

## **CONFIRMED MINUTES**

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

**ON MONDAY 2 JULY 2007 AT 7:33PM**

#### **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, Kevin Cramer OAM, Greg Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Steve Simat and John Thain.

#### **APOLOGIES**

235 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Greg Davies that the apologies from Councillors David Bradbury and Lexie Cettolin be accepted.

236 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Greg Davies that leave of absence be granted to Councillor Mark Davies for the period 2 July 2007 to 16 July 2007 inclusive.

#### **CONFIRMATION OF MINUTES - Ordinary Meeting - 25 June 2007**

237 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Steve Simat that the minutes of the Ordinary Meeting of 25 June 2007 be confirmed.

#### **DECLARATIONS OF INTEREST**

Councillor Jackie Greenow declared a non-pecuniary interest in *Item 6 - Civic Waste Collection and Disposal Tender* as she is a Director of the Penrith Performing and Visual Arts Board, which is sponsored by SITA.

Councillor Pat Sheehy AM declared a non-pecuniary interest in *Item 6 - Civic Waste Collection and Disposal Tender* as he is a Director of the Penrith Performing and Visual Arts Board, which is sponsored by SITA.

Councillor Ross Fowler declared a non-pecuniary interest in *Item 6 - Civic Waste Collection*

*and Disposal Tender* as he is a Director of the Penrith Performing and Visual Arts Board, which is sponsored by SITA.

Councillor Karen McKeown declared a non-pecuniary interest in *Item 6 - Civic Waste Collection and Disposal Tender* as she is a Director of the Penrith Performing and Visual Arts Board, which is sponsored by SITA.

## **MAYORAL MINUTE**

### **1 Council recognised for Excellence in Stormwater Research**

238 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Steve Simat that the Mayoral Minute on Council's recognition for Excellence in Stormwater Research be received.

## **MASTER PROGRAM REPORTS**

### **THE CITY AS A SOCIAL PLACE**

#### **1 Neighbourhood Centres Week 2007**

239 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Susan Page that the information contained in the report on Neighbourhood Centres Week 2007 be received.

#### **2 Seniors Week 2007 "Embrace Life Through Music" Celebration**

240 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Susan Page that the information contained in the report on Seniors Week 2007 "Embrace Life Through Music" Celebration be received.

#### **3 Provision of Security Gates for Jamison Park, Penrith**

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

That:

1. The information contained in the report on Provision of Security Gates for Jamison Park, Penrith be received.
2. The amount of \$8,425 be allocated from South Ward Voted Works for the provision of security gates at Jamison Park, Penrith.
3. The Nepean District Soccer Football Association be thanked for their contribution to this project.

#### **4 Additional Projects in Parks Improvement Program**

242 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Additional Projects in Parks Improvement Program be received.
2. The three projects noted in the report be included in the 2007-2008 Management Plan - \$100,000 for Roper Road Fields, \$15,000 for North Ward Skate Park, and \$20,000 for Plan of Management for Memory Park.
3. A further report be provided to Council on Roper Road Fields, with detailed plans for proposed work and uses.

## **5 Parks and Leisure National Conference 2007**

243 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Parks and Leisure National Conference 2007 be received.
2. Any interested Councillors be nominated to attend the Parks and Leisure National Conference in Townsville in September 2007.

## **THE CITY IN ITS ENVIRONMENT**

### **6 Civic Waste Collection and Disposal Tender**

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

That:

1. The information contained in the report on Civic Waste Collection and Disposal Tender be received.
2. SITA Environmental Solutions be appointed as the preferred tenderer for Civic Waste Collection and Disposal Services.
3. The Waste and Community Protection Manager, in consultation with the Legal Officer, be authorised to negotiate contracts consistent with the report presented to Council at its Ordinary meeting of 5 March 2007.

### **7 Rehabilitation of Sections of The Great River Walk - Penrith - Successful Grant Application**

'245 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Ross Fowler

That:

1. The information contained in the report on Rehabilitation of Sections of The Great River Walk - Penrith - Successful Grant Application be received.
2. Council accept the Grant offered under the Local Government River Health Partnership Grant as detailed in the report.

## **THE CITY AS AN ECONOMY**

### **9 CLAIR Forum 2007**

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

That:

1. The information contained in the report on CLAIR Forum 2007 be received.
2. Councillor Greenow represent Council at the 2007 CLAIR Forum being held as part of the 2007 Australian Sister Cities Association Annual Conference in Darwin from 30 September to 3 October 2007.

### **8 Kunshan Trade and Investment Promotion Fair - October 2007**

'247 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain

That:

1. The information contained in the report on Kunshan Trade and Investment Promotion Fair - October 2007 be received.
2. The Mayor of Penrith lead the business delegation from Penrith, accompanied by Councillor Ross Fowler, invited by the Mayor of Kunshan, to participate in the 2007 Kunshan Autumn Trade and Investment Promotion Fair as requested by local Penrith business person Mr Greg Evans.

### **10 Request for sponsorship of World Dragon Boat Championships**

248 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Susan Page

That:

1. The information contained in the report on Request for sponsorship of World Dragon Boat Championships be received.
2. Sponsorship of the World Dragonboat Championships to a value of \$20,000 be approved in accordance with Council's City Marketing Event Sponsorship Policy.

## **THE CITY SUPPORTED BY INFRASTRUCTURE**

Councillor Susan Page left the meeting, the time being 7:58 pm.

### **11 Grading of rural road shoulders in Berkshire Park and Llandilo and status of Llandilo Trunk Drainage Scheme**

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

That:

1. The information contained in the report on Grading of rural road shoulders in Berkshire Park and Llandilo and status of Llandilo Trunk Drainage Scheme be received.
2. Council send a letter to all rural properties, notifying them that Council permission is required for the diversion of the natural course of water and for the filling of land, and noting that the burning of vegetation is permissible with the approval of the Rural Fire Service, the letter to quote the relevant Rural Fire Service telephone number in this regard.

## **LEADERSHIP AND ORGANISATION**

### **14 Council Property - Transfer of Funds for Land in Lawson Street Penrith**

250 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Steve Simat

That:

1. The information contained in the report on Council Property - Transfer of Funds for Land in Lawson Street Penrith be received.
2. The amount of \$620,000 be transferred to the Penrith Town Centre Section 94 Fund from the Property Development Reserve.

Councillor Page returned to the meeting, the time being 8:00 pm.

**12 CLAIR Local Government Exchange and Cooperation Seminar 2007**

251 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on CLAIR Local Government Exchange and Cooperation Seminar 2007 be received.
2. The Chief Financial Officer's participation in the CLAIR Local Government Exchange and Cooperation Seminar 2007 be supported as outlined in the report.

**13 Council Property - Electricity Easements at Wallacia Bushfire Brigade, Lot 422 DP 706223, Park Road, Wallacia**

252 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Garry Rumble that consideration of this matter be deferred for further information.

**15 Audit Tender 2007 amendment**

253 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Greg Davies that the information contained in the report on Audit Tender 2007 amendment be received.

**QUESTIONS WITHOUT NOTICE**

**QWN 1 Community Relations Report 2006**

Councillor Jackie Greenow tabled the Community Relations Report 2006 entitled 'Harmony in Motion', and congratulated staff involved in the successful local projects outlined in the document.

**QWN 2 Leave of Absence**

Councillor Jim Aitken OAM requested Leave of Absence from 3 July 2007 to 10 July 2007 inclusive.

254 RESOLVED on the MOTION of Councillor Greg 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.

255 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that Leave of Absence be granted to Councillor Jim Aitken OAM from 3 July 2007 to 10 July 2007 inclusive.

**QWN 3 Proposed Child Care Facility - Grays Lane, Cranebrook**

Councillor John Thain requested that the development application for the proposed child care facility to be established in Grays Lane, Cranebrook be brought to Council for determination.

## COMMITTEE OF THE WHOLE

256 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Greg Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:10 pm.

### 1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Susan Page seconded Councillor Greg Davies that the press and public be excluded from Committee of the Whole to deal with the following matters:

#### *City as a Social Place*

### 2 Legal Matter - Unauthorised development carried out by Walker Corporation Pty Limited. Applicant: Walker Group Constructions; Owner: Macquarie Goodman

DA04/1637

*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 8:13 pm and the General Manager reported that the Committee of the Whole met at 8:10 pm on 2 July 2007, the following being present

His Worship the Mayor Councillor Pat Sheehy AM, Councillors Jim Aitken OAM, Kaylene Allison, Kevin Crameri OAM, Greg Davies, Ross Fowler, Jackie Greenow, 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 Legal Matter - Unauthorised development carried out by Walker Corporation Pty Limited. Applicant: Walker Group Constructions; Owner: Macquarie Goodman

DA04/1637

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RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Greg Davies

CW2 That:

1. The information contained in the report on Legal Matter - Unauthorised development carried out by Walker Corporation Pty Limited be received.
2. The matter be further pursued in accordance with the terms detailed in this report.
3. The matter be reported to open Council in accordance with the report.
4. A motion be prepared for submission to the upcoming Local Government Association Conference in regard to the level of penalties available for unauthorised development, and calling for a review of the role of private certifiers.

### **ADOPTION OF COMMITTEE OF THE WHOLE**

257 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken OAM that the recommendations contained in the Committee of the Whole and shown as CW 1 and CW 2 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:14 pm.

I certify that these 7 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 2 July 2007.

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Chairperson

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Date