

CONFIRMED MINUTES

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

ON MONDAY 23 OCTOBER 2006 AT 7:05 PM

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 7:37 pm), Lexie Cettolin, Kevin Crameri OAM (arrived at 7:51 pm), Greg Davies (arrived at 7:09 pm), Mark Davies, Ross Fowler, Karen McKeown, Susan Page, Garry Rumble, Steve Simat (arrived at 8:19 pm) and John Thain (arrived at 7:08 pm).

APOLOGIES

1116 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies that apologies be accepted for Councillors David Bradbury, Kevin Crameri OAM and Steve Simat.

LEAVE OF ABSENCE

1117 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that leave of absence previously granted to Councillor Jackie Greenow be extended to 23 October 2006 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 9 October 2006

1118 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Garry Rumble that the minutes of the Ordinary Meeting of 9 October 2006 be confirmed.

DECLARATIONS OF INTEREST

Councillor Jim Aitken OAM declared a pecuniary interest in *Item 10 - Council Property - Sale of No 8 Coallee Place, South Penrith*, as he is a director in one of the real estate companies listed in the report, and took no part in the debate or voting.

MAYORAL MINUTE

1 Council Achieves Recognition at the NSW Local Government Aboriginal Network Conference Merit Awards

1119 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Greg Davies that the Mayoral Minute on Council Achieves Recognition at the NSW Local Government Aboriginal Network Conference Merit Awards be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 9 October 2006

1120 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kaylene Allison that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 9 October, 2006 be adopted.

2 Report and Recommendations of the Policy Review Committee Meeting held on 16 October 2006

1121 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 16 October, 2006 be adopted.

MASTER PROGRAM REPORTS

THE CITY IN ITS BROADER CONTEXT

1 2007 International Dragon Boat Championships

1122 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler that the information contained in the report on 2007 International Dragon Boat Championships be received.

THE CITY AS A SOCIAL PLACE

3 Tender No. 08-06/07 - Provision of Graffiti Removal Services

1123 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor John Thain

That:

1. The information contained in the report on Tender No. 08-06/07 - Provision of Graffiti Removal Services be received.
2. The following companies are placed on the panel of approved suppliers for Graffiti removal for a period of 1 year with an option to extend for a further 1 year period: Sideshow Pty Ltd (T/A Graffiti Gone), Techni-clean Pty Ltd, TLC Graffiti Removal Services, Graffiti Eaters Pty Ltd, Wunderguard, Graffiti Off Australia Pty Ltd (GOA).
3. The following companies are placed on the panel of approved suppliers for painting out graffiti for a period of 1 year with an option to extend for a further 1 year period: Sideshow Pty Ltd (T/A Graffiti Gone), Techni-clean Pty Ltd, TLC Graffiti Removal Services, Graffiti Eaters Pty Ltd, LR Hopkinson & DE Petersen (Graffiti Cops).
4. The following companies are placed on the panel of approved suppliers for Graffiti Inspection Services for a period of 1 year with an option to extend for a further 1 year period: Techni-clean Pty Ltd, Graffiti Eaters Pty Ltd, LR Hopkinson & DE Petersen (Graffiti Cops), Wunderguard, Graffiti Off Australia Pty Ltd.

5 Variation of Restrictive Covenant applying to Lot 8 DP 1020587 (No. 2 - 4) South Street, Glenmore Park. Applicant: Innovation Planning Australia Pty Ltd; Owner: T & K Schafer

DA06/0661

1124 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor John Thain

That:

1. The information contained in the report on Variation of Restrictive Covenant applying to Lot 8 DP 1020587 (No. 2 - 4) South Street, Glenmore Park be received.
2. The terms outlined in section (b) of the restriction on the use of land firstly referred to in the Section 88b Instrument of the Conveyancing Act 1919 applying to Lot 8 DP 1020587 (No. 2-4) South Street, Glenmore Park be varied as detailed in the report.
3. The Common Seal of Penrith City Council be affixed to all necessary documentation to vary the covenant.
4. The development application DA06/0661 for a garage at Lot 8 DP 1020587 (No. 2-4) South Street, Glenmore Park, be approved, subject to the following conditions:

Standard Conditions

- 4.1 A001 – Approved Plans
- A008 – Works to BCA requirements
- A009 – Residential Works DCP
- A020 – Use of building
- D001 – Erosion and sediment control measures
- D009 – Coverage of waste storage areas
- D014 – Plant and equipment noise
- E001 – BCA compliance
- F006 – Water tank and nuisance
- H01F – Stamped plans and erection of site notice
- H011 – Engineering plans and specifications
- H041 – Hours of work
- H030 – Roof finishes
- K016 - Stormwater
- L008 – Tree preservation order
- Q01F – Notice of commencement and appointment of PCA
- Q05F – Occupation certificate

Special Conditions

- 4.2 Prior to the issue of the Construction Certificate for the development, the variation of the restriction on the use of land firstly referred to, section (b) in the Section 88B Instrument attached to Deposited Plan 1020587 shall be registered with Department of Lands.

The variation to the covenant shall be in the terms approved by

Penrith City Council in the documentation submitted in support of the development application.

- 4.3 All landscape works are to be constructed in accordance with the stamped-approved plan. Evidence that the landscaping has been implemented in accordance with the approved plan should be provided prior to the issue of Occupation Certificate.

Landscaping shall be maintained:

- In accordance with the approved plan
- In a healthy state
- In perpetuity by the existing or future owners and occupiers of the property

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation, which died or was removed.

- 4.4 The shipping container on the subject site is to be removed as part of the approved work prior to the issue of an occupation certificate.

2 Western Sydney Area Assistance Scheme (WSAAS) 2006 Local Ranking Committee

1125 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Greg Davies

That:

1. The information contained in the report on Western Sydney Area Assistance Scheme (WSAAS) 2006 Local Ranking Committee be received.
2. Council nominate Councillor Kaylene Allison to participate in the WSAAS Local Ranking Committee for a term of two years (2006 and 2007).

4 Fencing at Andrews Road Baseball Complex

1126 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler

That:

1. The information contained in the report on Fencing at Andrews Road Baseball Complex be received.
2. A further report be prepared for consideration of Council regarding the cost of ongoing repairs to the playing surface and how the fencing would save these costs by preventing access by unauthorised vehicles.

THE CITY SUPPORTED BY INFRASTRUCTURE

7 Linemarking and improved access to Kokoda Place carpark, St Marys

1127 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Linemarking and improved access to Kokoda Place carpark, St Marys be received.
2. Funding (\$15,000) for the provision of linemarking, signage and additional vehicular entries for Kokoda Place car park be provided from the Car Parking/Traffic Facilities Reserve.
3. The Rangers be authorised to regulate the conditions of signage installed within the car park.

8 Maintenance of RTA Road Network

1128 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Maintenance of RTA Road Network be received.
2. The Minister for Roads and the RTA be contacted, expressing Council's concerns regarding the RTA owned roads in the Penrith City area, drawing their attention to the roads listed in the report, and in particular to the section of Cranebrook Road in the area between Nepean Street and Boundary Road.

9 Penrith Road Safety Audit Report - Llandilo Area - Existing Roads

1129 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Penrith Road Safety Audit Report - Llandilo Area - Existing Roads be received.
2. The list of remedial actions as listed in the Road Safety Audit, Appendix B, be endorsed.
3. Those remedial actions, as listed in the Road Safety Audit, Appendix B, that require investigation, detailed survey, design, cost benefit analysis be included in a prioritised Implementation Program.
4. The Implementation Program be reported to Council for approval.
5. Linemarking in the Llandilo area be completed as soon as possible.

LEADERSHIP AND ORGANISATION

Having previously declared a pecuniary interest in Item 10, Councillor Jim Aitken OAM left the meeting, the time being 7:36 pm.

10 Council Property - Sale of No 8 Coallee Place, South Penrith

1130 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Garry Rumble

That:

1. The information contained in the report on Council Property - Sale of No 8 Coallee Place, South Penrith be received.
2. Council sell Lot 24 DP 249672 at No 8 Coallee Place South Penrith by public auction.
3. Raine & Horne Residential Penrith be engaged to undertake the public auction of the property.
4. A further report be presented to Council to determine the vendor's reserve price to be made available to the auctioneer on the day of the auction.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.
6. The \$1,300 allocated by Council for the construction of a chainwire fence between Lots 7 and 8 Coallee Place be returned to South Ward Voted Works.

Councillor David Bradbury arrived, the time being 7:37 pm.

11 Summary of Investments & Banking for the period 29 August 2006 to 30 September 2006

1131 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Karen McKeown

That:

1. The information contained in the report on Summary of Investments & Banking for the period 29 August 2006 to 30 September 2006 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 29 August 2006 to 30 September 2006 be noted and accepted.
3. The graphical investment analysis as at 30 September 2006 be noted.
4. The Agency Collection Fees information as at 30 September 2006 be noted.

Councillor Jim Aitken OAM returned to the meeting, the time being 7:39 pm.

12 City Operations Directorate Report to end of September 2006

1132 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that the information contained in the report on City Operations Directorate Report to end of September 2006 be received.

13 Tender for Legal Services

1133 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler

That:

1. The information contained in the report on Tender for Legal Services be received.
2. A presentation be made by shortlisted tenderers to Councillors and Council officers, after the tenders have been received and assessed by Council officers.
3. The tenders be further assessed by Council officers after the presentation, for report to Council.

Councillor Susan Page left the meeting, the time being 7:46 pm.

Councillor Susan Page returned to the meeting, the time being 7:48 pm.

14 Development of the Justice Precinct at Parramatta and the consequences for the Penrith District Court

1134 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor John Thain that the information contained in the report on Development of the Justice Precinct at Parramatta and the consequences for the Penrith District Court be received.

THE CITY IN ITS ENVIRONMENT

Councillor Kevin Crameri OAM arrived at the meeting, the time being 7:51 pm.

6 Drainage Impact Assessment for Properties in Cosgrove Cres, Morphett St, Millen St and Great Western Highway, Kingswood

1135 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Karen McKeown

That:

1. The information contained in the report on Drainage Impact Assessment for Properties in Cosgrove Cres, Morphett St, Millen St and Great Western Highway, Kingswood be received.
2. A Councillor Briefing be held after Councillors have had an opportunity to consider the consultant study for the local sub-catchment.

QUESTIONS WITHOUT NOTICE

QWN 1 Trees - Great Western Highway, Colyton to St Marys

Councillor Susan Page requested that the responsible authority be requested to trim or replace the poorly pruned trees on the Great Western Highway in the Colyton to St Marys area.

QWN 2 Explorers Memorial

Councillor John Thain requested a Council report, concerning the records regarding James Burns, and other servants, that crossed the Blue Mountains with explorers Lawson, Blaxland and Wentworth, and that their names be recorded appropriately.

QWN 3 Llandilo Public School

Councillor John Thain requested that the Mayor write a letter to the Llandilo Public School, congratulating the school on its recent 140 Year celebrations.

QWN 4 Girls' Night In

Councillor Karen McKeown requested that Council provide \$315 from South Ward voted works for hall hire and decorations for a resident to host a Girls' Night In, which is a fundraiser for the Cancer Council.

1136 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Pat Sheehy AM, ruled that the matter was urgent and should be dealt with at the meeting.

1137 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM that Council provide \$315 from South Ward voted works for hall hire and decorations for a resident to host a Girls' Night In, which is a fundraiser for the Cancer Council.

QWN 5 Issues concerning University of Western Sydney and Sydney West Area Health Service

Councillor Ross Fowler requested a report to Council concerning the situation with regard to the position of governance and control of the University of Western Sydney and Sydney West Area Health Service, as there has been concern for some time as to the commitment of these bodies to the 'regional' concept of Penrith.

QWN 6 Recycling of Grey Water

Councillor Jim Aitken OAM requested a memo reply concerning Council's policy and/or guidelines on the recycling of grey water for use on lawns and gardens.

Councillor Susan Page left the meeting, the time being 8:19 pm.

Councillor Steve Simat arrived at the meeting, the time being 8:19 pm.

QWN 7 Street Lighting - Mamre Road

Councillor Steve Simat requested a report to Council regarding the possibility of increasing the number of street lights on Mamre Road, from Erskine Park Road to Elizabeth Drive, and increasing the number of safety signs.

Councillor Susan Page returned to the meeting, the time being 8:21 pm.

QWN 8 Leonay Parade Park, Leonay

Councillor Mark Davies requested that Council provide an amount of \$5,200 from South Ward voted works for upgrading of the park facilities, to include swings, benches and a ground surface under the play equipment.

1138 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Pat Sheehy AM, ruled that the matter was urgent and should be dealt with at the meeting.

1139 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown that Council provide an amount of \$5,200 from South Ward voted works for upgrading of the park facilities, to include swings, benches and a ground surface under the play equipment.

QWN 9 Penrith Parents' Directory

Councillor Mark Davies requested a Council report on the possibility of Council distributing this publication throughout its children's services outlets in the local government area, to assist young parents in our community.

QWN 10 Reporting of Graffiti and Vandalism

Councillor Mark Davies requested a report to Council on how a reward system can be implemented, regarding the reporting of graffiti and vandalism information leading to the conviction of such criminal behaviour.

COMMITTEE OF THE WHOLE

1140 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Kevin Cramer OAM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:26 pm.

1 Presence of the Public

CW1 RECOMMENDED on the MOTION of Councillor Susan Page seconded Councillor Kevin Cramer that the press and public be excluded from Committee of the Whole to deal with the following matters:

City as an Economy

2 Council Property - Lot 12 DP 710086 Jamison Road 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.

Leadership and Organisation

3 Legal Advice

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 8:29 pm and the General Manager reported that the Committee of the Whole met at 8:26 pm on Monday, 23 October 2006, the following being present

His Worship the Mayor Councillor Pat Sheehy AM, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury, 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

2 Council Property - Lot 12 DP 710086 Jamison Road Penrith

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Kaylene Allison

CW2 That:

1. The information contained in the report on Council Property - Lot 12 DP 710086 Jamison Road Penrith be received.
2. The minor amendment be approved within the lease documentation to permit a 10-year lease with 3 (10-year) options as indicated in the report.
3. That Council allow access to its land by the sub-lessee to complete the necessary works prior to the commencement of the lease between Council and Panthers.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

3 Legal Advice

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

CW3 That the information contained in the report on Legal Advice be received.

ADOPTION OF COMMITTEE OF THE WHOLE

1141 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that the recommendations contained in the Committee of the Whole and shown as CW1, CW2 and CW3 be adopted.

There being no further business the Chairperson declared the meeting closed, the time being 8:30 pm.

I certify that these 11 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 23 October 2006.

Chairperson

Date