

CONFIRMED MINUTES

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

ON MONDAY 19 MAY 2008 AT 7:35PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Greg 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 Greg Davies, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury, Kevin Crameri OAM, Mark Davies (arrived at 7:40 pm), Ross Fowler OAM, Jackie Greenow, Karen McKeown, Garry Rumble, Pat Sheehy AM and John Thain.

APOLOGIES

172 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Pat Sheehy AM that the apologies from Councillors Mark Davies and Steve Simat be accepted.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Lexie Cettolin for the period 12 May 2008 to 21 May 2008 inclusive.

Leave of Absence was previously granted to Councillor Susan Page for the period 21 April 2008 to 26 May 2008 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 5 May 2008

173 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Kevin Crameri OAM that the minutes of the Ordinary Meeting of 5 May 2008 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

SUSPENSION OF STANDING ORDERS

174 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:38 pm.

Deb Emelhain

Committee of the Whole Item 3 – Commercial Matter - Lease of "Community" Land under Council's Plan of Management being 8-10 Carinya Avenue, St Marys to Lifestart Co-operative Limited

Ms Emelhain, speaking on behalf of Lifestart Co-operative Ltd – Nepean Branch, provided a brief background of Lifestart and its history, noting that it provides therapy, education and support services to children (0-school aged) with intellectual disability, developmental delay or at risk of delay.

Councillor Mark Davies arrived at meeting, the time being 7:40 pm

Ms Emelhain acknowledged the interest and support shown to Lifestart by Councillor John Thain and Council staff Janet Keegan and Karen VanWoudenberg who have brought the needs of the organisation to the attention of Council.

RESUMPTION OF STANDING ORDERS

175 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown that Standing Orders be resumed, the time being 7:44 pm.

MAYORAL MINUTES

1 NSW Local Government Cultural Award Won

176 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on NSW Local Government Cultural Award Won be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Disability Access Committee Meeting held on 2 April 2008

177 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Disability Access Committee meeting held on 2 April, 2008 be adopted.

2 Report and Recommendations of the Local Traffic Committee Meeting held on 5 May 2008

178 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Kevin Cramer OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 5 May, 2008 be adopted.

3 Report and Recommendations of the Policy Review Committee Meeting held on 12 May 2008

179 RESOLVED on the MOTION of Councillor Kaylene Allison seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 12 May, 2008 be adopted.

COMMITTEE OF THE WHOLE

180 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Jackie Greenow that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:50 pm

1 Presence of the Public

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

City in its Broader Context

2 Commercial Matter - Penrith Valley Cultural Precinct - Tender for St Marys Memorial Hall Refurbishment & Community Square

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.

Leadership and Organisation

3 Commercial Matter - Lease of "Community" Land under Council's Plan of Management being 8-10 Carinya Avenue, St Marys to Lifestart Co-operative Limited

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 8:02 pm and the General Manager reported that the Committee of the Whole met at 7:50 pm on 19 May 2008, the following being present

His Worship the Mayor Councillor Greg Davies, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury, Kevin Crameri OAM, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Garry Rumble, 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.

CONFIDENTIAL BUSINESS

2 Commercial Matter - Penrith Valley Cultural Precinct - Tender for St Marys Memorial Hall Refurbishment & Community Square

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Pat Sheehy AM

CW2 That the information contained in the report on Commercial Matter - Penrith Valley Cultural Precinct - Tender for St Marys Memorial Hall Refurbishment & Community Square be received.

3 Commercial Matter - Lease of "Community" Land under Council's Plan of Management being 8-10 Carinya Avenue, St Marys to Lifestart Co-operative Limited

RECOMMENDED on the MOTION of Councillor John Thain seconded Pat Sheehy

CW3 That:

1. The information contained in the report on Commercial Matter - Lease of "Community" Land under Council's Plan of Management being 8-10 Carinya Avenue, St Marys to Lifestart Co-operative Limited be received.
2. Council approve the leasing of 8-10 Carinya Avenue, St Marys to Lifestart Co-operative Limited in accordance with Section 47A of the Local Government Act 1993.
3. Council agree to entering into a Licence Agreement with Lifestart Co-operative Limited for a 5 year period, at rental as outlined in the report.
4. The Common Seal of the Council of The City of Penrith be placed on all necessary documentation.

ADOPTION OF COMMITTEE OF THE WHOLE

181 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow that the recommendations contained in the Committee of the Whole and shown as CW2 and CW 3 be adopted.

MASTER PROGRAM REPORTS

LEADERSHIP AND ORGANISATION

1 2007-2008 Management Plan - March Quarter Review

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

That:

1. The information contained in the report on 2007-2008 Management Plan - March Quarter Review be received.
2. The 2007-2008 Management Plan Review as at 31 March 2008, including the revised estimates identified in the recommended budget, be adopted.
3. The proposed budget reallocations detailed in the report be adopted.

THE CITY IN ITS BROADER CONTEXT

2 Report on the Local Government & Shires Associations Tourism Conference 2008

183 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Report on the Local Government & Shires Associations Tourism Conference 2008 be received.
2. Mr Paul Page, Council's City Marketing Supervisor, be congratulated on his continuing excellent participation in annual LGSA Tourism Conferences.
3. A further report be presented to Council on the outcome of the O'Neill Report into tourism.

Councillor Karen McKeown left the meeting, the time being 8:07 pm and did not return.

3 Penrith Valley Cultural Precinct - Tender for St Marys Memorial Hall Refurbishment and Community Square

184 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Penrith Valley Cultural Precinct - Tender for St Marys Memorial Hall Refurbishment and Community Square be received.
2. Projectcorp (Australia) Pty Ltd be accepted as the successful tenderer for the refurbishment of St Marys Memorial Hall and Community Square in the value of \$3,673,450 (GST exclusive).
3. The Common Seal of Council be affixed to any necessary documents.
4. All other tenderers be contacted and advised of Council's decision and be thanked for submitting a tender.
5. The General Manager be authorised to sign any necessary documentation associated with the Federal grant offer for this project.
6. The Federal Government be thanked for the grant received through the Better Regions Program.

THE CITY AS A SOCIAL PLACE

4 Seniors Week 2008 Celebrations - 'Laugh at the Lighter Side of Life'

185 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Kevin Crameri OAM that the information contained in the report on Seniors Week 2008 Celebrations - 'Laugh at the Lighter Side of Life' be received.

5 Request for Tender 15-07/08 for the Supply and Installation of a Prefabricated Building for Yoorami Before & After School Care

186 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Request for Tender 15-07/08 for the Supply and Installation of a Prefabricated Building for Yoorami Before & After School Care be received.
2. Ausco Building Systems Pty Ltd's Tender for \$195,520 ex GST be accepted and appointed as the approved contractor to undertake the Contract for the Supply & Installation of the Prefabricated Building at Yoorami Before & After School Care.

9 Variation of Restrictive Covenant applying to Lot 211 & 212 DP 1093617 (No. 36 & 38) Heaton Avenue, Claremont Meadows. Applicant: Allam Homes Pty Ltd; Owner: D & K Currie

'187 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Variation of Restrictive Covenant applying to Lot 211 & 212 DP 1093617 (No. 36 & 38) Heaton Avenue, Claremont Meadows be received.
2. The terms outlined in the restriction on the use of land secondly referred to in the Section 88b Instrument of the Conveyancing Act 1919 applying specifically to Lots 211 & 212 in DP 1093617 (known as No. 36 & 38) Heaton Avenue, Claremont Meadows and Lots 213, 217 & 218 in DP1093617 (subject to an application being lodged to vary the restriction on these lots) be varied to allow the Inner Protection Area APZ to be reduced to 4.0m with the remainder being provided within the 11.0m road reserve
3. The Common Seal of Penrith City Council be affixed to all necessary documentation to vary the covenant.

6 Memorial to commemorate people who have died in workplace accidents

'188 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Garry Rumble

That:

1. The information contained in the report on Memorial to commemorate people who have died in workplace accidents be received.
2. A further report be presented to Council regarding the possibility of locating the memorial outside the front of Council's Civic Centre and also the feasibility of holding a national day of mourning at this site.

7 North Ward Skate Facility

'189 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kaylene Allison that the information contained in the report on North Ward Skate Facility be received.

8 Landscape Improvements to Victoria Park

'190 RESOLVED on the MOTION of Councillor Kaylene Allison seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Landscape Improvements to Victoria Park be received.
2. Costs for the work on the rotunda be considered in the 2009/10 Management Plan.
3. A further report be presented to Council indicating whether it is possible to bring forward Stages 3, 4 and 5 of this project, so that they may be undertaken in 2008/2009.

THE CITY AS AN ECONOMY

10 Council's sponsorship of local small business awards

'191 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Council's sponsorship of local small business awards be received.
2. A report be presented to Council detailing how the Penrith Valley Chamber of Commerce can work in conjunction with local print media towards establishing a single small business awards program.

THE CITY SUPPORTED BY INFRASTRUCTURE

11 Request for Tender 13-07/08 - Provision of Hired Plant & Equipment

'192 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Request for Tender 13-07/08 - Provision of Hired Plant & Equipment be received.
2. All conforming tenders for offer to hire plant and equipment be accepted for a period of twenty four (24) months commencing 26 May 2008 and the tenderer with the required equipment meeting the selection criteria of price (including transport costs), availability, suitability for work, age and condition and past performance be hired as and when required.

LEADERSHIP AND ORGANISATION

12 Council Property - Electricity Easement for Padmount Substation on Open Space Lot 2 DP 1090232 Fowler Street, Claremont Meadows

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

That:

1. The information contained in the report on Council Property - Electricity Easement for Padmount Substation on Open Space Lot 2 DP 1090232 Fowler Street, Claremont Meadows be received.
2. Council grant Integral Energy an Easement for Padmount Substation 5.5 x 3 metres and an easement one metre wide for connecting cables plus a 5 metre wide restriction as to user over Lot 2, DP 1090232 at Fowler Street, Claremont Meadows.
3. Westminster Development Pty Limited bear all costs associated with the granting of the easements.
4. Compensation to Council in the amount of \$5,500 be accepted.
5. Council release the "Right of Carriageway Variable Width" and "Right of Carriageway 10 Wide and Variable" from Lots 1 & 17, DP 1088875.
6. Integral Energy be responsible for the timely removal of any graffiti upon the padmount substation.
7. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

13 Council Property - Leasing of Parts of "Community" Land under Council's Plan of Management to the Scout Association of Australia over Three Open Space Parcels of Land

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

That:

1. The information contained in the report on Council Property - Leasing of Parts of "Community" Land under Council's Plan of Management to the Scout Association of Australia over Three Open Space Parcels of Land be received.
2. Council approve the leasing of No 13 Bennett Road, Colyton, No 70 Glenbrook Street, Jamisontown and No 22 Charles Hackett Drive, St Marys in accordance with Section 47A of the Local Government Act 1993.
3. Council agree to enter into a Licence Agreement with Scout Australia for a 5 year period at a nil rental, in accordance with the conditions outlined in the report.
4. The Common Seal of the Council of Penrith be placed on all necessary documents.

14 2008 Remuneration Tribunal Determination

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

That:

1. The information contained in the report on 2008 Remuneration Tribunal Determination be received.
2. The fees payable to the Mayor and Councillors for 2008/2009 be set at the maximum level permitted.

15 Summary of Investments & Banking for the period 1 April to 30 April 2008

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 April to 30 April 2008 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 April 2008 to 30 April 2008 be noted and accepted
3. The graphical investment analysis as at 30 April 2008 be noted.

QUESTIONS WITHOUT NOTICE

QWN 1 Reserve at Greenbank Drive, Werrington Downs

Councillor John Thain requested a memo reply to all Councillors concerning the provision of signs and the cost of appropriately formalising the paths at the regeneration site at the reserve on Greenbank Drive, Werrington Downs.

QWN 2 Property in Kyre Crescent, Emu Plains

Councillor Ross Fowler OAM requested a memo reply concerning the poor condition of a swimming pool and yard in a property in Kyre Crescent, Emu Plains, and requesting that urgent orders be issued to clean up the premises.

QWN 3 Advice on Current Legal Matters

Councillor Ross Fowler OAM requested that Councillors be advised on a regular basis, preferably monthly, of current legal matters that Council may be involved in, particularly matters before the Land and Environment Court.

QWN 4 Penrith Lakes Scheme

Councillor Jim Aitken OAM requested a report to Council concerning opportunities to develop recreational areas on the Penrith Lakes site worthy of a regional city and which would provide a desirable tourist destination in Western Sydney.

QWN 5 Subsidised Bus Transport

Councillor Jim Aitken OAM requested a report to Council concerning the feasibility of subsidised bus transport being made available in the Penrith area, and noting particularly that this would allow students to use general buses, and would save car trips, lessening pollution, parking and traffic issues, as well as impacts on the finances of working families.

QWN 6 Nepean Division of Sydney Legacy

Councillor Garry Rumble requested that an amount of \$200 from each Ward's voted works (totalling \$600) be donated to Legacy.

197 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor John Thain that the matter be brought forward and dealt with as a matter of urgency.

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

198 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor John Thain that an amount of \$200 from each Ward's voted works (totalling \$600) be donated to Legacy.

QWN 7 Forrester Road Bridge, North St Marys

Councillor Kevin Crameri OAM requested a memo reply to all Councillors on the results of a safety inspection to be carried out in the area of the Forrester Road Bridge pathway, which has become dangerous with the drain obscured by long grass, and investigating the possibility of making the pathway wider in this vicinity.

QWN 8 Staff Resignations

Councillor Kevin Crameri OAM requested that Councillors be notified when any staff resign from Council, to afford Councillors an opportunity to recognise individual staff efforts over time.

QWN 9 Charity Walk - Blaxland to Blackheath

Councillor Greg Davies requested that an amount of \$500 from each Ward's voted works (totalling \$1,500) be allocated to the Charity Walk from Blaxland to Blackheath event.

199 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that the matter be brought forward and dealt with as a matter of urgency.

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

200 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that an amount of \$500 from each Ward's voted works (totalling \$1,500) be allocated to the Charity Walk from Blaxland to Blackheath event.

QWN 10 Mayor's Cup

Councillor Greg Davies requested that an amount of \$1,000 from each Ward's voted works (totalling \$3,000) be allocated to the Mayor's Cup harness racing event.

201 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that the matter be brought forward and dealt with as a matter of urgency.

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

202 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that an amount of \$1,000 from each Ward's voted works (totalling \$3,000) be allocated to the Mayor's Cup harness racing event.

There being no further business the Chairperson declared the meeting closed the time being 8:45 pm.

I certify that these 12 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 19 May 2008.

Chairperson

Date