

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

ON MONDAY 20 FEBRUARY 2006 AT 7:01PM

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, Greg Davies, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Garry Rumble, Pat Sheehy AM, and Steve Simat.

APOLOGIES

670 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Steve Simat that apologies be received from Councillors David Bradbury and Susan Page.

CONFIRMATION OF MINUTES - Ordinary Meeting - 6 February 2006

671 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler that the minutes of the Ordinary Meeting of 6 February 2006 be confirmed.

DECLARATIONS OF INTEREST

Councillor Ross Fowler declared a pecuniary interest in Item 7 as he is a Director of the Company which is the current owner of the property and left the meeting during the discussion and voting on the item.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Penrith Valley Community Safety Partnership - 28 September 2005 PVCSP

672 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Garry Rumble that the information contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held 28 September 2005 be received.

3 Report and Recommendations of the Local Traffic Committee Meeting of 6 February 2006 LTC

673 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Karen McKeown that the information contained in the Report and Recommendations of the Local Traffic Committee meeting held 6 February 2006 be received.

2 Report and Recommendations of the Penrith Valley Community Safety Partnership – 30 November 2005

674 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Steve Simat that the information contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held 30 November 2005 be received.

MASTER PROGRAM REPORTS

Councillor David Bradbury arrived the time being 7:06am.

675 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler that Item 15 – 2005-2006 Management Plan December Quarter Review be dealt with as the first item of business.

15 2005-2006 Management Plan - December Quarter Review 36/53

Council's General Manager Mr Alan Travers gave a presentation on the 2005-2006 Management Plan – December Quarter Review.

676 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler

That:

1. The information contained in the report on 2005-2006 Management Plan - December Quarter Review be received
2. The 2005-2006 Management Plan Review as at 31 December 2005, including the revised estimates identified in the recommended budget, be adopted
3. The proposed budget reallocations and amendments to tasks detailed in the report be adopted

THE CITY IN ITS BROADER CONTEXT

2 Public Exhibition of a consolidated Development Control Plan for the City 4114/65

677 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler

That:

1. The information contained in the report on Public Exhibition of a consolidated Development Control Plan for the City be received
2. In accordance with the Environmental Planning and Assessment Act 1979 and the Regulations 2000, a draft Development Control Plan for the City of Penrith be publicly exhibited
3. Council seek the support of the NSW Department of Planning for implementing procedural amendments to LEPs, where they specifically reference an existing adopted DCP within the City
4. In accordance with the Environmental Planning and Assessment Act 1979

and the Regulations 2000, Council endorse any required procedural amendments to LEPs, where they specifically reference an existing adopted DCP within the City, to ensure consistency with the proposed Citywide DCP.

1 Local Government & Shires Association Tourism Conference in Penrith Valley 29-31 March 752-43

678 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Local Government & Shires Association Tourism Conference in Penrith Valley 29-31 March be received
2. Council approve the attendance of available Councillors at the LGSA Tourism Conference and related functions, including the payment of registration and function fees.

THE CITY AS A SOCIAL PLACE

3 Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel 6016/1 Pt38

679 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Steve Simat

That the information contained in the report on Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel be received.

5 14th Annual Conference of Australian Research in Early Childhood Education, Monash University - Frankston, January 2006 1300/17

680 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Steve Simat

That the information contained in the report on 14th Annual Conference of Australian Research in Early Childhood Education, Monash University - Frankston, January 2006 be received.

17 Alterations and Additions to Penrith Regional Gallery and Lewers Bequest 38/143

681 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Steve Simat

That:

1. The information contained in the report on Alterations and Additions to Penrith Regional Gallery and Lewers Bequest be received.
2. Council accept Rapid Constructions Pty Ltd as the preferred tenderer for the Project with a fixed lump sum cost of \$1,124,800.
3. Council Officers be authorised to enter into contractual documentation with

Rapid Constructions Pty Ltd.

4. That the Common Seal of the Council of the City of Penrith be affixed to any necessary documentation.
5. That \$85,700, being the year to date surplus, be allocated to the project and the remaining interest funds be sourced from surplus funds in the March quarter.

Having previously declared a pecuniary interest in Item 7, Councillor Ross Fowler left the meeting, the time being 7:22pm.

7 Variation of Restrictive Covenant applying to Lot 12 DP 1087962 (24-27) Lambridge Place, Penrith. Applicant: Mullane Planning Consultants Pty Ltd; Owner: Penamatta Pty Ltd **DA05/0923**

682 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Steve Simat

That:

1. The information contained in the report on Variation of Restrictive Covenant applying to Lot 12 DP 1087962 (24-27) Lambridge Place, Penrith be received
2. Restriction 2 on the 88B instrument for DP1087962 be modified as follows as it applies to Lot 12 only:
No building or structures or fences (except open pool type fencing with a minimum spacing between bars of 125mm) nor placement of fill nor planting of trees nor alterations to the final overland flow paths shape is allowed in the "flood conveyance" setback area
3. Condition 10 on DA05/0923 be amended to read:
"The fencing within the flood conveyance area is to be of a "pool" type construction as specified in the report by Paterson Britton dated 4 August 2005. No goods or material are to be stored within the area defined by the flood conveyance zone and no signage is to be attached to the proposed fence within the flood conveyance zone."
4. The Common Seal of the Council of the City of Penrith be affixed to the necessary documentation.

Councillor Ross Fowler returned to the meeting, the time being 7:23pm.

4 Youth Week 2006 **1019/77**

683 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Youth Week 2006 be received
2. Council approve the allocation of the following amounts as proposed and outlined in the Youth Week 2006 Report:

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- | | |
|---|--------|
| ▪ Neighbourhood Development Team Erskine Park Inc | \$850 |
| ▪ Richmond Fellowship of NSW Young People's Program | \$400 |
| ▪ Penrith Police and Community Youth Club | \$350 |
| ▪ Werrington Community Project Inc | \$900 |
| ▪ FPA Health: The Warehouse Youth Health Centre | \$400 |
| ▪ Fusion Western Sydney in partnership with Penrith Youth Interagency Youth Activities sub –committee | \$2350 |

6 2006 RSL State Swimming Championships at Penrith Swimming Centre **2981/15**

684 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Crameri

That:

1. The information contained in the report on 2006 RSL State Swimming Championships at Penrith Swimming Centre be received
2. Council donate \$1510 to the Penrith RSL Youth Swimming Club to defray costs associated with pool and Quarterdeck Function Centre hire for the 2006 RSL State Swimming Championships at the Penrith Swimming Centre on 11 March 2006, the donation to be funded in equal parts from North, South and East Ward Voted Works.

8 Penrith Football Stadium **3070/13**

685 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Penrith Football Stadium be received
2. The matter be deferred and a further report be presented to Council on the availability of alternative funds to carry out the public address / communication systems and scope of improvement works adjacent to the north-western spectator entry gates
3. A further report be presented to Council on the status of the Lease arrangement.

THE CITY IN ITS ENVIRONMENT

9 Waste 2006 Conference **7004/59**

686 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Ross Fowler

That:

1. The information contained in the report on Waste 2006 Conference be

received.

2. Councillor Kevin Crameri be Council's nominated delegate to attend the Waste 2006 Conference to be held in Coffs Harbour from 29 to 31 March 2006.

THE CITY AS AN ECONOMY

10 Penrith participation in 2006 Beijing International Relay Marathon 7-11 April 2006

1131/23

687 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Jim Aitken

That:

1. The information contained in the report on Penrith participation in 2006 Beijing International Relay Marathon 7-11 April 2006 be received.
2. Council contribute \$500 to each member of the team to assist with their costs of participation in this event and representing the City.

THE CITY SUPPORTED BY INFRASTRUCTURE

11 Tender 05_05/06 Provision of Hired Plant & Equipment

38/146

688 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Karen McKeown

That:

1. The information contained in the report on Tender 05_05/06 Provision of Hired Plant & Equipment be received
2. All conforming tenders for offer to hire plant and equipment be accepted for a period of twenty four (24) months commencing 1 March, 2006 and the tenderer with the required equipment meeting the selection criteria of price (including transport costs), availability, suitability for work, age and condition and past performance be hired as and when required.

LEADERSHIP AND ORGANISATION

12 Summary of Investments & Banking for the period 28 December 2005 to 31 January 2006.

6031/4

689 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Garry Rumble

That:

1. The information contained in the report on Summary of Investments & Banking for the period 28 December 2005 to 31 January 2006. be received.
2. The Certificate of the Responsible Accounting Officer, Statement of General Fund Bank Balances as at 31 January and the Summary of Investments for the period 28 December to 31 January 2006.

3. The graphical investment analysis as at 31 January 2006 be noted.

13 Progress of the Independent Inquiry into the Financial Sustainability of Local Government **750/71**

690 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Garry Rumble

That:

1. The information contained in the report on Progress of the Independent Inquiry into the Financial Sustainability of Local Government be received
2. That Council contribute \$3,689.40 towards the costs of the Inquiry from the Advocacy Consultancy budget.

16 Australian Local Government Women's Association (New South Wales Branch) Inc 2008 Annual Conference **752/3 Part 10**

691 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Lexie Cettolin

That:

1. The information contained in the report on Australian Local Government Women's Association (New South Wales Branch) Inc 2008 Annual Conference be received.
2. Council submit a bid for the 2008 Australian Local Government Women's Association (New South Wales Branch) Inc 2008 Annual Conference.

14 City Operations Directorate Report to end January 2006 **153/2**

692 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Greg Davies

That:

1. That the information contained in the City Operations Directorate Report to end January 2006 be received.
2. Council's garbage contractor, Remondis, be congratulated on the low number of complaints received during the period July to December 2006.
3. The two Parking Rangers and the Coordinator Ranger and Animal Services identified in the report as assisting Police with the apprehension of an alleged vehicle thief be congratulated for their actions

QUESTIONS WITHOUT NOTICE

QWN 1 Safety Issues at the Shopping Precinct located on Great Western Highway, Kingswood **1027/5**

Councillor Steve Simat requested a report to Council on safety issues at the shopping precinct located on the Great Western Highway, Kingswood. In particular, the report should cover:

- a) Allegations regarding the operation of an illegal brothel;

- b) Methadone administration from the local pharmacy – was Council and the local community consulted;
- c) If there are any DA's for brothels in the vicinity; and
- d) The conduct of a community safety audit and survey involving local businesses / owners / residents located around this precinct. The purpose of this would be to received community feedback and implement steps to improve the safety and amenity of local businesses and residents.

QWN 2 Construction of a seal pathway from Greygums Road to the amenity building in Greygums Oval

GR/14 Pt 2

Councillor Pat Sheehy requested that a sealed pathway be constructed from Greygums Road to the amenity building at Greygums Oval to be funded from North Ward Voted Works to the value of \$3000.

693 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler 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.

694 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler that Council vote \$3000 from North Ward Voted Works to construct a sealed pathway from Greygums Road to the amenity building in Greygums Oval.

QWN 3 Werrington Army Signals Land

305681

Councillor David Bradbury requested that Council note the contents of the memorandum provided to all Councillors dated 16 February 2006 in relation to the Werrington Army Signals Land.

Councillor David Bradbury requested that Council write to the Minister for Defence and Federal Member for Lindsay requesting an explanation of the status of the Werrington Signals Site and expressing concern about:

- a) The Commonwealth decision to sell the site before a resolution to the outstanding planning issues; and
- b) The lack of value that the Commonwealth has realised in disposing of 7 lots on this site.

Councillor David Bradbury requested a further report be presented to Council. The report is also to contain a detailed map of the site outlining the lots that have been sold.

695 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler 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

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.

3 Divisional Security (Aust) Pty Ltd v Penrith City Council Land and Environment Court Proceedings No. 11229 of 2005, 382 - 386 The Driftway, Londonderry. Applicant: Divisional Securities (Aust) Pty Ltd; Owner: Pomt Pty Ltd

DA03/2568

This item has been referred to Committee of the Whole as the report 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 8:21pm and the General Manager reported that the Committee of the Whole met at 7:51pm on Monday 20 February 2006, the following being present

His Worship the Mayor Councillor John Thain, Councillors Jim Aitken OAM, Kaylene Allison, Kevin Cramer OAM, Greg Davies, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, 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 Commonwealth Inclusion and Professional Support Program - Establishment of the Inclusion Support Agency

1300/2

700 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler

CW2 That:

1. The information contained in the report on Commonwealth Inclusion and Professional Support Program (2005-2008) - Establishment of the Inclusion Support Agency be received
2. Council endorse the signing of the funding agreement between Penrith City Council and the Commonwealth of Australia to provide the Inclusion Support Agency (2005-2008) under the Commonwealth's Inclusion and Professional Support Program
3. The Common Seal of The Council of the City of Penrith be affixed to all necessary documentation.

3 Divisional Security (Aust) Pty Ltd v Penrith City Council Land and Environment Court Proceedings No. 11229 of 2005, 382 - 386 The Driftway, Londonderry. Applicant: Divisional Securities (Aust) Pty Ltd; Owner: Pomt Pty Ltd

DA03/2568

701 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jackie Greenow

CW3 That the information contained in the report on Divisional Security (Aust) Pty Ltd v Penrith City Council Land and Environment Court Proceedings No. 11229 of 2005, 382 - 386 The Driftway, Londonderry be received.

QWN 6 Legal Matter

This item has been referred to committee of the whole as the report 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.

Councillor David Bradbury requested that an urgent report be presented to the next Committee of the Whole on the issues raised.

ADOPTION OF COMMITTEE OF THE WHOLE

702 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Jackie Greenow the recommendation contained in the Committee of the Whole and shown as CW1 to CW3 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:27pm.

I certify that these 11 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on Monday 20 February 2006.

Chairperson

Date