

## **CONFIRMED MINUTES**

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

**ON MONDAY 6 APRIL 2009 AT 7:30PM**

#### **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 - 23 March 2009**

77 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that the minutes of the Ordinary Meeting of 23 March 2009 be confirmed.

#### **DECLARATIONS OF INTEREST**

Councillor Ben Goldfinch declared a Non-Pecuniary Conflict of Interest - Less than Significant in *Item 3 - High fronted guttering to buildings* as he is employed in the building industry.

#### **REPORTS OF COMMITTEES**

- 1 Report and Recommendations of the Policy Review Committee Meeting held on 30 March 2009**

78 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 30 March, 2009 be adopted.

## MASTER PROGRAM REPORTS

### LEADERSHIP AND ORGANISATION

#### 1 Endorsement for Exhibition of the Draft Strategic Plan and 4 Year Delivery Program (2009 - 2013)

79 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Endorsement for Exhibition of the Draft Strategic Plan and 4 Year Delivery Program (2009 - 2013) be received.
2. Council endorse the draft Strategic Plan and draft 4 Year Delivery Program for exhibition.

### THE CITY IN ITS BROADER CONTEXT

#### 2 Great River Walk Stage 7 Grant Application

80 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee

That:

1. The information contained in the report on Great River Walk Stage 7 Grant Application be received.
2. Council endorse the lodgement of the application for the 2009 Metropolitan Greenspace Program grant for the Great River Walk Stage 7.

### THE CITY AS A SOCIAL PLACE

#### 4 Development Application 08/0507 - Torrens Title Subdivision into Two Lots at Lot 421 DP 793120 (No. 9 - 17) Garswood Road, Glenmore Park. Applicant: Freeburn Surveying; Owner: M & M Flammia DA08/0507

81 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Robert Ardill

That:

1. The information contained in the report on Development Application 08/0507 - Torrens Title Subdivision into Two Lots at Lot 421 DP 793120 (No. 9 - 17) Garswood Road, Glenmore Park be received.
2. The State Environmental Planning Policy No.1 variation to the Development Standard, lot density be supported.
3. The application be referred to the Department of Planning for concurrence.
4. Upon receipt of concurrence from the Department of Planning Development Application 08/0507 - Torrens Title Subdivision into Two Lots at Lot 421 DP 793120 (No. 9 - 17) Garswood Road, Glenmore Park be approved under delegation subject to the following Standard and Special Conditions:

**Standard Conditions**

- 4.1 A001 - Approved plans that are architecturally drawn
- 4.2 A011 - Engineering Works DCP
- 4.3 D001 - Implement approved sediment & erosion control measures
- 4.4 D002 - Spraygrass
- 4.5 G001 - Installation of services and service clearance (subdivision)
- 4.6 G002 - Section 73 (not for single dwellings)
- 4.7 I003 - Roads Act approval 1
- 4.8 L001 - General landscaping
- 4.9 L005 - Planting of plant material
- 4.10 L006 - AS requirements
- 4.11 L007 - Tree protection measures—no TMP with DA
- 4.12 L008 - Tree Preservation Order
- 4.13 M008 - Linen Plan
- 4.14 M009 - 88B Instrument
- 4.15 N001 – N003 - Section 94 contribution (Cultural Facilities, Open Space & Recreation and Glenmore Park Release Area Total Amount \$25288.00)
- 4.16 P001 - Costs
- 4.17 P002 - Fees associated with Council land
- 4.18 Q008 - Subdivision Certificate

**Special Conditions**

- 4.19 The proposed lots shall be serviced by and all dwellings connected to the sewer of Sydney Water.

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

<b>For</b>	<b>Against</b>
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	

### **3 High fronted guttering to buildings**

82 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on high fronted guttering to buildings be received.
2. Council write to the Minister for Fair Trading seeking their assistance in providing more information to the Industry about the importance of complying with the Australian Standard AS3500.3.
3. Council engage the Australian Steel Institute and local manufacturers to work together to create its own education program for the construction industry, local plumbers and installers, about the importance of complying with Australian Standard AS3500.3.
4. Council implement an advertising campaign to make homeowners aware of the need to comply with the Australian Standard AS3500.3 when replacing guttering.

**5 Development Application 08/0969 at Lot 1811 DP 1123236 (No. 12)  
Forbes Street, Emu Plains. Applicant: Innovation Planning Australia  
Pty Limited; Owner: B & J Morphet**

**DA08/0969**

83 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Development Application 08/0969 at Lot 1811 DP 1123236 (No. 12) Forbes Street, Emu Plains be received.
2. A further report be presented to the next available Council meeting when the Joint Experts report that is being prepared for the hearing has been compiled.

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**

## **LEADERSHIP AND ORGANISATION**

### **6 Amendments to 2009 Meeting Calendar**

'84 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Amendments to 2009 Meeting Calendar be received.
2. The 2009 Meeting Calendar be altered as follows:
  - the Ordinary Council Meetings scheduled for 22 June 2009 and 13 July 2009 be rescheduled to 29 June 2009 and 20 July 2009 respectively;
  - the Councillor Briefing scheduled for 29 June 2009 be rescheduled to 6 July 2009; and
  - the Policy Review Committee scheduled for 6 July 2009 be rescheduled to 13 July 2009.

## **9 Penrith Whitewater Stadium Ltd - Board of Directors**

'85 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Penrith Whitewater Stadium Ltd - Board of Directors be received.
2. Council endorse the appointment of Mr Pat Sheehy AM as a Director on the Board of Penrith Whitewater Stadium Ltd.

## **7 2009 National General Assembly of Local Government Motions**

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

That:

1. The information contained in the report on 2009 National General Assembly of Local Government Motions be received.
2. The following two Motions detailed below be submitted for inclusion in the 2009 Australian Local Government Association National General Assembly Business Paper:
  - (a) That this National General Assembly call for action by the Australian Federal, State and Territory Governments to provide detailed modelling of the likely impacts of climate change on the operations and responsibilities of local government, and provide local government with information for best practice adaptation and mitigation strategies so as to effectively respond to this critical issue.
  - (b) That this National General Assembly call for action by the Australian Federal, State and Territory Governments to resource a package of measures to reduce carbon emissions in local areas and which also stimulates job creation and economic development at a time of global financial crisis.

## **8 2009 Australian Women's Leadership Symposium**

87 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kath Presdee

That:

1. The information contained in the report on 2009 Australian Women's Leadership Symposium be received.
2. Councillors Kaylene Allison, Tanya Davies and Karen McKeown be Council's delegates to the 2009 Australian Women's Leadership Symposium being conducted in Sydney from 10 to 11 June 2009.

## **QUESTIONS WITHOUT NOTICE**

### **QWN 1 Damage to Kerbing by Garbage Trucks – Sallee Glen, Kingswood**

Councillor Tanya Davies requested a memo reply to all Councillors concerning the damage to kerbing in Sallee Glen, Kingswood caused by garbage trucks driving over it.

### **QWN 2 Man holes in Caddens Road and Angophora Avenue, Kingswood**

Councillor Tanya Davies requested a memo reply to all Councillors concerning two man holes that have sunk significantly on the corner of Caddens Road and onto Angophora Avenue, Kingswood, causing distraction to drivers.

### **QWN 3 Northern Road to Castle Road, Kingswood - Need for Right Hand**

### **Turning Lane**

Councillor Tanya Davies requested a memo reply to all Councillors concerning the need for a right hand turning lane from Northern Road onto Castle Road in Kingswood, with the RTA being engaged to pursue an urgent resolution.

### **QWN 4 Intersection of Jamison and Mulgoa Roads, Penrith**

Councillor Ross Fowler OAM requested that Council urgently write to the Minister for Roads, the RTA, and the Local State Member, requesting a review of the upgrade of the intersection of Jamison and Mulgoa Roads, Penrith, given its low benefit cost ratio.

Councillor Ross Fowler OAM also requested that a report be submitted to Council on alternative RTA projects in the City that are of a similar budget.

### **QWN 5 Speeding Vehicles - Orchard Hills**

Councillor Kevin Crameri OAM requested a memo reply to all Councillors concerning the problem of speeding vehicles in the area of Homestead, Kingswood and Wentworth Roads, Orchard Hills, and requesting that the entrance to the new school in the area be provided with a yellow fog light, as well as a sign in the vicinity to warn of the crest and dips in the road.

### **QWN 6 Parking Offences - Kingswood Post Office and Barber Avenue**

Councillor Kevin Crameri OAM requested a memo reply to all Councillors concerning:

- (a) drivers receiving parking fines when stopping to post a letter at the Kingswood Post Office in Bringelly Road; and
- (b) drivers receiving parking fines in Barber Avenue, near the private hospital, when they have not parked 'front to kerb'.

### **QWN 7 Request for smaller recycling bins**

Councillor Jackie Greenow requested a memo reply to all Councillors on the possibility of providing smaller recycling bins to residents who have requested this as an alternative to the current recycling bins.

### **QWN 8 Freda Whitlam**

Councillor John Thain requested a report to Council with regard to making Freda Whitlam an Honoured Citizen of Penrith, with the report to cover Freda's achievements in the Penrith locality.

### **QWN 9 Provision of Cricket Wicket at Saunders Park Reserve, St Clair**

Councillor Greg Davies requested an urgent report to Council detailing the cost of providing a cricket wicket at Saunders Park Reserve, St Clair.

### **QWN 10 National Anthem**



Councillor Greg Davies requested a memo reply to all Councillors regarding Council approaching Nick Gentle to record a version of the Australian National Anthem at the Joan Sutherland Performing Arts Centre for use at Council Meetings and other local functions.

#### **QWN 11 Signage for Rural Villages**

Councillor Karen McKeown requested a memo reply to all Councillors regarding her previous request for uniform 'village' signage for rural villages in the area.

#### **QWN 12 Consideration of Legal Matter in Committee of the Whole**

Councillor Jim Aitken OAM advised that a legal matter concerning a property in Mulgoa would need to be considered in Committee of the Whole.

### **COMMITTEE OF THE WHOLE**

88 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Jackie Greenow that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:18 pm.

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

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

#### ***Leadership and Organisation***

#### **2 Commercial Matter - Lot 101 DP 876202 and Lot 11 DP 129190 Great Western Highway, Kingswood**

*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 8:52 pm and the General Manager reported that the Committee of the Whole met at 8:18 pm on 6 April 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 - Lot 101 DP 876202 and Lot 11 DP 129190 Great Western Highway, Kingswood**

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

CW2 That:

1. The information contained in the report on Commercial Matter - Lot 101 DP 876202 and Lot 11 DP 129190 Great Western Highway, Kingswood be received.
2. Council make a submission as part of the tender process as outlined in this report and subject to final Council approval.

**3 Legal Matter - 8 Donohoes Road, Mulgoa**

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in an item to be raised in *Committee of the Whole Item 3 – Legal Matter – 8 Donohoes Road, Mulgoa*, as the matter indirectly concerns an individual who voluntarily handed out election material for Councillor Kevin Crameri OAM.

CW 3 RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that the information received with regard to this matter be noted.

**ADOPTION OF COMMITTEE OF THE WHOLE**

89 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Kath Presdee that the recommendations contained in the Committee of the Whole and shown as CW 2 and CW 3 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:56 pm.

I certify that these 9 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 6 April 2009.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date