

CONFIRMED MINUTES

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

ON MONDAY 23 MARCH 2009 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 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 - 23 February 2009

'51 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the minutes of the Ordinary Meeting of 23 February 2009 be confirmed.

CONFIRMATION OF MINUTES - Extraordinary Council Meeting - 2 March 2009

'52 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Tanya Davies that the minutes of the Extraordinary Council Meeting of 2 March 2009 be confirmed.

DECLARATIONS OF INTEREST

His Worship the Mayor, Councillor Jim Aitken OAM declared a Pecuniary Interest in the Report and Recommendations of the Policy Review Committee Meeting held on 9 March 2009 - *Item 2 – Caddens draft Local Environmental Plan and draft Development Control Plan* as he owns property in the area. His Worship the Mayor, Councillor Jim Aitken OAM declared his intention to leave the meeting during debate and voting on this matter.

Councillor Ross Fowler OAM declared a Pecuniary Interest in *Item 6 – Riverlink Precinct Planning – Baseline Studies* as he is a Director of a company that owns property in the Plan area and also the accountant for property owners within the Plan area. Councillor Ross Fowler OAM declared his intention to leave the meeting during debate and voting on this matter.

Councillor Kevin Crameri OAM declared a Non Pecuniary Conflict of Interest – Less than Significant in the Report and Recommendations of the Policy Review Committee Meeting held on 9 March 2009 *Item 1 – St Marys Release Area – Public Exhibition of draft Western and Central Precinct Plan* as his home is located nearby to the subject area.

Councillor Kath Presdee declared a Non Pecuniary Conflict of Interest – Less than Significant in the Report and Recommendations of the Policy Review Committee Meeting held on 9 March 2009 *Item 1 – St Marys Release Area – Public Exhibition of draft Western and Central Precinct Plans* as she owns property in a suburb which is adjacent to the subject area.

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in an item to be raised in Confidential Business as the matter indirectly concerns an individual who voluntarily handed out election material for Councillor Kevin Crameri OAM.

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MAYORAL MINUTES

2 Cr Karen McKeown Elected as ALGWA President, NSW Branch

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53 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies that the Mayoral Minute on Cr Karen McKeown Elected as ALGWA President, NSW Branch be received.

1 Ulysses AGM a successful showcase of Penrith Valley

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54 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies that the Mayoral Minute on Ulysses AGM a successful showcase of Penrith Valley be received.

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REPORTS OF COMMITTEES

Having previously declared a Pecuniary Interest in the Report and Recommendations of the Policy Review Committee – *Item 2 Caddens draft Local Environmental Plan and draft Development Control Plan*, the Mayor, Councillor Jim Aitken OAM left the meeting, the time being 8.03 pm.

Councillor Ross Fowler OAM then took the Chair for the consideration of the Reports and Recommendations of Committees, the time being 8.03 pm.

1 Report and Recommendations of the Access Committee Meeting held on 4 February 2009

'55 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Prue Guillaume that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 4 February, 2009 be adopted.

2 Report and Recommendations of the Local Traffic Committee Meeting held on 2 March 2009

'56 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 March, 2009 be adopted.

Councillor Greg Davies requested that all East Ward Councillors be provided with a memorandum advising whether line marking at the Carinya Avenue Car park at St Marys will be carried out and also providing an update on whether the Council are going to undertake the rest of the upgrade to the car park.

3 Report and Recommendations of the Policy Review Committee Meeting held on 9 March 2009

'57 A MOTION was MOVED by Councillor Greg Davies seconded Councillor Robert Ardill that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 9 March, 2009 be adopted with an amendment made to Councillor Kath Presdee's declaration of interest to now read:

Councillor Kath Presdee declared a Non Pecuniary Conflict of Interest – Less than Significant in *Item 1 – St Marys Release Area – Public Exhibition of draft Western and Central Precinct Plans* as she owns property in a suburb which is adjacent to the subject area.

An AMENDMENT was MOVED by Councillor Kevin Crameri OAM that *Item 1 St Marys Release Area – Public Exhibition of draft Western and Central Precinct Plans* be deferred. The Chair, Councillor Ross Fowler OAM noted that the AMENDMENT LAPSED for a want of a seconder.

Councillor Kevin Crameri OAM then spoke against the motion and raised a number of issues concerning *Item 1- St Marys Release Area – Public Exhibition of draft Western and Central Precinct Plans*. The Chair, Councillor Ross Fowler OAM noted the issues raised by Councillor Crameri OAM and advised him that he would be provided with a memorandum in response to the issues raised.

On being PUT to the meeting the MOTION was CARRIED.

Councillor Kevin Crameri OAM requested that his name be recorded as having voted against the Motion.

His Worship the Mayor, Councillor Jim Aitken OAM returned to the meeting, the time being 8.32 pm and resumed the Chair.

MASTER PROGRAM REPORTS

THE CITY AS A SOCIAL PLACE

1 Community and Cultural Development Department - Projects and Key Achievements - 1 July 2008 - 31 December 2008

58 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that the information contained in the report on Community and Cultural Development Department - Projects and Key Achievements - 1 July 2008 - 31 December 2008 be received.

4 Council Representation on the Board of Directors of The Museum of Fire

59 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that the information contained in the report on Council Representation on the Board of Directors of The Museum of Fire be received.

2 Safer Suburbs Funding - Cranebrook Street & Pedestrian Lighting Upgrades

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

That:

1. The information contained in the report on Safer Suburbs Funding - Cranebrook Street & Pedestrian Lighting Upgrades be received.
2. Council accept the grant funding from the Federal Attorney General's Department, Safer Suburbs Funding, in the amount of \$300,000.
3. Council write a letter thanking the Federal Attorney General for the grant funding for enhanced street lighting.

3 Establishment of Alcohol Free Zones & Alcohol Free Areas

'61 RESOLVED on the MOTION of Councillor Prue Guillaume seconded Councillor Kath Presdee

That:

1. The information contained in the report on the Establishment of Alcohol Free Zones & Alcohol Free Areas be received.
2. Council approve the establishment of Alcohol Free Zones and Alcohol Free Areas at the locations identified in this report.

5 Selective Tender Reference 05-08/09 Glenmore Park Child & Family Precinct

'62 RESOLVED on the MOTION of Councillor Prue Guillaume seconded Councillor Mark Davies

That:

1. The information contained in the report on Selective Tender Reference 05-08/09 Glenmore Park Child & Family Precinct be received.
2. A contract for the Construction of the Glenmore Park Child & Family Precinct, including the new sub station and solar panels, be awarded to Denham Constructions Pty Ltd, for the lump sum fixed price of \$6,088,679.30, including GST.

Councillor Greg Davies requested that a memorandum be issued to all Councillors of the Council's Policy on the payment of Award payments to staff and contractors.

6 Riverlink Precinct Planning - Baseline Studies

Having previously declared a pecuniary interest in this matter, Councillor Ross Fowler OAM left the meeting, the time being 9.00pm.

Councillor Greg Davies left the meeting, the time being 9.02pm.

'63 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown

That:

1. The information contained in the report on Riverlink Precinct Planning - Baseline Studies be received.
2. Council endorse the approach of sharing the cost for Riverlink Precinct studies with the landowners, as outlined in this report.

Councillor Ross Fowler OAM returned to the meeting, the time being 9.03pm.

7 Development Application 09/0034 for Alterations & Additions to Existing Respite Centre at 7 Urbane Street, Leonay. Applicant: Anglican Retirement Villages; Owner: Anglican Retirement Villages DA09/0034

64 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kath Presdee

That:

1. The information contained in the report on Development Application 09/0034 for Alterations & Additions to Existing Respite Centre at 7 Urbane Street, Leonay be received.
2. The objection to the minimum landscaped area provision under Clause 12 of Penrith LEP 1998 pursuant to State Environmental Planning Policy No. 1 – Development Standards be supported.
3. DA09/0034 for Alterations and Additions to an existing Respite Centre on Lot3 DP 258314, No. 7 Urbane Street LEONAY NSW, be approved subject to the attached conditions

Standard Conditions

- 2.1 A001 - Approved Plans & Documentation
- 2.2 A011 - DCP Construction
- 2.3 A019- Occupation Certificate
- 2.4 A043 - Air Conditioner for Existing Dwelling
- 2.5 B004 - Dust
- 2.6 B005 - Mud & Soil
- 2.7 B006 - Hours of Work
- 2.8 D001 - Erosion and sediment
- 2.9 D009 - Covering of Waste Storage Area
- 2.10 E01A - BCA Compliance (Class 2-9)
- 2.11 E008 - Fire Safety List with Construction Certificate
- 2.12 E009 - Annual Fire Safety Statement- Essential Fire Safety
- 2.13 H001 - Stamped Plans and Site Notice
- 2.14 H002 - All Forms of Construction (a)
- 2.15 H024 - Glass Installations AS1288
- 2.16 H030 - Roof finishes
- 2.17 K016 - Stormwater
- 2.18 L012 - Existing Landscaping for Existing Development
- 2.19 Q01f - Notice of Commencement and Appointment of PCA
- 2.20 Q05f - Occupation Certificate

Special Conditions

- 2.21 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- The eastern wall is required to achieve an FRL of 90/90/90 to achieve compliance with the BCA.

- 2.22 The existing hours of operation are to be maintained.
- 2.23 Employees are to utilise the car parking provided on-site to minimise the number of vehicles located on Urbane Street.
- 2.24 A waste management plan is to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

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 CITY IN ITS ENVIRONMENT

15 ICLEI World Congress and North American Study Tour

65 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marko Malkoc

That:

1. The information contained in the report on ICLEI World Congress and North American Study Tour be received.
2. Craig Butler, Director, attend the ICLEI World Congress and North American Study Tour.

8 NSW Urban Sustainability Program Grant for the Werrington Creek Rehabilitation and Community Engagement Project

'66 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow

That:

1. The information contained in the report on NSW Urban Sustainability Program Grant for the Werrington Creek Rehabilitation and Community Engagement Project be received.
2. Council endorse the action taken to secure the grant for the Werrington Creek Rehabilitation and Community Engagement Project.
3. Council send letters of thanks to the Member for Londonderry, Allan Shearan and the NSW Environment Trust.

LEADERSHIP AND ORGANISATION

12 Provision of Banking Services

'67 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Provision of Banking Services be received.
2. Council call for Expressions of Interest for the provision of banking services for the period 1 July 2009 to 30 June 2015.

14 Summary of Investments & Banking for the period 1 February 2009 to 28 February 2009

'68 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 February 2009 to 28 February 2009 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 February 2009 to 28 February 2009 be noted and accepted.
3. The graphical investment analysis as at 28 February 2009 be noted.

9 2009 Australian Local Government Association (ALGA) National General Assembly of Local Government

69 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on 2009 Australian Local Government Association (ALGA) National General Assembly of Local Government be received.
2. Council nominate the Mayor, Councillor Jim Aitken OAM as Council's voting delegate for the 2009 National General Assembly of Local Government.
3. Council nominate Councillor Ross Fowler OAM to attend as an observer at the 2009 National General Assembly of Local Government.
4. Leave of Absence be granted to all Councillors attending the 2009 National General Assembly of Local Government to be held in Canberra from 21-24 June 2009.
5. A further report detailing suggested motions be considered at Council's Ordinary Meeting to be held on 6 April 2009.

10 Movement of two District Courts from Penrith to the Parramatta Justice Precinct

Councillor Kevin Cramer OAM left the meeting, the time being 9:10pm.

Councillor Kevin Cramer OAM returned to the meeting, the time being 9:15pm.

'70 A MOTION was MOVED by Councillor Mark Davies seconded Councillor Robert Ardill

That:

1. The information contained in the report on Movement of two District Courts from Penrith to the Parramatta Justice Precinct be received.
2. The Mayor respond to the Chief Judge of the District Court and the Attorney General pressing for the restoration of the two District Courts in Penrith and advising that Council does not accept that the Attorney General has no influence over the decision to transfer two District Courts at Penrith to Parramatta.
3. Copies of the letters to the Chief Judge of the District Court and the Attorney General be forwarded to Local Members for Penrith, Mulgoa, Londonderry, Smithfield and Blue Mountains.
4. The Council write to the local Members of Parliament seeking their support in pressing the Chief Judge and the Attorney General not to transfer the two District Courts from Penrith.

An AMENDMENT was MOVED by Councillor Greg Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Movement of two District Courts from Penrith to the Parramatta Justice Precinct be received.
2. The Mayor respond to the Chief Judge of the District Court and the Attorney General pressing for the restoration of the two District Courts in Penrith and questions whether the Attorney General has no influence over the decision to transfer two District Courts at Penrith to Parramatta.
3. Copies of the letters to the Chief Judge of the District Court and the Attorney General be forwarded to Local Members for Penrith, Mulgoa, Londonderry, Smithfield and Blue Mountains.
4. The Council write to the local Members of Parliament seeking their support in pressing the Chief Judge and the Attorney General not to transfer the two District Courts from Penrith.

On being PUT to the meeting, the AMENDMENT was LOST.

On being PUT to the meeting, the MOTION was CARRIED.

11 Economic Outlook

'71 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Kath Presdee that the information contained in the report on Economic Outlook be received.

13 2008-09 Borrowing Program

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

That:

1. The information contained in the report on 2008-09 Borrowing Program be received
2. Council borrow the amount of \$19,834,400 on 5, 10 or 15 year repayment schedules.
3. Council's General Manager be authorised to negotiate appropriate loan terms in accordance with this report and resolution.
4. The Council seal be affixed to those documents that are necessary to finalise these borrowings
5. The final terms and conditions of the borrowings be reported to Council upon completion of the contract.

QUESTIONS WITHOUT NOTICE

QWN 1 Erskine Park Village - Disabled parking issues

Councillor Tanya Davies requested a memo reply concerning the provision for disabled parking bays at Erskine Park Village and investigation into installation of disability ramp adjacent to parking bays.

QWN 2 Development Application - Extension to hours of operation, Lot 721 DP 717440, 28 Waterfall Crescent, Cranebrook

Councillor Ross Fowler OAM requested a report to Council on the development application for extension of hours to this Child Care Centre, and also that the resident be responded to in writing.

QWN 3 Safety issues at intersection of Lethbridge Avenue, John Oxley Avenue & Princess Street, Werrington County

Councillor John Thain requested a memo reply regarding provision for safety measures to be considered at the intersection at Lethbridge Avenue, John Oxley Avenue & Princess Street, Werrington County.

QWN 4 Legal Matter - 8 Donohoes Road, Mulgoa - to be considered in Committee of the Whole

Councillor John Thain requested a matter be referred for consideration in Committee of the Whole as the matter 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 5 Intersection of Tasman Street & Dunheved Road, Cambridge

Park

Councillor Kath Presdee requested Council investigate the intersection of Tasman Street and Dunheved Road, Cambridge Park to determine whether it would be possible to widen the road (Tasman Street), to alleviate build up of traffic caused by cars attempting to turn left onto Dunheved Road.

QWN 6 Development Application - Maxwell Street, South Penrith

Councillor Karen McKeown requested a report to Council investigating the approval of a DA for a business next to premises 71 Maxwell Street, South Penrith. Report should provide information on why the application was approved despite original refusal reasons apparently still existing.

QWN 7 Former Air Services Site - Cranebrook

Councillor Prue Guillaume requested a report to the next Council meeting updating Councillors on the Former Air Services Site – Cranebrook that was resolved by Council on 4 August 2008, particularly pertaining to efforts to lobby the State Government to acquire the site and the status of Council's action to pursue an E2 zoning.

QWN 8 Provision of Collection of E-Waste

Councillor Kaylene Allison requested a memo reply to all Councillors regarding the possibility of Council facilitating the collection of E-Waste.

QWN 9 NSW Finalists in the 2009 Barnados Australia's Mother of the Year Awards

Councillor Kaylene Allison requested that a letter be forwarded to Christina Cross, a resident of St Clair, congratulating her on being chosen as one of three NSW finalists and wishing her luck at the announcement ceremony being held Monday 30 March 2009.

QWN 10 New footpath - Russell Street, Emu Plains

Councillor Mark Davies requested a memo reply regarding the poor condition of new footpath along Russell Street, Emu Plains.

QWN 11 Request for Scholarship for Masters Course in Creative Music Therapy from Nordoff-Robbins Music Therapy Australia

Councillor Jim Aitken OAM requested that an amount of \$5,000 divided equally from all 3 Wards Voted Works be allocated for the above scholarship.

73 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Mark Davies that the matter be brought forward and dealt with 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.

74 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Mark Davies that an amount of \$5,000 divided equally from all 3 Wards Voted Works be allocated for the above scholarship.

Councillor Greg Davies requested that a report be brought back to Council on the possibility of establishing the scholarship as a part of Council's annual scholarship program.

COMMITTEE OF THE WHOLE

75 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri OAM the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:07pm.

Councillor Mark Davies left the meeting, the time being 10:08pm.

Councillor Mark Davies returned to the meeting, the time being 10:10pm.

1 Presence of the Public

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

Leadership and Organisation

2 Commercial Matter - Council Property - Assignment of Lease from Scott Coleman to proposed new tenant Tammie Plevy over Shop 5 Diamond Hair & Beauty Salon at Cranebrook Village Shopping Centre

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.

3 Legal Matter - 8 Donohoes Road, Mulgoa

This item has been referred to Committee of the Whole as the matter 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 10:18pm and the General Manager reported that the Committee of the Whole met at 10:07pm on 23 March 2009, 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 - Council Property - Assignment of Lease from Scott Coleman to proposed new tenant Tammie Plevey over Shop 5 Diamond Hair & Beauty Salon at Cranebrook Village Shopping Centre

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Assignment of Lease from Scott Coleman to proposed new tenant Tammie Plevey over Shop 5 Diamond Hair & Beauty Salon at Cranebrook Village Shopping Centre be received.
2. Council grant Scott Coleman an Assignment of Lease to Tammie Plevey 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.

3 Legal Matter - 8 Donohoes Road, Mulgoa

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Greg Davies

CW3 That the information on Legal Matter - 8 Donohoes Road, Mulgoa be received.

ADOPTION OF COMMITTEE OF THE WHOLE

76 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Greg Davies the recommendation contained in the Committee of the Whole and shown as CW2 and CW3 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:19pm.

I certify that these 13 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith

This is Page No 14 of the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held in the Council Chambers on Monday 23 March 2009

City Council held on 23 March 2009.

Chairperson

Date