

CONFIRMED MINUTES

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

ON MONDAY 9 OCTOBER 2006 AT 7:03PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Pat Sheehy AM, 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 Pat Sheehy AM, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury (arrived at 7:53 pm), Lexie Cettolin, Kevin Crameri OAM, Greg Davies (arrived at 7:07 pm), Mark Davies, Ross Fowler, Karen McKeown, Susan Page, Garry Rumble, Steve Simat (arrived at 7:06 pm), and John Thain.

APOLOGIES

1103 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that an apology be accepted for Councillor David Bradbury.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Jackie Greenow for the period 4 October 2006 to 22 October 2006 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 25 September 2006

1104 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM that the minutes of the Ordinary Meeting of 25 September 2006 be confirmed.

DECLARATIONS OF INTEREST

Councillor Ross Fowler declared a pecuniary interest in *Item 2 of the Committee of the Whole business paper – St Marys Release Area*, as he is auditor or accountant for a number of landowners, and a director of businesses that are directly or indirectly affected by the matters discussed in the report, and took no part in the debate or voting.

Councillor Jim Aitken OAM declared a pecuniary interest in *Item 4 of the Committee of the Whole business paper – Council Property – Sale of No 8 Coallee Place South Penrith*, as he is a shareholder in one of the real estate companies listed in the report, and took no part in the

debate or voting.

Councillor Steve Simat declared a pecuniary interest in *Item 2 of the Committee of the Whole business paper – St Marys Release Area-* as he is employed by a company that provides consultancy services to landowner(s) in the area, and took no part in the debate or voting.

MAYORAL MINUTE

1 Election of Cr Susan Page to ALGWA National Board

1105 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Karen McKeown that the Mayoral Minute on Election of Cr Susan Page to the ALGWA National Board be received.

MASTER PROGRAM REPORTS

THE CITY AS A SOCIAL PLACE

2 Maintenance of Turf Wickets for Penrith Grade Cricket Club

1106 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Karen McKeown

That:

1. The information contained in the report on Maintenance of Turf Wickets for Penrith Grade Cricket Club be received.
2. The annual subsidy to the Penrith Cricket Club Inc. be increased by \$12,000, to a total of \$60,000, for the 2006-2007 financial year, funded from the 2006/07 budget surplus.
3. The Penrith Cricket Club Inc. be advised of Council's decision.

3 Community Assistance Program 2006-07 Rolling Component

1107 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Karen McKeown

That:

1. The information contained in the report on Community Assistance Program 2006-07 Rolling Component be received.
2. Council approve a grant of \$1,000 under the rolling component of the 2006-07 Community Assistance Program to the Werrington Community Project to promote the involvement of young people and multicultural groups in the 2006 Werrington Community Festival.

4 Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel

1108 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Karen McKeown that the information contained in the report on Assistance Towards Amateur Sportspeople and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel be received.

1 Proposed Use of Telecommunications Access Fees

1109 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on the Proposed Use of Telecommunications Access Fees be received.
2. Telecommunication Access Fees be utilised to upgrade facilities on the areas where the income was raised and this be extended to nearby reserves when the identified works are completed.
3. The floodlights at Potter Field be renewed.
4. A program of works be prepared for sporting venues where the Telecommunication Access Fees revenue is being received.

Councillor Garry Rumble requested that his name be recorded as having voted AGAINST the motion.

**8 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**

1110 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on 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 be received.
2. The development application 05/1239 for the erection of a packing shed, associated car parking and signage at Lot 15 DP 30265, No. 1219 – 1231 Mamre Road, Kemps Creek, be approved, subject to the following conditions:

Standard Conditions

- 2.1 A001 – Approved Plans
A011 – Engineering Works DCP
A029 – Hours of Operation and Delivery Times
D001 – Sediment & Erosion control Measures
D006 – No Filling
D014 – Plant & Equipment Noise
E01A – BCA Compliance
E006 – Accessibility
E008 – Fire Safety List
E009 – Annual Fire Safety
H001 – Stamped Plans & Erection of Site Notice
H002 – All forms of Construction
H041 – Hours of Work
I003 – Roads Act Approval
K014 – Flood Proofing
K025 – Pavement Seal
K027 – Carparking
Q001 – Notice of Commencement
Q006 – Occupation Certificate

Special Conditions

- 2.2 Prior to the issue of a Construction Certificate, a report is to be prepared by a suitably qualified person, demonstrating that the existing aerated effluent disposal system is suitable for the additional shed on site. The report should demonstrate that the capacity of the existing septic system is sufficient to accommodate the anticipated increase in load and that there is sufficient disposal area on site.
- 2.3 The proposed driveway shall be a minimum of 12 metres in width and designed in accordance with AS 2890.2 – 2002.
- 2.4 A Type ‘AUR’ (Auxiliary lane Right turn) treatment is to be provided in Mamre Road to facilitate safe and efficient right turn movements in to the development site. This right turn treatment shall be designed in

accordance with the RTA's Road Design Guide.

- 2.5 A deceleration lane shall be provided for left turn movements in to the subject site. The length of the deceleration lane shall be in accordance with the RTA's Road Design Guide.

The provision of a deceleration lane will require land dedication from the subject site and may require utility relocation, which shall be at no cost to the RTA.

Turning and parking areas are to be delineated by line marking and are not to be used for any other purpose.

- 2.6 The design requirements of the Type AUR treatment and deceleration lane on Mamre Road shall be in accordance with the RTA Road Design Guide and other Australian Codes of Practice. In addition, a concept design of the intersection treatment shall be submitted to the RTA for consideration and approval prior to the release of the construction certificate by Council and commencement of road works.

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents. The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the release of the approved design plans.

A Works Authorisation Deed is to be entered into with the RTA.

In addition to the above, the 'Occupation Certificate' is not to be released until all the road works are fully constructed and operational.

- 2.7 All vehicles entering and exiting from the proposed development site must be in a forward direction
- 2.8 All vehicles associated with the construction of the proposed development are required to be accommodated within the site
- 2.9 All works associated with the development shall be at no cost to the RTA
- 2.10 Upon request from Council, the operator will be required to provide a report from a qualified acoustic consultant demonstrating the compliance of operations with condition numbered D014.
- 2.11 The existing approved operating hours (Monday to Friday 7am to 5pm) be maintained
- 2.12 Prior to building works commencing, works associated with conditions 2.3, 2.4, 2.5 and 2.6 are to be completed.

3. Those persons who made submissions be informed of Council's decision and the consent conditions that apply to the development.
4. Residents be advised of the contact number that they can report breaches of these conditions to.

LEADERSHIP AND ORGANISATION

5 Pecuniary Interest Returns

1111 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Garry Rumble that the information contained in the report on Pecuniary Interest Returns be received.

6 2005-06 Annual Financial Statements

1112 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Garry Rumble that the information contained in the report on 2005-06 Annual Financial Statements be received.

7 Implementation of Direct Debit Facilities for Payment of Rates

1113 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken OAM that this matter be deferred so that a further report to Council may be considered, including a full comparison of costs.

QUESTIONS WITHOUT NOTICE

QWN 1 Great River Walk

Councillor Garry Rumble requested an update on the report he requested, at the Ordinary Meeting of 7 August 2006, on the structural stability of the proposed walkways over Peach Tree Creek and Boundary Creek.

QWN 2 Advisory Committees for Penrith Performing and Visual Arts Ltd

Councillor Garry Rumble requested information on the status of the selection and appointment of members of the advisory committees for Penrith Performing and Visual Arts Ltd and asked whether the outcome of the selections are to be reported to Council.

QWN 3 Citywide Removal of Graffiti

Councillor Garry Rumble requested a reply letter be sent to the Glenmore Park Action Group and to Mrs Margeretha Bonnet, with a copy of these letters to all Councillors, concerning ongoing issues concerning the planned program for the citywide removal of graffiti.

QWN 4 Explorers' Monument

Councillor Garry Rumble requested a memo reply regarding the solution to be arrived at, concerning the non-operational clock located at this monument, so that this Penrith attraction may once more be appreciated.

QWN 5 Graffiti in Glenmore Park

Councillor Mark Davies requested that Mrs Margeretha Bonnet be supplied with paint, brushes and rollers to assist in the maintenance of the park opposite her house on Sheerwater Drive. Councillor Mark Davies also requested graffiti removal at the park as a large amount of graffiti has been there since late August 2006.

QWN 6 Graffiti - Oxley Park

Councillor Steve Simat requested that action be taken to remove graffiti located on various fences at the intersection of Sydney Street and the Great Western Highway, Oxley Park.

QWN 7 Graffiti Matters

Councillor Greg Davies requested that media releases and other advertising be prepared, detailing Council's timeframe for removal of graffiti from various areas of the City.

QWN 8 Cost of Connection to Sewerage System

Councillor Ross Fowler requested that property owners in Mulgoa and Wallacia, facing additional costs to connect to the new sewerage scheme due to the flood liability of their land, be advised that Council is investigating ways to assist with connection to the new sewerage scheme.

QWN 9 Statement of Recognition

Councillor John Thain requested a report to Council considering recognition of the Dharug People in Council's Statement of Recognition.

COMMITTEE OF THE WHOLE

1114 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor John Thain that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:45 pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Ross Fowler seconded Councillor John Thain that the press and public be excluded from Committee of the Whole to deal with the following matters:

City as a Social Place

2 St Marys Release Area

This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Leadership and Organisation

3 Property Matter

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.

4 Council Property - Sale of No 8 Coallee Place South Penrith

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.

5 Industrial Relations Matter

This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 8:25 pm and the General Manager reported that the Committee of the Whole met at 7:45 pm on Monday 9 October 2006, the following being present

His Worship the Mayor Councillor Pat Sheehy AM, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury (arrived at 7:53 pm), Lexie Cettolin, Kevin Crameri OAM, Greg Davies, Mark Davies, Ross Fowler, Karen McKeown, Susan Page, Garry Rumble, Steve Simat and John Thain

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

Councillor Mark Davies left the meeting, the time being 7:47 pm.

Councillor Mark Davies returned to the meeting, the time being 7:49 pm.

Councillor David Bradbury arrived at the meeting, the time being 7:53 pm.

3 Property Matter

RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri OAM

CW3 That:

1. The information contained in the report on Property Matter be received.
2. Council grant an early termination of the lease to JNESE Pty Limited without commercial or financial penalties being imposed on the tenant.
3. Leasing opportunities for the premises be pursued.

5 Industrial Relations Matter

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

CW5 That the information contained in the report on Industrial Relations Matter be received.

Having previously declared a pecuniary interest in Item 2, Councillor Ross Fowler left the meeting, the time being 7:57 pm.

Having previously declared a pecuniary interest in Item 2, Councillor Steve Simat left the meeting, the time being 7:57 pm, and did not return.

Having previously declared a pecuniary interest in Item 4, Councillor Jim Aitken OAM left the meeting, the time being 7:57 pm.

2 St Marys Release Area

RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Kevin Crameri OAM

CW2 That:

1. The information contained in the report on St Marys Release Area be received.
2. The recommendations made in the report to the Committee of the Whole be adopted.
3. A further report be brought back to Council on the opportunities available to Council to seek indemnity in relation to future property transfers.

Councillor Ross Fowler returned to the meeting, the time being 8:08 pm.

4 Council Property - Sale of No 8 Coallee Place South Penrith

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

CW4 That the matter be reported to the next Ordinary Meeting in Open Council.

Councillor Jim Aitken OAM returned to the meeting, the time being 8:26 pm.

ADOPTION OF COMMITTEE OF THE WHOLE

1115 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Greg Davies that the recommendations contained in the Committee of the Whole and shown as CW3, CW5, CW2 and CW4 be adopted.

There being no further business the Chairperson declared the meeting closed, the time being 8:28 pm.

I certify that these 9 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 9 October 2006.

Chairperson

Date