

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

ON MONDAY 10 OCTOBER 2011 AT 7:37PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

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

LEAVE OF ABSENCE

October 2011 to 8 November 2011 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 19 September 2011

257 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Crameri OAM that the minutes of the Ordinary Meeting of 19 September 2011 be confirmed.

DECLARATIONS OF INTEREST

Councillor Prue Guillaume declared a Pecuniary Interest in *Item 9 – Community Assistance Program Planned Component 2011/12* as she is employed by Multiple Sclerosis Limited, which is an applicant for Community Assistance Program funding.

Councillor Karen McKeown declared a Non Pecuniary Conflict of Interest – Less than Significant in *Item 10 - Proposed "Caddens" Suburb Name in the Caddens Release and surrounding area Applicant: MBWA Consulting; Owner: Landcom Pty Ltd* as she is a Board member of State Records, that made a submission to this item.

Councillor Tanya Davies declared a Non Pecuniary Conflict of Interest – Less than Significant in *Item 4 - 2011 Community Building Partnership Program* as she is the Member

for Mulgoa and represents that electoral district.

Councillor Tanya Davies declared a Non Pecuniary Conflict of Interest – Less than Significant in *Item 9 - Community Assistance Program Planned Component 2011/12* as the church she attends is an applicant for the Community Assistance Program funding.

Councillor Tanya Davies declared a Non Pecuniary Conflict of Interest – Less than Significant in *Item 10 - Proposed "Caddens" Suburb Name in the Caddens Release and surrounding area Applicant: MBWA Consulting; Owner: Landcom Pty Ltd* as her parents reside near the area which is the subject of the report.

Councillor Robert Ardill declared a Non Pecuniary Conflict of Interest – Less than Significant in *Item 9 - Community Assistance Program Planned Component 2011/12* as he regularly attends activities of one of the applicants for the Community Assistance Program funding.

Councillor Jim Aitken OAM declared a Pecuniary Interest in *Item 10 - Proposed "Caddens" Suburb Name in the Caddens Release and surrounding area Applicant: MBWA Consulting; Owner: Landcom Pty Ltd* as he resides in the area adjacent the subject area.

Councillor Ross Fowler OAM declared a Pecuniary Interest in *Item 9 - Community Assistance Program Planned Component 2011/12* as he is the auditor of various applicants, successful and unsuccessful, for the Community Assistance Program funding.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Policy Review Committee Meeting held on 26 September, 2011

258 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 26 September, 2011 be adopted.

DELIVERY PROGRAM REPORTS

A LEADING CITY

1 [2010-11 Financial Statements](#)

259 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain that that the information contained in the report on 2010-11 Financial Statements be received.

2 Pecuniary Interest Returns

260 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain that the information contained in the report on Pecuniary Interest Returns be received.

3 Claremont Meadows Development Contributions Plan - Proposed Works in Kind Agreement and Transfer of Land. Applicant - Investa Residential Group Pty Ltd

261 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain

That:

1. The information contained in the report on Claremont Meadows Development Contributions Plan - Proposed Works in Kind Agreement and Transfer of Land. Applicant - Investa Residential Group Pty Ltd be received.
2. Council enter into a Works in Kind Agreement with Investa Residential Group Pty Ltd for works relating to Caddens Road Park that include earthworks, half roadworks and drainage works.
3. A Works in Kind credit of \$1,457,717 be issued to Investa Residential Group Pty Ltd on satisfactory completion of works and terms referred to in this report.
4. Council accept the transfer of the South Western Precinct Neighbourhood Park and Caddens Road Park sites for the payment of \$3,353,492 to Investa Residential Group Pty Ltd.

5 Permanent Road Closure of Part of Station Lane, Penrith

262 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain

That:

1. The information contained in the report on Permanent Road Closure of Part of Station Lane, Penrith be received.
2. Council approve continuance of the permanent road closure of part of Station Lane, Penrith.
3. A report be submitted to Council for any future disposal action, should any request be received for adjoining owners.
4. The Common Seal of the Council of the City of Penrith be placed on all documentation.

8 Summary of Investments and Banking for the period 1 September 2011 to 30 September 2011 and Agency Collection Methods

263 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 September 2011 to 30 September 2011 and Agency Collection Methods be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 September 2011 to 30 September 2011 be noted and accepted.
3. The graphical investment analysis as at 30 September 2011 be noted.
4. The Agency Collection Methods as at 30 September 2011 be noted.

4 2011 Community Building Partnership Program

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

That:

1. The information contained in the report on 2011 Community Building Partnership Program be received.
2. Council endorse the following four projects to be developed into applications by the deadline on 31 October 2011.
 - Penrith electoral district: Parker Street Reserve, Resurfacing of three playing fields: 1, 2 and Athletics. Grant request \$50,000. Source of matching funds: Parks Asset Renewal Program.
 - Londonderry electoral district: Wattle Avenue Reserve Playground upgrade. Grant request \$25,000. Source of matching funds: Parks Asset Renewal Program.
 - Mulgoa electoral district: Ripples Leisure Centre Shade Structure and Water Slide. Grant request \$18,900. Source of matching funds: Ripples Operational Budget.
 - Smithfield electoral district: Erskine Park Hall kitchen upgrade. Grant request \$30,000. Source of matching funds: Building Asset Renewal Program.

6 Bennett Wagons

265 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc

That

1. The information contained in the report on Bennett Wagons be received.
2. The amount of \$8,000 be allocated equally from each Ward's voted works to enable restoration works to the medium and small Bennett wagons owned by Council.
3. A further report be presented to Council on options for housing of the Bennett wagons.

7 Abandonment of Sundry Debts

266 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Abandonment of Sundry Debts be received.
2. These debts totalling \$24,693.85 are irrecoverable as outlined above and should be written off accordingly.

A CITY OF OPPORTUNITIES

Having previously declared a Pecuniary Interest in Item 9, Councillor Prue Guillaume left the meeting, the time being 7:49 pm.

9 Community Assistance Program Planned Component 2011/12

267 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Community Assistance Program Planned Component 2011/12 be received.
2. Council approve funding the applications and amounts totalling \$30,000.00 from the Planned Component of the 2011 Community Assistance Program and \$2,306.00 from the Rolling Component as outlined in Table 3 of this report.

Councillor Prue Guillaume returned to the meeting, the time being 7:50 pm.

11 Ageing Disability & Home Care Funding - St Marys IT Project and Volunteer Research

268 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Ageing Disability & Home Care Funding - St Marys IT Project and Volunteer Research be received.
2. Council endorse the receipt of 2009-12 non-recurrent Home and Community Care grant funds from Ageing, Disability and Home Care in the NSW Department of Family and Community Services for the two projects identified in the report.

12 Event sponsorship proposal

269 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Event sponsorship proposal be received.
2. An amount of \$3,000 be approved to be paid from the City Marketing budget to sponsor the Mamre Homestead 100 mile Dinner on Saturday 29 October 2011.

Having previously declared a Pecuniary Interest in Item 10, Councillor Jim Aitken OAM left the meeting, the time being 7:51 pm.

10 Proposed "Caddens" Suburb Name in the Caddens Release and surrounding area Applicant: MBWA Consulting; Owner: Landcom Pty Ltd

270 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Prue Guillaume

That:

1. The information contained in the report on Proposed "Caddens" Suburb Name in the Caddens Release and surrounding area be received.
2. Council endorse the name "Caddens" as the proposed suburb name for the area on the plan at Appendix 1 to this report.
3. Persons who made a submission be advised of Council's decision and of the consideration given to their concerns.

A LIVEABLE CITY

13 [Draft Penrith City Centre Car Parking Strategy](#)

271 RESOLVED on the MOTION of Councillor John Thain seconded Marko Malkoc

That:

1. The information contained in the report on Draft Penrith City Centre Car Parking Strategy be received.
2. The Penrith City Centre Car Parking Strategy be adopted.

14 [NSW Bike Plan 2010 - Funding Offer from Roads and Traffic Authority for Year 2 Program](#)

Councillor Jim Aitken OAM returned to the meeting, the time being 7:54 pm.

272 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Jackie Greenow

That:

1. The information contained in the report on NSW Bike Plan 2010 - Funding Offer from Roads and Traffic Authority for Year 2 Program be received.
2. Council accept the funding offer of \$1.55m from the Roads and Traffic Authority for the NSW Bike Plan 2010, subject to the following conditions:
 - (a) Council's contribution towards the Year 2 (2011/12) project be \$500,000, including support through design and project management
 - (b) Council's acceptance of funding is for Year 2 only and any future funding associated agreements are separate and discrete from Year 2 funding
 - (c) Council's acceptance of Year 2 project does not bind Council to acceptance of future funding/program agreements.
3. Council write to the Minister for Roads and the Local Members expressing appreciation of the funding offer.
4. A report be presented to Council on the possibility of providing a footpath/cycleway linking St Marys and Penrith centres.

15 [A Review of Tennis Court Provision and Management in Penrith LGA](#)

273 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marko Malkoc

That:

1. The information contained in the report on A Review of Tennis Court Provision and Management in Penrith LGA be received.
2. An amount of \$20,000 be allocated from the Recreation Reserve to appoint insideEDGE to undertake the review.

16 [Floodplain Management Association of NSW 52nd Annual Conference - 21 February 2012 to 24 February 2012](#)

274 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Tanya Davies

That:

1. The information contained in the report on Floodplain Management Association of NSW 52nd Annual Conference - 21 February 2012 to 24 February 2012 be received.
2. Council nominate Councillor Kevin Crameri OAM and Councillor Jim Aitken OAM, and any other available Councillors, as its delegates to the 2012 Floodplain Management Association Conference and Workshops, to be held at Batemans Bay from 21 February 2012 to 24 February 2012.

17 [Appointment of a Director to the Board of Ripples](#)

275 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Appointment of a Director to the Board of Ripples be received.
2. Marlene Shipley be appointed as a Director to the Board of the City of Penrith Regional Indoor Aquatic and Recreation Centre Limited.

A VIBRANT CITY

18 [Penrith City and Lachlan Shire Partnership](#)

276 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain

That:

1. The information contained in the report on Penrith City and Lachlan Shire Partnership be received.
2. Penrith City Council support the "On the Road" cultural program for the next three years with a commitment of \$3,000 per year subject to the continuing support of other partners and successful grant applications.

19 [St Marys Spring Festival](#)

277 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Tanya Davies

That:

1. The information contained in the report on St Marys Spring Festival be received.
2. The model of the St Marys Development Committee engaging an external event manager to deliver the festival, working in close consultation with both the Committee and the St Marys Town Centre Association, be endorsed as the best option to deliver future St Marys Spring Festivals.
3. Council send letters of thanks to the St Marys Development Committee, St Marys Town Centre Association, Council officers and all organisations involved in successfully delivering this year's St Marys Spring Festival.

REQUESTS FOR REPORTS AND MEMORANDUMS AND URGENT BUSINESS

RR 1 Passing of Gordon Vandervord

Councillor Kevin Cramer OAM informed the meeting of the recent passing of Gordon Vandervord who was associated with archery in the Penrith area for many years and requested that the Mayor send a letter of condolence to Mr Vandervord's widow.

RR 2 Oxley Park Primary School Christmas Concert

Councillor John Thain requested that the Principal of Oxley Park Primary School be contacted by Council officers with a view to Council providing the school with a stage or similar option to enable them to hold the School's Christmas Concert this year.

RR 3 Seating and Pathway to Bridge Link - Boronia Park and Whalan Reserve, North St Marys

Councillor John Thain requested a report to Council investigating the possibility of providing a pathway link to the bridge at Boronia Park and Whalan Reserve, North St Marys.

UB 1 Support of Charity Events

Councillor Karen McKeown requested that Council purchase up to 6 tickets for the Race Night at Penrith Paceway to be held on 27 October 2011, and also purchase up to 6 tickets to support the Christmas Foundation Ball to be held on 2 December 2011, in support of the Ross Hutchison Foundation, and that these tickets be paid for equally from each Ward's voted works.

278 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Cramer OAM that the matter be brought forward and dealt with as an urgent matter.

His Worship the Mayor, Councillor Greg Davies, ruled that the matter was urgent and should be dealt with at the meeting.

Councillors Ross Fowler OAM declared a Non Pecuniary Conflict of Interest – Less than Significant in this matter as he is the honorary auditor of the Ross Hutchison Foundation.

Councillor Jim Aitken OAM declared a Non Pecuniary Conflict of Interest – Less than Significant in this matter as he is a Patron of the Penrith Carer Car.

279 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Cramer OAM that Council purchase up to 6 tickets for the Race Night at Penrith Paceway to be held on 27 October 2011, and also purchase up to 6 tickets to support the Christmas Foundation Ball to be held on 2 December 2011, in support of the Ross Hutchison Foundation, and that these tickets be paid for equally from each Ward's voted works.

UB 2 Destination 2036 Workshop

Councillor Karen McKeown requested that Council write to the Chief Executive of the Local Government Division, proposing to revisit the timeframes and deadline for submissions regarding the Action Plan from the Destination 2036 Workshop as the current timeframe is too tight to enable Councils to properly consult with communities.

Councillor Kevin Cramer OAM left the meeting, the time being 8:26 pm

280 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Karen McKeown that the matter be brought forward and dealt with as an urgent matter.

His Worship the Mayor, Councillor Greg Davies, ruled that the matter was urgent and should be dealt with at the meeting.

281 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ben Goldfinch that Council write to Mr Ross Woodward, advising of Council's objection to the timeframe for submissions on Destination 2036 as it does not provide adequate time for community consultation, and that this matter also be submitted to this year's Local Government Association Conference as a Late Motion.

RR 4 Clean Energy Finance Corporation - Funding

Councillor Karen McKeown requested a report to Council investigating any projects it may have available to be funded under the Federal Government's recently established Clean Energy Finance Corporation.

Councillor John Thain left the meeting, the time being 8:29 pm.

Councillor Kevin Cramer OAM returned to the meeting, the time being 8:30 pm.

RR 5 Restoration works to Nature Strips

Councillor Kath Presdee requested a memo to all Councillors concerning the condition of nature strips within the local area, after utilities have been carrying out various works, in particular damage to turf which is causing pedestrian hazards, and outlining what approach Council is taking to ensure these Companies fulfil their obligations to the community in restoring pathways and nature strips.

Councillor John Thain returned to the meeting, the time being 8:31 pm.

COMMITTEE OF THE WHOLE

282 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jackie Greenow that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:31 pm.

1 Presence of the Public

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

A Leading City

2 [Council Property - Leasing of Suite 2 at 134-138 Henry Street Penrith to Kapsis & Associates Solicitors](#)

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 [Senior Staff Matters](#)

This item has been referred to Committee of the Whole as the report 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 9:40 pm and the General Manager reported that the Committee of the Whole met at 8:31 pm on Monday 10 October 2011, the following being present

His Worship the Mayor Councillor Greg Davies, Deputy Mayor Councillor Jackie Greenow and Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Kevin Cramer OAM, 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 Council Property - Leasing of Suite 2 at 134-138 Henry Street Penrith to Kapsis & Associates Solicitors

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marko Malkoc

CW2 That:

1. The information contained in the report on Council Property - Leasing of Suite 2 at 134-138 Henry Street Penrith to Kapsis & Associates Solicitors be received.
2. Council grant Kapsis & Associates a new 3 year lease 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 Senior Staff Matters

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM

CW3 That:

1. The information contained in the report on Senior Staff Matters be received.
2. The recommendation of the Senior Staff Recruitment Review Committee be adopted.

ADOPTION OF COMMITTEE OF THE WHOLE

283 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc that the recommendations contained in the Committee of the Whole and shown as CW1, CW2 and CW3 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:41 pm.

I certify that these 12 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 10 October 2011.

Chairperson

Date