

CONFIRMED MINUTES

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

ON MONDAY 11 DECEMBER 2006 AT 7:09PM

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, Lexie Cettolin, Kevin Cramer OAM, Greg Davies, Mark Davies, Ross Fowler, Jackie Greenow, Susan Page, Garry Rumble, Steve Simat (arrived at 7:49 pm) and John Thain.

APOLOGIES

1234 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kaylene Allison that an apology be accepted for Councillor Steve Simat.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Karen McKeown for the period 9 December 2006 to 18 December 2006 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 4 December 2006

1235 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Susan Page that the minutes of the Ordinary Meeting of 4 December 2006 be confirmed.

DECLARATIONS OF INTEREST

Councillor Lexie Cettolin declared a pecuniary interest in *Item 6 – Decision Making Arrangements During the Council Recess*, as she is the applicant referred to in the report. Councillor Cettolin announced that she would vacate the Chamber during consideration of this matter and would not take part in the debate and voting.

Councillor Ross Fowler declared a pecuniary interest in *Item 1 - St Marys Release Area - Adoption of draft Dunheved Precinct Plan and endorsement of St Marys Penrith Planning Agreement for the South Dunheved Precinct. Applicant: Maryland Development Company*

Pty Ltd. Owner: St Marys Land Limited, as he is either a Director of, or auditor to, or accountant for clients who own properties in the area. Councillor Fowler announced that he would vacate the Chamber during consideration of this matter and would not take part in the debate and voting.

Councillor Ross Fowler declared a pecuniary interest in *Committee of the Whole Item 3 - Commercial Matter - Council Property - Dunheved Circuit & Christie Street within the Dunheved Precinct*, as he is either a Director of, or auditor to, or accountant for clients who own properties in the area. Councillor Fowler announced that he would vacate the Chamber during consideration of this matter and would not take part in the debate and voting.

Councillor David Bradbury declared a pecuniary interest in *Committee of the Whole Item 2 - Commercial Matter - North Penrith Urban Area*, as he is an employed Solicitor at the law firm, Blake Dawson Waldron, who are the legal advisors acting for the Commonwealth in this matter. Councillor Bradbury announced that he would vacate the Chamber during consideration of the matter and would not take part in the debate and voting.

Councillor Steve Simat declared a pecuniary interest in *Committee of the Whole Item 3 - Commercial Matter - Council Property - Dunheved Circuit & Christie Street within the Dunheved Precinct*, as his employer has provided consulting services to the applicant, Delfin Lend Lease. Councillor Simat announced that he would vacate the Chamber during consideration of this matter and would not take part in the debate and voting.

SUSPENSION OF STANDING ORDERS

1236 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:14 pm.

Mr Ken Gates

Item 2 – Lease of Arthur Neave Tennis Complex

Speaking AGAINST the Recommendation

Mr Gates was speaking on behalf of Ken Gates Tennis Coaching Academy, and was opposing the recommendation to lease the tennis complex to Indeep International Tennis and Fitness Pty Ltd.

Mr Gates tabled a petition from parents who wished their children to continue to be coached by him at the complex. He also stated his track record of coaching Penrith residents over the last 21 years.

Mr Gates additionally offered, as a sign of goodwill, to pay the first year's rent for the tennis complex to Council, in advance.

RESUMPTION OF STANDING ORDERS

1237 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler that Standing Orders be resumed, the time being 7:27 pm.

MAYORAL MINUTES

1 Penrith City Library recognised in Marketing Awards

1238 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jackie Greenow

That:

1. The Mayoral Minute on Penrith City Library recognised in Marketing Awards be received.
2. All staff involved in the Harry Potter Extravaganza Party be congratulated on their success in the 2006 Marketing Awards for Public Libraries.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 4 December, 2006

1239 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Susan Page that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 4 December, 2006 be adopted, subject to the following amendment being made to the recommendation at *Item 5 – Jack Williams Drive, Penrith – Parking Restrictions*:

LTC 156 That:

1. The information contained in the report on Jack Williams Drive, Penrith - Parking Restrictions be received.
2. A further report be brought to Council on parking in Jack Williams Drive, Penrith and the development consent conditions applicable.

MASTER PROGRAM REPORTS

THE CITY AS A SOCIAL PLACE

Having previously declared a pecuniary interest in Item 1, Councillor Ross Fowler left the meeting, the time being 7:34 pm.

1 St Marys Release Area - Adoption of draft Dunheved Precinct Plan and endorsement of St Marys Penrith Planning Agreement for the South Dunheved Precinct. Applicant: Maryland Development Company Pty Ltd. Owner: St Marys Land Limited

'1240 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Susan Page

That:

1. The information contained in the report on St Marys Release Area - Adoption of draft Dunheved Precinct Plan and endorsement of St Marys Penrith Planning Agreement for the South Dunheved Precinct be received.
2. Council adopt the Dunheved Precinct Plan submitted by Lend Lease, with the amendments agreed to by the proponents outlined in the report.
3. The St Marys Penrith Planning Agreement for the South Dunheved Precinct including the proposed works schedules be endorsed.
4. The Common Seal of the Council of the City of Penrith be affixed to the St Marys Penrith Planning Agreement.
5. Council write to the Ministry of Transport to confirm the appropriate approach and timing for the delivery of bus services in the Dunheved Precinct and the Dunheved Business Park.
6. Council provide written responses to all public authorities or persons who made submissions to the public exhibition for the draft Dunheved Precinct Plan.
7. Blacktown City Council be advised of Council's decision and that joint arrangements be put in place to ensure the orderly and timely development of the two Precincts.
8. Lend Lease be advised of Council's decision.

Councillor Ross Fowler returned to the meeting, the time being 7:36 pm.

Councillor Steve Simat arrived at the meeting, the time being 7:49 pm.

2 Lease of Arthur Neave Tennis Complex

'1241 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Lexie Cettolin

That:

1. The information contained in the report on Lease of Arthur Neave Tennis Complex be received.
2. A further report be presented to Council, detailing the availability and utilisation of all other Council tennis courts, to see if the two applicants for the use of this complex can both be adequately catered for.

3 Penrith Whitewater Stadium Ltd - Board of Directors

1242 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Penrith Whitewater Stadium Ltd - Board of Directors be received.
2. Council endorse the appointment of Mr George Dodds as a Director on the Board of Penrith Whitewater Stadium Ltd.
3. The Mayor write a letter of appreciation to Mr Conrad Ozog, thanking him for his service to the Board of Penrith Whitewater Stadium Ltd.

THE CITY IN ITS ENVIRONMENT

4 Floodplain Management Program 2006/2007 - Grant Offer

1243 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Floodplain Management Program 2006/2007 - Grant Offer be received.
2. The State Assisted Floodplain Management Grant offer of \$50,000 from the Minister for Natural Resources for the Floodplain Management Program be accepted.
3. The Minister be thanked for the grant offer.

5 Claremont Meadows Drainage Works in Kind Agreement: Developer - UPL (No. 9) Pty Ltd

1244 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Claremont Meadows Drainage Works in Kind Agreement: Developer - UPL (No. 9) Pty Ltd be received.
2. Council enter into a Works in Kind Agreement with UPL (No. 9) for the drainage basin construction as outlined in this report.

9 Update on the implementation of the Wallacia and Mulgoa Sewerage Scheme

'1245 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Update on the implementation of the Wallacia and Mulgoa Sewerage Scheme be received.
2. Interest free loans be made available upon application to the owners of flood affected properties in Wallacia to a maximum value of \$4,000 to assist with costs associated with connection to the sewerage scheme.
3. Council make further representations to the Minister responsible for Sydney Water, with a view to having charges waived for those residents who are recycling water via conversion of septic tanks for rainwater collection.

LEADERSHIP AND ORGANISATION

Having previously declared a pecuniary interest in Item 6, Councillor Lexie Cettolin left the meeting, the time being 7:58 pm.

Councillor Greg Davies left the meeting, the time being 8:00 pm.

6 Decision Making Arrangements During the Council Recess

'1246 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Garry Rumble

That:

1. The information contained in the report on Decision Making Arrangements During the Council Recess be received.
2. The General Manager, in consultation with the Mayor, be delegated authority to determine Development Application No. 06/1766.

7 Summary of Investments & Banking for the period of 31 October 2006 to 27 November 2006

1247 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Garry Rumble

That:

1. The information contained in the report on Summary of Investments & Banking for the period of 31 October 2006 to 27 November 2006 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 31 October 2006 to 27 November 2006 be noted and accepted.
3. The graphical investment analysis as at 27 November 2006 be noted.

Councillor Lexie Cettolin returned to the meeting, the time being 8:02 pm.

8 2006 National General Assembly of Local Government

1248 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Susan Page

That:

1. The information contained in the report on 2006 National General Assembly of Local Government be received.
2. Councillors contact the Public Officer, by the end of February 2007, to express their interest in attending the 2007 National General Assembly of Local Government.
3. Leave of Absence be granted to all Councillors attending the 2007 National General Assembly of Local Government to be held in Darwin from 26-29 November 2007.

Councillor Greg Davies returned to the meeting, the time being 8:03 pm.

QUESTIONS WITHOUT NOTICE

QWN 1 Weed Harvesting Management - Nepean River

Councillor Mark Davies requested that Council write a letter to the State Government, seeking emergency funding for weed harvesting management of the Nepean River.

1249 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jackie Greenow 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.

1250 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jackie Greenow that Council write a letter to the State Government, seeking emergency funding for weed harvesting management of the Nepean River.

QWN 2 Proposed Waste Management Facility - Emu Plains

Councillor Jim Aitken OAM requested a memo reply addressing the concerns of residents in Railway Street, Emu Plains, as to the close proximity of the proposed waste management facility for this area.

QWN 3 Magnetic Fields emanating from Telephone Towers

Councillor Jim Aitken OAM requested a report to Council on the upgrading of telephone towers, and the possibility that they may produce higher levels of magnetic fields, which may constitute a health hazard. The report to include advice as to whether, under present conditions, the telecommunications companies will need to lodge new development applications, and detailing any information available on the present danger of these magnetic fields.

QWN 4 Connection of Sewer to Properties in Wallacia

Councillor Jim Aitken OAM requested a report to Council detailing the cost of providing a levee bank to the 49 properties affected in the 1:100 year flood event area, the report to include estimates of costs as well as preliminary mapping of the height and length of a levee bank.

QWN 5 Wallacia Progress Association - Connection to Sewer

Councillor Ross Fowler requested that an amount of \$2,500 be provided from South Ward voted works to fund connection of the Wallacia Progress Association's premises to the sewerage system.

1251 RESOLVED on the MOTION of Councillor Ross Fowler 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.

1252 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken OAM that an amount of \$2,500 be provided from South Ward voted works to fund connection of the Wallacia Progress Association's premises to the sewerage system.

QWN 6 State Significant Developments

Councillor Ross Fowler requested a report to Council detailing Council's policy on reporting State Significant Developments to Council.

QWN 7 Lachlan Shire - Depression Forum

Councillor John Thain requested that the Mayor write a letter of congratulations to Lachlan Shire, for the Forum on Depression held recently in Lachlan Shire, which was attended by the Mayor, Pat Sheehy AM, and Councillor Thain.

QWN 8 Brookfield Avenue, Werrington Downs

Councillor John Thain requested a memo reply as to when the Brookfield Avenue, Werrington Downs matter will be reported to Council.

QWN 9 Provision of Footpaving at Glenrowan Way, St Clair

Councillor David Bradbury requested that an amount of \$3,850 be provided from East Ward voted works to provide footpaving at Glenrowan Way, St Clair on the north side, from Bennett Road to Barossa Close, including a new pram ramp at the intersection of Glenrowan Way and Barossa Close.

1253 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Jackie Greenow 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.

1254 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Jackie Greenow that an amount of \$3,850 be provided from East Ward voted works to provide footpaving at Glenrowan Way, St Clair on the north side, from Bennett Road to Barossa Close, including a new pram ramp at the intersection of Glenrowan Way and Barossa Close.

QWN 10 Carols by Candlelight

Councillor David Bradbury requested that the Mayor write to the Rotary Club, congratulating them on hosting the Carols by Candlelight event, recently held at Tench Reserve on the Nepean River and at which Councillor Bradbury represented the Mayor.

Councillor John Thain left the meeting, the time being 8:16 pm.

Councillor Greg Davies left the meeting at 8:16 pm and did not return.

Councillor John Thain returned to the meeting, the time being 8:17 pm.

COMMITTEE OF THE WHOLE

1255 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jackie Greenow that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:18 pm

1 Presence of the Public

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

City in its Broader Context

2 Commercial Matter - North Penrith Urban Area

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.

City as an Economy

3 Commercial Matter - Council Property - Dunheved Circuit & Christie Street within the Dunheved Precinct

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

4 Commercial Matter - Council property, temporary License Agreement over the former Cranebrook Hardware Store at 52-54 Laycock Street Cranebrook to the Christian Outreach Centre.

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

5 Personnel Matter - Industrial Relations Matters

This item has been referred to Committee of the Whole as the report refers to personnel matters concerning staff and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 8:36 pm and the General Manager reported that the Committee of the Whole met at 8:18 pm on 11 December 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, Mark Davies, Ross Fowler, Jackie Greenow, 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

Having previously declared an interest in Committee of the Whole Item 2, Councillor David Bradbury left the meeting, the time being 8:18 pm.

2 Commercial Matter - North Penrith Urban Area

RECOMMENDED on the MOTION of Councillor Thain seconded Councillor Garry Rumble

CW2 That the information contained in the report on Commercial Matter - North Penrith Urban Area be received.

Having previously declared an interest in Committee of the Whole Item 3, Councillors Ross Fowler and Steve Simat left the meeting, the time being 8:19 pm.

Councillor David Bradbury returned to the meeting, the time being 8:19 pm.

3 Commercial Matter - Council Property - Dunheved Circuit & Christie Street within the Dunheved Precinct

RECOMMENDED on the MOTION of Councillor Kevin Crameri seconded Councillor Kaylene Allison

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Dunheved Circuit & Christie Street within the Dunheved Precinct be received.
2. Council agree to the "Heads of Agreement" being entered into with Delfin Lend Lease in accordance with the term and conditions outlined in the report.
3. A further report to be presented to Council on the progress with this project.

Councillors Ross Fowler and Steve Simat returned to the meeting, the time being 8:20 pm.

4 Commercial Matter - Council property, temporary License Agreement

**over the former Cranebrook Hardware Store at 52-54 Laycock Street
Cranebrook to the Christian Outreach Centre.**

RECOMMENDED on the MOTION of Councillor Kevin Crameri seconded Councillor Steve Simat

CW4 That:

1. The information contained in the report on Commercial Matter - Council property, temporary License Agreement over the former Cranebrook Hardware Store at 52-54 Laycock Street Cranebrook to the Christian Outreach Centre be received.
2. Council grant a short-term License Agreement to Christian Outreach Centre as per the terms and conditions outlined in the report.

Councillor Kevin Crameri left the meeting, the time being 8:27 pm.

5 Personnel Matter - Industrial Relations Matters

RECOMMENDED on the MOTION of Councillor David Bradbury seconded Councillor Susan Page

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

Councillor Kevin Crameri returned to the meeting, the time being 8:29 pm.

ADOPTION OF COMMITTEE OF THE WHOLE

1256 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:38 pm.