

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

ON MONDAY 3 JULY 2006 AT 7:03PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

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.

PRAYER

The Council Prayer was read by the Rev Neil Checkley.

PRESENT

His Worship the Mayor Councillor John Thain, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury (arrived at 8.08 pm), Lexie Cettolin, Kevin Crameri OAM, Greg Davies (arrived at 7.05 pm), Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Garry Rumble, Pat Sheehy AM, and Steve Simat.

APOLOGIES

925 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Pat Sheehy that apologies be accepted from Councillor Bradbury.

LEAVE OF ABSENCE

Councillor Sheehy requested that leave of absence previously granted to Councillor Susan Page be extended to 10 July 2006 inclusive.

926 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jackie Greenow that the leave of absence previously granted to Councillor Susan Page be extended to 10 July 2006 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 19 June 2006

927 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Steve Simat that the minutes of the Ordinary Meeting of 19 June 2006 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

SUSPENSION OF STANDING ORDERS

928 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7.04 pm.

Mr James Warwick

Representing the Emu Plains Soccer Club, addressed the meeting on Item 4 - Perimeter Fence at Darcy Smith Oval, Emu Plains, and

Speaking AGAINST the Recommendation.

Mr Warwick stated that, as the current President of the Emu Plains Soccer Club, he has an inherent responsibility to the Club's original Federation, life members and current members to preserve the fields as a football precinct and that any cricket style enclosure would detract from the original and current main park usage as football fields.

Mr Warwick stated that soccer authorities are not keen to set a precedent in terms of minimum safe distances, due to possible litigation issues, but as a guide for any obstruction around a field is between 5 and 6 metres, depending on the structure. All the people that he has spoken to believe any picket style fence creates a more dangerous hazard to players, spectators and people retrieving balls. The current fence proposal can only provide 2 to 3 metres and this would also require moving the fields a further 6 metres onto and including the turf wicket. He added that soccer at the fields runs over 42 weeks, providing disabled, hearing impaired and Aboriginal children, as well as people of all ages, with the opportunity to engage in a competitive but fun sport.

In closing, Mr Warwick suggested that Council could protect all users by erecting a single steel green pipe fence, similar to those at several parks in the district.

Councillor Greg Davies arrived at 7.05 pm.

Mr Anthony Zammit

Representing the Emu Plains Soccer Club, addressed the meeting on Item 4 – Perimeter Fence at Darcy Smith Oval, Emu Plains, and

Speaking AGAINST the recommendation.

Mr Zammit stated that, having observed many hooligans driving in the car park, and on the soccer fields, he questioned why Council would not stop access entirely.

Mr Zammit also expressed his concern that Emu Plains Soccer Club might be requested to move to other grounds.

Mr Zammit concluded by asking who will control access into any fenced off area, stating that he has seen vehicles drive on the soccer field, up to the cricket pitch.

Ms Rosemarie Colosi

Representing the Neighbours Group, 1233 Mamre Road, Kemps Creek, addressed the meeting on Item 7 – Development Application 05/1239 for an additional packing shed with carparking, loading and driveway area for an existing rural industry at Lot 15 DP 30265 (No. 1219 – 1231) Mamre Road, Kemps Creek. Applicant: Mosca Pserras Architects; Owner: Kool Packers Pty Ltd DA 05/1239, and

Speaking AGAINST the recommendation.

Ms Colosi outlined the concerns of the Neighbours Group, 1233 Mamre Road, Kemps Creek, mainly surrounding safety issues, and include:

- Seven day per week trading on the site
- Traffic flow to and from the site
- Flood issues since land levels have been changed
- Noise from refrigerated trucks leaving motors running during the night
- Privacy and security issues, with regard to the proposed car park to be built at the back of the existing shed
- Potential for accidents due to build up of early morning peak traffic on Mamre Road, particularly involving traffic leaving the site and entering Mamre Road
- Lack of turning facilities on site, necessitating backing of trucks into the site driveway, and no turning lane from Mamre Road
- Lack of adequate street lighting.

RESUMPTION OF STANDING ORDERS

929 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jackie Greenow that Standing Orders be resumed, the time being 7.18 pm.

REPORTS OF COMMITTEES

1 Report and Recommendation of the Policy Review Committee 26 June 2006

930 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 26 June 2006 be adopted.

MASTER PROGRAM REPORTS

THE CITY IN ITS BROADER CONTEXT

1 Penrith Valley Cultural Precinct - Architectural Services for Memorial Hall Upgrade

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

1. The information contained in the report on Penrith Valley Cultural Precinct - Architectural Services for Memorial Hall Upgrade be received
2. Suters Architects be appointed as the specialist architects to complete design and documentation in accordance with their submission for a scope of work at Memorial Hall and adjacent site
3. The unsuccessful consultants be thanked for their submissions.

THE CITY AS A SOCIAL PLACE

932 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Jackie Greenow that Item 2 be deferred until Councillor Bradbury arrives at the meeting.

3 Fee Structures for Neighbourhood Facilities

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

That:

1. The information contained in the report on Fee Structures for Neighbourhood Facilities be received
2. Fee structures for neighbourhood facilities be further investigated and reported back to Council.
3. The shortfall of funds of \$3,665 be provided equally from South and North Ward voted works.

4 Perimeter Fence at Darcy Smith Oval, Emu Plains

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

That:

1. The information contained in the report on Perimeter Fence at Darcy Smith Oval, Emu Plains be received.
2. A further report be received detailing the cost of perimeter fencing / bollards and a meeting be convened with representatives of Emu Plains Soccer Club Inc and the Nepean District Cricket Association.

5 Penrith Performing and Visual Arts Ltd - Company Formation

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

That:

1. The information contained in the report on Penrith Performing and Visual Arts Ltd - Company Formation be received.
2. Council adopt the Constitution of the "Penrith Performing and Visual Arts Ltd".
3. Council appoint Mr Peter Anderson, Ms Gillian Appleton, Ms Lynette Sheridan Burns, Ms Cathy Jarman, Mr Tony Lackey, Ms Barbara Magee, Mr Bruce McDonald, Mr John Mullane, Mr Dennis Rice and Ms Fiona Steel to the Board of "Penrith Performing and Visual Arts Ltd" and that they be congratulated on their success.
4. Council nominate Councillors Karen McKeown, Jackie Greenow, Ross Fowler and Pat Sheehy as members of the Board of "Penrith Performing and Visual Arts Ltd".
5. The General Manager's nominee to the Board of the "Penrith Performing and Visual Arts Ltd" be the Director – City Services, Mr Steve Hackett.
6. Those unsuccessful nominees be thanked for their interest and be advised that Council will request the new cultural Board to consider their appointment to

one of the Advisory Committees.

7. A further report be submitted to Council concerning the idea of appointing patrons for the several art forms and that report identify a process for those appointments.
8. A further report be submitted to Council on the process of the selection for the proposed advisory committees.

Councillors Lexie Cettolin and Kevin Cramer requested that their names be recorded as having voted AGAINST the motion.

6 Tender Number 19-05/06 - Provision of Lawn Maintenance

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

1. The information contained in the report on Tender Number 19-05/06 - Provision of Lawn Maintenance be received
2. A contract be awarded to Stardel Total Cleaning & Maintenance Services for a period of 2 years with an option to extend the arrangements for a further 1-year period subject to satisfactory performance and the successful completion of an initial 6-month trial period.

7 Development Application 05/1239 for an additional packing shed with carparking, loading and driveway area for an existing rural industry at Lot 15 DP 30265 (No. 1219 - 1231) Mamre Road, Kemps Creek.

Applicant: Mosca Pserras Architects; Owner: Kool Packers Pty Ltd DA05/1239

937 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Cramer that consideration of this item be deferred and a further report be submitted to Council addressing the following issues:

- Non-compliance issues primarily regarding the hours of operation
- More landscaping detail, in particular addressing the ability of the landscaping to screen the development from adjoining properties
- Lighting at the front of the property
- How the upgrading of the road at the access to the site could be upgraded, prior to building works commencing
- The provision, by the applicant, of turning templates for B-doubles, and the inclusion of these in the site plan
- Volume of traffic flow to and from the site
- Flood issues since land levels have been changed
- Noise from refrigerated trucks leaving motors running during the night
- Privacy and security issues, with regard to the proposed car park to be built at the back of the existing shed
- Potential for accidents due to build up of early morning peak traffic on Mamre Road, particularly involving traffic leaving the site and entering Mamre Road.

LEADERSHIP AND ORGANISATION

8 Telecommunications Services Tender Ref 15-05/06

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

That:

1. The information contained in the report on Telecommunications Services Tender Ref 15-05/06 be received
2. Council accept the offer as tendered by Optus Pty Ltd for the provision of mobile voice services and call rates.
3. Council accept the offer as tendered by Macquarie Telecom Pty Ltd for the provision of fixed landline services and call rates.
4. Council accept the offer as tendered by Soul Pattinson Telecommunications P/L (Soul) for the provision of Internet, Data and VPN services, subject to the satisfactory finalisation of the network design and implementation plan
5. A telecommunications implementation plan be developed for all required locations by the Telecommunication working party in conjunction with the telecommunications consultant and the recommended providers.
6. Council's Legal Officer and Information Technology Manager conduct a detailed review of the Contract Agreements before entering into any Contract for the supply of mobile voice services, fixed landline services, internet, data & VPN services.
7. The Common Seal of Penrith City Council be affixed to all necessary documentation.

9 Amendment to Council's 2006 Meeting Calendar

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

That:

1. The information contained in the report on Amendment to Council's 2006 Meeting Calendar be received.
2. A Policy Review Committee meeting be held on Monday 14 August 2006 in lieu of the meeting scheduled for Monday 28 August 2006.

10 Regional Illegal Dumping Squad Delegations

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

That:

1. The information contained in the report on Regional Illegal Dumping Squad Delegations be received.
2. In accordance with Section 381 of the Local Government Act 1993, Council

approves of the following delegations made by Bankstown City, Baulkham Hills Shire, Fairfield City, Holroyd City and Liverpool City Councils to any Penrith City Council employee appointed as a Regional Illegal Dumping Squad officer (including the person employed as the project co ordinator):

- 2.1. Powers of an authorised officer and enforcement officer under the Protection of the Environment Operations Act 1997 and Regulations, (including powers of entry, inspection and related powers and the power to issue penalty notices)
- 2.2. Powers of entry, inspection, and application for search warrants under the Environmental Planning and Assessment Act 1979 and Regulations.
- 2.3. Powers of an authorised officer under the Environmental Planning and Assessment Act 1979 and Regulations
- 2.4. Powers of entry and inspection under the Local Government Act 1993 and Regulations.

11 State Cabinet Visit to Penrith - 16 May, 2006

941 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Lexie Cettolin

That:

1. The information contained in the report on State Cabinet Visit to Penrith - 16 May, 2006 be received.
2. The Premier be thanked for the State Cabinet visit to the City of Penrith, and presented with a copy of this report.
3. Council welcome future State Cabinet visits to the City of Penrith.
4. Council write a further letter to the Minister for Planning seeking a Council membership of the North-West and South-West Growth Centres Executive Committee.
5. Council write to the Minister for Planning requesting the Integrated Land Use and Transport Study be carried out under a Section 22 Committee.

12 Council Property - Electricity Easement for Padmount Substation on Open Space, Lot 8400, DP 1008395, Westerly Way, Glenmore Park

942 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Council Property - Electricity Easement for Padmount Substation on Open Space, Lot 8400, DP 1008395, Westerly Way, Glenmore Park be received.
2. Council grant Integral Energy an Easement for Padmount Substation 5.5 x 2.75 metres and an easement one metre wide for connecting cables over Lot 8400, D.P. 1008395 at Westerly Way, Glenmore Park.

3. Integral Energy bear all reasonable costs associated with the granting of the easements.
4. Compensation in the amount of \$3,500 be accepted from Integral Energy.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.
6. Where development applications for this type of development are required, conditions be imposed to manage graffiti, and where no development application is required, Council liaise with Integral Energy with a view to ensuring that long term upkeep and maintenance for graffiti management is the responsibility of Integral Energy.

QUESTIONS WITHOUT NOTICE

943 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Lexie Cettolin that Questions Without Notice now be considered, before Item 2.

QWN 1 Committee of the Whole - Consideration of Commercial Matter

Councillor Jackie Greenow requested that Council consider an urgent commercial matter in Committee of the Whole, after all other Questions Without Notice have been considered.

QWN 2 Previous Questions regarding Sydney Water and Electricity Charges

Councillor Kevin Cramer requested a memo reply as to whether his enquiries had been actioned as follows: Question Without Notice of 20 June 2005, concerning Sydney Water; and enquiry of 6 December 2004 regarding electricity charges.

QWN 3 Roads to Recovery

Councillor Kevin Cramer requested that a report be brought to the next Council Meeting concerning the announcement of a Roads to Recovery grant, providing details of the amount granted and whether there has been a substantial increase in the funds provided.

QWN 4 Dial Before you Dig Program

Councillor Garry Rumble requested a memo reply to all Councillors concerning damage to underground Telstra infrastructure by Council operations. Requesting that serious consideration be given to Council facilitating a seminar for both staff and contractors who are involved in carrying out excavation works in the Penrith City Council area.

QWN 5 Provision of Seat on Footpath at corner of Smith and Taloma Streets, South Penrith

Councillor Garry Rumble requested a memo reply regarding the seat which had been removed, at the corner of Smith and Taloma Streets, South Penrith, during footpath construction, and requesting that a new seat be provided at that location.

QWN 6 Removal of Graffiti - Emu Plains Railway Station Underpass

Councillor Garry Rumble requested a memo reply to all Councillors on the possible removal of graffiti from the Emu Plains Railway Station pedestrian underpass, and also asking that this matter be referred to the Penrith Valley Community Safety Partnership as the underpass is not well lit.

QWN 7 Glenmore Park - New Childcare Activity Centre

Councillor Mark Davies requested a memo reply to all Councillors advising the reasons for lack of communication to Councillors regarding the community consultation for the proposed childcare/coffee shop and adventure playground for the hamlets area in Glenmore Park. Also asking what the policy and procedures are for notification of such community consultation forums.

QWN 8 Removal of Graffiti from Glenmore Park Sound Barriers along M4 Freeway

Councillor Mark Davies requested that Council lobby the Minister for Roads for the removal of graffiti from the Glenmore Park sound barriers along the M4 freeway, as agreed to in Item 11 of the Business Paper for this Ordinary Meeting, and that he be provided with a memo reply.

QWN 9 Leave of Absence

Councillor Pat Sheehy requested leave of absence from 14 July to 9 August 2006 inclusive.

944 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Kevin Crameri 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.

945 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Kevin Crameri that leave of absence be granted to Councillor Pat Sheehy for the period 14 July to 9 August 2006 inclusive.

QWN 10 Removal of Fencing - Stilt Avenue, Cranebrook

Councillor Pat Sheehy requested a memo reply concerning the possibility of re-erecting the fence on Stilt Avenue/Northern Road, Cranebrook.

QWN 11 Street Sign - St Clair

Councillor Greg Davies requested a memo reply on the replacement of a street sign at Bren Close, St Clair.

QWN 12 Jam Factory Site - Roper Road

Councillor Greg Davies requested a memo reply regarding who was responsible for placing the piles of dirt on the old 'Jam Factory' Site on Roper Road.

QWN 13 Bus Shelter - Outside St Clair Shopping Centre, Bennett Road

Councillor Greg Davies requested an investigation into the construction of a bus shelter on Bennett Road, outside the St Clair Shopping Centre, to eliminate the need for commuters to run across the road to catch buses. Councillor Greg Davies requested a memo reply to all East Ward Councillors.

QWN 14 Allocation from Voted Works to St Marys Graffiti Removal Program

Councillor Greg Davies requested that \$5,000 from East Ward voted works be allocated to the St Marys Graffiti Removal Program, subject to being advised if the Council grant application for \$20,000 is successful.

946 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Steve Simat 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.

947 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Steve Simat that \$5,000 from East Ward voted works be allocated to the St Marys Graffiti Removal Program, subject to being advised if the Council grant application for \$20,000 is successful.

COMMITTEE OF THE WHOLE

Councillor Jackie Greenow informed the meeting that she had a matter she wished to raise during Committee of the Whole as it involved discussion of a commercial matter.

948 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Garry Rumble that the meeting adjourn to the Committee of the Whole to deal with the following matter, the time being 8.07 pm.

1 Presence of the Public

CW1 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Garry Rumble that the press and public be excluded from Committee of the Whole to deal with the following matter:

Commercial Matter – Penrith Valley Cultural Precinct

This item has been referred to Committee of the Whole as it 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.

Councillor David Bradbury arrived, the time being 8.08 pm.

The meeting resumed at 8.12 pm and the General Manager reported that the Committee of the Whole met at 8.07 pm on Monday 3 July 2006, the following being present

His Worship the Mayor Councillor John Thain, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury, Lexie Cettolin, Kevin Crameri 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

Commercial Matter – Penrith Valley Cultural Precinct

CW2 RECOMMENDED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Crameri that a report be presented to Council on the issues raised.

ADOPTION OF COMMITTEE OF THE WHOLE

949 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Crameri that the recommendation contained in the Committee of the Whole and shown as CW2 be adopted.

THE CITY AS A SOCIAL PLACE

2 Claremont Meadows Community Centre Extension Project

950 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Claremont Meadows Community Centre Extension Project be received
2. Council endorse the agreed concept design for the Claremont Meadows Community Centre extensions
3. Council endorse proceeding to tender stage, subject to obtaining development consent, for the Claremont Meadows Community Centre extensions project
4. A further report be submitted to Council on the tender process.

There being no further business the Chairperson declared the meeting closed the time being 8.14 pm.

I certify that these 11 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 3 July 2006.

Chairperson

Date