

## **CONFIRMED MINUTES**

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

**ON MONDAY 20 JULY 2009 AT 7:44PM**

#### **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 Acting Executive Officer.

#### **PRESENT**

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

#### **LEAVE OF ABSENCE**

208 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Kath Presdee that Leave of Absence be granted to Councillor Jackie Greenow for the period 20 July 2009 to 21 July 2009 inclusive.

#### **APOLOGIES**

209 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Robert Ardill that the apology from Councillor Mark Davies be accepted.

#### **CONFIRMATION OF MINUTES - Ordinary Meeting - 29 June 2009**

210 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that the minutes of the Ordinary Meeting of 29 June 2009 be confirmed.

#### **DECLARATIONS OF INTEREST**

Nil.

#### **SUSPENSION OF STANDING ORDERS**

211 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:47 pm.

**Mr David Williams**

*Item 8 - Development application DA09/0323 Multi-level dwelling Lot 26 DP 237406 (No. 24) Parklands Avenue, Leonay. Applicant: David Williams; Owner: David and Laura Williams*

Mr Williams, the applicant, spoke in support of the proposal and outlined a brief history of the application. Mr Williams detailed the efforts made to minimise the impact of the development on the amenity of the neighbourhood, with the aim of fitting in with the design of other buildings in the area.

**Ms Jacqueline Connor**

*Item 8 - Development application DA09/0323 Multi-level dwelling Lot 26 DP 237406 (No. 24) Parklands Avenue, Leonay. Applicant: David Williams; Owner: David and Laura Williams*

Ms Connor, representing an affected neighbour, spoke in opposition to the proposed development, citing impacts on neighbouring properties in terms of privacy and solar access. Ms Connor stated that neighbours were concerned that the scale of the proposed development would be incompatible with surrounding two storey dwellings, and requested that consideration of the matter be deferred so that Council could consider some amendments to the proposed development.

**RESUMPTION OF STANDING ORDERS**

212 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown that Standing Orders be resumed, the time being 7:57 pm.

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**MAYORAL MINUTES**

**1 Launch of Aboriginal Women's Art Project**

Councillor Prue Guillaume left the meeting, the time being 8:00 pm.

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213 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the Mayoral Minute on Launch of Aboriginal Women's Art Project be received.

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**REPORTS OF COMMITTEES**

**1 Report and Recommendations of the Access Committee Meeting held**

**on 3 June 2009**

214 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 3 June, 2009 be adopted.

**2 Report and Recommendations of the Penrith Valley Community Safety Partnership Meeting held on 10 June 2009**

215 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kath Presdee that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 10 June, 2009 be adopted.

**3 Report and Recommendations of the Local Traffic Committee Meeting held on 6 July 2009**

216 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kath Presdee that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 6 July, 2009 be adopted.

**4 Report and Recommendations of the Policy Review Committee Meeting Held on 13 July, 2009**

217 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Robert Ardill that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 13 July, 2009 be adopted.

**DELIVERY PROGRAM REPORTS**

**A LEADING CITY**

**1 Audit Committee**

218 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Marko Malkoc that the information contained in the report on Audit Committee be received.

**2 Council Property - Easement to Drain Water over Lot 38 DP 607665, No. 5 Tasman Street, Cambridge Park. Applicant: David Walter Pty Ltd on behalf of M Christie & R Mason - Owner: Penrith City Council**

219 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Council Property - Easement to Drain Water over Lot 38 DP 607665, No. 5 Tasman Street, Cambridge Park. Applicant: David Walter Pty Ltd on behalf of M Christie & R Mason - Owner: Penrith City Council be received.
2. Council grant an easement to drain water over Open Space land on Lot 38 DP 607665, No. 5 Tasman Street, Cambridge Park to benefit Lots 217/218 DP 13531, No. 27 Eton Road, Cambridge Park.
3. Payment of compensation by the applicant to Council in the amount of \$4,000 be required for the grant of the easement over Lot 38 DP 607665, No. 5 Tasman Street, Cambridge Park.
4. The applicant be responsible for all drainage costs including the extension of Council's 750mm pipe by a minimum distance of 4.8 metres at the rear of No 23 Eton Road.
5. The applicant be responsible for all survey, legal and registration costs associated with the creation of the easement.
6. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation to effect registration of the easement.

### **3 Summary of Investments for the period 1 June 2009 to 30 June 2009**

220 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Summary of Investments for the period 1 June 2009 to 30 June 2009 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 June 2009 to 30 June 2009 be noted and accepted.
3. The graphical investment analysis as at 30 June 2009 be noted.
4. The Agency Collection Methods as at 30 June 2009 be noted.

### **4 Parks and Leisure Association Annual National Conference**

'221 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Parks and Leisure Association Annual National Conference be received.
2. Council nominate Councillors John Thain, Marko Malkoc and Kevin Cramer OAM as its representatives to attend the Parks and Leisure Association Annual National Conference.

## **A CITY OF OPPORTUNITIES**

Councillor Prue Guillaume returned to the meeting, the time being 8:03 pm.

### **6 Community Assistance Program 2008 - 09 Rolling Component - Projects Approved Under Delegation January - June 2009**

'222 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch that the information contained in the report on Community Assistance Program 2008 - 09 Rolling Component - Projects Approved Under Delegation January - June 2009 be received.

### **5 Support Services for Men in the Penrith LGA**

'223 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee

That:

1. The information contained in the report on Support Services for Men in the Penrith LGA be received.
2. A Men's Services Sector Strategy Action Plan be developed, similar to the Women's Services Sector Advocacy Strategy.
3. The information summarised in the report on Support Services for Men in the Penrith LGA be distributed as widely as possible throughout the local area, including all neighbourhood centres and other relevant agencies.

### **7 Fair Trade**

224 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain

That:

1. The information contained in the report on Fair Trade be received.
2. Council endorse a trial of the purchase of Fair Trade products and a report be submitted to Council upon completion of this trial.
3. Council investigate details of other products which meet the principles of Fair Trade.

**A GREEN CITY**

**8 Development application DA09/0323 Multi-level dwelling Lot 26 DP 237406 (No. 24) Parklands Avenue, Leonay. Applicant: David Williams; Owner: David and Laura Williams DA09/0323**

225 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marko Malkoc that further consideration of this matter be deferred until the Ordinary Meeting of 3 August 2009, pending a site visit by Councillors.

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 Tanya Davies	
Councillor Ross Fowler OAM	
Councillor Ben Goldfinch	
Councillor Prue Guillaume	
Councillor Marko Malkoc	
Councillor Karen McKeown	
Councillor Kath Presdee	
Councillor John Thain	

**A LIVEABLE CITY**

**9 Tender Number 11-08/09 Construction of Gross Pollutant Trap - Mamre Road**

'226 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Tender Number 11-08/09 Construction of Gross Pollutant Trap - Mamre Road be received.
2. The tender received from Devcon Civil Pty Ltd be accepted and a contract awarded for the construction of a Gross Pollutant Trap at Mamre Road St Marys for the lump sum fixed cost of \$114,980.27 plus GST.
3. A memo be provided to all Councillors following completion of this project, summarising the overall project cost.

#### **10 Belar Place and Carinya Avenue Carpark, St Marys**

'227 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Belar Place and Carinya Avenue Carpark, St Marys be received.
2. The total estimated cost of \$95,000 to formalise both car parks, be provided from Council's Car park Reserve Fund.
3. An urgent report be presented to Council outlining the feasibility of linemarking all carparks in West Lane, St Marys.

#### **11 Turf Cricket Wicket Construction at Jamison Park Field No. 5 and Dukes Oval Practice Wickets**

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

That:

1. The information contained in the report on Turf Cricket Wicket Construction at Jamison Park Field No. 5 and Dukes Oval Practice Wickets be received.
2. Council allocate \$66,000 from the Recreation Reserve as a contribution towards the development of Turf Cricket Wicket Construction at Jamison Park Field No. 5 and Dukes Oval Practice Wickets.
3. Council offer to loan an amount of \$23,000 to the Nepean District Cricket Association, which is to be repaid within 12 months from entering into a loan agreement.

#### **QUESTIONS WITHOUT NOTICE**

##### **QWN 1 Penrith Museum of Printing - Purchase of Printing Press**

Councillor John Thain requested that an amount of \$375, be allocated in equal amounts from each Ward's voted works, towards the purchase of a printing press for the Penrith Museum of Printing.

'229 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM 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.

230 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM that an amount of \$375, be allocated in equal amounts from each Ward's voted works, towards the purchase of a printing press for the Penrith Museum of Printing.

**QWN 2    Damage to Corner of Nutt and Boscobel Roads, Londonderry**

'Councillor John Thain requested a memo reply to all Councillors detailing the findings of an inspection of the corner of Nutt and Boscobel Roads, Londonderry to ascertain damage to drainage in this area.

**QWN 3    'Keep Penrith Working'**

'Councillor John Thain requested a report to Council concerning the 'Keep Penrith Working' report, and including Council participation and considering the possibility of appointing 'Keep Penrith Working' Champions.

**QWN 4    Dangerous Tree - Chateau Place, St Clair**

'Councillor Tanya Davies requested a memo reply concerning a dangerous tree in a property in Chateau Place, St Clair and requested that an on-site meeting take place with the owner of the property with a view to the removal of the tree.

**QWN 5    Broken Street Light - Francis Greenway Avenue, St Clair**

'Councillor Tanya Davies requested a memo reply concerning a broken street light in Francis Greenway Avenue, St Clair and requested that this be repaired as a matter of urgency.

**QWN 6    Speeding Vehicles in Lester Place, St Clair**

'Councillor Tanya Davies requested that the matter of speeding vehicles in Lester Place, St Clair be referred to the Local Traffic Committee for investigation, including the installation of a speed monitoring device.

**QWN 7    Advertising Program for New 3 Bin Waste Service**

Councillor Tanya Davies requested that Council review its advertising program regarding the new 3 Bin Waste Service, specifically outlining options for changes to size of bin and /or frequency of collection of the different bins. Councillor Tanya Davies also requested that a contact name be provided for those member of the community seeking information in this regard.

**QWN 8 Samuel Marsden Baseball Fields**

Councillor Robert Ardill requested a report to Council outlining funding options to assist with the preparation of the Samuel Marsden Baseball Fields for the International Masters Games to be held in October this year.

**QWN 9 Kingswood Neighbourhood Centre - Safety Concerns**

Councillor Ross Fowler OAM requested that Council write a letter to the Management Committee of the Kingswood Neighbourhood Centre concerning occupational health and safety issues at Kingswood Neighbourhood Centre, raised by staff of the Werrington Community Project Inc.

**QWN 10 Commercial Matter - to be considered in Committee of the Whole**

Councillor Ross Fowler OAM requested that an item concerning a legal matter be referred to Committee of the Whole as the item refers to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

**QWN 11 Fundraising for Purchase of Porte Welcab Vehicle**

Councillor Greg Davies requested that an amount of \$1,800 be allocated in equal amounts from each Ward's voted works, towards the provision of two fundraising events to enable the purchase of a Porte Welcab vehicle.

'231 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc 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.

232 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that an amount of \$1,800 be allocated in equal amounts from each Ward's voted works, towards the provision of two fundraising events to enable the purchase of a Porte Welcab vehicle.

**QWN 12 Advertising Program for New 3 Bin Waste Service**

Councillor Greg Davies requested an urgent meeting to discuss the advertising campaign for the new garbage service.

**QWN 13 Footpath outside Autumnleaf Neighbourhood Centre**

Councillor Greg Davies requested that an amount of \$5,850 be allocated from East Ward voted works, towards the provision of a footpath outside Autumnleaf Neighbourhood Centre.

233 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc 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.

234 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that an amount of \$5,850 be allocated from East Ward voted works, towards the provision of a footpath outside Autumnleaf Neighbourhood Centre.

Councillor Greg Davies left the meeting, the time being 8:40 pm.

**QWN 14 Leave of Absence**

Councillor Karen McKeown requested Leave of Absence from 29 July 2009 to 8 August 2009 inclusive.

**QWN 15 Mulgoa Progress Association Bicentenary Celebrations**

Councillor Karen McKeown requested an urgent report outlining possible activities to celebrate the Mulgoa Progress Association Bicentenary, and funding sources, for approximately \$5,000, to enable this event to proceed.

Councillor Greg Davies returned to the meeting, the time being 8:43 pm.

**QWN 16 Location of Bus Stop in Maxwell Street, South Penrith**

Councillor Prue Guillaume requested a memo reply addressing the concerns of a business owner in Maxwell Street, South Penrith regarding the bus stop which has been located outside his business address.

**COMMITTEE OF THE WHOLE**

235 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Prue Guillaume that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:44 pm.

Councillor Robert Ardill left the meeting, the time being 8:44 pm.

Councillor Karen McKeown left the meeting, the time being 8:44 pm.

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

Councillor Robert Ardill returned to the meeting, the time being 8:45 pm.

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

#### *A Leading City*

### **2 Commercial Matter - Council Property - Lease of Shops 1 & 2 at Gaymark Place, 134 Henry Street 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.*

#### *A Green City*

### **3 Legal Matter - 13 Chapman Street, Werrington**

*This item has been referred to Committee of the Whole as the report refers to discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

### **4 Commercial Matter**

*This item has been referred to Committee of the Whole as it refers to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

The meeting resumed at 9:03 pm and the General Manager reported that the Committee of the Whole met at 8:44 pm on 20 July 2009, the following being present

His Worship the Mayor Councillor Jim Aitken OAM, Councillors Kaylene Allison, Robert

Ardill, Kevin Crameri OAM, Greg Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, 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 - Lease of Shops 1 & 2 at Gaymark Place, 134 Henry Street Penrith**

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Lease of Shops 1 & 2 at Gaymark Place, 134 Henry Street Penrith be received.
2. Council grant a two (2) year lease with a two (2) year option to Stephen Lanyon and Ellen Brabin 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 Karen McKeown returned to the meeting, the time being 8:47 pm.

### **3 Legal Matter - 13 Chapman Street, Werrington**

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

CW3 That:

1. The information contained in the report on Legal Matter - 13 Chapman Street, Werrington be received.
2. Council facilitate the removal of waste from the subject site.
3. Council request the RID Squad meet the cost of the removal and disposal of the waste.
4. Following the removal of the waste, the owner be requested to remove overgrown material from the site and secure it to prevent further incidents of waste disposal.

### **4 Commercial Matter**

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor

John Thain

CW4 That all matters relating to the issue of orders and the commencement of proceedings relating to unauthorised business activities in rural areas be deferred until after the LEP process for Stage 1 is finalised by the Council.

**ADOPTION OF COMMITTEE OF THE WHOLE**

236 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Tanya Davies that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:08 pm.

I certify that these 12 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 20 July 2009.

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Chairperson

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Date