

CONFIRMED MINUTES

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

ON MONDAY 21 AUGUST 2006 AT 7:02PM

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 Kaylene Allison, David Bradbury (arrived at 7:34 pm), Lexie Cettolin, Kevin Crameri OAM, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Pat Sheehy AM, and Steve Simat (arrived at 7:06 pm).

APOLOGIES

'1010 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Susan Page that apologies be accepted for Councillors Aitken, 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.

Councillor Kaylene Allison withdrew her application for Leave of Absence from 18-27 August 2006, inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 7 August 2006

'1011 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Karen McKeown that the minutes of the Ordinary Meeting of 7 August 2006 be confirmed.

DECLARATIONS OF INTEREST

Councillor Susan Page declared a non-pecuniary interest in *Item 13 – Going Public – A Conference for Women in the Public Sector and Politics*, as she was a board member on the National Board of the Australian Local Government Women's Association (ALGWA).

Councillor Steve Simat arrived at the meeting, the time being 7:06 pm.

MAYORAL MINUTE

1 Commencement of Wallacia-Mulgoa Sewerage Scheme

1012 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that the Mayoral Minute on Commencement of Wallacia-Mulgoa Sewerage Scheme be received.

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REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 7 August 2006

1013 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 7 August, 2006 be adopted.

2 Report and Recommendations of the Policy Review Committee held on 14 August 2006

1014 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Garry Rumble that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 14 August, 2006 be adopted.

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MASTER PROGRAM REPORTS

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LEADERSHIP AND ORGANISATION

1 2005-2006 Management Plan - June Quarter and End of Year Review

1015 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 - June Quarter and End of Year Review be received.
2. The 2005-2006 Management Plan Review as at 30 June 2006 be adopted.
3. The voting of funds and estimates of income for 2005-2006 be amended to reflect the revised estimates, expenditures and revotes as detailed in the Management Plan Review.
4. Council revote the works as detailed in the Recommended Revoted Works Lists for inclusion in the 2006-2007 Management Plan.

THE CITY IN ITS BROADER CONTEXT

2 Public Exhibition of draft Development Control Plan 2006

1016 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Public Exhibition of draft Development Control Plan 2006 be received.
2. In accordance with the Environmental Planning and Assessment Act 1979 and Regulations 2000, Council adopt Penrith Development Control Plan 2006, as tabled at Council's Ordinary Meeting of 21 August 2006.
3. In accordance with the Environmental Planning and Assessment Act Regulations 2000, Council give public notice of its decision in a local newspaper within 28 days.
4. In accordance with the Environmental Planning and Assessment Regulations 2000, Council give public notice in a local newspaper of its intention to repeal the Development Control Plans set out in Attachment 1.
5. In accordance with the Environmental Planning and Assessment Regulations 2000, after 14 days of giving notice of its intention to repeal the Development Control Plans set out in Attachment 1, Council give public notice in a local newspaper that the specified Development Control Plans have been repealed.
6. In accordance with the Environmental Planning and Assessment Act 1979, and Regulations 2000 Council submit the draft Local Environmental Plan amendment under Section 73A of the Environmental Planning and Assessment Act 1979 to the Regional Office of the Department of the Planning, with the request that an Opinion be sought from Parliamentary Counsel that the Local Environmental Plan can legally be made and gazetted.
7. Major variations to a development planning control in advance of the new Local Plan be advanced only where the proposal demonstrates that it:
 - (a)(i) Is consistent with the adopted strategic direction for that site and or area, including any State Government Policy and Council Strategy.
 - (ii) Contributes to the sustainability of Penrith as a City.
 - (iii) Demonstrate social and economic benefit to the City's communities.
 - (iv) Deliver a planning response and urban design outcome equal to a development complying with the DCP.
 - (v) Does not result in adverse privacy or amenity impacts for adjoining properties or the public domain.
- (b) The proposal is determined by the Approval Team as the delegate (unless the matter is called to Council).

3 Metropolitan Greenspace Program Grant Applications 2006-2007

1017 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Metropolitan Greenspace Program Grant Applications 2006-2007 be received.
2. Council endorse the application for the 2006-2007 Metropolitan Greenspace Program grants for the Great River Walk (three grants) and South Creek corridor (one grant).

THE CITY AS A SOCIAL PLACE

4 Community Development Department - Projects and Key Achievements

1018 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Ross Fowler that the information contained in the report on Community Development Department - Projects and Key Achievements be received.

6 Corporate Partners for Change - Penrith Child Care Program

1019 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Ross Fowler

That:

1. The information contained in the report on Corporate Partners for Change - Penrith Child Care Program be received.
2. Council's involvement in the program is evaluated at the conclusion of the program to determine whether support of the initiative will be ongoing.

7 Australasian Cemeteries and Crematoria Association Conference - Auckland, New Zealand

1020 RESOLVED on the MOTION of Councillor Kevin Crameri seconded Councillor Ross Fowler

That:

1. The information contained in the report on Australasian Cemeteries and Crematoria Association Conference - Auckland, New Zealand be received.
2. The Cemeteries Officer's participation in the Australasian Cemeteries & Crematoria Association Conference in Auckland, New Zealand be supported.

5 Extension of Jamison Park Netball Amenities Building

1021 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Ross Fowler

That:

1. The information contained in the report on Extension of Jamison Park Netball Amenities Building be received.
2. Council accept the tender of Caliber Contracting in the amount of \$214,910.
3. Additional funding of \$68,556 be allocated from Council's Recreation Reserve, for the construction of the Extension of Jamison Park Netball Amenities Building.

THE CITY IN ITS ENVIRONMENT

8 Mulgoa/Wallacia Sewerage Scheme Implementation

1022 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Susan Page that the information contained in the report on Mulgoa/Wallacia Sewerage Scheme Implementation be received.

Councillor Bradbury arrived at the meeting, the time being 7:34 pm.

9 Successful Grant Application under the NRMA Insurance Communityhelp Grant Program

'1023 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow

That:

1. Council officers identify which projects the grant monies will be used for.
2. The information contained in the report on Successful Grant Application under the NRMA Insurance Communityhelp Grant Program be received.

10 The Western Sydney Recycled Water Initiative and the Penrith Recycled Water Scheme

'1024 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler

That:

1. The information contained in the report on The Western Sydney Recycled Water Initiative and the Penrith Recycled Water Scheme be received.
2. Council authorise the General Manager to sign the proposed Memorandum of Understanding with Sydney Water for Stage 1 of the Penrith Recycled Water Scheme.
3. Council write to the Minister for Water Utilities, David Campbell, and thank him for his support and efforts to have the Penrith Recycled Water Scheme advanced so quickly.
4. A report be submitted on how Council can ensure that Sydney Water also establishes facilities to recycle water in the North Ward.
5. Council write a letter to State Local Members, requesting representations be made to Sydney Water, seeking water quality information, in particular clarification of nutrient levels in South Creek, as a result of recycled water entering the Creek, and requesting information as to how these levels are controlled and measured.

LEADERSHIP AND ORGANISATION

11 City Operations Directorate Report to end of July 2006

'1025 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Steve Simat that the information contained in the report on City Operations Directorate Report to end of July 2006 be received.

12 Summary of Investments & Banking for the period 1 July 2006 to 31 July 2006

1026 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 July 2006 to 31 July 2006 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 July 2006 to 31 July 2006 be noted and accepted.
3. The graphical investment analysis as at 31 July 2006 be noted.

13 Going Public - A Conference for Women in the Public Sector and Politics

1027 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor David Bradbury

That:

1. The information contained in the report on Going Public - A Conference for Women in the Public Sector and Politics be received.
2. Councillors Susan Page, Kaylene Allison, Karen McKeown and Lexie Cettolin attend 'Going Public – A Conference for Women in the Public Sector and Politics', from 4-6 October 2006.

14 Action Taken on Resolutions of the 2005 LGA Conference

1028 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Garry Rumble that the information contained in the report on Action Taken on Resolutions of the 2005 LGA Conference be received.

QUESTIONS WITHOUT NOTICE

QWN 1 Inswim Swimming Centre

Councillor David Bradbury requested an update on his previous request to have a sign at the Inswim Swim Centre removed, and also requested a memo reply as soon as the matter has been addressed.

QWN 2 Werrington Lakes

Councillor David Bradbury requested a memo reply regarding various matters raised in a resident's letter, concerning possible improvements to the safety and amenity of the Werrington Lake area.

QWN 3 Possible Naming of Park after the Late Ted Little Senior

Councillor David Bradbury requested a report to Council on the possibility of naming a park in the St Marys/Colyton area after the late Ted Little Senior, in recognition of his contribution to the local community.

QWN 4 Leave of Absence

Councillor Ross Fowler requested Leave of Absence from 3 September 2006 to 25 September 2006 inclusive.

1029 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Pat Sheehy 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.

1030 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Pat Sheehy that Leave of Absence be granted to Councillor Ross Fowler from 3 September 2006 to 25 September 2006 inclusive.

QWN 5 Arterial Roads

Councillor Ross Fowler requested a report to Council concerning an audit of State arterial roads in the Penrith City area, which are currently owned and maintained by the RTA, and seeking information as to whether the RTA has a plan for the maintenance and repair of these roads.

QWN 6 Leicester Way, St Clair

Councillor Steve Simat requested that a petition from residents in Leicester Way, St Clair, seeking the installation of traffic calming devices in Leicester Way, be forwarded to the Local Traffic Committee, with a copy to be provided to all East Ward Councillors.

QWN 7 Properties in Champness Crescent, St Marys

Councillor Steve Simat requested a memo reply concerning the untidy state of properties at Nos. 1, 3 and 5 Champness Crescent, St Marys, and requested that Council contact the owners of the properties in an effort to remedy this situation.

QWN 8 Penrith District Court

Councillor Mark Davies requested that a letter be written to the NSW Attorney General, the Hon Bob Debus MP, seeking clarification as to the possible relocation of the Penrith Court activities to Parramatta.

1031 RESOLVED on the MOTION of Councillor Mark 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 dealt with at the meeting.

1032 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ross Fowler

That:

1. A letter be written to the NSW Attorney General, the Hon Bob Debus MP, asking him to advise whether the Penrith District Court offices, and sittings at this Court in Penrith, which include the Cobham Children's Court and the Community Justice Centre at Penrith, are to be relocated to the new legal precinct at Parramatta.
2. A report be prepared for the next meeting, which considers the impact on local users of the justice system, should the Penrith Court activities be relocated to Parramatta.

QWN 9 Former Air Services Australia Land at Cranebrook

Councillor Kevin Cramer requested an urgent report to Council regarding the Former Air Services Australia land at Cranebrook, with a copy of the flora report, and an indication of the land to be developed, to be provided to all Councillors beforehand. The report to Council is to include detail on the following:

- Rezoning application by IFC Capital Ltd
- Maps
- The conservation significance of the site
- What options are available to Council to facilitate the acquisition of the Site by the NSW Government
- Community consultation
- Bush regeneration to eradicate weeds from the site.

COMMITTEE OF THE WHOLE

1033 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Pat Sheehy that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:18 pm.

Councillor Mark Davies left the meeting, the time being 8:19 pm, and did not return.

1 Presence of the Public

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

City as an Economy

2 Property Matter

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.

Leadership and Organisation

3 Property Matter - Council Property - Lease of Shop 9, Cranebrook Village Shopping Centre

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.

The meeting resumed at 8:22 pm and the General Manager reported that the Committee of the Whole met at 8:20 pm on Monday 21 August 2006, the following being present

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

'CW2 RECOMMENDED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler

That:

1. The information contained in the report on Property Matter be received.
2. Council agree to the contents of the report in respect to the subject property.
3. A further report be presented to Council's meeting of 4 September 2006 relating to the value of the property.

3 Property Matter - Council Property - Lease of Shop 9, Cranebrook Village Shopping Centre

CW3 RECOMMENDED on the MOTION of Councillor Kevin Crameri seconded
Councillor Ross Fowler

That:

1. The information contained in the report on the Lease of Shop 9, Cranebrook Village Shopping Centre be received
2. Council approve the deletion of the existing 3-year lease to Cranebrook Sales Pty Limited
3. Council grant a new lease term of 5-years with a 5-year option period to new proposed tenant, Jim Aitken & Partners in accordance with terms and conditions as outlined in the report
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

ADOPTION OF COMMITTEE OF THE WHOLE

1034 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler that the recommendations contained in the Committee of the Whole and shown as CW2 and CW3 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:23 pm.

I certify that these 11 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 21 August 2006.

Chairperson

Date