

## **CONFIRMED MINUTES**

### **OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS**

**ON MONDAY 7 AUGUST 2006 AT 7:02 PM**

#### **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 7:17 pm), Lexie Cettolin, Kevin Crameri OAM, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, and Steve Simat (arrived at 7:17 pm).

#### **APOLOGIES**

'979 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Susan Page that apologies be accepted for Councillors Bradbury and Simat.

#### **LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor Greg Davies for the period 6 August 2006 to 3 September 2006 inclusive.

Leave of Absence was previously granted to Councillor Pat Sheehy for the period 14 July 2006 to 9 August 2006 inclusive.

#### **CONFIRMATION OF MINUTES - Ordinary Meeting - 17 July 2006**

'980 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken that the minutes of the Ordinary Meeting of 17 July 2006 be confirmed.

#### **DECLARATIONS OF INTEREST**

Councillor Kevin Crameri declared a non-pecuniary interest in the Report and Recommendations of the Policy Review Committee Meeting held on 24 July 2006 – *Item 7 – ADI Site, St Marys – Request by Delfin Lend Lease for Declaration of Remaining Precincts on the ADI Site as Release Areas*, as he lives in close proximity to this area, and he reserved his right to speak and vote on the matter.

Councillor Jim Aitken declared a pecuniary interest in *Item 4 – Development Application*

06/0758 proposed partial enclosure of rear verandah of an existing commercial premises at Lot 16 DP 651337 (No. 30) Mulgoa Road, Regentville. Applicant: Frank Kosztelnik; Owner: James A Aitken & D J Reeves, as he is joint owner of the property, and advised that he would leave the Council Chamber for consideration of this item.

### **ADDRESSING THE MEETING**

It was noted that Mr Geoff Brown, representing the ADI Residents Action Group, had requested permission to address the meeting in relation to the Report and Recommendations of the Policy Review Committee Meeting held on 24 July 2006 – *Item 7 – ADI Site, St Marys – Request by Delfin Lend Lease for Declaration of Remaining Precincts on the ADI Site as Release Areas*, but had not arrived at the meeting.

### **PROCEDURAL MOTION**

981 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown that the Mayoral Minutes be read before Addressing the Meeting.

### **MAYORAL MINUTES**

#### **1 2006 Western Sydney Region Trainee of the Year Awards**

982 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow that the Mayoral Minute on 2006 Western Sydney Region Trainee of the Year Awards be received.

#### **2 Council Highly Commended in the RH Dougherty Communication Awards**

983 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that the Mayoral Minute on Council Highly Commended in the RH Dougherty Communication Awards be received.

Councillor David Bradbury and Councillor Steve Simat arrived, the time being 7:17 pm.

#### **3 St Marys Band Club 50<sup>th</sup> Anniversary**

984 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow that the Mayoral Minute on St Marys Band Club 50<sup>th</sup> Anniversary be received.

### **ADDRESSING THE MEETING**

It was again noted that Mr Geoff Brown, of the ADI Residents Action Group, had not arrived at the meeting.

### **REPORTS OF COMMITTEES**

#### **1 Report and Recommendation of the Policy Review Committee held on 24 July 2006**

985 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jim Aitken that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 24 July, 2006 be adopted.

Councillor Kevin Crameri asked that his name be recorded as having voted against this motion, in relation to Item 7 - ADI Site, St Marys – Request by Delfin Lend Lease for Declaration of Remaining Precincts on the ADI Site as Release Areas.

## **2 Report and Recommendations of the Penrith Valley Community Safety Partnership held on 29 June 2006**

986 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Kaylene Allison that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 29 June, 2006 be adopted.

## **MASTER PROGRAM REPORTS**

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

#### **1 Great River Walk Stage 1**

987 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Ross Fowler

That:

1. The information contained in the report on Great River Walk Stage 1 be received.
2. Council endorse the submission of a grant application under the Department of Planning's Metropolitan Greenspace Program for the additional funds to complete Stage 1 of the Great River Walk.
3. Council endorse an advance of up to \$175,000 from internal reserves to meet the immediate shortfall of funds required to complete Stage 1 of the Great River Walk as outlined in this report. This advance to be repaid to reserves from the Metropolitan Greenspace Program if successful. If the application is unsuccessful there will be a further report to Council to consider the final funding source.
4. A further report be provided, detailing design criteria which provide for the structural stability of the boardwalk bridge (including handrails) and paving, in the event of a flooding event of 1/100 or greater.

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

988 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Steve Simat that Item 4 – Development Application 06/0758 proposed partial enclosure of rear verandah of an existing commercial premises at Lot 16 DP 651337 (No. 30) Mulgoa Road,

Regentville. Applicant: Frank Kosztelnik; Owner: James A Aitken & D J Reeves, be considered before the other Items in this Master Program.

Having previously declared an interest in Item 4, Councillor Aitken left the meeting, the time being 7:31 pm.

**4 Development Application 06/0758 proposed partial enclosure of rear verandah of an existing commercial premises at Lot 16 DP 651337 (No. 30) Mulgoa Road, Regentville. Applicant: Frank Kosztelnik; Owner: James A Aitken & D J Reeves DA06/0758**

989 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Susan Page

That:

1. The information contained in the report on Development Application 06/0758 proposed partial enclosure of rear verandah of an existing commercial premises at Lot 16 DP 651337 (No. 30) Mulgoa Road, Regentville be received
2. Development Application No. 06/0758, which proposes Development Application 06/0758 proposed partial enclosure of rear verandah of an existing commercial premises at Lot 16 DP 651337 (No. 30) Mulgoa Road, Regentville be determined by the granting of development consent subject to the following conditions:
  - A001 approved plans that are architecturally drawn
  - A008 Works to BCA requirements
  - A019 Occupation Certificate
  - A026 Advertising sign
  - A032 Goods In buildings
  - A038 Lighting locations
  - A039 Graffiti
  - D009 Covering of waste storage
  - D010 Appropriate disposal of other waste
  - E001 BCA Compliance (Class 2-9)
  - H01F Stamped plans and erection of site notice
  - H041 Hours of work
  - H011 Engineering plans & specification
  - H015 termites
  - K016 Stormwater
  - Q01F Notice of Commencement & Appointment of PCA
  - Q05F Occupation Certificate.

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Councillor Aitken returned to the meeting, the time being 7:32 pm.

## **2 Children's Week Activities**

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

That:

1. The information contained in the report on Children's Week Activities be received.
2. The change of venues for Children's Week 2006 is approved as detailed in this report.
3. A review of the organisation and celebration of Children's Week for 2007 be undertaken and a further report is provided.

## **3 Development of the 2006-2009 Penrith Valley Community Safety Plan**

991 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Crameri that the information contained in the report on Development of the 2006-2009 Penrith Valley Community Safety Plan be received.

## **5 Development Application 05/0232 for change of use from outbuilding to dwelling at Lot 2149 DP 255370 (No. 9) Benaud Court, St Clair. Applicant: Mr G and Mrs V Thorpe; Owner: Mr G and Mrs V Thorpe DA05/0232**

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

That:

1. The information contained in the report on Development Application 05/0232 for change of use from outbuilding to dwelling at Lot 2149 DP 255370 (No. 9) Benaud Court, St Clair be received.
2. Development Application 05/0232 for change of use from outbuilding to dwelling at Lot 2149 DP 255370 (No. 9) Benaud Court, St Clair be approved subject to the following conditions:
  - 2.1 In order to ensure the privacy of adjoining residents, the privacy screen adjacent to the window on the west elevation of the outbuilding is to be enhanced through the planting of a suitable climbing plant such as *Ficus pumila* "Climbing Fig" in accordance with Penrith Landscape Development Control Plan 2002.
  - 2.2 Partitioning within the outbuilding is to be limited to create a maximum of two rooms excluding the bathroom being one bedroom and one living area. Kitchen/cooking facilities are not permitted within the outbuilding at any time under any circumstances.
  - 2.3 The outbuilding is to be insulated to prevent transmission of noise to the satisfaction of Council's Building Surveyor within three (3) months of the date of this consent.
  - 2.4 No resident vehicles are to be parked within the carriageway being the driveway access handle to the property at any time.
3. Those making submissions be advised of Council's decision.

## **6 Penrith Football Stadium**

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

That:

1. The information contained in the report on Penrith Football Stadium be received.
2. Council support the proposal to accommodate the Panthers football administration/operations at the Penrith Football Stadium in the manner proposed by Panthers.
3. Council officers be authorised to make application to the Lands Department seeking owners authorisation to the lodgement of the required Development Application.
4. Panthers be advised in the terms outlined in the report.

## **THE CITY IN ITS ENVIRONMENT**

**7 Urban Sustainability Program Grants**

'994 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Urban Sustainability Program Grants be received.
2. Council endorse the alliance with Blue Mountains City Council for the further grant application made to the Urban Sustainability Program.

**THE CITY AS AN ECONOMY**

**8 Outdoor Eating and Trading - Status Update**

'995 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Jackie Greenow that the information contained in the report on Outdoor Eating and Trading - Status Update be received.

**THE CITY SUPPORTED BY INFRASTRUCTURE**

**9 RTA 2006/07 Road Funding Grants**

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

That:

1. The information contained in the report on RTA 2006/07 Road Funding Grants be received.
2. The RTA 2006/07 Program Funding Block Grant in the amount of \$875,000 be accepted.
3. The Ex 3 x 3 component in the amount of \$156,000 be allocated to the next stage of the upgrading of Luddenham Road, a 400m section South from South Creek.
4. Council accept the grant of \$250,000 offered under the 2006/2007 Roads and Traffic Authority REPAIR Program for the reconstruction of Forrester Road, St Marys between Glossop Street and Catalina Street.
5. The Common Seal of the Council of the City of Penrith be affixed to the "Agreement for Block Grant Assistance to Council for Regional Roads 2006/2007".
6. Council accept the grant of \$39,000 offered under the Road Safety Program to partially fund the position of Road Safety Co-ordinator.
7. Council accept the grant of \$85,000 offered toward the installation of traffic signals at the intersection of Dunheved Road and Greenbank Drive (west), Werrington Downs.

**10 Tender 01-06/07: Concrete Path Paving 2006/07 in Three Separate Wards**



'997 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Tender 01-06/07: Concrete Path Paving 2006/07 in Three Separate Wards be received.
2. The Schedule of Rates Tender from Statewide Civil Pty Ltd be accepted to carry out the footpath works in the East Ward 2006/2007 Footpaving Program.
3. The Schedule of Rates Tender from N A Zappacosta Pty Ltd be accepted to carry out the footpath works in the North Ward 2006/2007 Footpaving Program.
4. The Schedule of Rates Tender from Devries Concreting and Excavations be accepted to carry out the footpath works in the South Ward 2006/2007 Footpaving Program.
5. In the event of a tenderer not being able to complete work in the allocated Ward by the end of the tender performance deadlines, the work be offered to the cheapest available tenderer as listed in the report.
6. Any additional work from other programs be first offered to the awarded contractor for that ward and then to the cheapest available tenderer as listed in the report.

## **LEADERSHIP AND ORGANISATION**

### **11 2006 Local Government Association NSW Conference Motions**

'998 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Kevin Cramer

That:

1. The information contained in the report on 2006 Local Government Association NSW Conference Motions be received.
2. Councillor Garry Rumble be the voting delegate to replace Councillor Kevin Cramer.
3. The seven (7) motions detailed in the report be submitted for inclusion in the 2006 Local Government Association NSW Conference Business Paper.

### **12 Disclosure of Election Funding**

999 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Karen McKeown that the information contained in the report on Disclosure of Election Funding be received.

**13 Activities of Grants Support Officer - 10 October 2005 to 30 June 2006**

1000 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Karen McKeown that the information contained in the report on Activities of Grants Support Officer - 10 October 2005 to 30 June 2006 be received.

**14 Council Property - Lot 1033, D.P. 849297, High Street, Penrith - Electricity Easements at Joan Sutherland Performing Arts Centre**

1001 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Karen McKeown

That:

1. The information contained in the report on Council Property - Lot 1033, D.P. 849297, High Street, Penrith - Electricity Easements at Joan Sutherland Performing Arts Centre be received.
2. Council grant Integral Energy a new Easement for Padmount Substation 5.5m x 2.89m over Lot 1033, D.P. 849297, High Street Penrith.
3. Council accept the release of the existing easements that are no longer required.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**15 Council Property - Easement to Drain Water over Lot 75, D.P. 28707, No. 37 Elizabeth Crescent, Kingswood. Owner: Penrith City Council; Applicant: John Nichols**

1002 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Karen McKeown

That:

1. The information contained in the report on Council Property - Easement to Drain Water over Lot 75, D.P. 28707, No. 37 Elizabeth Crescent, Kingswood. Owner: Penrith City Council; Applicant: John Nichols be received.
2. Council grant an easement to drain water over Open Space land at Lot 75, D.P. 28707, Elizabeth Crescent, Kingswood in favour of Lot 23, D.P. 28707 and Lot 222, D.P. 1019351 at Nos. 39 and 43 Elizabeth Crescent, Kingswood.
3. Payment of compensation by the applicant in the amount of \$5,000 plus GST be required for the creation of the easement over Council's Lot 75, D.P. 28707.
4. The applicant be responsible for all survey, legal and registration costs associated with the creation of the easement.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation to effect registration of the easement.

#### **16 Local Government Exchange and Co-operation Seminar 2006**

1003 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Karen McKeown

That:

1. The information contained in the report on Local Government Exchange and Co-operation Seminar 2006 be received.
2. The Director – City Services' participation in the Local Government Exchange and Co-operation Seminar 2006 be supported as outlined in the report.

#### **17 Council Property - Lot 202, D.P. 700947, Lenore Drive, Erskine Park Dedication as Road. Owner: Penrith City Council. Applicant: Penrith City Council**

1004 RESOLVED on the MOTION of Councillor Jim Aitken seconded Councillor Karen McKeown

That:

1. The information contained in the report on Council Property - Lot 202, D.P. 700947, Lenore Drive, Erskine Park Dedication as Road. Owner: Penrith City Council. Applicant: Penrith City Council be received.
2. Lot 202, D.P. 700947 be dedicated as road under Section 10 of the Roads Act 1993 by notice in the Government Gazette.

## QUESTIONS WITHOUT NOTICE

### **QWN 1 Driveway at Life Education Centre**

Councillor Karen McKeown requested that \$400 each from North Ward, South Ward and East Ward voted works be allocated to widen the driveway to accommodate the Life Education buses entering and exiting the Centre, with the repair of the kerb and gutter to be covered by Council's maintenance budget.

1005 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken 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.

1006 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken that \$400 each from North Ward, South Ward and East Ward voted works be allocated to widen the driveway to accommodate the Life Education buses entering and exiting the Centre, with the repair of the kerb and gutter to be covered by Council's maintenance budget.

### **QWN 2 Council Library Service - Blue Hills Family/Cultural Precinct**

Councillor Karen McKeown requested a memo reply regarding investigation into the feasibility of including a Council library service in the new Blue Hills family/cultural precinct.

### **QWN 3 Blockage of Internal Stormwater Pipes**

Councillor Jim Aitken requested a report to the Policy Review Committee, concerning the possibility of including development conditions on future approvals, which would ensure that residents keep internal stormwater pipes in working order, thus relieving other residents' homes from water damage caused by stormwater pipes not operating properly.

### **QWN 4 Autumn Leaf Parade Neighbourhood Centre, St Clair**

Councillor Steve Simat requested that an on-site meeting be held with residents living in the vicinity of the Autumn Leaf Parade Neighbourhood Centre, to address their concerns over the noise levels, disturbances and broken bottles left at the Centre after parties and incidents that occur at the Centre on Friday and Saturday nights.

### **QWN 5 Park located next to Banks Drive Public School, St Clair**

Councillor Steve Simat requested a memo reply providing a quote for the cost of some seating and tables to be placed at the park, next to the new playground, located next to the Banks Drive Public School, St Clair.

### **QWN 6 Graffiti Removal**

Councillor Garry Rumble requested the priority removal of graffiti, on fences of private residences, at the reserve near Windmill Park, and also on the wall of the playground at the corner of Sunbird Terrace and Shearwater Drive, Glenmore Park.

**QWN 7 Botanic Garden**

Councillor Garry Rumble requested a progress report to Council on his previous request on the feasibility of establishing a Penrith Botanic Garden.

**QWN 8 Brookfield Avenue, Werrington**

Councillor Lexie Cettolin requested a memo reply update on the status of the land at Brookfield Avenue, Werrington.

**QWN 9 Installation of Water Tanks**

Councillor David Bradbury requested a memo reply to all Councillors concerning the requirement to pay an inspection fee for the installation of 22 000 litre water tanks.

**COMMITTEE OF THE WHOLE**

1007 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Jackie Greenow that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:55 pm.

**1 Presence of the Public**

CW1 RESOLVED on the motion of Councillor Crameri seconded Councillor Greenow that the press and public be excluded from Committee of the Whole to deal with the following matter:

*City In Its Environment*

**2 Waste Tenders**

*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 7:57 pm and the General Manager reported that the Committee of the Whole met at 7:55 pm on Monday 7 August 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, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, 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 Waste Tenders**

1008 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken

CW2 That the information contained in the report on Waste Tenders be received.

**ADOPTION OF COMMITTEE OF THE WHOLE**

1009 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken the recommendation contained in the Committee of the Whole and shown as CW2 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 7:58 pm.

I certify that these 12 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 7 August 2006.

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Chairperson

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Date