

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

ON MONDAY 5 DECEMBER 2005 AT 7:05PM

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, David Bradbury (arrived 7.13pm), Lexie Cettolin, Kevin Crameri OAM, Greg Davies, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Garry Rumble, Pat Sheehy AM, and Steve Simat (arrived 7.07pm).

APOLOGIES

581 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler that apologies be received from Councillor David Bradbury and Councillor Steve Simat.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Page for the period 30 November 2005 to 21 December 2005 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 21 November 2005

582 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler that the minutes of the Ordinary Meeting of 21 November 2005 be confirmed.

DECLARATIONS OF INTEREST

Councillor Jim Aitken declared a pecuniary interest in Item 6 as he is the owner of the property and left the meeting during the discussion and voting on the item.

Councillor Ross Fowler declared a non-pecuniary interest in Item 1 as he is the Chairman of the organising committee for the 2005ICF Canoe Slalom World Championships and he reserved his right to speak and vote.

Councillor Jackie Greenow declared a non-pecuniary interest in Item 17 as she is a Director of Penrith Regional Gallery and the Lewers Bequest and she reserved her right to speak and vote.

Councillor Kevin Crameri declared a non-pecuniary interest in Item 11 as he is a member of the Rural Fire Service and he reserved his right to speak and vote.

Councillor Greg Davies declared a non-pecuniary interest in Item 12 as he is the patron of the Penrith VRA Rescue Squad and he reserved his right to speak and vote.

MAYORAL MINUTES

1 Local Government Excellence in the Environment Awards 2004/2005 Energy and Water Green Globe Awards 2005

583 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow that the information contained in the Mayoral Minute on Local Government Excellence in the Environment Awards 2004/2005 & Energy and Water Green Globe Awards 2005 be received.

2 Release of the Governments Metropolitan Strategy for Sydney

584 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow that the information contained in the Mayoral Minute on Release of the Governments Metropolitan Strategy for Sydney be received.

MASTER PROGRAM REPORTS

THE CITY AS A SOCIAL PLACE

Councillor Jim Aitken left the meeting the time being 7.17pm.

6 Development Application 05/1320 proposal to use Shop No. 2 at Lot 16 DP 583184 (No. 91) Great Western Highway, Emu Plains. Applicant: Jim Aitken; Owner: Jim Aitken DA05/1320

585 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Steve Simat that:

1. The information contained in the report on Development Application 05/1320 proposal to use Shop No. 2 at Lot 16 DP 583184 (No. 91) Great Western Highway, Emu Plains be received
2. The Development Application 05/1320 proposal to use Shop No. 2 at Lot 16 DP 583184 (No. 91) Great Western Highway, Emu Plains be approved subject to the following conditions of consent:
 - 2.1 A02f, A008 (first sentence only), A012, A021, A026 (application for adverting signs), A029 (Monday to Sunday 11am to 10 pm), A032, A039, D014, D031, E01a, E006, E008, E009, F002, H01f, H041, H006, H029, Q01F, Q006 (delete from in addition to)

Special Conditions

- 2.2 The building shall not be occupied until all the conditions of consent DA04/0357 dated 6 September 2004 and all conditions of this consent are satisfied
- 2.3 Details of lights, alarms and cameras to enable clear and direct movement through the building and monitor unauthorised access to non-public spaces are required to be submitted prior to the issue of the Occupation Certificate
- 2.4 The applicant shall consult with Council to determine the type of lighting required to illuminate the public car parking area to the rear of the site. All lighting shall be installed at the applicants cost prior to the issue of an Occupation Certificate.

Councillor Jim Aitken returned to the meeting the time being 7.18pm.

1 ICF Canoe Slalom World Championships 2005 2071/10

586 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jackie Greenow that the information contained in the report on ICF Canoe Slalom World Championships 2005 be received.

2 Community Assistance Program - Planned Component 2005 6016/51

587 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Garry Rumble that:

1. The information contained in the report on Community Assistance Program - Planned Component 2005 be received
2. Council endorse funding the recommended projects totalling \$19,060 from the Planned Component of the Community Assistance Program
3. That \$60.00 be re-allocated from the Rolling Component of the Community Assistance Program to the Planned Component to cover the shortfall between the total value of recommended projects detailed in this report and the \$19,000.00 currently allocated to the Planned Component.

3 Australasian Cemeteries and Crematoria Association Conference 16-20 October 2005 1004/24

588 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Garry Rumble that the information contained in the report on Australasian Cemeteries and Crematoria Association Conference 16-20 October 2005 be received.

5 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

05/0229

589 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Garry Rumble that:

1. The information contained in the report on Development Application 05/0229 proposal for a detached dual occupancy at Lot 268 DP 204977 (No. 51) Westbank Avenue, Emu Plains be received
2. The SEPP1 submission received by Council in relation to the rear setback be supported
3. The Development Application 05/0229 for a detached dual occupancy at Lot 268 DP 204977 (No. 51) Westbank Avenue, Emu Plains, be approved, subject to the following conditions

Standard Conditions

- 3.1 A001, A008, A009, A010, A011, A039, A042, D001, D007, D009, D010, E001, E005, G003, G004, H014, H015, H016, H041, H022-slab level, H026, H033, H036, H037, H038, H039, I003, K001, K003, K025, L001, L008, P002, Q001, Q005, Q010

Special Conditions

- 3.2 Amended plans are to be submitted to and approved by Penrith Council prior to the issue of a Construction Certificate that illustrates the dormer window on the north-western elevation being replaced with a "vilux" window.
- 3.3 Prior to the issue of a Construction Certificate, an amended landscape plan is to be received and approved by Council that indicates the species type and maturity of replacement trees to be planted along the southwest boundary of the site to ensure privacy between adjoining dwellings, and the front setback to ensure that the site is sufficiently landscaped with suitable plantings.
- 3.4 All boundary fencing of the proposed dwelling shall be 1.8m high colourbond.
- 3.5 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Footpaths. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$198.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule

- 3.6 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$261.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule
- 3.7 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$2124.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule
- 3.8 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Library facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$720.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule
- 3.9 All car parking and manoeuvring must be in accordance with AS 2890 and Council's requirements. Full details must be submitted with the Construction Certificate. The double garage must be 5.8m minimum internal full details must be shown with the Construction Certificate drawings
4. Those persons who made submissions be informed of Council's decision.

4 Draft Open Space Action Plan and draft Open Space Section 94 Development Contributions Plan

1980/10PT8

590 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Karen McKeown that:

1. The information contained in the report on Draft Open Space Action Plan and

draft Open Space Section 94 Development Contributions Plan be received

2. That Council endorse the public exhibition of the draft Open Space Section 94 Development Contributions Plan, accompanied by the draft Open Space Action Plan
3. A further report be presented to Council following the exhibition of the draft Plan.

16 ADI Site, St Marys - Public Exhibition of Sydney Regional Environmental Plan No. 30 - St Marys - Draft Amendment No. 1 4130/2

591 RESOLVED on the MOTION of Councillor Kevin Cramer seconded Councillor Jackie Greenow that:

1. The information contained in the report on ADI Site, St Marys - Public Exhibition of Sydney Regional Environmental Plan No. 30 - St Marys - Draft Amendment No. 1 be received
2. Council formally requests from DoP an extension of time to enable a fuller consideration of the issues raised by the draft Plan and for a submission to be made in early February 2006 following consideration by Council
3. The Mayor, through his Mayoral Column acknowledge the many people who worked very hard to preserve the 900 ha of regional park in the ADI site and that letters be sent to the Member for Lindsay, the Hon Jackie Kelly MP and Geoff Brown, ADI representative to thank them for their input.

Councillor Jim Aitken left the meeting the time being 7.48pm

Councillor Jim Aitken returned to the meeting the time being 7.50pm

17 Application to rezone Lot 1 DP 542395 and Lot 740 DP 810111 Elizabeth Drive, Luddenham, to allow an Advanced Waste Treatment Facility in conjunction with the existing quarry and landfill operation. Applicant: Mullane Planning Consultants Pty Limited; Owner: SITA Australia Pty Limited RZ04/0035

A MOTION was MOVED Councillor Kevin Cramer seconded Councillor Mark Davies that:

1. The information contained in the report on Application to rezone Lot 1 DP 542395 and Lot 740 DP 810111 Elizabeth Drive, Luddenham, to allow an Advanced Waste Treatment Facility in conjunction with the existing quarry and landfill operation be received
2. A further report be brought back to Council on the issues raised.

592 An AMENDMENT was moved by Councillor Pat Sheehy seconded Councillor Greg Davies that:

1. The information contained in the report on Application to rezone Lot 1 DP 542395 and Lot 740 DP 810111 Elizabeth Drive, Luddenham, to allow an Advanced Waste Treatment Facility in conjunction with the existing quarry

and landfill operation be received

2. Pursuant to the provisions of the Environmental Planning and Assessment Act, 1979 and the Regulations 2000 Council use its Section 69 delegations to submit the draft Local Environmental Plan to the Minister for gazettal, subject to any changes required by Parliamentary Counsel
3. The applicant and owner be notified of Council's decision

On being put the AMENDMENT was CARRIED and on being put to the meeting as the MOTION was also carried.

Councillor Kevin Crameri and Councillor Mark Davies requested that their names be recorded as having voted against the amendment.

THE CITY IN ITS ENVIRONMENT

7 Greenhouse Gas Reduction Plan 2005 and Water Management Plan 2005

7018/14 and 4109/36

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

1. The information contained in the report on Greenhouse Gas Reduction Plan 2005 and Water Management Plan 2005 be received
2. Council endorse the attached draft Greenhouse Gas Reduction Plan 2005
3. Council endorse the attached draft Water Management Plan 2005
4. Council endorse the Reduction Goals outlined in this report, being
 - a. *Stabilisation of per capita greenhouse gas emissions by 2010, with a 25% reduction by 2015, based on 1995 levels*
 - b. *To reduce Council's corporate water consumption by 15% by 2011, based on 2001/2002 levels.*
 - c. *To reduce Penrith's residential water consumption by 20% per capita by 2011, based on 2001/2002 levels.*
 - d. *To reduce Penrith's non-residential water consumption by 15% per property by 2011, based on 2001/2002 levels.*
 - e. *To implement actions to the value of 60 points from both the ICLEI Corporate and Community Water Quality action cards by 2011*

8 Indian Myna Birds

7028/4

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

1. The information contained in the report on Indian Myna Birds be received.
2. Council purchase three Myna Bird traps for a total of \$1200 to be paid equally out of all three wards voted works.

THE CITY SUPPORTED BY INFRASTRUCTURE

9 David Road, Emu Plains

DA/19

595 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Ross Fowler that:

1. The information contained in the report on David Road, Emu Plains be received
2. The section of David Road, shown on the attached plan, be legally closed
3. The property owner of Lot 113 (64) be advised of Council's resolution on the proposal to close this section of David Road
4. A further report be submitted to Council on the future use of this section of David Road, if Council resolves to agree with the proposed closure.

11 Rural Fire Brigades Grant Funding

1033/4

596 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Ross Fowler that:

1. The information contained in the report on Rural Fire Brigades Grant Funding be received
2. Council agrees to auspice the Grant Funds identified in this report
3. The Waste and Community Protection Manager be authorised to complete the Grant Agreements nominating Penrith Council as the administrator of the grant funds.

10 Road Infrastructure Priority List

(9011/55; MA/02 Pt7; 34/12)

597 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Greg Davies that:

1. The information contained in the report on Road Infrastructure Priority List be received
2. The road infrastructure prioritised list be forwarded to the Roads and Traffic Authority for their consideration
3. The Minister for Roads, the Hon Joe Tripodi be requested to provide details of the State Government's future road infrastructure strategy in line with the recent announcements in the Metro Strategy as they relate to Penrith.

12 Penrith VRA Rescue Squad

1101/1 Pt 4

598 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken that:

1. The information contained in the report on Penrith VRA Rescue Squad be received
2. Council negotiate a short term loan of \$20,000.00 to the Penrith VRA Rescue Squad.

LEADERSHIP AND ORGANISATION

13 City Operations Directorate Report to mid November 2005 **153/2**

599 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jim Aitken that the information contained in the report on City Operations Directorate Report to mid November 2005 be received.

14 Liquor Licence **20/14**

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

1. The information contained in the report on Liquor Licence be received
2. That the Council apply for a function licence in accordance with the *Liquor Act 1982* (NSW).

15 Hydrotherapy Centre Operation **2986/8**

601 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler that:

1. The information contained in the report on Hydrotherapy Centre Operation be received
2. A further report be brought back to a future Policy Review Committee Meeting

QUESTIONS WITHOUT NOTICE

QWN 1 Councillor Request System **200/10 Pt4**

Councillor Garry Rumble requested a memo reply as to when the computer system for recording Councillor requested would be reintroduced.

QWN 2 Development Applications **4115/2 Pt6**

Councillor Garry Rumble requested a memo reply to all Councillors regarding his request of issuing a letter of acknowledgement to applicants lodging Development Applications to Council. Councillor Rumble also enquired what is the current method of 1st advice or contact to DA applicants.

QWN 3 Security Camera at Kingswood Cemetery **1005/1 Pt 3**

Councillor Garry Rumble requested a memo reply to his enquiry regarding the function of the security camera at Kingswood Cemetery.

QWN 4 Council Policies on website **16/107 Pt7**

Councillor Garry Rumble requested that Councils website be updated to include

especially for the emergency services.

QWN 14 Landscaping of Kingswood Park Community Centre 1375/1

Councillor Pat Sheehy requested that Council's Landscape Architect liaise with the committee of the Kingswood Park Community Centre regarding proposed landscape improvements to the centre.

QWN 15 Penrith Medical Precinct

Councillor Greg Davies requested a report on the Medical Precinct on Derby and Stafford Sts, Penrith.

There being no further business the Chairperson declared the meeting closed the time being 9.06pm.

I certify that these 11 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 5 December 2005.

Chairperson

Date