

**CONFIRMED MINUTES**  
**OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE**  
**COUNCIL CHAMBERS**  
**ON MONDAY 21 NOVEMBER 2005 AT 7:04pm**

**NATIONAL ANTHEM AND PRAYER**

The meeting opened with the National Anthem and Prayer read by Reverend Neil Checkley.

**STATEMENT OF RECOGNITION**

His Worship the Mayor, Councillor John Thain read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

**PRESENT**

His Worship the Mayor Councillor John Thain, Councillors Jim Aitken OAM, Kaylene Allison, Lexie Cettolin, Kevin Crameri OAM, Jackie Greenow, Karen McKeown, Susan Page (arrived 7.16pm), Garry Rumble, Pat Sheehy AM, and Steve Simat.

**APOLOGIES**

546 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Garry Rumble apologies be received from Councillor Mark Davies and Councillor Susan Page.

**LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor David Bradbury for the period 31 October 2005 to 4 December 2005 inclusive.

Leave of Absence was previously granted to Councillor Ross Fowler for the period 19 November 2005 to 24 November 2005 inclusive.

Leave of Absence was previously granted to Councillor Greg Davies for the period 19 November to 26 November 2005 inclusive.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 31 October 2005**

547 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Garry Rumble that the minutes of the Ordinary Meeting of 31 October 2005 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Garry Rumble declared a non-pecuniary interest in Item 4 as he is a member of Apex 40 and he reserved his right to speak and vote.

## MAYORAL MINUTES

### **1 Council Achieves National Recognition Award for Sustainability 4109/38**

548 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken That the information contained in the Mayoral Minute on Council Achieves National Recognition Award for Sustainability be received.

### **2 Planning Institute of Australia Commends Council's Sustainability Blueprint for Urban Release Areas 4105/3**

549 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken That the information contained in the Mayoral Minute on Planning Institute of Australia Commends Council's Sustainability be received.

## REPORTS OF COMMITTEES

### **1 Report and Recommendations of the Disability Access Committee Meeting**

550 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Lexie Cettolin that the recommendations contained in the Report and Recommendations of the Disability Access Committee Meeting of Penrith City Council held on Wednesday 5 October 2005 be adopted.

### **2 Report and Recommendations of the Policy Review Committee Meeting**

551 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Crameri that the recommendations contained in the Report and Recommendations of the Policy Review Committee Meeting of Penrith City Council held on Monday 14 November 2005 be adopted with the following amendment:

#### **QWN3: Leave of Absence**

Councillor Greg Davies requested Leave of Absence for the period 19 November to 26 November 2005 inclusive.

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

RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Jim Aitken that Leave of Absence be granted to Councillor Greg Davies for the period 19 November to 26 November 2005 inclusive.

## **MASTER PROGRAM REPORTS**

### **LEADERSHIP AND ORGANISATION**

552 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jim Aitken that Item 18 – 2005-2006 Management Plan – September Quarter Review be dealt with first.

#### **18 2005-2006 Management Plan - September Quarter Review 36/53**

Councillor Susan Page arrived at the meeting the time being 7.16pm.

553 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Garry Rumble that:

1. The information contained in the report on the 2005-2006 Management Plan - September Quarter Review be received
2. The 2005-2006 Management Plan Review as at 30 September 2005, including the revised estimates identified in the recommended budget, be adopted
3. The recommended reallocations to projects detailed in the report be adopted.

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

#### **1 Update on the Establishment of Farmers Market in Penrith 7030/12**

554 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Steve Simat that the information contained in the report on Update on the Establishment of Farmers Market in Penrith be received.

### **THE CITY AS A SOCIAL PLACE**

#### **2 Turf Wicket Maintenance subsidy to Penrith District Cricket Club 3018/1 Pt2**

555 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Jim Aitken that

1. The information contained in the report on Turf Wicket Maintenance subsidy to Penrith District Cricket Club be received:
2. An increase in the subsidy to the Penrith Cricket Club be considered, together with financing other high priority unfunded projects, for allocation from any surplus position that may arise from variations to the 2005/2006 budget.
3. A CPI increase be applied to the annual subsidies paid to Penrith Cricket Club and Nepean District Cricket Association commencing in 2006/2007.

**3 Rezoning application RZ05/0048 St Marys Police Station Lot 103 DP 1083538 (No. 323-327) Great Western Highway, St Marys. Applicant: NSW Department of Commerce; Owner: The Crown RZ05/0048**

556 RESOLVED on the MOTION of Councillor Kevin Cramer seconded Councillor Jim Aitken that:

1. The information contained in the report on the proposed rezoning of Lot 103 DP 108338 Rezoning application RZ05/0048 St Marys Police Station Lot 103 DP 1083538 (No. 323-327) Great Western Highway, St Marys be received
2. In accordance with the Environmental Planning and Assessment Act, 1979 (as amended), Council submit the draft Local Environmental Plan 1998 (Urban Land) - Amendment 20 to the Minister for Gazettal, subject to amendments that may be required as a result of advice from Parliamentary Counsel
3. Council's Environmental Planning Manager, Mr Roger Nethercote, utilise his Section 69 delegation to forward the plan to the Minister
4. That the applicant be advised of Council's decision and that it does not infer approval of the draft Local Environmental Plan by the Minister or approval of the development application submitted concurrently with the rezoning application.

**20 Development Application 05/0229 proposal for a detached dual occupancy at Lot 268 DP 204977 (No. 51) Westbank Avenue, Emu Plains. Applicant: Mr S & Mrs K Harris; Owner: Mr S & Mrs K Harris DA05/0229**

557 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Pat Sheehy that the report be deferred and a further report be brought back to Council outlining new conditions regarding the location of the attic window and the requirement for a 1.8 metre fence.

## THE CITY IN ITS ENVIRONMENT

**4 Apex 2006 Annual General Meeting - Request for Donation of Reusable Shopping Bags and Eco Pens 6016/44**

558 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jim Aitken that:

1. The information contained in the report on Apex 2006 Annual General Meeting - Request for Donation of Reusable Shopping Bags and Eco Pens be received
2. Council donate 200 reusable shopping bags and eco pens to the Apex 40 Nepean Valley for the Apex 40 2006 Annual General Meeting.

**5 Implementation of the Mulgoa/Wallacia Sewerage Scheme 5280/17 Pt10**

559 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jim Aitken that:

1. The information contained in the report on Implementation of the Mulgoa/Wallacia Sewerage Scheme be received
2. That a policy on how Council might offer financial assistance for residents to connect to the Sewerage Scheme in cases of hardship be developed.

**6 Waste Collection Contracts 7015/1 & 31/59**

560 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jim Aitken that:

1. The information contained in the report on Waste Collection Contracts be received
2. The extension of the Domestic Waste Service Contract, Bulk Bin Waste Collection Service Contract and Effluent Waste Collection Service Contract be approved in accordance with the terms as outlined in this report
3. The Waste & Community Protection Manager be authorised to call for tenders for the Street Litterbin Waste Collection Service.

**7 Recycling Service 31/59 & 7004/27**

561 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jim Aitken that:

1. The information contained in the report on Recycling Service be received
2. The Waste and Community Protection Manager be authorised to implement the change from a split-bin recycling service to a co-mingled service.

**19 State of the Environment Report 2005 4109/16 Pt10**

562 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jim Aitken that:

1. The information contained in the report on State of the Environment Report 2005 be received
2. A further report be prepared regarding the proposed timeframe and process for production of a Sustainability Report in future years
3. The Draft 2005 State of the Environment Report be endorsed and forwarded to the Department of Local Government.

## THE CITY AS AN ECONOMY

### **8 International Links Program - Update Report 1131/1**

563 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Garry Rumble that the information contained in the report on International Links Program - Update Report be received.

## THE CITY SUPPORTED BY INFRASTRUCTURE

### **9 Tender 04-05/06 - Construction of Concrete Path Paving 2005/2006 in Three Separate Wards 38/144**

564 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Jim Aitken that:

1. The information contained in the report on Tender 04-05/06 - Construction of Concrete Path Paving 2005/2006 in Three Separate Wards be received
2. The Schedule of Rates Tender from De Vries Concreting and Excavations Pty Ltd be accepted to carry out the footpaths in North Ward 2005/2006 Footpaving Programs
3. The Schedule of Rates Tender from De Vries Concreting and Excavations Pty Ltd be accepted to carry out the footpaths in the East Ward 2005/2006 Footpaving Programs
4. The Schedule of Rates Tender from Danste Pty Ltd be accepted to carry out the footpaths in the South Ward 2005/2006 Footpaving Programs
5. In the event of a tenderer not being able to complete work in the allocated Ward by the end of the tender performance deadlines, the work be offered to the cheapest available tenderer as listed in the report
6. Any additional work from other programs be offered to the cheapest available tenderer as listed in the report
7. A further report be brought back to Council on the specification required in regards to the gradient of footpaths.

## LEADERSHIP AND ORGANISATION

### **10 2005 Local Government Association Conference 752/35**

565 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Pat Sheehy that the information contained in the report on 2005 Local Government Association Conference be received.

**11 Council's Meeting Calendar for 2006**

**21/15, 31/14**

566 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Pat Sheehy that:

1. The information contained in the report on Council's Meeting Calendar for 2006 be received
2. The draft Council Meeting Calendar for 2006 be adopted.

**13 Financial Assistance Grant**

**6012/26**

567 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Pat Sheehy that the information contained in the report on Financial Assistance Grant be received.

**14 Summary of Investments & Banking for the period 28 September 2005 to 25 October 2005**

**6031/4**

568 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Pat Sheehy that:

1. The information contained in the report on Summary of Investments & Banking for the period 28 September 2005 to 25 October 2005 be received
2. The Certificate of the Responsible Accounting Officer, Statement of General Fund Bank Balances as at 25 October 2005 and the Summary of Investments for the period 28 September 2005 to 25 October 2005 be noted and accepted
3. The graphical investment analysis as at 25 October 2005 be noted

**15 Salary Administration System**

**909/75 P521**

569 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Pat Sheehy that the information contained in the report on Salary Administration System be received.

**16 Provision of Investment Advisory Services**

**6023/4**

570 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Pat Sheehy that:

1. The information contained in the report on Provision of Investment Advisory Services be received
2. Council appoint Oakvale Capital Limited to provide investment advisory services for a period of three years, to be reviewed annually, in line with the expression of interest received dated 14 October 2005.

**12 Extension of Daylight Saving Time**

752/35

571 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jim Aitken that:

1. The information contained in the report on Extension of Daylight Saving Time be received
2. Penrith City Council write to the Attorney General's Department requesting that consideration be given to altering the Standard Time Act 1987, to have the definition of "summer time period" mean: a period starting at 2 am on the first Sunday in October in each year and ending at 2 am on the last Sunday in the following March
3. Penrith City Council write to WSROC and LGA seeking their assistance with lobbying the State Government for the extension of Daylight Savings in 2006.

**17 Commercial Matter - Proposal to Allow Outdoor Eating Facilities on Part of the Public Footpath Area Located on the Eastern Side of Riley Street, Penrith within the New Extensions of Penrith Plaza.**

686582 LE1

572 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Steve Simat that:

1. The information contained in the report on Commercial Matter - Proposal to Allow Outdoor Eating Facilities on Part of the Public Footpath Area Located on the Eastern Side of Riley Street, Penrith within the New Extensions of Penrith Plaza. be received
2. Council grant a seven (7) year Licence Agreement to each retailer in accordance with the terms and conditions as outlined in the DCP
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**QUESTIONS WITHOUT NOTICE**

**QWN 1 Cranebrook Soccer Club**

2022/1

Councillor Lexie Cettolin requested that Council vote \$1,100 from North Ward Voted Works to help pay for 50% of new regulation Soccer posts for Cranebrook Soccer Club.

573 RESOLVED on the MOTION of Councillor Lexie Cettolin seconded Councillor Pat Sheehy that the matter be brought forward and dealt with as a matter of urgency

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



574 RESOLVED on the MOTION of Councillor Lexie Cettolin seconded Councillor Pat Sheehy that Council vote \$1,100 from North Ward Voted Works to help pay for 50% of new regulation Soccer posts for Cranebrook Soccer Club.

**QWN 2 Myna Birds 7028/4**

Councillor Kevin Crameri requested a report on the trapping of Myna birds and the implications of their disposal.

**QWN 3 Graffiti in St Marys 7025/4 Pt7**

Councillor Steve Simat requested a report on how Council is going to clean up Graffiti in and around Queen St, St Marys.

**QWN 4 Employment Lands 4100/54 Pt3**

Councillor Steve Simat requested a report to Council on Employment Lands for the City ie future provision of employment lands. What is being done regarding the recommendations made in the Employment Study Report?

**QWN 5 Land Clearing GR/33 Pt4**

Councillor Jackie Greenow requested a memo reply to all Councillors as to why land has been cleared along the Great Western Highway (Southside of Highway) from Burns Creek to near Four Winds.

**QWN 6 Plans and Maintenance of Glenmore Park 4122/2 Pt2**

Councillor Jim Aitken requested a report to Council on the plans and costings of maintaining the landscaping and parks in Glenmore Park.

**QWN 7 Street Lighting, River Road, Leonay RI/03/1**

Councillor Jim Aitken requested that street lighting be provided on River Road, Leonay right near house 165.

**QWN 8 Noxious Weeds 5013/6 Pt4**

Councillor Jim Aitken requested that noxious weeds and vines need to be cleaned up on the banks and land adjoining the river at Leonay end of River Road. His Worship the Mayor, Councillor John Thain said that this matter needs to be dealt with by Hawkesbury River County Council

**QWN 9 Leonay Golf Club RI/03/1**

Councillor Jim Aitken requested that Council write to Leonay Golf Club to ask them to refrain from using footpaths on River Road and Buring Ave to drive tractors and mowers as the paths are now in very poor condition. Could Council have them quoted for repairs and have the club pay the costs.

**QWN 10 Road Surface - Old Bathurst Road OL/03 Pt5**

Councillor Jim Aitken requested that the road surface on Old Bathurst Road (Smith St to the Hotel on Great Western Highway, Emu Plain) be fixed as it has deep depressions on the road way from truck use.

**QWN 11 Railway Bridge, Emu Plains OL/03 Pt5**

Councillor Jim Aitken requested an update on the repairs to the draining system under the railway bridge at Emu Plains that is covered with the large steel plate.

**QWN 12 Pedestrian Walkway on Russell St, Emu Plains RU/01 Pt4**

Councillor Jim Aitken requested a report to Council on the pedestrian walkway on Russell St, Emu Plains under the railway lines. This been a problem now for too many years and we need to construct a safe walkway.

**QWN 13 Kingswood Carols 1375/4**

Councillor Jim Aitken requested that \$600 be voted from South Ward Voted works for stage hire for the Riverlands Christian Church to hold their Kingswood Carols to be held at the Kingswood Community Centre.

575 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Karen McKeown that the matter be brought forward and dealt with as a matter of urgency.

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

576 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Karen McKeown that \$600 be voted from South Ward Voted works for stage hire for the Riverlands Christian Church to hold their Kingswood Carols to be held at the Kingswood Community Centre.

**QWN 14 Mayoral Ball 10/**

Councillor John Thain requested a report to Council on holding an Annual Mayoral Ball. The report is to include possible venues and how best to allocate any proceeds to selected charities.

**QWN 15 Leave of Absence 3/2 Pt2**

Councillor Susan Page requested Leave of Absence for the period 30 November to 21 December 2005.

577 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Pat Sheehy that the matter be brought forward as a matter of urgency.

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

578 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Pat Sheehy that Leave of Absence be granted to Councillor Susan Page for the period 30 November to 21 December 2005.

## **COMMITTEE OF THE WHOLE**

579 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Kevin Crameri the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8.11pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Pat Sheehy seconded Councillor Kevin Crameri 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 - Lease to W & L Pty Ltd of part of 114-116 Henry Street, Penrith 319943 LE1 Pt.3**

**3 Commercial Matter - Council Property - Lease of Suite 1, Gaymark Lane, 134-138 Henry Street, Penrith 319961 LE6**

**4 Senior Staff Matter**

**909/91 Pt8**

The meeting resumed at 8.35pm and the Executive Officer reported that the Committee of the Whole met at 8.11pm on 21 November 2005, the following being present

His Worship the Mayor Councillor John Thain, Councillors Jim Aitken OAM, Kaylene Allison, Kevin Crameri OAM, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Pat Sheehy AM, and Steve Simat.

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 to W & L Pty Ltd of part of 114-116 Henry Street, Penrith** **319943 LE1 Pt.3**

**RECOMMENDATION**

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Lease to W & L Pty Ltd of part of 114-116 Henry Street, Penrith be received
2. Council grant a five (5) year Lease with a five (5) year option to the existing tenant 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 Commercial Matter - Council Property - Lease of Suite 1, Gaymark Lane, 134-138 Henry Street, Penrith** **319961 LE6**

**RECOMMENDATION**

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Lease of Suite 1, Gaymark Lane, 134-138 Henry Street, Penrith be received
2. Council grant a three (3) year Lease with a three (3) year option to the existing tenant 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.

**4 Senior Staff Matter**

**909/91 Pt8**

**RECOMMENDATION**

CW4 That

1. The information contained in the report on Senior Staff Matter be received
2. The processes outlined in the report be adopted.

**ADOPTION OF COMMITTEE OF THE WHOLE**

580 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jackie Greenow that the recommendation contained in the Committee of the Whole and shown as CW1 to CW5 be adopted.

**QUESTIONS WITHOUT NOTICE**

**QWN 16 Parking Policy**

**9018/1 Pt3**

Councillor Garry Rumble requested an urgent report on Councils Parking Policy

There being no further business the Chairperson declared the meeting closed the time being 8.41pm.

I certify that these 13 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 21 November 2005.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date