

21 September, 2005

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and the Regulations thereunder, notice is hereby given that an **ORDINARY MEETING** of Penrith City Council is to be held in the Council Chambers, Civic Centre, 601 High Street, Penrith on Monday 26 September 2005 at 7:00PM.

Attention is directed to the statement accompanying this notice of the business proposed to be transacted at the meeting.

Yours Faithfully

**Alan Travers**  
General Manager

***BUSINESS***

1. **APOLOGIES**
2. **LEAVE OF ABSENCE**  
**Leave of absence has been granted to:**  
*Councillor Aitken - 16 August 2005 to 29 September 2005 inclusive.*  
*Councillor Simat - 22 August 2005 to 25 October 2005 inclusive.*  
*Councillor Cettolin - 22 September 2005 to 9 October 2005 inclusive.*
3. **CONFIRMATION OF MINUTES**  
*Ordinary Meeting - 19 September 2005.*
4. **DECLARATIONS OF INTEREST**  
*Pecuniary Interest (The Act requires Councillors who declare a pecuniary interest in an item to leave the meeting during discussion of that item)*  
*Non-Pecuniary Interest*
5. **ADDRESSING THE MEETING**
6. **MAYORAL MINUTES**
7. **NOTICES OF MOTION**
8. **ADOPTION OF REPORTS AND RECOMMENDATION OF COMMITTEES**
9. **MASTER PROGRAM REPORTS**
10. **URGENT REPORTS (to be dealt with in the master program to which the item relates)**
11. **QUESTIONS WITHOUT NOTICE**
12. **COMMITTEE OF THE WHOLE**

**ORDINARY MEETING**  
**MONDAY 26 SEPTEMBER 2005**  
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# PRAYER

“Sovereign God, tonight as we gather together as a Council we affirm that you are the giver and sustainer of life. We come together as representatives of our community to make decisions that will benefit this city and the people within it.

We come not in a spirit of competition, not as adversaries, but as colleagues. Help us to treat each other with respect, with dignity, with interest and with honesty. Help us not just to hear the words we say, but also to hear each others hearts. We seek to be wise in all that we say and do.

As we meet, our concern is for this city. Grant us wisdom, courage and strength.

Lord, help us. We pray this in the name of Jesus Christ our Lord. Amen.”



# **Statement of Recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage**

Council values the unique status of Aboriginal people as the original owners and custodians of lands and waters, including the land and waters of Penrith City.

Council values the unique status of Torres Strait Islander people as the original owners and custodians of the Torres Strait Islands and surrounding waters.

We work together for a united Australia and City that respects this land of ours, that values the diversity of Aboriginal and Torres Strait Islander cultural heritage, and provides justice and equity for all.





## MEETING CALENDAR

September 2005 - December 2005

|                                | TIME    | SEPT            | OCT | NOV  | DEC |
|--------------------------------|---------|-----------------|-----|------|-----|
|                                |         | Mon             | Mon | Mon  | Mon |
| <b>ORDINARY MEETINGS</b>       | 7.00 pm |                 |     |      | 5   |
|                                |         | 26 <sup>^</sup> | 10  | 21 # | 12  |
| <b>Policy Review Committee</b> | 7.00 pm | 12              | 17  | 14   |     |

# Meetings at which the Management Plan quarterly reviews are presented.

#+ General Manager's presentation – half year and end of year review

@ Strategic Program progress reports

❖ Meeting at which the Draft Management Plan is adopted for exhibition

\* Meeting at which the Management Plan for 2005/2006 is adopted

✓ Meeting at which the 2004/2005 Annual Statements are presented

<sup>^</sup> Election of Mayor/Deputy Mayor (only business)

- Council has two Ordinary Meetings per month where practicable.
  - Extraordinary Meetings are held as required.
  - Policy Review Meetings are held monthly where practicable.
  - Members of the public are invited to observe meetings of the Council.
- Should you wish to address Council, please contact the Executive Officer, Glenn McCarthy on 47327649.

**UNCONFIRMED MINUTES**

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

**ON MONDAY 19 SEPTEMBER 2005 AT 7:04PM**

**NATIONAL ANTHEM AND PRAYER**

The meeting opened with the National Anthem and Prayer read by the Reverend Neil Checkley.

**STATEMENT OF RECOGNITION**

Her Worship the Mayor, Councillor Jackie Greenow read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

**PRESENT**

Her Worship the Mayor Councillor Jackie Greenow, Councillors Kaylene Allison, David Bradbury (arrived at 7:49PM), Lexie Cettolin, Kevin Crameri OAM (arrived at 7:09PM), Greg Davies, Mark Davies, Ross Fowler, Karen McKeown, Susan Page, Pat Sheehy AM, and John Thain.

**APOLOGIES**

There were no apologies.

**LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor Jim Aitken for the period 16 August to 29 September 2005 inclusive.

Leave of Absence was previously granted to Councillor Steve Simat for the period 22 August to 25 October 2005 inclusive.

Leave of Absence was previously granted to Councillor Garry Rumble for the period 12 September to 24 September 2005 inclusive.

**CONFIRMATION OF MINUTES**

**Ordinary Meeting - 5 September 2005**

447 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler the minutes of the Ordinary Meeting of 5 September 2005 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Greg Davies declared a pecuniary interest in Item 12, Sponsorship of the 2006 Western Sydney Industry Awards, as he is an employee of the Minister for Western Sydney, and indicated that he would leave the meeting when the item was debated and voted on.

Councillor Kaylene Allison declared a pecuniary interest in Item 14, Update on Australian Technical College submission to the Commonwealth, as she is employed by the Catholic Education Office, which led the consortium that was successful in the bid for a technical college in Western Sydney, and indicated that she would leave the meeting when the item was debated and voted on.

**SUSPENSION OF STANDING ORDERS**

448 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor John Thain that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:08PM.

Ms Mary Vella representing Keep Our Property Private Incorporated (KOPP Inc) addressed the Meeting on Item 1 - Public Exhibition of State Government Plans for the Proposed North West and South West Growth Centres, and spoke against the State Government's plans. Ms Vella congratulated the State Government for its recognition of the need for long term planning for infrastructure growth and Sydney's growing population, but she believed that the current plans were misguided. She said that she supported Council's request that the Department of Infrastructure Planning and Natural Resources (DIPNR) (now Department of Planning – DOP) review the proposed strategy. Ms Vella said that there had been inadequate public consultation and that labelling of areas as "green zones" had caused upheaval and people had seen the value of their land fall as a result. She said that KOPP had held recent meetings where 450 people had attended to make their opposition to the proposed green zones known, and that other areas, such as the ADI site and the Air Services land, existed that could provide a green corridor without affecting hundreds of landowners.

Mr Geoff Brown of Cranebrook addressed the Meeting on Item 1 - Public Exhibition of State Government Plans for the Proposed North West and South West Growth Centres and spoke against the recommendation. He said that the anti green zone activists were well organised and that the State Government was in for a fight if they pursue their proposed strategy. Mr Brown said that it was hypocritical to designate the land of thousands of landholders as green zones and prohibit development there when there were more than 400 hectares of land at the ADI site and the Air Services land at Cranebrook, owned by the Government and a few developers, that were being given the green light for development. Mr Brown said that the establishment of viable and effective green corridors were still possible and that there was still an opportunity to get the right policy in place, and he urged Council to work with concerned groups to lobby the State Government on the issue and achieve better planning outcomes.

Mr James Clarke of Berkshire Park representing Keep Our Property Private Incorporated (KOPP Inc) addressed the Meeting on Item 1 - Public Exhibition of State Government Plans for the Proposed North West and South West Growth Centres and spoke against the recommendation. Mr Clarke said that he was extremely concerned by the damage that people have done and are continuing to do to the natural environment, particularly regarding deforestation and global warming, and was dismayed by the focus of Government and business on short term economic goals and their apparent disregard for environmentally sustainable practices.

Mr Jason Guest of Glenmore Park Youth Services addressed the Meeting on Item 6 - Glenmore Park Skate Facility and spoke in favour of the recommendation. Mr Guest said that young people in Glenmore Park need a purpose built facility that is safe for skating, bike riding and scooters. He said that at least 50 young people under 18 had attended each of the two skate park consultation sessions, and that skate related activities are extremely popular among young people in the area. Mr Guest said that the proposed location of the skate park in Ched Towns Reserve will give young people the chance to enjoy the amenities such as shops water, toilets and transport, and that it was a fantastic opportunity for young people to be included in the life of the town centre.

**RESUMPTION OF STANDING ORDERS**

449 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler that Standing Orders be resumed, the time being 7:34PM.

## MAYORAL MINUTE

Her Worship the Mayor, Councillor Jackie Greenow, read a Mayoral Minute congratulating the Deputy Mayor, Councillor John Thain on his recent election as the Deputy Chairperson of the Hawkesbury River County Council.

## REPORTS OF COMMITTEES

### **1 Report and Recommendations of the Policy Review Committee 22 August 2005**

450 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Mark Davies that the report and recommendations of the Policy Review Committee of 22 August 2005 be received.

### **2 Report and Recommendations of the Policy Review Committee 12 September 2005**

451 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Karen McKeown that the report and recommendations of the Policy Review Committee of 12 September 2005 be received.

### **3 Report and Recommendations of the Local Traffic Committee 5 September 2005**

452 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Karen McKeown that the report and recommendations of the Local Traffic Committee of 5 September 2005 be received.

## PLAQUE FROM PENRITH DISTRICT NETBALL ASSOCIATION

Her Worship the Mayor, Councillor Jackie Greenow, informed the meeting that Council had received a plaque from the Penrith District Netball Association in gratitude for Council's support over the 2005 season. The Association has 370 teams and plays 180 games each Saturday from April until September, with a membership of 3,500 seniors and juniors.

## MASTER PROGRAM REPORTS

### THE CITY IN ITS BROADER CONTEXT

#### **1 Public Exhibition of State Government Plans for the Proposed North West and South West Growth Centres 4140/1; 4123/1**

453 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler That:

1. The information contained in the report on Public Exhibition of State Government Plans for the Proposed North West and South West Growth Centres be received.
2. Council make a formal submission to the Department of Planning on the Government's Growth Centre proposals based on the commentary and requests outlined in this Report and a copy also be forwarded to the Minister for Planning.
3. Council express to the Department of Planning its disappointment at the lack of consultation and provision of information to the local community on the proposals.

4. The Minister for Planning be requested to remove the proposed Landscape and Rural Lifestyle Area designation as it affects Penrith City.
5. The Minister for Planning be requested to provide Council the opportunity of membership of both Growth Centre Executive Committees.
6. Council urge the Department of Planning to develop a Western Sydney Employment Strategy which seeks to integrate both the emerging business and job creation strategies for the Growth Centres and the M7 Westlink with existing and emerging employment strategies required across the region.
7. Council forward copies of its submission to the Local State Members, WSROC and the other Growth Centre Local Councils seeking their support for the requests made to the State Government
8. Council write to land owners in Berkshire Park and Llandilo affected by the proposed Landscape and Rural Lifestyle Area designation advising them of Council's position.

#### **THE CITY AS A SOCIAL PLACE**

#### **4 Submission to NSW Ministry of the Arts - Funding for Cultural Development**

1034/1

454 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Kevin Crameri

That:

1. The information contained in the report on Submission to NSW Ministry of the Arts - Funding for Cultural Development be received.
2. Council endorse a Submission to the NSW Ministry for funding for Cultural Development.

#### **7 Extensions & Alterations to Grays Lane Children's Centre, Cranebrook - Tender No 02-05/06**

455 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Kevin Crameri

That:

1. The information contained in the report on Extensions & Alterations to Grays Lane Children's Centre, Cranebrook - Tender No 02-05/06 be received
2. Council accepts the tender of Caliber Contracting in the amount of \$328,640

#### **8 Glenmore Park Release Area Section 94 Development Contributions Plan Review**

4122/22

456 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Kevin Crameri

That:

1. The information contained in the report on Glenmore Park Release Area Section 94 Development Contributions Plan Review be received
2. Council endorse the expenditure of Section 94 funds as outlined in the report.

**10 Development Application 04/1886 Proposed Multi-unit Housing  
Development comprising 6 Attic Style Villas at Lot 1 & 2 DP 35970 (No. 19 -  
21) Chapel Street, St Marys. Applicant: Pearson Holdings Pty Ltd; Owner:  
Pearson Holdings Pty Ltd DA04/1886**

457 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Kevin Cramer  
That:

1. The information contained in the report on Development Application 04/1886 Proposed Multi-unit Housing Development comprising 6 Attic Style Villas at Lot 1 & 2 DP 35970 (No. 19 - 21) Chapel Street, St Marys be received
2. Development Application 04/1886 Proposed Multi-unit Housing Development comprising 6 Attic Style Villas at Lot 1 & 2 DP 35970 (No. 19 - 21) Chapel Street, St Marys be approved, subject to the following conditions:

**Standard Conditions**

- 2.1 A001, A011, A014, A008, A009, A039, A042, A19F, B001, B002, B003, B004, B005, B006, B007, D001, D007, D009, D010, E001, E005, G003, G004, H005 – amended Landscape Plan, H01F, H041, H022, H026, H028, H033, H013, I003, K001, K002, K003, K016, K019, K025, L001, L008, N001 – S94 Cultural \$722, N002 – S94 Footpath \$554, N003 – S94 Library \$2008, N004 – S94 Open Space \$5930, P002, Q001, Q005

**Special Conditions**

- 2.2 All carparking and manoeuvring must be in accordance with AS 2890 and Council's requirement. Full details must be submitted with the Construction Certificate
  - 2.3 All single garages and visitor spaces must be a minimum 3.2m wide internal and all double garages 5.8m wide internal. Full details must be provided with the construction certificate
3. Those persons who made submissions be informed of Council's decision.

**2 Penrith Swimming Centre Upgrade 2981/13**

458 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler  
That:

1. The information contained in the report on Penrith Swimming Centre Upgrade be received
2. A Councillor Working Party be formed to progress the redevelopment of the Penrith Swimming Centre
3. Council nominate Councillors Susan Page, Karen McKeown and Lexie Cettolin as representatives on the Penrith Swimming Centre Upgrade Working Party
4. The Terms of Reference be:

*“To develop and recommend to Council a strategy for the redevelopment of the*

*Penrith Swimming Centre and to oversee the implementation of that strategy”.*

**3 Grant Application - 2005/06 WSAAS Funding Round 1040/32**

459 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler  
That:

1. The information contained in the report on Grant Application - 2005/06 WSAAS Funding Round be received
2. Council endorse the submission of the Northern Rural Areas Community Development Project for funding under the 2005/06 WSAAS funding round.

**5 Proposed Skate Park at Mark Leece Oval - St Clair 3036/7**

460 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler  
That:

1. The report advising Council of the unsuccessful funding application to the NSW Department of Tourism, Sport and Recreation for the East Ward Skate Park Project be received.
2. A review be undertaken in consultation with all stakeholders for the delivery of a Skate Park in East Ward that meets the recreational and social needs of young people in the area within the available funds.
3. Council support the construction of such a Skate Park in East Ward and that a report detailing possible funding sources be presented to Council for consideration.

**6 Glenmore Park Skate Facility 2056/2**

461 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Susan Page  
That:

1. The report on the outcomes of the additional consultation process regarding the development of a Skate Park in Glenmore Park in the North Western corner of Ched Towns Reserve be received
2. Council endorse the North Western corner of Ched Towns Reserve as the site for the Skate Park in Glenmore Park
3. Council thank the responsible officers for their work on this project to date, particularly for the excellent consultation process that was undertaken.

Councillor David Bradbury arrived at the meeting, the time being 7:49PM.

**9 Penrith Football Stadium Redevelopment 3070/13**

462 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies  
That:

1. The information contained in the report on Penrith Football Stadium Redevelopment be received

2. Council endorse the scope of work and details to be included in the formal Development Application (as outlined in this report) and subject to the approval from the Department of Lands, no objection be raised by Council to the submission of that application.
3. Council agree that the Stage 1 improvements project, for which the Federal Government Grant of \$10 million applies shall comprise:
  - i. new Stadium playing surface
  - ii. retention/refurbishment of the existing western grandstand
  - iii. additions to the existing western grandstand to include:
    - multi-purpose corporate area/facilities
    - media facilities
    - administration area shell (no fit-out)
    - player amenities
  - iv. upgraded Stadium field lighting
  - v. additional 2,500 seats in front of the expanded western grandstand
  - vi. new ticketing office/entry in the north western corner of the Stadium
  - vii. a tidy up of the area under the western grandstand and adjacent forecourt.
4. Subject to the approval of the Department of Lands, no objection be raised by Council to the commencement of work on the playing field improvements, in advance of the major redevelopment works.
5. The Common Seal of Penrith City Council be affixed to the Deed of Agreement outlined in this report.

## **THE CITY AS AN ECONOMY**

### **11 Western Sydney High Schools engineering report writing Skills Competition Project**

463 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Pat Sheehy  
That:

1. Information contained in the report on Western Sydney High Schools engineering report writing Skills Competition Project be received
2. Council approve a sponsorship of \$1,000 for the Western Sydney High Schools engineering report writing skills competition.

Having previously declared a pecuniary interest in Item 12, Sponsorship of the 2006 Western Sydney Industry Awards, Councillor Greg Davies left the meeting and took no part in the debate or voting on this item, the time being 7:51PM.

**12 Sponsorship of the 2006 Western Sydney Industry Awards 1128/39**

464 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler  
That:

1. The information contained in the report on Sponsorship of the 2006 Western Sydney Industry Awards be received
2. Council approve the sponsorship of the 2006 Western Sydney Industry Awards to the value of \$8,000.

Councillor Greg Davies returned to the meeting, the time being 7:53PM.

**13 Discovering Penrith - Investors Forum 26 August 2005 1133/66**

465 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler that the information contained in the report on Discovering Penrith - Investors Forum 26 August 2005 be received.

Having previously declared a pecuniary interest in Item 14, Update on Australian Technical College submission to the Commonwealth, Councillor Kaylene Allison left the meeting and took no part in the debate or voting on this item, the time being 7:53PM.

**14 Update on Australian Technical College submission to the Commonwealth 1026/24**

466 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Pat Sheehy  
That:

1. The information contained in the report on Update on Australian Technical College submission to the Commonwealth be received
2. Council write to the Minister for Vocational and Technical Education requesting that a second Western Sydney Australian Technical College be funded, so that the residents of the Greater Metropolitan Sydney Area be provided with similar access under the program as residents of other parts of the country
3. A further report be brought to Council outlining the opportunities for Council to ensure that residents of the Penrith Community be able to access training and vocational services under the scheme.

Councillor Kaylene Allison returned to the meeting, the time being 7:57PM.

**21 Effect of Changes in the NRMA Motor Vehicle Insurance Smash Repair System**

Councillor Kevin Cramer left the meeting the time being 8:05PM.

Councillor Kevin Cramer returned to the meeting the time being 8:11PM.

467 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that

1. The information contained in the report on the Effect of Changes in the NRMA Motor Vehicle Insurance Smash Repair System be received
2. Council write to Westpool requesting that the interests of the local economy be

taken into account when they are considering tenders for the next insurance contract

3. Council write to the Motor Traders Association to express its concern on the effect that the changes in the NRMA motor vehicle insurance smash repair system will have on the economy of the Penrith Local Government Area
4. Council write to the Minister for Fair Trading to request advice as to whether the changes proposed for the NRMA motor vehicle insurance smash repair system are in breach of trade practices legislation.

## **THE CITY SUPPORTED BY INFRASTRUCTURE**

### **16 2006/2007 RTA Funding Submission for Blackspot & Urban Amenity Improvements Programme (Local Roads)**

**6041/12**

468 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Susan Page

That:

1. The information contained in the report on 2006/2007 RTA Funding Submission for Blackspot & Urban Amenity Improvements Programme (Local Roads), be received
2. Council's Asset Manager submit the above listed projects to the Roads and Traffic Authority for funding consideration under the 2006/2007 RTA Blackspot and Urban Amenity Improvements Programme (Local Roads).
3. Council seek support from the Local Members of the State Parliament to lobby the Minister for Roads for the projects submitted by Council.

### **15 Provision of Motor Vehicles**

**38/138**

469 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain

That:

1. The information contained in the report on Provision of Motor Vehicles, be received
2. No tenders be accepted for the reasons detailed in the report
3. The Motor Vehicle fleet be replaced utilising State Government Contract Pricing and Auction for purchase and disposal.
4. A further report be brought to Council detailing the cost/benefit analysis of using gas powered cars in Council's fleet.

## **LEADERSHIP AND ORGANISATION**

### **19 GST Compliance Certificate**

**6035/12**

470 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler

That:

1. The information contained in the report on GST Compliance Certificate be received
2. The certificate be signed by the Mayor, the Deputy Mayor, the General Manager and The Chief Financial Officer.

**20 Summary of Investments & Banking 3 August 2005 to 30 August 2005. 6031/4**

471 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler

That:

1. The information contained in the report on Summary of Investments & Banking 3 August 2005 to 30 August 2005 be received
2. The Certificate of the Responsible Accounting Officer, Statement of General Fund Bank Balances as at 30 August 2005 and the Summary of Investments for the period 3 August 2005 to 30 August 2005 be noted and accepted
3. The graphical investment analysis as at 30 August 2005 be noted.

**17 City Operations Directorate Report to end of August 2005 153/2**

472 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor David Bradbury that the information contained in the report on City Operations Directorate Report to end of August 2005, be received.

**18 Council Property No. 62 Great Western Highway, Kingswood 304824 Pt.11**

473 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Susan Page

That:

1. The information contained in the report on Council Property No. 62 Great Western Highway, Kingswood be received
2. Council commence the design proposal to improve the drainage system within the Cosgrove Crescent area
3. A further report be presented to Council on the status of the medium density proposal prior to the matter going back to public meetings or consultation.

**QUESTIONS WITHOUT NOTICE**

**QWN 1 Llandilo Water**

Councillor Kevin Crameri requested a memo providing more information on the upgrading of the Llandilo water supply.

**QWN 2 Item for Committee of the Whole**

Councillor Kevin Crameri referred a personnel matter to the Committee of the Whole as it concerned particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

**QWN 3 Donation to Penrith Community Aid Service Inc**

Councillor Kevin Crameri requested that Council make a donation from North Ward

voted works to the Penrith Community Aid Service to cover the cost of hiring Castlereagh Hall for a fundraising evening.

Councillor Ross Fowler declared a non-pecuniary interest as he is the honorary auditor of the Penrith Community Aid Service and he reserved his right to speak and vote on the matter.

474 RESOLVED on the MOTION of Councillor Kevin Cramer seconded Councillor Pat Sheehy that the matter be brought forward and dealt with as a matter of urgency.

Her Worship the Mayor, Councillor Jackie Greenow ruled that the matter was urgent and should be dealt with at the meeting.

475 RESOLVED on the MOTION of Councillor Kevin Cramer seconded Councillor Pat Sheehy that Council donate an amount equal to the cost of hiring Castlereagh Hall for a fundraising evening from North Ward voted works to the Penrith Community Aid Service.

**QWN 4 Request for Leave of Absence**

Councillor Ross Fowler requested Leave of Absence for the period 2 October to 13 October 2005 inclusive to attend to Council business overseas involving Westpool.

476 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies that the matter be brought forward and dealt with as a matter of urgency.

Her Worship the Mayor, Councillor Jackie Greenow ruled that the matter was urgent and should be dealt with at the meeting.

477 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies that Leave of Absence be granted to Councillor Ross Fowler for the period 2 October to 13 October 2005 inclusive.

**QWN 5 Request that DA 03 2954 & CC03/0897 be brought to Council for Determination**

Councillor Ross Fowler requested that the Development Application for 145-175 Fairlight Rd Mulgoa be reported to Council for determination.

**QWN 6 Raised Thresholds in High Street**

Councillor David Bradbury requested a memo on the liability issues regarding the raised thresholds in High Street and whether they should be marked pedestrian crossing.

**QWN 7 Dangerous Driving Issues**

Councillor David Bradbury requested that enquiries be made with Mr Kevin Manning of Colyton regarding problems he is experiencing with dangerous drivers in the vicinity of Kipling and Shepherd Streets in Colyton. Councillor Bradbury requested that he be advised of the outcome.

**QWN 8 Impact of Cadders Grove Development in Claremont Meadows**

Councillor David Bradbury requested that Council officers contact Mrs Sylvia Austin in Claremont Meadows regarding the impact of the Cadders Grove Estate Development on the adjoining neighbours. Councillor Bradbury requested that he be advised of the outcome.

**QWN 9 Community Safety Issue**

Councillor David Bradbury requested that Council's Community Safety staff contact Mr Singh in Claremont Meadows regarding a community safety issue. Councillor Bradbury requested that he be advised of the outcome.

**QWN 10 Penrith Soccer and Use of Cook Park**

Councillor Greg Davies requested an urgent report be brought to Council on what can be done to ensure that Penrith A Grade Soccer Team is able to remain in the competition using Cook Park as their home ground.

**QWN 11 Donation to the Benevolent Society for Carers Day Function**

Her Worship the Mayor, Councillor Jackie Greenow, requested that Council make a donation of \$185.00 to the Benevolent Society to cover the cost of hiring the Quarterdeck Function Room for a Carers Pampering day.

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

Her Worship the Mayor, Councillor Jackie Greenow ruled that the matter was urgent and should be dealt with at the meeting.

479 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri that Council donate \$185.00 to the Benevolent Society to cover the cost of hiring the Quarterdeck Function Room for a Carers Pampering day.

**COMMITTEE OF THE WHOLE**

RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler that the meeting adjourn to the Committee of the Whole to deal with confidential business, the time being 8:40PM.

**1 Presence of the Public**

CW1 RESOLVED on the motion of Councillor Pat Sheehy seconded Councillor Ross Fowler that the press and public be excluded from Committee of the Whole to deal with the following matters:

*City In Its Environment*

**2 Personal Matter - Demolition of dwelling at 30 Eton Road, Cambridge Park.**

**Owner: G E Stimson**

**256154**

*This item has been referred to Committee of the Whole as the report refers to discussion in relation to the personal hardship of a resident or ratepayer; AND 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.*

*City as an Economy*

**3 Commercial Matter- Former Council Chambers Site**

**950/62 Pt.11**

*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.*

### **CONFIDENTIAL BUSINESS**

The meeting resumed at 9:33PM and the General Manager reported that the Committee of the Whole met at 8:40PM on Monday 19 September 2005 the following being present:

Her Worship the Mayor Councillor Jackie Greenow, Councillors Kaylene Allison, David Bradbury, Kevin Crameri OAM, Greg Davies, Mark Davies, Ross Fowler, Karen McKeown, Susan Page, Pat Sheehy AM, 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.

**2 Personal Matter - Demolition of dwelling at 30 Eton Road, Cambridge Park. 256154**  
**Owner: G E Stimson**

CW2 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Mark Davies  
That:

1. The information contained in the report on Demolition of dwelling at 30 Eton Road, Cambridge Park be received
2. The matter be deferred pending a further report to Council on 10 October 2005.

**3 Commercial Matter- Former Council Chambers Site 950/62 Pt.11**

Councillor Greg Davies declared a non-pecuniary interest in Item 3, Commercial Matter- Former Council Chambers Site as he is an employee of the Minister Assisting the Minister for Commerce and he reserved his right to speak and vote on the item.

CW3 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler  
That:

1. The information contained in the report on Commercial Matter- Former Council Chambers Site be received
2. Council agree in principle to the sale of part of the former Council Chambers site to the Department of Commerce on the basis of the Council's Legal Officer's comments in the report
3. A further report be presented to Council on the outcome of negotiations for the sale of the site.

### **ADOPTION OF COMMITTEE OF THE WHOLE**

480 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Mark Davies that the recommendation contained in the Committee of the Whole and shown as CW1 to CW3 be adopted.

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

# **PENRITH CITY COUNCIL**

## **Procedure for Addressing Meetings**

Anyone can request permission to address a meeting, providing that the number of speakers is limited to three in support of any proposal and three against.

Any request about an issue or matter on the Agenda for the meeting can be lodged with the General Manager or Public Officer up until 12 noon on the day of the meeting.

Prior to the meeting the person who has requested permission to address the meeting will need to provide the Public Officer with a written statement of the points to be covered during the address in sufficient detail so as to inform the Councillors of the substance of the address and a written copy of any questions to be asked of the Council in order that responses to those questions can be provided in due course.

In addition, prior to addressing the meeting a person addressing Council or Committee will be informed that they do not enjoy any privilege and that permission to speak may be withdrawn should they make inappropriate comments.

It should be noted that speakers at meetings of the Council or Committee do not have absolute privilege (parliamentary privilege). A speaker who makes any potentially offensive or defamatory remarks about any other person may render themselves open to legal action.

Prior to addressing the meeting the person will be required to sign the following statement:

“I (name) understand that the meeting I intend to address on (date) is a public meeting. I also understand that should I say or present any material that is inappropriate, I may be subject to legal action. I also acknowledge that I have been informed to obtain my own legal advice about the appropriateness of the material that I intend to present at the above mentioned meeting”.

Should a person fail to sign the above statement then permission to address either the Council or Committee will not be granted.

The Public Officer or Minute Clerk will speak to those people who have requested permission to address the meeting, prior to the meeting at 6.45pm.

It is up to the Council or Committee to decide if the request to address the meeting will be granted.

Where permission is to be granted the Council or Committee, at the appropriate time, will suspend only so much of the Standing Orders to allow the address to occur.

The Chairperson will then call the person up to the lectern or speaking area.

The person addressing the meeting needs to clearly indicate:

- Their name;
- Organisation or group they are representing (if applicable);
- Details of the issue to be addressed and the item number of the report in the Business Paper;
- Whether they are opposing or supporting the issue or matter (if applicable) and the action they would like the meeting to take;
- The interest of the speaker (e.g. affected person, neighbour, applicant, applicants spokesperson, interested citizen etc).

Each person then has five minutes to make their address. Those addressing Council will be required to speak to the written statement they have submitted. Permission to address Council is not to be taken as an opportunity to refute or otherwise the points made by previous speakers on the same issue.

The Council or Committee can extend this time if they consider it appropriate, however, everyone needs to work on the basis that the address will be for five minutes only.

Councillors may have questions about the address so people are asked to remain at the lectern or in the speaking area until the Chairperson has thanked them.

When this occurs, they should then return to their seat.

Steve Hackett  
**Public Officer**  
02 4732 7637

August 2003

## MASTER PROGRAM REPORTS

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## **LEADERSHIP AND ORGANISATION**

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**Leadership and Organisation**

**1 Election of Mayor and Deputy Mayor**

**10/11 &  
10/42**

**Compiled by: Glenn McCarthy - Executive Officer**

**Authorised by: Steve Hackett - Director City Services**

**Strategic Program Term Achievement:** *Council has reviewed its own role and operations and has adopted contemporary practices to best discharge its charter.*

**Critical Action:** *Review current structures and procedures supporting Council and Councillors' responsibilities.*

**Purpose:**

*To report to Council the procedure and method for the election of the Mayor and Deputy Mayor. The report recommends that Council determine the method for the election of the Mayor and consider the election of a Deputy Mayor. The report further recommends that where Council determines to elect a Deputy Mayor, the method of election be the same as for the Mayor.*

**Background**

The Local Government (General) Regulation, 2005 (the Regulation) provides for a councillor to be nominated without notice for election as Mayor or Deputy Mayor. However, the nomination must be in writing by two or more councillors, one of whom can be the nominee. The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer (General Manager). The nomination form can be delivered or sent to the Returning Officer up until the time of the election being conducted.

Nomination forms have been sent to all Councillors prior to this meeting. Copies will also be available at the meeting if required.

**Election of Mayor**

The term of office of the Mayor will be until the next Mayoral Election in September 2006. If only one councillor is nominated, that councillor is elected. If more than one councillor is nominated, the council is to resolve whether the election is to proceed by open voting, ordinary ballot or preferential ballot. The election is to be held at the council meeting at which the council resolves on the method of voting.

**Ballot**

In the Regulation the term "ballot" has its normal meaning of secret ballot "open voting" means voting by show of hands or similar means. In other words the preferential and ordinary ballots are to be secret ballots.

### **Ordinary Ballot or Open Voting**

1. If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot-papers.
2. If there are only 2 candidates, the candidate with the higher number of votes is elected.
3. If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

### **Count in the case of there being 3 or more candidates**

1. If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
2. If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
3. If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
4. A further vote is to be taken of the 2 remaining candidates.
5. If there are only 2 candidates, the candidate with the higher number of votes is elected.
6. If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

### **Preferential Ballot**

1. The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
2. The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 of the Regulation.
3. If a candidate has an absolute majority of first preference votes, that candidate is elected.
4. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
5. A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.
6. An "absolute majority", in relation to votes, means a number which is more than one half of the number of unexhausted formal ballot-papers.

### **Tied Candidates**

1. If, on any count of votes, there are 2 candidates in, or remaining in, the election

and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

2. If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

### **Choosing by Lot**

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer. The slips are folded by the Returning Officer so as to prevent the names being seen. The slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen.

### **Result**

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

1. to be declared to the councillors at the council meeting at which the election is held by the Returning Officer, and
2. to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Associations of New South Wales.

### **Election of Deputy Mayor**

Section 231 of the Local Government Act 1993 makes the following provision for the election of a deputy mayor:

- (1) The councillors may elect a person from among their number to be the deputy mayor.
- (2) The person may be elected for the mayoral term or a shorter term.
- (3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.
- (4) The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.

The election of a deputy mayor is not required by the Act but is for each council to determine. Where a council does elect a deputy mayor, the term can be for the mayoral term or a shorter term at the council's discretion. The balance of this report assumes the continuation of Council's tradition of electing a Deputy Mayor. It is also recommended that the term of office of the Deputy Mayor be the same as the term of office of the Mayor (until September 2006).

The Regulation provides for a councillor to be nominated without notice for election as deputy mayor. However, the nomination must be in writing by two or more councillors, one of whom can be the nominee. The nomination is not valid unless the nominee has indicated

consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer (General Manager). The nomination form can be delivered or sent to the Returning Officer up until the time of the election being conducted.

Nomination forms have been sent to all Councillors prior to this meeting. Copies will also be available at the meeting if required.

Council could resolve to use a different method of voting for the Deputy Mayor, however it has been Council's practice to use the same method of voting for the election of both the Mayor and Deputy Mayor.

### **RECOMMENDATION**

That:

1. The information contained in the report on Election of Mayor and Deputy Mayor be received
2. In the event of more than one Councillor being nominated, Council determine the method of election for the office of Mayor
3. Council elect a Deputy Mayor
4. In the event of the Mayor being elected unopposed and more than one Councillor being nominated for the position of Deputy Mayor, Council determine the method of election for the position of Deputy Mayor
5. In the event of more than one Councillor being nominated for the office of Mayor, the method of election of the Deputy Mayor be the same as the method of election used for the election of the Mayor
6. The term of office of the Deputy Mayor be the same as the term of office of the Mayor (until September 2006).

### **ATTACHMENTS/ANNEXURES**

There are no attachments for this report.

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Leadership and Organisation

2 Councillor Fees

10/11

Compiled by: Cristy Stevens - Executive Services Officer

Authorised by: Glenn McCarthy - Executive Officer

**Strategic Program Term Achievement:** *Council has implemented leading practice ethical and corporate governance standards.*

**Critical Action:** *Review and apply leading practice ethical and corporate governance standards.*

**Purpose:**

*To report on Councillor Fees as set by the Local Government Remuneration Tribunal and by Council Policy. The report recommends that the information be received.*

**Background**

The Local Government Remuneration Tribunal was established under the Local Government Act 1993. Its main function is to:

- a) Determine categories for Councils and Mayoral Offices;
- b) Place each Council and Mayoral Office into one of the categories it has determined; and
- c) Determine the minimum and maximum amounts of fees to be paid to Mayors and Councillors in each of the Categories.

The Tribunal determines the Categories for Councils and Mayoral Offices and the placement of Councils into those categories.

In a report presented to Council on 6 June 2005, it was advised that the Tribunal had made its determinations of Annual Fees payable from 1 July 2005 to Mayors and Councillors. Penrith City Council is a category 1A Council and fees for this category were to be set within the range of:

|             | <b>Councillor – Annual Fee</b> | <b>Mayor – Additional Fee*</b> |
|-------------|--------------------------------|--------------------------------|
| Category 1A | \$11,745 - \$19,385            | \$24,970 - \$56,505            |

*\* This fee must be paid in addition to the fee paid to the Mayor as a Councillor.*

The Remuneration Tribunal does not set a fee for Deputy Mayor, however it has been the practice at Penrith to remunerate the Deputy Mayor by allocating 20% of the Mayor's fee to the Deputy Mayor in addition to the fee paid to the Deputy Mayor as a Councillor.

Council has previously resolved as a matter of policy that the maximum of the range be paid, as follows:

1. Councillor Annual Fee \$19,385
2. Mayor – Additional Fee \$45,204 being 80% of the Mayoral Allowance
3. Deputy Mayor Additional Fee \$11,301 being 20% of the Mayor’s Allowance

The fee for the Mayor and Deputy Mayor are in addition to the Annual Councillor Fee.

All fees are paid monthly in arrears and apply for the whole month or part thereof.

### **RECOMMENDATION**

That the information contained in the report on Councillor Fees be received

Do not delete this line

#### **ATTACHMENTS/ANNEXURES**

There are no attachments for this report.