

## **CONFIRMED MINUTES**

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

**ON MONDAY 10 NOVEMBER 2008 AT 7:35PM**

#### **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 - 13 October 2008**

398 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the minutes of the Ordinary Meeting of 13 October 2008 be confirmed.

#### **DECLARATIONS OF INTEREST**

Councillor Ross Fowler OAM declared a pecuniary interest in *Committee of the Whole Item 2 - Regentville Hall - Nepean Food Services Incorporated - Licence for Part of Lot 2 DP 1002686, 8 - 20 Jeanette Street, Regentville* as he is the auditor for Nepean Food Services Incorporated.

Councillor Kevin Crameri OAM declared a Less than Significant Non-Pecuniary Conflict of Interest in *Item 2 - Community and Cultural Development Department - Projects and Key Achievements - 1 January to 30 June 2008*, and *Item 3 - Magnetic Places Community Cultural Grants Program 2008/09*, as he is Public Officer and President of the Llandilo Hall Committee.

Councillor Kevin Crameri OAM declared a Less than Significant Non-Pecuniary Conflict of Interest in *Item 4 - Northern Rural Areas Community Development Project Grant Application*, as he is a resident of the Llandilo/Londonderry area.

Councillor Kevin Crameri OAM declared a Less than Significant Non-Pecuniary Conflict of Interest in *Item 12 - City Operations Directorate Report to end of September 2008*, as he is Deputy Captain of the Llandilo Rural Fire Service.

## **MAYORAL MINUTES**

### **1 Council's recognition for successful community engagement**

399 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Tanya Davies that the Mayoral Minute on Council's recognition for successful community engagement be received.

## **REPORTS OF COMMITTEES**

### **1 Report and Recommendations of the Local Traffic Committee Meeting held on 13 October 2008**

400 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 13 October, 2008 be adopted.

### **2 Report and Recommendations of the Policy Review Committee Meeting held on 20 October 2008**

401 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Prue Guillaume that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 20 October, 2008 be adopted.

### **3 Report and Recommendations of the Local Traffic Committee held on 3 November 2008**

402 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Crameri OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 3 November, 2008 be adopted.

## **MASTER PROGRAM REPORTS**

## **THE CITY IN ITS BROADER CONTEXT**

**1 Request for sponsorship of Blind Cricket Ashes Return Series**

'403 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Request for sponsorship of Blind Cricket Ashes Return Series be received.
2. Council approve the request for sponsorship of \$5,000 to be funded from the City Marketing budget.

**THE CITY AS A SOCIAL PLACE**

**3 Magnetic Places Community Cultural Grants Program 2008/09**

'404 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies

That:

1. The information contained in the report on Magnetic Places Community Cultural Grants Program 2008/09 be received.
2. Council approve the proposed amounts for funding of seven projects as outlined in Table 1 of this report to a total of \$34,126.00.

**4 Northern Rural Areas Community Development Project Grant Application**

'405 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies

That:

1. The information contained in the report on Northern Rural Areas Community Development Project Grant Application be received.
2. Council accept the grant of \$153,298 from the Department of Community Services Communities Division Metro West to implement the Northern Rural Areas Community Development Project as outlined in the report.

**2 Community and Cultural Development Department - Projects and Key Achievements - 1 January to 30 June 2008**

'406 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that the information contained in the report on Community and Cultural Development Department - Projects and Key Achievements - 1 January to 30 June 2008 be received.

**5 Access Committee - Appointment of Community Representatives**

407 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Access Committee - Appointment of Community Representatives be received.
2. The following persons be appointed as community representatives on Council's Access Committee for a period of two years:

Mr John Farragher  
Mrs Denise Heath  
Ms Tricia Hitchen  
Ms Ronda Hopkins  
Ms Sherille Stephens  
Mr Michael Morris.

**6 Naming of a Park in Victoria Street, Cambridge Park**

408 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on Naming of a Park in Victoria Street, Cambridge Park be received.
2. Council endorse the naming of the park on Victoria Street, Cambridge Park as 'Steamroller Park' and make application to the Geographical Names Board for the official gazetting.
3. The students of class 4MS at St Joseph's Primary School be advised of the proposed name for the park and be thanked and congratulated for their input.
4. An appropriate plaque be placed at this location, detailing the origins of the name of the park, with students of class 4MS at St Joseph's Primary School being invited to the ceremony.

**7 North Cranebrook Works in Kind Agreement for the embellishment of the Centauri Circuit Park (Developer: WEM Property Ventures Pty Ltd)**

409 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jackie Greenow

That:

1. The information contained in the report on North Cranebrook Works in Kind Agreement for the embellishment of the Centauri Circuit Park (Developer: WEM Property Ventures Pty Ltd) be received.
2. Council enter into a Works in Kind Agreement with WEM Property Ventures Pty Ltd for the embellishment of the park located off Centauri Circuit, North Cranebrook.
3. Council accept the transfer of the Centauri Circuit park site for the payment of \$117,477 to WEM Property Ventures Pty Ltd.

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

**For**

**Against**

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

The MOTION was CARRIED UNANIMOUSLY.

**THE CITY IN ITS ENVIRONMENT**

**8 Floodplain Management Authorities 49th Annual Conference - 17  
February 2009 to 20 February 2009**

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

That:

1. The information contained in the report on Floodplain Management Authorities 49th Annual Conference - 17 February 2009 to 20 February 2009 be received.
2. Council nominate Councillors Jim Aitken OAM, Jackie Greenow, Kevin Cramer OAM, Tanya Davies, and any other available Councillors, as delegates to the 2009 Floodplain Management Authorities Conference and Workshop, to be held at Albury from 17 February 2009 to 20 February 2009.

## **THE CITY AS AN ECONOMY**

### **9 International Links Program - 2009 Celebrations**

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

That:

1. The information contained in the report on International Links Program - 2009 Celebrations be received.
2. A working party, to include all available Councillors, be formed to provide input into the planning of Penrith City's 50<sup>th</sup> anniversary celebrations in 2009.

## **THE CITY SUPPORTED BY INFRASTRUCTURE**

### **10 Tender Reference RFT 03-08/09 Re-Roofing of Depot Works Building**

412 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Tender Reference RFT 03-08/09 Re-Roofing of Depot Works Building be received.
2. Lidoran Environmental Services Pty Ltd is awarded the contract for the re-roofing of the depot works building up to a maximum value of \$143,720 and that the final project cost be determined in accordance with their tendered schedule of rates following a detailed measurement of the roof area prior to commencement of any works.
3. Getex Pty Ltd be appointed to carry out air monitoring and compliance during the asbestos removal process, up to a maximum value of \$4,500.
4. The provision of solar panels as part of the re-roofing works be investigated as a matter of priority and funded from the Sustainability Revolving Fund.

## **LEADERSHIP AND ORGANISATION**

Councillor Greg Davies left the meeting, the time being 8:17 pm.

### **13 20th Women, Management and Employment Relations Conference**

413 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler OAM that the information contained in the report on 20th Women, Management and Employment Relations Conference be received.

### **15 2008 Local Government Association Annual Conference**

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

That:

1. The information contained in the report on 2008 Local Government Association Annual Conference be received.
2. Council resubmit its motion on 'Proposed Amendments to the Local Government Association Constitution' to the 2009 Local Government Association Conference.

### **17 Summary of Investments & Banking for the period 1 October 2008 to 31 October 2008**

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 October 2008 to 31 October 2008 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 October 2008 to 31 October 2008 be noted and accepted.
3. The graphical investment analysis as at 31 October 2008 be noted.

## **11 Funding of River Road Riparian Corridor Plan of Management**

416 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown that the information contained in the report on Funding of River Road Riparian Corridor Plan of Management be received.

## **12 City Operations Directorate Report to end of September 2008**

Councillor Greg Davies returned to the meeting, the time being 8:23 pm.

417 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Robert Ardill that the information contained in the report on City Operations Directorate Report to end of September 2008 be received.

At 8:27 pm, the Mayor, Councillor Jim Aitken OAM, vacated the Chair, and the Deputy Mayor, Councillor Ross Fowler OAM, took the Chair for consideration of Item 14.

## **14 Movement of two District Courts at Penrith to the Parramatta Justice Precinct**

418 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Movement of two District Courts at Penrith to the Parramatta Justice Precinct be received.
2. The Chief Judge and Registrar of the District Court and all other stakeholders be invited to an urgent meeting to discuss the implications, both social and financial, of moving two district courts at Penrith to the Parramatta Justice Precinct.
3. Council write to other affected councils to gain their support and involvement in the stakeholder meeting.



4. Following the stakeholder meeting, an urgent report be provided to Council on the outcomes of the meeting and detailing a strategy to retain current legal services, particularly the three district courts in Penrith, so as to ensure essential legal services remain in the City, in keeping with the State Government Regional status of Penrith.

The Mayor returned to the Chair at 8:53 pm.

## **16 2008 Local Government Elections - 13 September 2008**

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

That:

1. The information contained in the report on 2008 Local Government Elections - 13 September 2008 be received.
2. The concerns and suggestions made in regard to the 'centralised counting centre', 'counting of votes at polling places', 'how to vote material', 'awareness of election' and 'polling places' be forwarded to the NSW Electoral Commission and the Local Government Association of NSW, together with the following issues that arose from the conduct of the 2008 Local Government Elections:
  - Training of Electoral Commission staff regarding counting and differentiating between formal and informal ballot papers;
  - Advising Polling Place Managers more consistently with regard to sorting of Above the Line, Below the Line, and Other ballot papers at polling places on election night;
  - The unsuitability of some venues as they did not have access to adequate parking, or adequate shelter for candidate assistants;
  
  - Information concerning the location of pre-poll facilities in adjoining Local Government Areas not being made available to pre-poll booths within this city;
  - Centralised counting – noting the possibility that counting for the Penrith LGA could be undertaken locally at a central venue, such as the Penrith Civic Centre.
3. Council note the action being taken by the Local Government Association in relation to Urgent Motion L37 - Electoral Commission, arising from Penrith City Council's successful Motion submitted to the 2008 Local Government Association Conference.

**QUESTIONS WITHOUT NOTICE**

**QWN 1 Grass cutting - frontage to Penrith Golf Club**

Councillor Mark Davies requested a memo reply concerning the overgrown nature strip at the front of the Northern Road boundary fence of the Penrith Golf Club and requested that this be remedied.

**QWN 2 Dumped shopping trolleys in Peachtree Creek**

Councillor Mark Davies requested a memo reply regarding the removal of dumped shopping trolleys in Peachtree Creek.

**QWN 3 Personnel Matter - to be considered in Committee of the Whole**

Councillor Kevin Crameri OAM requested that an item concerning a personnel matter be referred to Committee of the Whole as the item refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

**QWN 4 Japanese Maple in Weatherby Street, Cambridge Park**

Councillor John Thain requested a memo reply concerning the ongoing issue of an overgrown Japanese Maple in Weatherby Street, Cambridge Park and requested that this matter be investigated and remedied as soon as possible.

**QWN 5 Lots 1 and 2 Russell Street, Emu Plains**

Councillor John Thain requested a report to Council, before the end of the exhibition period, detailing the policy position that Council had taken in relation to Lots 1 and 2 Russell Street when the proposed draft LEP zonings were considered.

**QWN 6 Provision of Barriers for Ronald McDonald Charity Day**

Councillor John Thain requested that barriers be urgently provided for the Ronald McDonald Charity Day to be held on Saturday 15 November 2008.

**QWN 7 Beautification Works - Intersection of Swallow Drive and Erskine Park Road, Erskine Park**

Councillor Greg Davies requested that an amount of \$6,500 be allocated from East Ward voted works towards beautification works at the intersection of Swallow Drive and Erskine Park Road, Erskine Park.

420 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow 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.

421 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that an amount of \$6,500 be allocated from East Ward voted works towards beautification works at the intersection of Swallow Drive and Erskine Park Road, Erskine Park.

**QWN 8 Provision of bus shelter on Derby Street, Kingswood, near Nepean Hospital**

Councillor Prue Guillaume requested a memo reply concerning the possible provision of a bus shelter on Derby Street, Kingswood, near Nepean Hospital, to provide shelter for residents catching the bus to and from the hospital.

**QWN 9 CWA building in Penrith - Replacement of Air conditioning, wiring and refrigeration**

Councillor Karen McKeown requested that an amount of \$2,775 be allocated from both South and North Ward voted works towards replacing the air conditioning, wiring and refrigeration at the CWA building in Penrith.

422 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Crameri 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.

423 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Crameri OAM that an amount of \$2,775 be allocated equally from both South and North Ward voted works towards replacing the air conditioning, wiring and refrigeration at the CWA building in Penrith.

**QWN 10 Transport Summit**

Councillor John Thain left the meeting, the time being 9:22 pm.

Councillor John Thain returned to the meeting, the time being 9:24 pm.

Councillor Jim Aitken OAM requested that a report be provided to a Policy Review Committee meeting, detailing what outcomes would be required from this forum.

### **QWN 11 Traffic Study – Glenbrook Street, Jamisontown**

Councillor Mark Davies requested that another traffic study be undertaken in Glenbrook Street, Jamisontown, to measure speeding.

## **COMMITTEE OF THE WHOLE**

424 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kevin Crameri OAM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:29 pm.

### **1 Presence of the Public**

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

Councillors Greg Davies, John Thain and Ross Fowler OAM left the meeting, the time being 9:30 pm.

### *City as a Social Place*

#### **2 Regentville Hall - Nepean Food Services Incorporated - Licence for Part of Lot 2 DP 1002686, 8 - 20 Jeanette Street, Regentville**

*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.*

### *City In Its Environment*

#### **3 Property Matter**

*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.*

#### **4 Personnel Matter**

*This item has been referred to Committee of the Whole as it refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

The meeting resumed at 10:07 pm and the General Manager reported that the Committee of the Whole met at 9:29 pm on 10 November 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 Regentville Hall - Nepean Food Services Incorporated - Licence for Part of Lot 2 DP 1002686, 8 - 20 Jeanette Street, Regentville**

'RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jackie Greenow

CW2 That:

1. The information contained in the report on Regentville Hall - Nepean Food Services Incorporated - Licence for Part of Lot 2 DP 1002686, 8 - 20 Jeanette Street, Regentville be received.
2. Council agree to a new Licence Agreement with Nepean Food Services Incorporated for a 5 year period in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

Councillor Ross Fowler OAM returned to the meeting, the time being 9:32 pm.

#### **3 Property Matter**

Councillors Greg Davies and John Thain returned to the meeting, the time being 9:35 pm.

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

CW3 That the information contained in the report on Property Matter be received.

#### **4 Personnel Matter**

Councillor Karen McKeown left the meeting, the time being 10:03 pm.

Councillor Karen McKeown returned to the meeting, the time being 10:06 pm.

Councillor Kevin Crameri OAM asked for clarification of the timing of action taken in relation to a contract progress payment.

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

CW4 That the information provided in response to the matter raised be received.

**ADOPTION OF COMMITTEE OF THE WHOLE**

425 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri OAM 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 10:08 pm.

I certify that these 13 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 10 November 2008.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date