

CONFIRMED MINUTES

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

ON MONDAY 13 OCTOBER 2008 AT 7:32PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Jim Aitken OAM read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

PRAYER

The Council Prayer was read by the Rev Neil Checkley.

PRESENT

His Worship the Mayor Councillor Jim Aitken OAM, Councillors Kaylene Allison, Robert Ardill, Kevin Crameri OAM, Greg Davies, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee, and John Thain.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 29 September 2008

378 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM that the minutes of the Ordinary Meeting of 29 September 2008 be confirmed.

DECLARATIONS OF INTEREST

Councillor John Thain declared a non-pecuniary interest in *Item 1 - Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel* as one of the recipients referred to in the report is the son of a work colleague. Councillor Thain stated that he would not take part in any debate on the matter.

MAYORAL MINUTES

1 Council Awarded for Sustainability Initiatives

379 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown that the Mayoral Minute on Council Awarded for Sustainability Initiatives be received.

2 Recognition of Council's commitment to enhancing local employment opportunities

380 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies that the Mayoral Minute on Recognition of Council's commitment to enhancing local employment opportunities be received.

3 Glenn Mallard retires after 40 years with Council

381 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the Mayoral Minute on Glenn Mallard retires after 40 years with Council be received.

The Mayor then presented Mr Mallard with a framed copy of the Mayoral Minute.

MASTER PROGRAM REPORTS

THE CITY AS A SOCIAL PLACE

1 Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel

382 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee that the information contained in the report on Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel be received.

2 Western Sydney Area Assistance Scheme (WSAAS) 2008 Local Ranking Committee

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

That:

1. The information contained in the report on Western Sydney Area Assistance Scheme (WSAAS) 2008 Local Ranking Committee be received.
2. Councillors Tanya Davies and Prue Guillaume participate in the WSAAS Local Ranking Committee for a term of two years (2008 and 2009).

- 3 Development Application 08/0185 for use of existing Dog Kennels at No. 33 - 35 Spencer Road, Londonderry. Applicant: Victor John Ellul; Owner: Victor and Anna Ellul** **DA08/0185**

384 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Development Application 08/0185 for use of existing Dog Kennels at No. 33 - 35 Spencer Road, Londonderry be received.
2. The application be approved subject to the following Standard and Special Conditions of Consent:

Standard Conditions

- 2.1 A001 – Approved Plans
- 2.2 A007 – Time Limited Consent
- 2.3 A020 – Use of Building
- 2.4 A034 – Keeping of Dogs
- 2.5 A035 – Dog Holding Shed
- 2.6 D131 – Approved Noise Level
- 2.7 L005 – Planting Material
- 2.8 L012 – Existing Landscaping

Special Conditions

- 2.9 All dogs kept on the property are to be confined to the kennels between the hours of 6pm - 7am
- 2.10 The post and wire running track located on the western boundary of the property shall only be used by one dog at a time between the hours of 10am - 4pm Monday to Friday. This track is not to be used on weekends or public holidays. When dogs are let out to stretch and exercise, racing muzzles are to be attached to deter them from barking.
- 2.11 All waste associated with the keeping of dogs is to be collected or deposited at an appropriately licence waste facility or contractor. Solid waste is to be stored in a designated area prior to removal for disposal. Where possible, the waste storage area is to be located so that it is not visible to adjoining land owner/occupiers. The waste storage area is to be provided with a weatherproof cover when it is unattended or not in use
- 2.12 Hosing out kennels with water is not permitted. Kennels are to be cleaned using predominantly dry methods that limit the use of water. Acceptable methods would include sweeping, mopping and manual collection and disposal of dog waste
- 2.13 The sale of animals is not permitted on the site
- 2.14 Dog kennels are to be sound-proofed and maintained accordingly
- 2.15 Waste is to be managed and the premises cleaned and maintained to prevent the generation of offensive odours.

- 2.16 In order to gauge potential noise impact, further acoustic monitoring reports are to be submitted each quarter for the 12 month period of the time limited consent providing Council with an assessment against relevant noise criteria.
3. The quarterly noise monitoring reports be reported to Council and include reporting on any noise emanating from the post and rail running track.
4. A further report be presented to the Policy Review Committee detailing the criteria under which development applications that involve a variation from standards are determined by Council or delegated authority.

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

For

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

Against

The MOTION was CARRIED UNANIMOUSLY.

LEADERSHIP AND ORGANISATION

5 Pecuniary Interest Returns

'385 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that the information contained in the report on Pecuniary Interest Returns be received.

6 Council Property - Electricity Easement for Underground Cables within existing Transmission Line Easement Open Space Lands, The

Glenmore Parkway, Glenmore Park

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

That:

1. The information contained in the report on Council Property - Electricity Easement for Underground Cables within existing Transmission Line Easement Open Space Lands, The Glenmore Parkway, Glenmore Park be received.
2. Council grant an easement for underground cables 5 metres wide to benefit Integral Energy over Lot 8031 DP 870626, Lot 1000 DP 872795 and Lot 1 DP 1045500 at The Glenmore Parkway, Glenmore Park.
3. The applicant bear all costs associated with the granting of the easements.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

8 2008 Annual Financial Statements

'387 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that the information contained in the report on 2008 Annual Financial Statements be received.

10 Summary of Investments for the period 1 September to 30 September 2008

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

That:

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

4 Going Public - A Conference for Women in the Public Sector and

Politics

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

That:

1. The information contained in the report on Going Public - A Conference for Women in the Public Sector and Politics be received.
2. Councillors Karen McKeown, Prue Guillaume and Kaylene Allison and any other interested Councillors attend the Conference.

7 Independent Pricing and Regulatory Tribunal review of Revenue Framework for Local Government

'390 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Independent Pricing and Regulatory Tribunal review of Revenue Framework for Local Government be received.
2. The WSROC submission to the IPART Review of the Revenue Framework for Local Government be endorsed.

9 Councillor Representation on External Organisation

'391 A MOTION was moved by Councillor John Thain seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Councillor Representation on External Organisation be received.
2. Council appoint Councillor Greg Davies to the Western Sydney Academy of Sport Advisory Forum.

An AMENDMENT was moved by Councillors Mark Davies and Robert Ardill that Council appoint Councillor Tanya Davies to the Western Sydney Academy of Sport Advisory Forum.

Upon the withdrawal of the nomination of Councillor Greg Davies, it was RESOLVED UNANIMOUSLY as follows:

That:

1. The information contained in the report on Councillor Representation on External Organisation be received.
2. Council appoint Councillor Tanya Davies to the Western Sydney Academy of Sport Advisory Forum with Councillor Greg Davies to be the alternate delegate.

QUESTIONS WITHOUT NOTICE

QWN 1 Refurbishment of Southlands Shopping Centre

Councillor Prue Guillaume requested a report to Council on the possible provision of a bus to transport South Penrith residents to an alternative shopping centre as a result of the impending closure of the Southlands Shopping Centre for refurbishment, with the report to include potential pick up points, number of services and routes.

QWN 2 Local Government Election

Councillor John Thain thanked the electorate for their participation in the recent Local Government Election and for his re-election.

QWN 3 Late Motion to Local Government Association Conference - Uniform Laws for all Elections

Councillor John Thain requested that Council submit a late motion to the 2008 Local Government Association Conference seeking consistency with rules for where election officials can be located within the school grounds.

392 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the matter be brought forward as a matter of urgency.

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

393 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that Council submit a late motion to the 2008 Local Government Association Conference seeking consistency with rules for where election officials can be located within the school grounds.

QWN 4 Japanese Maple in Weatherby Street, Cambridge Park

Councillor John Thain requested a memo reply concerning the inspection of an overgrown Japanese maple at an address in Weatherby Street, Cambridge Park with a view to permitting its removal. Councillor Thain also requested that all Councillors be provided with a copy of the conditions for tree removal.

QWN 5 Building of Carport - Werrington Downs

Councillor John Thain requested a report to Council on the current rules and regulations for the building of carports and whether or not a development application is required in this regard.

QWN 6 Late Motion to Local Government Association Conference – Land Council Representation at Conference

Councillor John Thain requested a report to the next Policy Review Committee meeting concerning the submission of a late motion to the 2008 Local Government Association Conference supporting the consideration of an amendment to the Local Government and Shires Associations NSW constitution that will allow independent membership to that of the NSW Aboriginal Land Council (NSWALC).

QWN 7 St Marys Spring Festival

Councillor Jackie Greenow thanked Council and Council officers for their efforts in supporting the St Marys Spring Festival which was held on Saturday 11 October 2008 and requested that the Mayor send a letter of thanks to those staff involved.

QWN 8 Legal Matter - 8 Donohoes Road, Mulgoa - to be considered in Committee of the Whole

Councillor Kevin Crameri OAM requested that an item concerning 8 Donohoes Road, Mulgoa be referred to committee of the whole as it refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

QWN 9 Llandilo Hall

Councillor Kevin Crameri OAM requested a memo reply concerning his previous question concerning Llandilo Hall and when the project is likely to be completed.

QWN 10 Creative Embroiderers - Funding for booklet

Councillor Ross Fowler OAM requested that an amount of \$1,300, to be funded in equal amounts from each of North, South and East Ward voted works, be allocated to the funding of the publication of a booklet detailing the history of Creative Embroiderers.

'394 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that the matter be brought forward as a matter of urgency.

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

395 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that an amount of \$1,300, to be funded in equal amounts from each of North, South and East Ward voted works, be allocated to the funding of the publication of a booklet detailing the history of Creative Embroiderers.

QWN 11 Councillor representative to 2008 Local Government Association Conference

Councillor Ross Fowler OAM requested that, as Councillor Ben Goldfinch is now unable to attend the 2008 Local Government Association Conference, Councillor Marko Malkoc attend the Conference as Councillor Goldfinch's replacement.

QWN 12 Floribunda Avenue, Glenmore Park

Councillor Mark Davies requested a memo reply concerning the possibility of repairing or replacing the broken barrier fence in Floribunda Avenue, off Mulgoa Road, at the entrance to Glenmore Park.

QWN 13 Drivers Lane, Wallacia

Councillor Mark Davies requested a memo reply concerning the proposed purchase and closure of the laneway known as Drivers Lane in Wallacia.

QWN 14 Proposed closure of Penrith District courts

Councillor Mark Davies requested a report to Council detailing the impacts of losing two District courts from Penrith when they are moved to Parramatta, including details of the impacts in regard to (i) Penrith as a regional centre and projected growth; (ii) local businesses; (iii) legal structure in Penrith; and (iv) local Police, independent witnesses, victims and jury members, and including relevant crime statistics.

QWN 15 Representations to local State Members regarding the proposed closure of two district courts in Penrith

Councillor Mark Davies requested that representations be made to the three local State Members concerning the proposed closure of district courts in Penrith, and that copies of their replies be provided, with a covering memo, to all Councillors.

QWN 16 Request for reports to Council on James Burns and the Commemoration of the Crossing of the Blue Mountains

Councillor John Thain requested a memo reply on the status of reports to Council that have been requested on James Burns and on the Commemoration of the Crossing of the Blue Mountains.

QWN 17 Penrith Seniors Centre

Councillor Greg Davies requested a memo reply detailing what actions have been taken to rectify the air conditioning problems being encountered at the Penrith Seniors Centre.

QWN 18 Swallow Drive/Erskine Park Road Intersection

Councillor Greg Davies requested a memo reply to East Ward Councillors concerning works to improve safety at the Swallow Drive/Erskine Park Road intersection.

COMMITTEE OF THE WHOLE

396 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:50 pm.

1 Presence of the Public

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

Leadership and Organisation

2 Commercial Matter - Acquisition of Public Reserve, Nepean River, Bruce Neale Drive, Penrith

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

3 Commercial Matter - Sale of Closed Road Part Melville Road, St Clair to the Adjoining Owner

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

4 Legal Matter - 8 Donohoes Road, Mulgoa

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

The meeting resumed at 9:06 pm and the General Manager reported that the Committee of the Whole met at 8:50 pm on 13 October 2008, the following being present

His Worship the Mayor Councillor Jim Aitken OAM, Councillors Kaylene Allison, Robert Ardill, Kevin Crameri OAM, Greg Davies, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee, and John Thain

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

CONFIDENTIAL BUSINESS

2 Commercial Matter - Acquisition of Public Reserve, Nepean River, Bruce Neale Drive, Penrith

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

CW2 That:

1. The information contained in the report on Commercial Matter - Acquisition of Public Reserve, Nepean River, Bruce Neale Drive, Penrith be received.
2. Council pay compensation to J K Williams Staff Pty Ltd for the acquisition as Public Reserve of Lot 353, DP 752021 containing 63 square metres in accordance with Conditions 1, 2, 3 and 4 as outlined in the report.

3 Commercial Matter - Sale of Closed Road Part Melville Road, St Clair to the Adjoining Owner

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch

CW3 That consideration of this item be deferred.

4 Legal Matter - 8 Donohoes Road, Mulgoa (Question without Notice Item 8)

The Committee noted that no declarations of interest had been made in relation to this matter.

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain

CW4 That the verbal information provided by Council officers be received.

ADOPTION OF COMMITTEE OF THE WHOLE

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

There being no further business the Chairperson declared the meeting closed the time being 9:09 pm.

I certify that these 12 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 13 October 2008.

Chairperson

Date