road to Andromeda Drive, Cranebrook, instead of to Borrowdale Way, as previously proposed.

RR 3 Bus Stop - Cnr Cambridge and Cam Streets, Cambridge Park

Councillor Kevin Crameri OAM requested that the Local Traffic Committee investigate the removal of the old bus stop on the corner of Cambridge and Cam Streets, Cambridge Park, as a new bus stop has now been provided.

RR 4 Spectator Fee - School Swimming Programs

Councillor Kevin Crameri OAM requested a memo reply concerning the spectator fee charged to parents whose children are participating in school swimming programs.

RR 5 St Marys Development Committee – Hall Hire of St Marys Memorial Hall

Councillor Jackie Greenow conveyed thanks from the St Marys Development Committee for Council's assistance in paying the hire fee for the St Marys Memorial Hall, for an event which raised \$2,700 for charity.

RR 6 Coal Seam Gas Wells

Councillor Michelle Tormey requested a report to Council on: the potential environmental impact of the Menangle Park coal seam gas well on the Nepean River, the surrounding region and the Penrith LGA; the potential environmental impact of the Lake Burragorang coal seam gas well on the Nepean River and the Penrith LGA; and the environmental impact and structural integrity of the coal seam gas wells currently within the Penrith LGA, including: 'Wallacia 1' and 'Duncans Creek 1', located in Wallacia; 'Castlereagh 1', located in Castlereagh; 'North Castlereagh 1', located in North Castlereagh; and 'Cecil 1', located in Erskine Park.

RR 7 Closure of Nepean Street, Cranebrook

Councillor John Thain requested an urgent report recommending that the closure of Nepean Street, Cranebrook be deferred for 4-6 weeks to allow for engagement with the local community in order to provide a better understanding of the reasons for this closure, with local residents being informed by letter of the reasons for the closure.

RR 8 McHappy Day at McDonalds

Councillor Greg Davies requested an urgent report to Council outlining how Council has

supported McHappy Day at McDonalds in previous years and seeking support for this year's event.

RR 9 Safety Audit - St Marys Station Precinct

Councillor Greg Davies requested a report to Council, providing an update on the safety audit previously requested for the St Marys Station Precinct.

RR 10 Nepean Hospital Car Park

Councillor Greg Davies requested a report outlining the details of the costs of construction of the car park at the Nepean Hospital.

RR 11 Safety Audit - St Marys Station Precinct

Councillor Prue Car requested that a safety audit of the St Marys Station Precinct be carried out.

RR 12 Road Safety Issues - Carpenter Street, Colyton

Councillor Prue Car requested that the matter of dangerous driving practices in the vicinity of No. 86 Carpenter Street, Colyton be referred to the Local Traffic Committee for investigation.

RR 13 Penrith Valley Men's Shed

Councillor Prue Car requested an urgent report to Council investigating ways that Council can assist the Penrith Valley Men's Shed with the provision of any of the following items: laptop computer (\$576), photocopier (\$400), whiteboard (\$99.94), and office furniture (\$891.59).

RR 14 Future of State Office Block, Station Street, Penrith

Councillor Prue Car requested an urgent report to Council detailing the impact of the planned sale of the State Office Block in Station Street, Penrith, in particular addressing the impact on the tenure of Government Departments currently housed there.

RR 15 St Clair Shops - No Stopping Signs

Councillor Greg Davies requested that the matter of no stopping signs outside St Clair shops be referred to the Local Traffic Committee for investigation, as concerns have been raised regarding an advertising truck parking in this area all day.

URGENT BUSINESS

UB 1 Leave of Absence

Councillor Kevin Crameri OAM requested a Leave of Absence from 9 to 17 November 2012 inclusive.

331 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen

McKeown that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Mark Davies, ruled that the matter was urgent and should be dealt with at the meeting.

332 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that Councillor Kevin Cramer OAM be granted Leave of Absence from 9 to 17 November 2012 inclusive.

UB 2 Leave of Absence

Councillor Maurice Giroto requested a Leave of Absence from 20 November to 5 December 2012 inclusive.

333 RESOLVED on the MOTION of Councillor Kevin Cramer OAM seconded Councillor John Thain that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Mark Davies, ruled that the matter was urgent and should be dealt with at the meeting.

334 RESOLVED on the MOTION of Councillor Kevin Cramer OAM seconded Councillor John Thain that Councillor Maurice Giroto be granted Leave of Absence from 20 November to 5 December 2012 inclusive.

COMMITTEE OF THE WHOLE

335 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Michelle Tormey that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:04 pm.

1 Presence of the Public

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

A Leading City

2 [Commercial Matter - Council Property - Leasing of Shop 4 at Cranebrook Village Shopping Centre to Sen Khun & Bovamolika Kong](#)

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 [Commercial Matter - Council Property - Leasing of Cooina Child Care Centre at 35 Colorado Drive St Clair to Little Smarties Pty Ltd under Section 47A of the Local Government Act 1993](#)

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 [Legal Matter - Land and Environment Court proceedings: Dellara Pty Limited v Minister for Planning and Penrith City Council \(123 Patons Lane, Orchard Hills\)](#)

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

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

A City of Opportunities

5 [Development Application DA09/0164 Legal Proceedings in relation to Hi Quality quarry and rehabilitation Lot 228 DP 221313 & Lot 229 DP 1134016 \(No. 1513-1519\) Elizabeth Drive, Kemps Creek Applicant: Hi Quality Quarry \(NSW\) Pty Ltd; Owner: Tranteret Pty Ltd](#)

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.

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

Councillors Prue Car and Michelle Tormey left the meeting, the time being 9:05 pm.

The meeting resumed at 9:26 pm and the General Manager reported that the Committee of the Whole met at 9:07 pm on 15 October 2012, the following being present

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

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

CONFIDENTIAL BUSINESS

2 [Commercial Matter - Council Property - Leasing of Shop 4 at Cranebrook Village Shopping Centre to Sen Khun & Boyanmolika Kong](#)

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

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Shop 4 at Cranebrook Village Shopping Centre to Sen Khun & Boyanmolika Kong be received.
2. Council grant Sen Khun & Boyanmolika Kong a 3 year lease over Shop 4 at Cranebrook Village Shopping Centre in accordance with the terms and conditions set out in the report.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

3 [Commercial Matter - Council Property - Leasing of Cooina Child Care Centre at 35 Colorado Drive St Clair to Little Smarties Pty Ltd under Section 47A of the Local Government Act 1993](#)

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

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Cooina Child Care Centre at 35 Colorado Drive St Clair to Little Smarties Pty Ltd under Section 47A of the Local Government Act 1993 be received.
2. Council grant a new 5 year Lease to Little Smarties Pty Ltd in accordance with Section 47A of the Local Government Act 1993 as outlined in the report.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

Councillors Prue Car and Michelle Tormey returned to the meeting, the time being 9:08 pm.

4 [Legal Matter - Land and Environment Court proceedings: Dellara Pty Limited v Minister for Planning and Penrith City Council \(123 Patons Lane, Orchard Hills\)](#)

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM

CW4 That:

1. The information contained in the report on Legal Matter - Land and Environment Court proceedings: Dellara Pty Limited v Minister for Planning and Penrith City Council (123 Patons Lane, Orchard Hills) be received.
2. Council not pursue an appeal against the decision of the Commissioners of the Land and Environment Court.

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

For

Against

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow
Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

5 [Development Application DA09/0164 Legal Proceedings in relation to Hi Quality quarry and rehabilitation Lot 228 DP 221313 & Lot 229 DP 1134016 \(No. 1513-1519\) Elizabeth Drive, Kemps Creek, Applicant: Hi Quality Quarry \(NSW\) Pty Ltd; Owner: Tranteret Pty Ltd](#)

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish

CW5 That:

1. The information contained in the report on Development Application DA09/0164 Legal Proceedings in relation to Hi Quality quarry and rehabilitation Lot 228 DP 221313 & Lot 229 DP 1134016 (No. 1513-1519)

Elizabeth Drive, Kemps Creek be received.

2. Council enter into a s.34 agreement whereby the Court be invited to grant an order upholding the applicant's appeal and thereby approving the amended development application subject to the proposed conditions in this report.
3. The site is not to be used as a transport terminal.
4. A further report be presented to Council on the monitoring regime for facilities of this nature across the City.

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

For

Against

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow
Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

ADOPTION OF COMMITTEE OF THE WHOLE

336 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:29 pm.

I certify that these 17 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 15 October 2012.

Chairperson

Date