

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

**ON MONDAY 1 MAY 2006 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, David Bradbury (arrived 7:48pm), Lexie Cettolin, Kevin Crameri OAM, Greg Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Pat Sheehy AM, and Steve Simat.

**APOLOGIES**

766 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler that apologies be accepted from Councillor David Bradbury.

**LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor Mark Davies for the period 12 April 2006 to 9 May 2006 inclusive.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 3 April 2006**

767 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Greg Davies that the minutes of the Ordinary Meeting of 3 April 2006 be confirmed.

**DECLARATIONS OF INTEREST**

There were no declarations of interest.

**SUSPENSION OF STANDING ORDERS**

768 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Greg Davies that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:08pm.

**Mr John Khoury, C/- Residential Logistics, Liverpool**

*Item 8 Variation of the restriction to use the land at to Lot 41 DP 270417 (No. 13) Portrush Crescent, Luddenham. Applicant: Residential Logistics Pty Limited; Owner: Mr & Mrs De Angelis.*

***Speaking AGAINST the Recommendation***

Mr Khoury stated that he is a spokesperson for the applicant, Residential Logistics.

Mr Khoury stated that the developer of Twin Creeks, who are the affected adjoining

landowners, approved the application.

Mr Khoury outlined the chronological history of the application.

Mr Khoury raised concerns about the length of time the application has spent with Council and the processes undertaken to determine the application.

Mr Khoury stated that the request is only for a point encroachment, most of the building is behind the setback. Mr Khoury also stated that the design of the house on the block is to maximise views and take advantage of solar access from the North.

769 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Susan Page that an extension of time be granted, the time being 7:15pm.

Mr Khoury asked Council why his client was advised to prepare a variation to the restriction on the use of the land, and why has the application been supported by Council Planning staff for 4 months, only to be refused in the recommendation to the report before Council at this meeting.

### **Mr Guy Tebbutt, Llandilo**

*Item 9 Development Application DA05/1432 for demolition of existing dwelling and construction of a church development and septic tank at Lot 4 DP253760 (No. 1 - 5) Dodford Road, Llandilo. Applicant: Rafik Ghobrial; Owner: Coptic Orthodox Church Property Trust*

#### ***Speaking FOR the Recommendation***

Mr Tebbutt stated that he is speaking on behalf of the residents of Dodford Road, Doak Avenue and Spinks Road, Llandilo and is asking for Council to reject the proposed development.

Mr Tebbutt stated that the development threatens to destroy their way of life, harm the environment, cause hazard to the health and safety of the surrounding residents, and that of their children and pets. It also threatens to cause them considerable financial loss.

Mr Tebbutt stated that Number 2 Dodford Road has not been shown on the drawings and plans. The home on the adjoining property is very close to the proposed access point, driveway, septic bed, additional car parking, children's play area and the proposed church.

Mr Tebbutt outlined that the proposal does not meet the pollution requirements of the DCP and would generate various types of pollution. The pollution generated would be an environmental disaster. It would generate huge amounts of rubbish and septic waste. Environment and Health Protection guidelines would not be met.

Mr Tebbutt is concerned that there would be an exponential increase in vehicle motion causing noise, rubbish, dust and oil leaks. Most local residents would suffer severe headlight intrusion and the local children that play on the roads would be placed in danger.

Mr Tebbutt stated that the effluent generated would be extreme for the area. Penrith City Council has condemned many sewerage absorption systems in the area that service only a single family, because the clay soil has poor absorption.

770 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Karen McKeown that an extension of time be granted, the time being 7:23pm.

Mr Tebbutt stated that the property suffers from local flooding and overland flow. The current house on the property has had water through it a number of times. The proposal includes new buildings, sealed areas and the importing of landfill. This would reduce ground

absorption of rain and divert large amounts of water through neighbouring properties, which would result in excessive flooding, creation of new watercourses and would increase soil erosion.

Mr Tebbutt concluded by stating that Council should apply caution and reject this application due to potential danger, environmental destruction and lack of compliance.

**Mr Jim Docherty, Llandilo**

*Item 9 Development Application DA05/1432 for demolition of existing dwelling and construction of a church development and septic tank at Lot 4 DP253760 (No. 1 - 5) Dodford Road, Llandilo. Applicant: Rafik Ghobrial; Owner: Coptic Orthodox Church Property Trust*

***Speaking FOR the Recommendation***

Mr Docherty stated that he is speaking on behalf of the residents of Dodford Road, Doak Avenue and Spinks Road, Llandilo and is asking for Council to reject the proposed development. Mr Docherty also stated that his gateway is almost directly opposite the existing entrance to the property in question.

Mr Docherty stated that by allowing this development the parking of cars would cause problems with vehicle and people noise, vehicle emission pollution, oil leaks carried into the Nature Reserve by overland flow and headlight intrusion into all three streets. In particular, the headlight intrusion would affect his own property as it is directly opposite the driveway of the proposed development. Mr Docherty continued stating that vehicle access to the site would cause major disturbances and loss of amenity and privacy to the adjoining and neighbouring properties.

Mr Docherty outlined that during a site inspection of the applicant's current premises by a Council Officer, the officer noted that noise from the hall could be heard 40 metres away over the background noise of the M4 Motorway. In the currently quiet piece of paradise in which they live, they can hear bird sounds from over 100 metres away.

Mr Docherty stated that the applicant's SEE says that no landfill will be used, but the Waste Management Plan refers to the use of filling under the slab. This is a huge contradiction that greatly affects the proposed development and its local impact.

Mr Docherty stated clearly that the objectives of Penrith Council's Local Environmental Plan 201 are not met by this proposal.

771 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Kevin Cramer that an extension of time be granted, the time being 7:30pm.

Mr Docherty concluded by stating that Council should apply the precautionary principle and reject this proposed development, which would allow the residents to return to a normal life and continue to enjoy the quiet serene amenity of this area.

**Mr Ray Madden, Llandilo**

*Item 9 Development Application DA05/1432 for demolition of existing dwelling and construction of a church development and septic tank at Lot 4 DP253760 (No. 1 - 5) Dodford Road, Llandilo. Applicant: Rafik Ghobrial; Owner: Coptic Orthodox Church Property Trust*

***Speaking FOR the Recommendation***

Mr Madden commenced by stating that the eastern boundary of his property on Doak Avenue is the western boundary of the proposed development site. He is speaking also on behalf of

the residents in the area.

Mr Madden stated that the total land area is adjacent to the Castlereagh Nature Reserve and is designated Bushfire Prone Land. Mr Madden continued by stating that the site drawings provided with the Development Application belie this situation by calling up adjacent properties as open space, and showing the extension of Spinks Road as a made road – which is in fact part of the forest area.

Mr Madden stated that the access roads of the area, whilst currently adequate, do not meet the guidelines of the NSW planning for Bush Fire Protection guidelines, as pointed out by the RFS, would be very inadequate if this development were to proceed.

Mr Madden stated that the Penrith Rural Lands Strategy makes the recommendation that rural schools and churches should be located in land adjacent to existing urban areas and that community facilities should be located in villages – this area is neither an urban area, nor is it a village.

Mr Madden continued by stating that the Rural Lands Strategy also stipulates protection of the amenity of existing residents – the approval would not be in line with the requirements of this policy.

Mr Madden concluded by stating:

- This site is severely constrained by local flooding – the building and extreme volume of service areas will have an adverse impact on adjoining properties and the Nature Reserve;
- There will be an unacceptable impact on the amenity of the local areas due to noise and nuisance traffic movement;
- The infrastructure in respect to current water and electricity in the area is not sufficient to support such a development;
- The development is clearly out of character with the locality;
- The development does not meet the objectives of Council's LEP of RLS for the zone; and
- They ask Council to adopt a precautionary principal and vote for refusal of this proposal in the best interest for the amenity and environment of this small area.

**Prof. John Toon, C/- Coptic Othodox Church, Penrith**

*Item 9 Development Application DA05/1432 for demolition of existing dwelling and construction of a church development and septic tank at Lot 4 DP253760 (No. 1 - 5) Dodford Road, Llandilo. Applicant: Rafik Ghobrial; Owner: Coptic Orthodox Church Property Trust*

***Speaking AGAINST the Recommendation***

Professor Toon stated that he is speaking as a representative of the applicant.

Prof. Toon requested that the matter be deferred to a future meeting of Council as the application will require amendments to address the concerns of the local residents.

Prof. Toon stated that the application has been changed to take into consideration bush fire risks, overland water flows and wastewater disposal.

Prof. Toon stated that it is proposed that the location of the building be re-located from predominantly the middle of the site to the south of the site. This will result in the car parking

and driveway being moved, which will act as a barrier to bushfire.

Prof. Toon addressed the issue raised by residents of excessive traffic to and from the site. He stated that the congregation consists of 25 core families, which will attend the site on a regular basis, along with a further 12 or so people from time to time.

772 RESOLVED on the MOTION of Jackie Greenow seconded Kevin Crameri that an extension of time be granted, the time being 7:47pm.

Prof. Toon stated that the congregation may expand to 30 – 50 families in the near future, however a traffic survey conducted showed that there would be a total of 30 to 40 vehicles entering the site for a major service.

Councillor David Bradbury arrived, the time being 7:48pm.

Prof. Toon stated that no flora or fauna would be displaced on the site, except for 12 or so trees that will need to be removed for the driveway.

Prof. Toon concluded by stating that the new location of the main building, which will be close to the existing house, will give the impression of a ‘group building’ which is in keeping with the area as there are a large number of properties which have quite large out-buildings located near the main residence.

## **RESUMPTION OF STANDING ORDERS**

773 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Lexie Cettolin that Standing Orders be resumed, the time being 7:49pm.

## **MAYORAL MINUTES**

### **2 Council Receives Funding Under the Castlereagh Community Funds Grants Program**

774 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Pat Sheehy that the information contained in the Mayoral Minute on Council Receives Funding Under the Castlereagh Community Funds Grants Program be received.

### **1 Penrith Team Results in 2006 Beijing International Marathon**

775 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow that the information contained in the Mayoral Minute on Penrith Team Results in 2006 Beijing International Marathon be received.

## **REPORTS OF COMMITTEES**

### **1 Report and Recommendations of the Local Traffic Committee 3 April 2006**

776 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendation of the Local Traffic Committee of 3 April 2006 be adopted.

## **MASTER PROGRAM REPORTS**

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

#### **2 Community Assistance Program - 2005-06 Rolling Component**

777 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Greg Davies

That:

1. The information contained in the report on Community Assistance Program - 2005-06 Rolling Component be received
2. Council approve a grant of \$645.00 under the rolling component of the 2005-06 Community Assistance Program to Barnardos to assist with Open Day activities on Saturday 27 May 2006.

#### **3 NSW Department of Tourism, Sport and Recreation 2006/2007 Capital Assistance Program**

778 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Greg Davies

That:

1. The information contained in the report on NSW Department of Tourism, Sport and Recreation 2006/2007 Capital Assistance Program be received
2. Council support the three applications tabled in this report for the 2006/2007 Capital Assistance Program.

#### **4 Extensions & Alterations to Erskine Park Children's Centre, Erskine Park Tender 17-05/06**

779 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Greg Davies

That:

1. The information contained in the report on Extensions & Alterations to Erskine Park Children's Centre, Erskine Park Tender 17-05/06, be received.
2. Council accept the tender of Caliber Contracting in the amount of \$586,905.04 for extensions and alterations to Erskine Park Children's Centre, Erskine Park.
3. The Building Services Manager be authorised to execute any necessary documentation.
4. The budget amount for the extensions and alterations to Erskine Park Children's Centre be increased to include the revised total cost with the funding shortfall to be provided from surplus funds within the Erskine Park Residential Release Area Section 94 plan.

#### **7 Children's Services 2006/2007 Budget Overview**

780 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Greg

Davies

That:

1. The information contained in the report on Children's Services 2006/2007 Budget Overview be received.
2. Council adopt the fees and charges for the operation of children's services for inclusion in the Draft 2006/2007 Management Plan.
3. Council's draft 2006/2007 Management Plan include funding of \$69,247 (operational deficit of \$63,247 and \$1,000 equipment allocation for each vacation care service) towards service provision for the children's services managed by Penrith City Children's Services Co-operative.
4. The proposed 2006/2007 fees and charges for Children's Services be adopted with allowance for PCCSC, under certain criteria, to vary the fees and charges by up to 20% having regard to a policy to be adopted by Council with regard to setting the fees and charges.

**10 Development Application 05/1576 - Proposed demolition of former Q-Theatre building at Lot 112 DP 1028320 (No. 54) Belmore Street, Penrith. Applicant: ARDL Anthony Rowan P/L; Owner: Penrith City Council**

781 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Greg Davies

That:

1. The information contained in the report on Development Application 05/1576 - Proposed demolition of former Q-Theatre building at Lot 112 DP 1028320 (No. 54) Belmore Street, Penrith be received.
2. The Development Application 05/1576 - Proposed demolition of former Q-Theatre building at Lot 112 DP 1028320 (No. 54) Belmore Street, Penrith be approved subject to the following conditions:

**Standard Conditions of Consent**

- 2.1 B001 - Demolition of existing structures  
B002 - Disposal of waste to an approved facility  
B003 - Removal of Asbestos materials  
B004 - Dust suppression measures  
B005 - Road protection from Mud/Soil  
B006 - Hours of Work  
B007 - Prescribed demolition conditions  
C002 - Archival recording  
C003 - Uncovering archeologically relics  
D001 - Sediment & Erosion control Measures  
D009 - Covering of waste storage area  
D010 - Appropriate disposal of excavated waste  
D014 - Plant and Equipment noise  
P002 - Fees associated with Council owned land  
Q001 - Notice of Commencement

**Non-standard condition**

- 2.2 The archival recordings of the former Q-Theatre building shall fully document the relationship between the subject building and surrounding heritage items.
- 2.3 Prior to the commencement of works on site:
  - 2.3.1 An appropriately qualified archaeologist shall be employed to oversee the demolition works, including any required excavation works. Any relics, deposits or building remnant found are to be recorded and provided to Council
  - 2.3.2 Details of the archaeologist employed to oversee the demolition works shall be submitted to Penrith City Council with the 'Notification of Commencement' 2 days before works are to commence on site
3. Any further development of the site is to incorporate items 1 and 3 of the "Implementation Policy" as outlined in the applicant's Statement of Environmental Effects dated September 2005.

**1 Naming of a Park in Stafford Street Penrith**

782 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Garry Rumble

That:

1. The information contained in the report on Naming of a Park in Stafford Street Penrith be received
2. Council endorse the naming of the park "Pauline Fields Park" and application be made to the Geographical Names Board for official gazetting
3. Following gazettal, an official naming ceremony be held at the park.

**5 Tender Process for the Proposed Glenmore Park Child and Family Precinct**

783 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jim Aitken

That:

1. The information contained in the report on Tender Process for the Proposed Glenmore Park Child and Family Precinct be received.
2. The matter be deferred to allow a further report to Council giving more detailed information on the tender responses.

**6 St Marys Occasional Child Care Centre**

784 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Pat Sheehy

That:

1. The information contained in the report on St Marys Occasional Child Care



Centre be received

2. Financial contribution of \$51,733.00 is provided to support the operations of St Marys Occasional Child Care as part of the 2006/07 Management Plan.

**8 Variation of the restriction to use the land at to Lot 41 DP 270417 (No. 13) Portrush Crescent, Luddenham. Applicant: Residential Logistics Pty Limited; Owner: Mr & Mrs De Angelis**

785 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Greg Davies

That:

1. The information contained in the report on the Variation of the restriction to use the land at to Lot 41 DP 270417 (No. 13) Portrush Crescent, Luddenham be received
2. The matter be deferred to allow:
  - a) A site inspection by Councillors
  - b) Large scale plans showing the buildings on the adjoining properties and the affect of this development on those properties, which are to be provided prior to the site inspection
  - c) A further report to Council addressing the concerns raised by the applicant in their address to Council.

**9 Development Application DA05/1432 for demolition of existing dwelling and construction of a church development and septic tank at Lot 4 DP253760 (No. 1 - 5) Dodford Road, Llandilo. Applicant: Rafik Ghobrial; Owner: Coptic Orthodox Church Property Trust**

786 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Kevin Crameri

That:

1. The information contained in the report on Development Application DA05/1432 for demolition of existing dwelling and construction of a church development and septic tank at Lot 4 DP253760 (No. 1 - 5) Dodford Road, Llandilo be received
2. The Development Application DA 05/1432 be refused for the following reasons:
  - 2.1 The application is not satisfactory for the purposes of Section 78A(9) of the Environmental Planning and Assessment Act as the application was made in accordance with clause 50 and Schedule 1, Part 1 of the Environmental Planning and Assessment Regulation 2000 in that the development application did not identify the approvals required under Section 91(1) of the Environmental Planning and Assessment Act 1979
  - 2.2 The application is not satisfactory for the purposes of Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act in that insufficient information was provided to demonstrate compliance with

clause 9 of State Environmental Planning Policy 19

- 2.3 The application is not satisfactory for the purposes of Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act in that insufficient information was provided to demonstrate that the site is able to support on site effluent disposal in a manner to satisfy the requirements of Clause 11(17) (b), (c) and (g) of Sydney Regional Environmental Plan 20 – Hawkesbury Nepean River
- 2.4 The application is not satisfactory for the purposes of Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act in that the proposal fails to satisfy the following provisions of Penrith Local Environmental Plan 201- Rural Land:
- i) Clauses 2(2)(a), 2(3)(c) and 2(3)(e) – aims and objectives.
  - ii) Objectives (a), (b) and (f) for the Rural ‘A’ zone in clause 9.
  - iii) Clause 21- services
- 2.5 The application is not satisfactory for the purposes of Section 79C (1)(a)(ii) of the Environmental Planning and Assessment Act in that insufficient information was provided to demonstrate compliance with Clauses 2(1), 7(2), 7(5) and 7(7) of Draft Local Environmental Plan 1999 (Flora and Fauna)
- 2.6 The application is not satisfactory for the purposes of Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act in that the proposal fails to comply with the following provisions of the Rural Development Control Plan:

Part B – Development issues

- i) Services
- ii) Access
- iii) Tree protection
- iv) Aboriginal archaeological surveys
- v) Car parking

Part E – Non-agricultural developments

- i) Section 1 – General principles
- ii) Section 2 – Traffic generating developments

- 2.7 The application is not satisfactory for the purposes of Section 79C (1)(b) of the Environmental Planning and Assessment Act in that the likely impacts of the development are unsatisfactory in terms of:
- i) Setting and context
  - ii) Access, traffic and transport
  - iii) Utilities
  - iv) Heritage
  - v) Water
  - vi) Soils

- vii) Flora and Fauna
- viii) Noise and vibration
- ix) Natural hazards
- x) Social impact

2.8 The application is not satisfactory for the purposes of Section 79C (1)(c) of the Environmental Planning and Assessment Act as the site is not considered to be suitable for this development given:

- i) The proposal does not fit the locality
- ii) The attributes of the site are not conducive to the development.

2.9 The application is not satisfactory for the purposes of Section 79C (1)(e) of the Environmental Planning and Assessment Act as the proposal is not in the public interest having regard to:

- i) The inconsistency with the desired future character of the locality as identified in Council's Rural Lands Study.
- ii) The extent of public opposition to the development as evidenced by the results of the public notification process.

## **THE CITY IN ITS ENVIRONMENT**

### **11 Waste 2006 Conference**

787 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler that the information contained in the report on Waste 2006 Conference be received.

### **12 Water Savings Action Plan 2006**

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

That:

1. The information contained in the report on Water Savings Action Plan 2006 be received
2. The draft Water Savings Action Plan be endorsed
3. Council's Environmental Health Manager be authorised to make any minor changes to the Plan if required by the New South Wales Department of Energy, Utilities and Sustainability.

## **THE CITY AS AN ECONOMY**

### **17 Local Dance Group Visit to Fujieda, Japan**

789 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Local Dance Group Visit to Fujieda, Japan be received
2. Council authorises the use of funds in the Penrith International Friendship Committee's fund raising account to cover the expenses of the Vice Chairperson of the Penrith International Friendship Committee to the value of \$3,000 to accompany Dance Power Studios during the visit to Fujieda, Japan.

## **LEADERSHIP AND ORGANISATION**

### **13 Summary of Investments 1 March 2006 to 28 March 2006**

790 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Ross Fowler

That:

1. The information contained in the report on Summary of Investments 1 March 2006 to 28 March 2006 be received
2. The Certificate of the Responsible Accounting Officer, Statement of General Fund Bank Balances as at 28 March and the Summary of Investments for the period 1 March 2006 to 28 March 2006 be noted and accepted
3. The graphical investment analysis as at 28 March 2006 be noted
4. The Agency Collection Fees information be noted.

### **15 Westpool Study Tour - Association of Local Authority Risk Managers UK Conference 2006**

791 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Ross Fowler

That:

1. The information contained in the report on Westpool Study Tour - Association of Local Authority Risk Managers UK Conference 2006 be received.
2. The Risk Management Co-ordinator involvement in the Westpool Study Tour is endorsed.

### **16 Draft 2006-2007 Management Plan**

792 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Ross Fowler

That:

1. The information contained in the report on the Draft 2006-2007 Management Plan be received
2. Council adopt the Draft 2006-2007 Management Plan, including any amendments made at tonight's meeting, for exhibition
3. The Draft 2006-2007 Management Plan be placed on Public Exhibition for 29 days commencing on Monday 8 May 2006 and closing on Monday 5 June

2006

4. Preparation of an application for a Special Variation to general rate income in the terms included in this report continue
5. Submissions from the community on the Draft Management Plan, including the proposed rating measures, be invited and the public consultation arrangements as detailed in this report be implemented, including a public meeting and forum to be held on Monday 29 May 2006 in the Civic Centre
6. The proposed amendments to Strategic Program Critical Actions as detailed in Appendix A to the report be adopted from 1 July 2006.

#### **14 Mayors' Asia Pacific Environmental Summit 2006**

793 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jim Aitken

That:

1. The information contained in the report on the Mayors' Asia Pacific Environmental Summit 2006 be received
2. Council's Sustainability Champion, Councillor McKeown, represent Council at the Summit and leave of absence be granted as appropriate.

#### **QUESTIONS WITHOUT NOTICE**

##### **QWN 1 Landscaping Maintenance in Glenmore Park**

Councillor Susan Page requested a memo reply to all South Ward Councillors on when landscaping maintenance works will be carried out on the three roundabout gardens in Glenmore Park town centre.

##### **QWN 2 Bus Shelter - Glenmore Park**

Councillor Susan Page requested a memo reply to all South Ward Councillors on the issue of the new bus shelter that has been erected in Glenmore Park. In particular, the memo is to address the location of the shelter.

##### **QWN 3 Trees overhanging Gilda Avenue, South Penrith**

Councillor Susan Page has requested that the trees overhanging Gilda Avenue, South Penrith be trimmed. Vehicles any larger than a sedan are hitting overhanging branches.

##### **QWN 4 Cleaning of Leaves on Queen Street, St Marys**

Councillor Greg Davies requested a memo reply to all East Ward Councillors on the cleaning of Autumn leaves in Queen Street St Marys.

##### **QWN 5 Missed services for Street Litter Bins**

Councillor Greg Davies requested a memo reply to all Councillors on the number of missed services for street litterbins. The memo is also to outline what clauses can be put into the new contract to overcome the problems that have arisen with

the previous contract. The memo is also to advise how far away the new contract is.

**QWN 6 Public Meeting for Draft Management Plan**

Councillor David Bradbury requested that the start time for the public meeting for the Draft Management Plan be changed to 7:00pm to allow local residents that may travel home from the City to attend.

**QWN 7 Site Inspection of Darcy Smith Oval**

Councillor Pat Sheehy requested a memo reply as to when the site inspection of Darcy Smith Oval will take place.

**QWN 8 Abandoned Trolleys**

Councillor Jim Aitken requested a report to Council on the issue of abandoned trolleys in Council car parks. The report is to address:

- a) Who is responsible to vehicle owners for damage caused to their cars from abandoned trolleys;
- b) Has Council any duty of care to residents in regard to abandoned trolleys; and
- c) Has Council an obligation to take owners of abandoned trolleys to task over their property being left all over the City.

**QWN 9 Explorers Memorial Clock**

Councillor Garry Rumble requested a memo reply on the status of the Explorers Memorial Clock, located at Nepean and Memorial Avenues, Penrith. The clock has not been operational for some time.

**QWN 10 Public Toilets located on the North Side of Nepean Rowing Club**

Councillor Garry Rumble requested a memo reply on the proposed actions to be taken about this building. It has been locked for over 12 months. Councillor Rumble also requested that urgent action be taken to disconnect the electricity to this building as it still has lights on at night.

Councillor Susan Page left the meeting, the time being 8:44pm.

**QWN 11 Terrybrook Road and Ninth Avenue, Llandilo**

Councillor Kevin Crameri requested a memo reply as to why a guardrail was installed at the roundabout on Terrybrook Road and Ninth Avenue, Llandilo, but not at the side that has the accident problems, and who paid for it.

**QWN 12 Water running out of Xavier College and onto Terrybrook and Ninth Avenues, Llandilo**

Councillor Kevin Crameri requested a memo reply on water that is running out of Xavier College and down the roadway.

Councillor Susan Page returned to the meeting, the time being 8:46pm.

**QWN 13 Andromeda Playing Fields, Cranebrook**

Councillor Kevin Crameri requested a memo reply advising on what can be done about anti-social behaviour at Andromeda Playing Fields, Cranebrook.

**QWN 14 Blue Hills Lake Scheme**

Councillor Kevin Crameri requested a report to Council on the Blue Hills Lake Scheme. The area is overgrown and generally untidy.

**QWN 15 Brookfield Avenue - Sale of Land**

Councillor Lexie Cettolin requested a memo reply to all Councillors with an update on the status of the sale of vacant land in Brookfield Avenue. Councillor Cettolin tabled over 400 individually signed petitions regarding this land.

**QWN 16 Grays Lane Child Care Centre**

Councillor Lexie Cettolin requested that the bushy undergrowth located in the vicinity of Grays Lane Child Care Centre be cleared as snakes have been seen in the area.

**COMMITTEE OF THE WHOLE**

794 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jackie Greenow the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:50pm.

**1 Presence of the Public**

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

*Leadership and Organisation*

**2 License Agreement over Part Lot 2, DP 1002686, Jeannette Street, Regentville to Department of Commerce on behalf of NSW Police Service.**

*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.*

The meeting resumed at 8:54pm and the General Manager reported that the Committee of the Whole met at 8:50pm on Monday 1 May 2006, the following being present

His Worship the Mayor Councillor John Thain, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury, Kevin Cramer OAM, Lexie Cettolin, Greg Davies, Ross Fowler, 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 License Agreement over Part Lot 2, DP 1002686, Jeannette Street, Regentville to Department of Commerce on behalf of NSW Police Service.**

RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler  
CW2 That:

1. The information contained in the report on the on the Licence Agreement over Part Lot 2, DP1002686, Jeanette Street Regentville to Department of Commerce on behalf of NSW Police Service be received
2. Council grant a short term License to the Department of Commerce in accordance with the terms and conditions 1 to 7 as outlined in the report
3. The Common Seal of the Council of The City of Penrith be placed on all necessary documentation.

**ADOPTION OF COMMITTEE OF THE WHOLE**

795 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jackie Greenow the recommendation contained in the Committee of the Whole and shown as CW1 to CW2 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:55pm.

I certify that these 16 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 1 May 2006.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date