

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

ON MONDAY 25 MARCH 2013 AT 7:34PM

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 Senior Governance Officer, Mr Glenn Schuil.

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, Ben Goldfinch, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Jackie Greenow for the period 22 March 2013 to 4 April 2013 inclusive.

March 2013 to 14 April 2013.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 25 February 2013

63 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown that the minutes of the Ordinary Meeting of 25 February 2013 be confirmed.

Councillor Kevin Crameri OAM then read an apology to the meeting concerning his conduct in relation to *Item 9 Development Application DA12/0308 at Lot 1 DP237071 (No. 265) Seventh Avenue. Llandilo* considered at the Ordinary Meeting held on 25 February 2013.

DECLARATIONS OF INTEREST

His Worship the Mayor, Councillor Mark Davies declared a Non-Pecuniary Conflict of Interest –Significant in *Item 5 of the Report and Recommendations of the Policy Review Committee Meeting held on 11 March 2013 (Public Rally regarding Waste from Nelson Road Hunters Hill)* as his wife is the State Member for Mulgoa. The Mayor indicated that he would leave the meeting during consideration of this item.

MAYORAL MINUTES

1 Passing of Allan Murray

64 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ben Goldfinch that the Mayoral Minute on Passing of Allan Murray be received.

Councillors Ben Goldfinch, Marcus Cornish, Jim Aitken OAM and Ross Fowler OAM spoke in support of the Mayoral Minute.

2 Councillor Greenow wins 2013 Minister's Award for Women in Local Government

65 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown that presentation of this Mayoral Minute be deferred to the next Ordinary meeting of Council.

3 Group Manager Roger Nethercote retires

66 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM that the Mayoral Minute on Group Manager Roger Nethercote retires be received.

Councillors Ross Fowler OAM, Jim Aitken OAM, John Thain and Greg Davies spoke in support of the Mayoral Minute. The Council demonstrated their appreciation by acclamation.

NOTICES OF MOTION TO RESCIND A RESOLUTION

1 Notice of Rescission

“That the motion carried at Minute No. 45 of Council’s Ordinary Meeting of 25 February 2013, relating to Item 9 – Development Application DA 12/0308 at Lot 1 DP 237071 (No. 265) Seventh Avenue, Llandilo, be rescinded.”

67 A MOTION was moved by Councillor Kevin Crameri OAM seconded Councillor Maurice Giroto that this Notice of Rescission be received.

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

For	Against
Councillor Michelle Tormey	Councillor Prue Car
Councillor Kevin Crameri OAM	Councillor Greg Davies
Councillor Bernard Bratusa	Councillor John Thain
Councillor Marcus Cornish	Councillor Karen McKeown
	Councillor Ross Fowler OAM
	Councillor Tricia Hitchen
	Councillor Jim Aitken OAM

Councillor Ben Goldfinch
Councillor Maurice Giroto
Councillor Mark Davies

The Motion was LOST.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Access Committee Meeting held on 13 February 2013](#)

68 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Michelle Tormey that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 13 February, 2013 be adopted.

Councillor Ben Goldfinch left the meeting, the time being 8:05 pm.

2 [Report and Recommendations of the Local Traffic Committee Meeting held on 4 March 2013](#)

69 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Greg Davies that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 4 March, 2013 be adopted.

3 [Report and Recommendations of the Penrith Valley Community Safety Partnership Meeting held on 6 March 2013](#)

70 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Michelle Tormey that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 6 March, 2013 be adopted.

4 [Report and Recommendations of the Policy Review Committee Meeting held on 11 March 2013](#)

71 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Marcus Cornish that the recommendations at Items 1, 2 and 6, contained in the Report and Recommendations of the Policy Review Committee meeting held on 11 March, 2013 be adopted.

Councillor Ben Goldfinch returned to the meeting, the time being 8:08 pm.

Item 3 of Reports and Recommendations of the Policy Review Committee Meeting held on 11 March 2013

72 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Marcus Cornish that the recommendation at Item 3 contained in the Report and Recommendations of the Policy Review Committee meeting held on 11 March, 2013 be adopted.

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 Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

Item 4 of Reports and Recommendations of the Policy Review Committee Meeting held on 11 March 2013

73 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Marcus Cornish that the recommendation at Item 4 contained in the Report and Recommendations of the Policy Review Committee meeting held on 11 March, 2013 be adopted.

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 Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

Item 5 of Reports and Recommendations of the Policy Review Committee Meeting held on 11 March 2013

Having previously declared a Non-Pecuniary Conflict of Interest – Significant in this matter, His Worship the Mayor, Councillor Mark Davies vacated the Chair and left the meeting, the time being 8:09 pm.

The Deputy Mayor, Councillor Ross Fowler OAM, then took the Chair for consideration of this item.

An AMENDMENT was MOVED by Councillor Prue Car seconded Councillor Greg Davies

That:

1. The information contained in the report on Public Rally regarding Radioactive Waste from Nelson Parade Hunters Hill be received.
2. Council proceed with Option 2 at a cost of \$9,000, for hire of the Joan Sutherland Performing Arts Centre, with advertising to be limited to \$1,000, for the public rally regarding Radioactive Waste from Nelson Parade Hunters Hill, with the cost to be allocated equally from each Ward's voted works.

Councillor Greg Davies then called for a DIVISION.

For

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey

Against

Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish

The AMENDMENT was LOST.

Councillor Prue Car left the meeting, the time being 8:29pm and did not return.

74 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Marcus Cornish that the recommendation at Item 5 contained in the Report and Recommendations of the Policy Review Committee meeting held on 11 March, 2013 be adopted.

Councillor Greg Davies then called for a DIVISION.

For

Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish

Against

Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey

Councillor Kevin Crameri OAM left the meeting, the time being 8:31 pm.

His Worship the Mayor, Councillor Mark Davies returned to the meeting and took the Chair, the time being 8:32 pm.

Councillor Marcus Cornish left the meeting, the time being 8:32 pm.

Councillor Marcus Cornish returned to the meeting, the time being 8:33 pm.

DELIVERY PROGRAM REPORTS

A LEADING CITY

2 Abandonment of Sundry Debt

75 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Abandonment of Sundry Debt be received.
2. The sundry debt of \$9,036 as outlined above be written off as irrecoverable.

3 2012-13 Borrowing Program

76 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on 2012-13 Borrowing Program be received.
2. Council borrow the \$1,400,000 for a 5 year term, \$3,600,000 for a 4 year term, and the balance of \$8,313,000 for a 10 year repayment term. This amount will be reduced by \$2.6m if the LIRS subsidy is unsuccessful.
3. Council's General Manager be given delegated authority to negotiate the loans in accordance with this resolution.
4. The Common Seal of the Council of the City of Penrith be affixed to those documents that are necessary to finalise these borrowings.
5. The final terms and conditions of the borrowings be reported to Council upon completion of the contracts.

4 Summary of Investments & Banking for the period 1 February to 28 February 2013

77 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 February to 28 February 2013 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 February 2013 to 28 February 2013 be noted and accepted.
3. The graphical investment analysis as at 28 February 2013 be noted.

1 2013 Australian Local Government Association (ALGA) National General Assembly of Local Government

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

That:

1. The information contained in the report on 2013 Australian Local Government Association (ALGA) National General Assembly of Local Government be received.
2. Deputy Mayor, Councillor Ross Fowler OAM be Council's voting delegate for the 2013 National General Assembly of Local Government.
3. Councillors Jim Aitken OAM, Michelle Tormey and Marcus Cornish attend as observers at the 2013 National General Assembly of Local Government.
4. Leave of Absence be granted to all Councillors attending the 2013 National General Assembly of Local Government to be held in Canberra from 16-19 June 2013.
5. A further report detailing suggested motions be considered at Council's Policy Review Committee meeting to be held on 15 April 2013.

A CITY OF OPPORTUNITIES

Councillor Kevin Cramer OAM returned to the meeting, the time being 8:35 pm.

5 NSW Long Term Transport Master Plan

79 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown

That:

1. The information contained in the report on NSW Long Term Transport Master Plan be received.
2. Council continue to advocate for those transport projects and strategies outlined in Council's submissions that have not been addressed by the Long

Term Transport Master Plan in accordance with the recommended actions in this report.

3. Council not support any toll on the M4/West Connex and write to the Minister for Transport and the Local Members of Parliament expressing this strong view.
4. Council write to the Prime Minister and the Leader of the Opposition, requesting the remaining 50% of funding required for the Werrington Arterial road.

6 NSW Fire and Rescue Fire Safety Report

80 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on NSW Fire and Rescue Fire Safety Report be received.
2. Council continue to monitor all properties as part of its Fire Safety Audit Program.
3. A memo be provided to all Councillors providing them with an update on the Status of the Council's submission on the Emergency Services Levy.

7 Delegation to Council of certain functions under the Plumbing & Drainage Act 2012

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

That:

1. The information contained in the report on Delegation to Council of certain functions under the Plumbing & Drainage Act 2012 be received.
2. Council write to the Commissioner of Fair Trading declining the request to accept delegation of the functions of plumbing regulator.
3. Council make representations to the Local Members of Parliament expressing its concern for this shifting of regulatory responsibility to Local Government for the reasons outlined in this report.
4. Council write to the Master Plumbers Association seeking their views and support on this matter
5. Council write to Local Government NSW requesting their representation and support on this matter.

8 Development Application DA12/0892 for a Detached Dual Occupancy at Lot 40 DP 260331, (No. 29) Newtimber Circuit, St Clair Applicant: Fareen N Khan; Owner: Fareen N Khan

82 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Development Application DA12/0892 for a Detached Dual Occupancy at Lot 40 DP 260331, (No. 29) Newtimber Circuit, St Clair be received.
2. The submitted objection to the development standard under SEPP 1 be supported.
3. Development Application No 12/0892 for alterations and additions to an existing dwelling , and the construction of a new dwelling to create a dual occupancy, be approved subject to the following conditions:

Standard Conditions

- 3.1 A001 – Approved plans that are architecturally drawn
- A008 – Works to BCA requirements
- A009 – Residential Construction Works
- A019 – Occupation Certificate
- A046 – Issue of Construction Certificate
- B002 - Demolition and disposal to approved landfill site
- B003 - Asbestos
- B004 - Dust
- B005 - Mud/Soil
- B006 - Hours of work
- D001 – Sedimentation and Erosion Controls
- D009 – Covering Waste Storage area
- E001 – BCA compliance
- E005 – smoke alarms
- G003 - Section 73 Certificate
- G004- Integral Energy
- H001 – Stamped plans and erection of site notice
- H002 - All forms of construction
- H004 – Hours of work
- H011- Engineering plans & specifications
- H022 - Survey
- K016 - Stormwater

- L001 – General landscaping
- L002 - Landscape construction
- L003 - Report requirement
- L005 - Planting of plant material
- L006 - AS requirements
- L007 - Tree protection measures
- L008 – Tree preservation order
- N003 - Section 94 contribution (Cultural Facilities)
- N004 - Section 94 contribution (District Open Space)
- N005 - Section 94 contribution (Footpaths)
- N006 - Section 94 contribution (Local Open Space)
- Q001F – Notice of Commencement & Appointment of PCA

Special Conditions

- a. Courtyard fencing for Unit 1 is to be 1.5 metres high and of brick construction (to match or complement the dwelling) with decorative aluminium infill panels. The location of this courtyard fencing is not to extend beyond the front building line of the dwelling.
- b. The downstairs toilet for Unit 2 is to be provided with a sliding door to allow for increased circulation space.
- c. An additional storage area is to be provided within Unit1, a minimum of 10m³, as per the requirements of Penrith City Council Development Control Plan 2006. Details are to be shown on plans provided with the Construction Certificate application.

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

For

Against

Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

9 Section 96 Application DA12/0656.01 for an Industrial Development with Two Warehouses at Lot 1 DP 1087962, (No. 198-204) Andrews Road, Penrith Applicant: Stimson Consultant Services Pty Ltd; Owner: Ostaday Pty Ltd

83 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on the Section 96 Application DA12/0656.01 for an Industrial Development with Two Warehouses at Lot 1 DP 1087962, (No. 198-204) Andrews Road, Penrith be received.
2. DA12/0656.01 be approved in part with modifications to Consent Condition No. 11 to read as follows:

“According to 88B restrictions, No building structures or solid-type fences nor placement of fill nor planting nor alteration of the final overland flow path shape is allowed in the “Flood Conveyance Setback Area” as indicated R2 on the Plan.

Any fencing shall be of “Open-Style type” compatible with recommendation of the “Flood Impact Assessment Report” prepared by Barker Ryan Stewart dated December 2011 and is to be located behind the 4m landscaped setback.”
3. The terms of clause (Part 2) of the restriction referred to in the 88B Instrument attached to Lot 1, DP 1087962, be varied to read as follows as it applies to Lot 1 only:

*“No building structures or **solid-type** fences nor placement of fill nor planting nor alteration of the final overland flow path shape is allowed in the “Flood Conveyance Setback Area” as indicated R2 on the Plan.*

Any proposed fencing shall be of “Open-Style type” and a flood impact assessment report shall be submitted to Penrith City Council for review and approval of the fencing proposed”.
4. The Common Seal of Penrith City Council be affixed to all necessary documentation to vary the Section 88B Restriction of the Conveyancing Act 1919.

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

For

Against

Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM

Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Mark Davies

A GREEN CITY

10 [Biodiversity Fund Grant Application to Restore Cranebrook Wetland and Adjacent Cumberland Plain Woodland](#)

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

That:

1. The information contained in the report on Biodiversity Fund Grant Application to Restore Cranebrook Wetland and Adjacent Cumberland Plain Woodland be received.
2. Council support the submission of a grant application to the Australian Government's Biodiversity Fund as detailed in this report prior to the 10 April 2013 closing date.

A LIVEABLE CITY

15 [Tender Reference 12/13-09 Provision of Various Pavement Sawing, Coring and Grinding Services](#)

85 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Tender Reference 12/13-09 Provision of Various Pavement Sawing, Coring and Grinding Services be received.
2. A new 3 year contract with the option to extend for a further two (2) x one (1) year periods (subject to satisfactory performance) be awarded to the following companies for the specified services in accordance with the terms and conditions of the Tender:
 - (a) Concrete & Asphalt Sawing services be awarded to RIPA Concrete Cutting Pty Ltd as the primary contractor and Mastercut Concrete Aust Pty Ltd as the secondary contractor.
 - (b) Concrete Footpath Grinding services be awarded to The Australian Grinding Company as the primary contractor and Pro-Cut Concrete Pty Limited as the secondary contractor.
 - (c) Concrete & Asphalt Coring services be awarded to RIPA Concrete Cutting Pty Ltd as the primary contractor and Pro-Cut Concrete Pty Limited as the secondary contractor.

11 'Our River' project - Nepean River Precinct Masterplan

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

That:

1. The information contained in the report on 'Our River' project - Nepean River Precinct Masterplan be received.
2. The budget of \$100,000 be approved for the Master Plan as outlined in this the report.

Councillor Michelle Tormey left the meeting, the time being 8:54 pm.

Councillor Michelle Tormey returned to the meeting, the time being 8:56 pm.

12 Review of the Suitability and Performance of Fibre Reinforced Concrete Pipes in the Penrith Local Government Area

87 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Review of the Suitability and Performance of Fibre Reinforced Concrete Pipes in the Penrith Local Government Area be received.
2. The use of fibre reinforced concrete pipes below the water table and in submerged situations be prohibited.
3. Where fibre reinforced concrete pipes will become future public assets, they be required to be fitted with collars.
4. Council's "*Guidelines for Engineering Works Associated with Subdivisions and Developments (1997)*" be amended to reflect the proposed specification changes for fibre reinforced concrete pipes.
5. The development industry, and particularly subdivision contractors, be formally notified of the changes to Council's specifications.
6. Council's Engineering Services Department continue to monitor the performance of fibre reinforced concrete pipes with a view to reassessing Council's position as part of a complete review of Council's "*Guidelines for Engineering Works Associated with Subdivisions and Developments (1997)*".
7. A further report be presented to a Policy Review Committee meeting detailing Asset Life, Vic Roads position and implications for Penrith on Fibre Reinforced Concrete Pipes in the Penrith Local Government Area.

13 [Tender Reference 12/13-14 - Surveyors Creek Pedestrian Bridge Upgrade](#)

88 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Greg Davies

That:

1. The information contained in the report on Tender Reference 12/13-14 - Surveyors Creek Pedestrian Bridge Upgrade be received.
2. Antoun Civil Engineering Pty Ltd be awarded the contract for the Surveyors Creek Pedestrian Bridge Upgrade works for the amount of \$195,400 ex GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

14 [Tender Reference 12/13-15 - Steel Work and Path Construction on River Road, Emu Plains](#)

89 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Tender Reference 12/13-15 - Steel Work and Path Construction on River Road, Emu Plains be received.
2. The Glascott Group be awarded the contract for the Steel Work and Path Construction Works on River Road Emu Plains for the amount of \$447,924.80 ex GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Proposed Wastewater Management Facility - Emu Plains

Councillor Bernard Bratusa requested a report to Council investigating the operation of a wastewater management facility at Smith Street, Emu Plains, without development consent.

RR 2 Sporting Fields leased over Council owned Property

Councillor Bernard Bratusa requested a report to Council detailing existing leasing and maintenance contracts between Council and sporting organisations, including costs, and rentals received by Council.

RR 3 Traffic Accident Statistics - Cnr Evan and Stafford Streets, Penrith

Councillor Bernard Bratusa requested a report to the Local Traffic Committee detailing the number of accidents and or injuries which have occurred at the intersection of Evan and

Stafford Streets, Penrith over the last 5 years.

RR 4 Quarrying Activities - Elizabeth Drive, Kemps Creek

Councillor Bernard Bratusa requested a report to Council investigating quarrying activities and acceptable waste for the site in Elizabeth Drive, Kemps Creek, which has been advertised as an 'approved quarry and waste management facility'.

RR 5 Maintenance of Mulgoa Road

Councillor Bernard Bratusa requested a memo reply to all Councillors detailing the maintenance program for Mulgoa Road from (1) Glenmore Parkway to Batt Street; and (2) Glenmore Parkway to Park Road, due to the deteriorating condition of the road, with the memo to outline any long range plans for improving this major carriageway.

RR 6 Applegum Reserve, Lady Jamison Drive, Glenmore Park

Councillor Bernard Bratusa requested a report to Council detailing the cost to replace and/or repair the current, damaged playground equipment in Applegum Reserve, Glenmore Park.

RR 7 Registration Fees for Dogs

Councillor Ross Fowler OAM requested a report to Council on the cost of a scheme for Annual Registration Fees for Dogs.

URGENT BUSINESS

UB 1 Public Rally regarding Radioactive Waste from Nelson Parade Hunters Hill

Having previously declared a Non-Pecuniary Conflict of Interest – Significant in this item, His Worship the Mayor, Councillor Mark Davies, vacated the Chair and left the meeting, the time being 9:15 pm.

The Deputy Mayor, Councillor Ross Fowler OAM, then took the Chair.

Councillor Michelle Tormey requested that \$1,000 from each Ward's voted works be allocated to Western Sydney Residents Against Radioactive Dumping Action Group to fund a public meeting regarding the remediation of contaminated radioactive waste from Hunters Hill to Kemps Creek.

90 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that the matter be brought forward and dealt with as an urgent matter.

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

A MOTION was moved by Councillor Greg Davies and Councillor John Thain that \$1,000 from each Ward's voted works be allocated to Western Sydney Residents Against

Radioactive Dumping Action Group to fund a public meeting regarding the remediation of contaminated radioactive waste from Hunters Hill to Kemps Creek.

The MOTION was PUT.

The MOTION was LOST

Councillor Greg Davies called for a DIVISION.

For

Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey

Against

Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish

His Worship the Mayor, Councillor Mark Davies, returned to the Chair, the time being 9:19 pm.

COMMITTEE OF THE WHOLE

91 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:20 pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Kevin Crameri OAM **seconded** Councillor Marcus Cornish 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 Suites 104A and 104B at Community Connections to NorWest Lincs Incorporated](#)

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 - Nos. 141-151 High 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.

4 Commercial Matter - Government Property New South Wales Office Proposal

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 9:31 pm and the General Manager reported that the Committee of the Whole met at 9:20 pm on Monday 25 March 2013, the following being present

His Worship the Mayor, Councillor Mark Davies, Deputy Mayor, Councillor Ross Fowler OAM and Councillors Jim Aitken OAM, Bernard Bratusa, Kevin Crameri OAM, Marcus Cornish, Greg Davies, Maurice Giroto, Ben Goldfinch, Tricia Hitchen, 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 Suites 104A and 104B at Community Connections to NorWest Lincs Incorporated

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Suites 104A and 104B at Community Connections to NorWest Lincs Incorporated be received.
2. Council approve a 5 year Licence Agreement to NorWest Lincs Incorporated in accordance with the terms and conditions set out in the report.
3. Council's Property Development Manager sign the Licence Agreement on behalf of Council.

3 Commercial Matter - Nos. 141-151 High Street, Penrith

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

CW3 That:

1. The information contained in the report on Commercial Matter - Nos. 141-

151 High Street, Penrith be received.

2. The recommendations as proposed in the summary of the Property Development Manager's report and annexure, including GST, be adopted.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

4 Commercial Matter - Government Property New South Wales Office Proposal

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marcus Cornish

CW4 That the information contained in the report on Commercial Matter - Government Property New South Wales Office Proposal be received.

ADOPTION OF COMMITTEE OF THE WHOLE

92 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:33 pm.

I certify that these 18 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 25 March 2013.

Chairperson

Date