

CONFIRMED MINUTES

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

ON MONDAY 28 MAY 2007 AT 7:34 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, David Bradbury, Kevin Crameri OAM, Greg Davies, Mark Davies, Ross Fowler, Jackie Greenow, Susan Page, Garry Rumble, Steve Simat (arrived at 7:40 pm), and John Thain.

APOLOGIES

169 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Susan Page that the apology from Councillor Steve Simat be accepted.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Lexie Cettolin for the period 21 May 2007 to 25 June 2007 inclusive.

Leave of Absence was previously granted to Councillor Karen McKeown for the period 25 May 2007 to 26 June 2007 inclusive.

Leave of Absence was previously granted to Councillor Kaylene Allison for the period 26 May 2007 to 1 July 2007 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 7 May 2007

170 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler that the minutes of the Ordinary Meeting of 7 May 2007 be confirmed.

DECLARATIONS OF INTEREST

Councillor Garry Rumble declared a non-pecuniary interest in *Item 2 - Provision of field lighting at Weir Reserve* and *Item 3 - Licence Agreement with Penrith Rugby Union Club at Andrews Road* as his grandson plays for the Brothers Junior Rugby League Club.

Councillor Ross Fowler declared a non-pecuniary interest in *Item 5 of the Committee of the Whole - Legal Matter - Penrith Whitewater Stadium* as he is Chairman of Westpool, a Director on the Board of Penrith Whitewater Stadium, and a witness in the legal proceedings concerning this matter.

Councillor Garry Rumble declared a non-pecuniary interest in *Item 5 of the Committee of the Whole - Legal Matter - Penrith Whitewater Stadium* as he is a Director on the Board of Penrith Whitewater Stadium.

Councillor Pat Sheehy AM declared a non-pecuniary interest in *Item 5 of the Committee of the Whole - Legal Matter - Penrith Whitewater Stadium* as he is a Director on the Board of Penrith Whitewater Stadium.

SUSPENSION OF STANDING ORDERS

171 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Mark Davies that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:38 pm.

Councillor Simat arrived at the meeting, the time being 7:40 pm.

Mr Chris Hobbs

Item 3 - Licence Agreement with Penrith Rugby Union Club at Andrews Road

Speaking FOR the Recommendation

Mr Hobbs was speaking as a representative of the Brothers Penrith Junior Rugby League Club and stated that he supports the licence agreement which allows the Brothers Club to play five home games every Sunday at the Andrews Road facility. Mr Hobbs also stated that the Club is a voluntary organisation, receiving no grants, and that the Sunday sponsorship is provided on the basis of exposure to the crowd for the full five games per Sunday. As such, if two of the five games were relegated to an outside ground, there would be a substantial reduction in income to the Club.

Mr Jim Hook

Item 3 - Licence Agreement with Penrith Rugby Union Club at Andrews Road

Speaking AGAINST the Recommendation

Mr Hook, speaking on behalf of the Penrith Rugby Club, presented a brief overview of the Club's history at the Andrews Road grounds, and noted that the Rugby Club has had a 20 year lease on the facility, which expired in 2003. Mr Hook stated that, whilst the Rugby Club has agreed to the Brothers Club being permitted to be a secondary user of the facility on a temporary basis for 2007, it is concerned that clause 25 of the proposed licence agreement is unnecessary, and that there is provision in clause 26 of the agreement for any secondary user to apply for temporary use of the facility. Mr Hook also noted that there has always been a provision in the previous lease agreement for a negotiated process for any secondary user. He stated that it is the Rugby Club's view that, in future, any secondary user's agreement should

not be part of the primary user's licence agreement, but should be the subject of a separate application.

RESUMPTION OF STANDING ORDERS

172 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Garry Rumble that Standing Orders be resumed, the time being 7:45 pm.

MAYORAL MINUTES

1 Penrith City businesses win Western Sydney Industry Awards

173 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jackie Greenow that the Mayoral Minute on Penrith City businesses win Western Sydney Industry Awards be received.

2 Penrith Council recognised for excellence in financial reporting

174 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jim Aitken OAM that the Mayoral Minute on Penrith Council recognised for excellence in financial reporting be received.

3 Council recognised by Spatial Sciences Board at 2007 Conference

175 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jackie Greenow that the Mayoral Minute on Council recognised by Spatial Sciences Board at 2007 Conference be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Disability Access Committee Meeting held on 4 April 2007

176 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler that the recommendations contained in the Report and Recommendations of the Disability Access Committee meeting held on 4 April, 2007 be adopted.

2 Report and Recommendations of the Local Traffic Committee Meeting held on 7 May 2007

177 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Ross Fowler that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 7 May, 2007 be adopted.

3 Report and Recommendations of the Policy Review Committee Meeting held on Monday 21 May 2007

178 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 21 May, 2007 be adopted, subject to an amendment to the resolution at *Item 2 - Community Meeting at Regentville Hall*, which is to now read:

“That this matter be deferred in order that a meeting with the Management Committee of the Hall may take place, followed by a further report on the matter to the next available Policy Review Committee or Ordinary Meeting of Council.”

MASTER PROGRAM REPORTS

THE CITY AS A SOCIAL PLACE

Councillor Mark Davies left the meeting, the time being 8:05 pm.

Councillor Mark Davies returned to the meeting, the time being 8:06 pm.

5 Finalisation of Lensworth Glenmore Park Limited Section 94 Liabilities for Glenmore Park Stage 1 Estate

179 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Susan Page

That:

1. The information contained in the report on Finalisation of Lensworth Glenmore Park Limited Section 94 Liabilities for Glenmore Park Stage 1 Estate be received.
2. Council endorse the payment of \$249,307 to Lensworth Glenmore Park Limited from the Glenmore Park Section 94 contributions reserve upon the transfer of Lot 8100 DP 876748, the Eastern Hamlets Child and Family Precinct site, to Council.
3. Council accept the transfer of the Eastern Hamlets Child and Family Precinct site.

8 Community Assistance Program 2006-07 Rolling Component

'180 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Susan Page

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, to SPYNS Inc, under the Rolling Component of the 2006-07 Community Assistance Program, to conduct an evening seminar, on 16 July 2007, for local families across the Central Penrith / Kingswood areas to explore the topic of raising resilient children.

1 Proposed Off-Leash Areas at Cranebrook, South Penrith and North St Marys

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

That:

1. The information contained in the report on Proposed Off-Leash Areas at Cranebrook, South Penrith and North St Marys be received.
2. An off-leash area be established on land described as Drainage Reserve - Lot 100, DP 261535 and Public Reserve – Lot 102, DP 261535 off Boundary Road, Cranebrook.
3. An off-leash area be established on land described as Public Reserve - Part Lot 1, DP1057945, Lot A, DP 420410 Jamison Park, Racecourse Road, South Penrith.
4. A further report to Council on the establishment of an off-leash area in St Marys be submitted when a suitable area is identified.

2 Provision of field lighting at Weir Reserve

A MOTION was moved by Councillor John Thain seconded Councillor Ross Fowler

That:

1. The information contained in the report on Provision of field lighting at Weir Reserve be received.
2. An amount of \$24,582 be allocated from North Ward voted works to provide field lighting at Weir Reserve.

182 An AMENDMENT was moved by Councillor Garry Rumble seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Provision of field lighting at Weir Reserve be received.
2. An amount of \$8,194 be allocated from each of North, South and East Ward voted works to provide field lighting at Weir Reserve.

With the concurrence of the seconder, Councillor John Thain WITHDREW the MOTION.

The AMENDMENT became the MOTION and on being put to the meeting was CARRIED.

3 Licence Agreement with Penrith Rugby Union Club at Andrews Road

183 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Ross Fowler

That:

1. The information contained in the report on Licence Agreement with Penrith Rugby Union Club at Andrews Road be received.

2. The Licence Agreement attached to the report, with the following amendments as circulated, be adopted for a five year period commencing 2007:

Additional Clause

33. DISPUTE RESOLUTION

33.1 The parties to this agreement are free to use reasonable efforts to resolve by negotiation any problems that arise between them under this agreement. Neither party will resort to legal proceedings or terminate this agreement, until the following processes have been exhausted.

33.2 Notification

- (a) If a problem arises under this agreement which is not resolved by the discussion between the parties or is sufficiently serious that it cannot be resolved at an operational level either party may notify the other party that the matter should be referred to the General Managers of Council and the Union Club for consideration if this matter is not resolved.
- (b) Should the General Managers fail to reach a resolution in accordance with subsection (a) within five (5) working days (or such other time frames agreed between the parties) the parties may agree to mediation prior to taking any form of legal proceedings. The mediator will be selected by an agreement between the parties. If an agreement cannot be reached between the parties then a mediator shall be selected by the president of the Law Society of NSW. The cost for the mediation should be borne equally between the Council and the Union Club.
- (c) The parties agree that they will continue this agreement while attempts are made to resolve the dispute.

Amendment to Clause 27

Delete sub-clause a).

3. Authority to execute the Licence Agreement be given to the Parks Construction & Maintenance Manager.

4 Repairs to cricket squares

184 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor John Thain

That:

1. The information contained in the report on Repairs to cricket squares be received.
2. An amount of \$7,312 be allocated from each of North and South Ward voted works for repairs to the cricket squares at Darcy Smith Oval and Shaw Park.

6 Glenmore Park Stage 2 - Draft Section 94 Development Contributions Plan

185 RESOLVED on the MOTION of Councillor Steve Simat seconded Councillor Susan Page

That:

1. The information contained in the report on Glenmore Park Stage 2 - Draft Section 94 Development Contributions Plan be received.
2. In accordance with the Environmental Planning and Assessment Act 1979 and the Regulations 2000, the draft Section 94 Development Contributions Plan for Glenmore Park Stage 2 release area be publicly exhibited in accordance with the draft Plan attached to this report.
3. A further report be presented to Council, following public exhibition of the draft Section 94 Development Contributions Plan, advising of the outcomes of the exhibition and making further recommendations relating to the adoption of the final Plan.
4. The land owners group be advised of Council's decision.

7 Update of activities undertaken by the Development Services Department - Third Quarter 2006/2007

186 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Kevin Crameri OAM that the information contained in the report on Update of activities undertaken by the Development Services Department - Third Quarter 2006/2007 be received.

THE CITY SUPPORTED BY INFRASTRUCTURE

10 Tender for Concrete Path Paving 3 separate wards Ref: 22-06/07

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

That:

1. The information contained in the report on Tender for Concrete Path Paving 3 separate wards Ref: 22-06/07 be received.
2. A Contract be awarded to Devcon Civil Pty Ltd for Concrete Path Paving for all 3 wards on a schedule of rates basis, for an initial period of 12 months, with an option to extend the arrangements for a further 12 month period (subject to satisfactory performance) ,with provision for rise and fall.
3. In the event that Devcon Civil Pty Ltd defaults in meeting its obligations during the first 12 months, the Director - City Operations be given authorisation to engage the services of the second ranked contractor, Danste Pty Ltd.

9 Jack Williams Drive, Penrith - Parking Restrictions

188 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Susan Page that this matter be deferred for further information and clarification, in particular regarding the imposition of similar conditions on the south side of Jack Williams Drive.

LEADERSHIP AND ORGANISATION

12 2007 Remuneration Tribunal Determination

189 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Greg Davies

That:

1. The information contained in the report on 2007 Remuneration Tribunal Determination be received.
2. The fees payable to the Mayor and Councillors for 2007/2008 be set at the maximum level permitted.

14 Local Government Managers Australia (LGMA) Annual Finance Professionals Conference

190 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Mark Davies that the information contained in the report on Local Government Managers Australia (LGMA) Annual Finance Professionals Conference be received.

15 Summary of Investments & Banking for the period 1 April to 30 April 2007

191 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Greg Davies

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 April to 30 April 2007 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 April 2007 to 30 April 2007 be noted and accepted.
3. The graphical investment analysis as at 30 April 2007 be noted.

11 City Operations Directorate Report to end of April 2007

192 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jackie Greenow that the information contained in the report on City Operations Directorate Report to end of April 2007, be received.

13 Annual Insurance Renewals - Liability & Industrial Special Risk

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

That:

1. The information contained in the report on Annual Insurance Renewals - Liability & Industrial Special Risk be received.
2. Council retain its \$100,000 claims excess for Public Liability and agree to pay a contribution of \$923,000 to Westpool for liability cover.
3. Council retain its \$20,000 claims excess for Industrial Special Risk and General Property cover and agree to pay a contribution of \$334,000 to United Independent Pools.

QUESTIONS WITHOUT NOTICE

QWN 1 Jam Factory Site

Councillor Greg Davies requested a report to Council providing details as to the future number of fields to be provided at the Jam Factory Site, and also the proposed future use of these fields.

QWN 2 Peppertree Oval, Erskine Park

Councillor Greg Davies requested a memo reply, to be followed by a report to Council, concerning the possible upgrading of Peppertree Oval, Erskine Park for use by Erskine Park High School.

QWN 3 Bicycle Path Network throughout Penrith City

Councillor David Bradbury requested a report to Council on the status of the provision of a bicycle path network throughout Penrith City, in particular its connection to the M7 Motorway.

QWN 4 Provision of Memorial

Councillor David Bradbury requested a report to Council providing details and options for the erection of a local memorial to remember those local residents who have lost their lives in the course of their employment activities.

QWN 5 Council Carpark opposite St Marys Railway Station

Councillor David Bradbury requested that action be taken to improve the standard of cleanliness and visual appeal of the Council carpark opposite the railway station at St Marys, on the southern side, next to Coles.

QWN 6 Investigations into odour complaints in St Marys area

Councillor David Bradbury requested a memo reply to all East Ward Councillors on the progress of Council's investigations into the odour complaints in the St Marys area.

QWN 7 Traffic Calming Devices - Lethbridge Avenue and John Oxley Avenue, Werrington

Councillor John Thain requested that the Local Traffic Committee be asked to investigate the possibility of providing signage in the area of the new traffic calming devices in Lethbridge Avenue and John Oxley Avenue, Werrington, as approaches on both sides could be potentially dangerous.

QWN 8 Rationalisation of Economic Development Activities of Council

Councillor Ross Fowler requested a report to Council concerning opportunities which may exist for a rationalisation of the economic development activities of Council and those of funded organisations such as Penrith Valley Economic Development Corporation, Penrith City Centre Association, and the St Marys equivalent.

QWN 9 Shuttle Bus

Councillor Ross Fowler requested a report to Council canvassing the options that are available regarding a free, accessible shuttle bus throughout the Penrith/St Marys area (including University of Western Sydney), the report to consider the route of the bus, frequency of trips, and funding options available (ie paid parking and long term lease of permanent parking places).

QWN 10 Leave of Absence

Councillor Ross Fowler requested Leave of Absence from 2 June 2007 to 17 June 2007 inclusive.

194 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Susan Page 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.

195 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Susan Page that Leave of Absence be granted to Councillor Ross Fowler from 2 June 2007 to 17 June 2007 inclusive.

QWN 11 Leave of Absence

Councillor Jim Aitken OAM requested Leave of Absence from 7 June 2007 to 29 June 2007.

196 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Garry Rumble 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.

197 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Garry Rumble that Leave of Absence be granted to Councillor Jim Aitken OAM from 7 June 2007 to 29 June 2007 inclusive.

QWN 12 Footpaths - Russell Street, Emu Plains

Councillor Jim Aitken OAM requested a report to Council regarding the footpaths constructed in Russell Street, Emu Plains adjoining the underpass of the railway lines, as some of the paths have been removed, the report to also include details of the costs of paving to affected property owners.

QWN 13 Tree Branches encroaching onto Neighbouring Properties

Councillor Steve Simat requested a memo reply providing information as to what recourse residents have when tree branches from neighbouring properties are growing into their property and interfering with their amenity.

QWN 14 Seniors Living Policy

Councillor Steve Simat requested a report to Council on the proposed new amendments to the Seniors Living Policy and the implications of this for the community.

QWN 15 Provision of Security Gates to the access roads of Jamison Park

Councillor Garry Rumble requested a report to Council recommending that security gates be provided to the access roads of Jamison Park, ie York Road and Jamison Road, as severe damage is being caused to the playing fields by vehicles, the report to also consider the installation of additional bollards to supplement this initiative.

Councillor Susan Page left the meeting, the time being 8:59 pm.

Councillor Greg Davies left the meeting, the time being 8:59 pm.

Councillor Jackie Greenow left the meeting, the time being 8:59 pm.

COMMITTEE OF THE WHOLE

198 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:00 pm.

1 Presence of the Public

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

Leadership and Organisation

2 Commercial Matter - Council Property - Lease of Part of 2 Chelsea Place Colyton (Lot 46 DP 208808) to Keymer Child Centre Inc

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 Commercial Matter - Council Property - Dedication for Road Widening, Coreen Avenue, Penrith

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.

4 Senior Staff Matters

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

5 Legal Matter - Penrith Whitewater Stadium

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 9:21 pm and the Mayor reported that the Committee of the Whole met at 9:00 pm on 28 May 2007, the following being present

His Worship the Mayor Councillor Pat Sheehy AM, Councillors Jim Aitken OAM, David Bradbury, Kevin Crameri OAM, Mark Davies, Ross Fowler, Jackie Greenow, 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 Jackie Greenow returned to the meeting, the time being 9:01 pm.

2 Commercial Matter - Council Property - Lease of Part of 2 Chelsea Place Colyton (Lot 46 DP 208808) to Keymer Child Centre Inc

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

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Lease of Part of 2 Chelsea Place Colyton (Lot 46 DP 208808) to Keymer Child Centre Inc be received.
2. Council grant a new 5 year license agreement to the existing tenant, in accordance with the terms and conditions as outlined in the report.

3 Commercial Matter - Council Property - Dedication for Road Widening, Coreen

Avenue, Penrith

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

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Dedication for Road Widening, Coreen Avenue, Penrith be received.
2. Council accept compensation from the Roads & Traffic Authority for the acquisition and dedication as road of approximately 183.5 square metres from Lot 176, D.P. 25919 Coreen Avenue, Penrith in accordance with Conditions 1 – 5 as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

5 Legal Matter - Penrith Whitewater Stadium

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

CW5 That the information contained in the report on Legal Matter - Penrith Whitewater Stadium be received.

4 Senior Staff Matters

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow

CW4 That:

1. The information contained in the report on Senior Staff Matters be received.
2. The recommendations of the Senior Staff Recruitment Review Committee be endorsed.

ADOPTION OF COMMITTEE OF THE WHOLE

199 RESOLVED on the MOTION of Councillor Steve Simat seconded Councillor Jackie Greenow that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW5 and CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:24 pm.

I certify that these 14 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 28 May 2007.

Chairperson

Date