

## **CONFIRMED MINUTES**

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

**ON MONDAY 4 DECEMBER 2006 AT 7:06PM**

#### **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 Crameri OAM (arrived at 7:08 pm), Greg Davies (arrived at 7:08 pm), Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Steve Simat, and John Thain.

#### **APOLOGIES**

There were no apologies.

#### **CONFIRMATION OF MINUTES - Ordinary Meeting - 20 November 2006**

1192 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown that the minutes of the Ordinary Meeting of 20 November 2006 be confirmed.

#### **DECLARATIONS OF INTEREST**

Councillor Jackie Greenow declared a potential pecuniary interest in *Item 14 - Proposed Amendment to Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)*, as she is the owner of property subject to the LEP, and announced that she would vacate the Chamber during the debate and voting on this matter.

Councillor Kevin Crameri OAM declared a potential pecuniary interest in *Item 8 - St Marys Release Area - Nomination of Former ADI Site and King Family Farm Site and Trees on the National Heritage List*, as he owns land in the vicinity of this site. Councillor Crameri announced that he would not vacate the Chamber and would reserve the right to take part in the debate and voting.

Councillor John Thain declared a pecuniary interest in *Committee of the Whole Item 3 - Commercial Matter - Penrith Football Stadium Future Management*, as his employer is a sponsor of an entity mentioned in the report.

Councillor Thain announced that he would vacate the Chamber during consideration of this matter and would not take part in the debate and voting.

Councillor Steve Simat declared a pecuniary interest in *Item 8 - St Marys Release Area - Nomination of Former ADI Site and King Family Farm Site and Trees on the National Heritage List*, 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.

Councillor Jim Aitken OAM, declared a pecuniary interest in *Item 11 - Development Application 06/1247 for the Proposed Operation of a Community Market at Lot 2 and 3 DP 546822, Lot 101 DP 572474 Allen Place and Edward Place Car Park, Woodriff Street, Penrith. Applicant: Cityscape Planning + Projects; Owner: Penrith City Council*, as he owns land adjoining this site. Councillor Aitken 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 *Item 8 - St Marys Release Area - Nomination of Former ADI Site and King Family Farm Site and Trees on the National Heritage List*, 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.

#### **SUSPENSION OF STANDING ORDERS**

1193 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Susan Page that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:10 pm.

#### **Mr Paul Crewe**

*Item 5 – Cemetery Matters - Commemorative Walls - Emu Plains and Penrith General Cemeteries - Conference*

#### ***Speaking FOR the Recommendation***

Mr Crewe was speaking on behalf of Ms Jennifer Hogan, who has requested a Commemorative wall in memory of her father who was buried in Emu Plains Cemetery.

Mr Crewe spoke in support of the report's recommendation to erect commemorative walls at both Penrith and Emu Plains Cemeteries in memory of the people who have received a pauper's burial at these cemeteries.

#### **Mr Darryl White and Mr Robert Turner**

*Item 11 - Development Application 06/1247 for the Proposed Operation of a Community Market at Lot 2 and 3 DP 546822, Lot 101 DP 572474 Allen Place and Edward Place Car Park, Woodriff Street, Penrith. Applicant: Cityscape Planning + Projects; Owner: Penrith City Council*

#### ***Speaking AGAINST the Recommendation***

Mr White and Mr Turner represented the Penrith Valley Sunday Markets, and objected to the proposed location of the markets, drawing particular attention to the following concerns:

- Insufficient car parking spaces
- Stallholders not able to park on site
- General disruption to parking in the surrounding area, which could potentially affect nearby retail businesses
- The likelihood of shopping trolleys being used and then discarded in the car park area
- The future new town square on the proposed site for the market, and its impact on both parking in the CBD, as well as the future location of the market.

**Mr Bob Meyer**

*Item 17 - Employment Planning Discussion Paper and draft Employment Planning Strategy*

*Speaking FOR the Recommendation  
(in relation to the former CSIRO site at Badgery's Creek)*

Mr Meyer spoke as a consultant to the proponent in this matter, supporting the use of this land for 'employment land' and urging planning to proceed as soon as possible, in particular the necessary road infrastructure. Mr Meyer also stressed the need to find additional employment lands.

**Mr Bob Meyer**

*Item 17 - Employment Planning Discussion Paper and draft Employment Planning Strategy*

*Speaking AGAINST the Recommendation  
(in relation to the Capitol Hill site, Kemps Creek)*

Mr Meyer spoke as a consultant to the proponent, Pazit Pty Limited and noted that this company has development consent for 110 one-hectare rural residential lots on the site at Kemps Creek.

Mr Meyer objected to the Department of Planning's view that the proposal did not meet the access criterion, describing it as being 'out of centre'.

Mr Meyer also requested that Council support a submission to the Department of Planning to include the 160 ha at Capitol Hill in its current infrastructure servicing exercise, to help distribute costs of servicing to the whole area.

**The Hon Ron Mulock AO**

*Item 17 - Employment Planning Discussion Paper and draft Employment Planning Strategy*

*Speaking AGAINST the Recommendation  
(in relation to the Capitol Hill site, Kemps Creek)*

Mr Mulock spoke as a representative of the project team at Pazit Pty Limited.

Mr Mulock stressed the need for executive housing in the Capitol Hill area, and sought

Council's support for a golf course estate on the site currently approved for 110 one-hectare rural residential lots.

Mr Mulock stated that the matter is now in the hands of the Department of Planning, but he did not agree with their view that the estate would be 'out of centre' or that it 'would prematurely push the urban footprint into rural areas'.

Mr Mulock requested that a full briefing be given to Councillors on this matter, giving other applicants the opportunity to express their views, and stating that Council should not rush into adopting this strategy, but should instead give his client the opportunity to brief Council on this matter.

**Mr Mark Tooker**

*Item 17 - Employment Planning Discussion Paper and draft Employment Planning Strategy*

***Speaking AGAINST the Recommendation***

Mr Tooker spoke as a Principal of the consulting engineering firm, Patterson Britten & Partners, on behalf of owners of Nos 1-4 Old Bathurst Road, Emu Plains.

Mr Tooker requested that this site be included within the Employment Lands Study, noting that a current flooding report has already been provided to Council in February 2006, and concluding that development would be feasible on this site with regard to flood requirements.

**Mr Vittorino Robino**

*Item 23 - Clothing Collection Bins*

***Speaking AGAINST the Recommendation***

Mr Robino spoke on behalf of The Smith Family, in objection to Council's decision to remove all clothing collection bins from Council land.

Mr Robino noted that, as well as clothing, a lot of waste was removed from the bins, by The Smith Family, which would otherwise need to be removed by Council from various public areas, and also advised that the removal of all Smith Family clothing bins would result in loss of employment for staff involved in the collection of clothing from bins in the Penrith area.

Mr Robino requested Council to reconsider its decision, and advised that The Smith Family would remove any problem bins from the Penrith area.

**Mr Frank Gorrel**

*Item 23 - Clothing Collection Bins*

***Speaking AGAINST the Recommendation***

Mr Gorrel spoke on behalf of the Aboriginal Children's Advancement Society (ACAS), of which he is General Secretary.

Mr Gorrel thanked Council for only allowing registered charities to locate bins in the Penrith area.

Mr Gorrel stated that, if the clothing bins operated by the ACAS were to be removed, the Society would suffer a severe loss of income which would affect its operations.

Mr Gorrel asked that Council amend its recommendation to allow the Aboriginal Children's Advancement Society to continue their work in the Penrith area.

## **RESUMPTION OF STANDING ORDERS**

1194 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Susan Page that Standing Orders be resumed, the time being 7:45 pm.

## **MAYORAL MINUTES**

### **1 Penrith Attraction Wins NSW Tourism Award**

Councillor Mark Davies left the meeting, the time being 7:46 pm.

1195 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Karen McKeown

That:

1. The Mayoral Minute on Penrith Attraction Wins NSW Tourism Award be received.
2. A letter be forwarded to Muru Mittigar congratulating them on their success.

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

### **2 Gift Received from Xicheng District, Beijing, People's Republic of China**

1196 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Garry Rumble

That:

1. The Mayoral Minute on the visit by Nepean Riverlands Probus Club to Xicheng District of Beijing be received.
2. The gift from Governor Lin Duo of Xicheng District be received and put on display.

### **3 Council Receives National Recognition for Sustainability**

1197 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jim Aitken OAM

That:

1. The Mayoral Minute on Council Receives National Recognition for Sustainability be received.
2. All staff involved in the Water Campaign and Greenhouse Purchasing programs be congratulated on their achievements.

### **4 National Awards for Local Government**

1198 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jim Aitken OAM

That:

1. The Mayoral Minute on National Awards for Local Government be received.
2. All staff involved in the commended projects be congratulated on their success.

## **MASTER PROGRAM REPORTS**

### **THE CITY IN ITS BROADER CONTEXT**

#### **1 State Plan**

1199 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on State Plan be received.
2. Council welcome the State Plan and convey its support to local Members and the Premier.
3. Correspondence be sent to the Minister for Transport expressing concern at the omission of the proposed UWS/TAFE railway station at Werrington in the Urban Transport Statement and seek from the Minister a detailed description of the proposed transport infrastructure items in the Penrith LGA, the proposed timeframe for their delivery and the opportunity for discussion of the project details.

**2 Alterations & Additions to St Marys CWA Building, Cnr Great Western Highway and Mamre Road, St Marys - Tender 11-06/07**

1200 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Alterations & Additions to St Marys CWA Building, Cnr Great Western Highway and Mamre Road, St Marys - Tender 11-06/07 be received.
2. Council accept the tender of Bilas Knight Pty Ltd in the amount of \$193,807.90 for alterations and additions to the CWA Building, St Marys, subject to resolution of the re-design of the entrance.
3. The Building Services Manager be authorised to execute any necessary documentation.
4. Council officers be authorised to negotiate the changes in the design of the entry canopy.

**3 Update on the Penrith City Centre Plan Launch and Exhibition**

1201 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown that the information contained in the report on Update on the Penrith City Centre Plan Launch and Exhibition be received.

**THE CITY AS A SOCIAL PLACE**

**4 Community Assistance Program - Planned Component 2006**

1202 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Susan Page

That:

1. The information contained in the report on Community Assistance Program - Planned Component 2006 /07 be received.
2. Council endorse funding the recommended projects totalling \$19,019.55 from the Planned Component of the Community Assistance Program.
3. \$19.55 be re-allocated from the Rolling Component of the Community Assistance Program to the Planned Component to cover the shortfall between the total value of recommended projects detailed in this report and the \$19,000 currently allocated to the Planned Component.

**6 Tender number 12-06/07 Public Domain Cleaning Service**

1203 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Susan Page

That:

1. The information contained in the report on Tender number 12-06/07 Public Domain Cleaning Service be received.
2. Council accept the tender from ACS Cleaning and Security Services Pty Ltd and a contract be awarded to them for Penrith and St Marys CBD Cleaning services for an initial period of 12 months with an option to extend the arrangements for a further 12 months subject to satisfactory performance.
3. The Cleaning of St Marys and Penrith Bus/Rail interchanges (provisional items) are also awarded to ACS Cleaning and Security Services Pty Ltd subject to satisfactory agreement being reached with Railcorp regarding their contribution towards cost.

**7 The Community Partnership Program of the NSW Cancer Council**

1204 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Susan Page

That:

1. The information contained in the report on The Community Partnership Program of the NSW Cancer Council be received.
2. Penrith City Council join the Community Partnership Program of the NSW Cancer Council and affirm its commitment to reduce the impact of cancer in the local community by participating in the events and program detailed in this report.
3. The Environmental Health Manager and the Community Development Manager be nominated as the dedicated Relationship Managers for this community partnership.

**10 Update of activities undertaken by the Development Services Department - First Quarter 2006/2007**

1205 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Susan Page that the information contained in the report on Update of activities undertaken by the Development Services Department - First Quarter 2006/2007 be received.



**5 Cemetery Matters - Commemorative Walls - Emu Plains and Penrith General Cemeteries - Conference**

'1206 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Cemetery Matters - Commemorative Walls - Emu Plains and Penrith General Cemeteries - Conference be received.
2. Memorial walls be erected at Emu Plains and St Marys Cemeteries to recognise persons buried in unmarked graves within those two cemeteries and that these walls be funded from the Cemetery Reserve.
3. Pre-purchase of burial sites at Emu Plains Cemetery be discontinued.
4. All new burial sections at Penrith General Cemetery be lawn and non-denominational.
5. Councillors be provided with a memo, advising of the feasibility of ensuring that other people, having relatives buried as paupers in these cemeteries, are notified of the proposal to erect the commemorative walls.

Having previously declared a pecuniary interest in Item 8, Councillors Ross Fowler and Steve Simat left the meeting, the time being 8:04 pm.

**8 St Marys Release Area - Nomination of Former ADI Site and King Family Farm Site and Trees on the National Heritage List**

'1207 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Garry Rumble

That:

1. The information contained in the report on St Marys Release Area - Nomination of Former ADI Site and King Family Farm Site and Trees on the National Heritage List be received.
2. Council advise the Australian Heritage Council in terms of the history of the planning decisions taken for the St Marys Release and the observations outlined in the commentary in the report.

Councillors Ross Fowler and Steve Simat returned to the meeting, the time being 8:03 pm.

**9 Public Exhibition of draft Amendment to Penrith Development Control Plan 2006 (Section 6.3 Claremont Meadows Stage 2)**

1208 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Lexie Cettolin

That:

1. The information contained in the report on Public Exhibition of draft Amendment to Penrith Development Control Plan 2006 (Section 6.3 Claremont Meadows Stage 2) be received.
2. Council adopt the draft amendment to Claremont Meadows Stage 2 as attached to this report, pursuant to the provisions of the Environmental Planning and Assessment Act, 1979 and Regulations as amended.
3. The amended Claremont Meadows Stage 2 DCP be included in the Penrith DCP 2006, adopted by Council on 21 August 2006, when it comes into force.
4. All those who made submissions on the draft plan be notified of Council's decision.
5. A further report be presented to Council, explaining DCP provisions for bushfire hazard reduction in conservation zones adjoining residential land.

Having previously declared a pecuniary interest in Item 11, Councillor Jim Aitken OAM left the meeting, the time being 8:20 pm.

**11 Development Application 06/1247 for the Proposed Operation of a Community Market at Lot 2 and 3 DP 546822, Lot 101 DP 572474 Allen Place and Edward Place Car Park, Woodriff Street, Penrith. Applicant: Cityscape Planning + Projects; Owner: Penrith City Council**

**DA06/1247**

1209 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler that consideration of this matter be deferred for a further report to be presented to Council.

Councillor Jim Aitken OAM returned to the meeting, the time being 8:36 pm.

**12 Development Application 06/1251 for Community Markets at Lot 8 DP 23593, Part Lot C DP 38743, Lot 1, 2, 3, 4, & 5 DP 653282 (No. 5 - 23) Gidley Street, St Marys. Applicant: Cityscape Planning and Projects; Owner: Penrith City Council**

**DA06/1251**

1210 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor McKeown that consideration of this matter be deferred for a further report to be presented to Council.

Councillor John Thain left the meeting, the time being 8:48 pm.

**27 Development Application 06/1287 for proposed Government Office Building at Lot 112 DP 1028320 (Nos. 129 - 133) Henry Street, Penrith. Applicant: New South Wales Department Of Commerce; Owner: Penrith City Council**

**DA06/1287**

1211 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Susan Page

That:

1. The information contained in the report on Development Application 06/1287 for proposed Government Office Building at Lot 112 DP 1028320 (Nos. 129 - 133) Henry Street, Penrith be received.
2. Development Application 06/1287 be granted consent subject to agreed conditions, in accordance with Section 116C of the Environmental Planning and Assessment Act 1979, as shown attached, and with the addition of the following condition:

The applicant shall provide to Penrith City Council a Management Plan of the work required on the construction over, through and under the access ramp and roundabout from Station Street. This Management Plan shall be submitted before the works in the area commence and include the OH&S and security considerations and management of temporary works and the permanent access. The Management Plan shall be set up to include briefings with the requisite neighbours to involve and inform them about the altered works.

Councillor John Thain returned to the meeting, the time being 8:51 pm.

## **THE CITY IN ITS ENVIRONMENT**

### **13 Grass Roots Sustainability - International Lessons, Urban Solutions for Local Government Conference**

1212 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Grass Roots Sustainability - International Lessons, Urban Solutions for Local Government Conference be received.
2. Council write to both CLAIR and Townsville City Council congratulating them on an outstanding Conference.
3. Council invite CLAIR to consider holding a future Conference in Penrith.

Councillor Jackie Greenow left the meeting, the time being 8:58 pm.

### **14 Proposed Amendment to Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)**

1213 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Proposed Amendment to Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation) be received
2. Pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, and Regulation, Council prepare and exhibit an amendment to the Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation).
3. Council seek a 'Written Authorisation to Exercise Delegation' from the Director-General of the Department of Planning to exhibit the draft amendment pursuant to Section 65 of the Environmental Planning and Assessment Act 1979 and Regulation.
4. Council resolve to exhibit the draft Local Environmental Plan in accordance with the Department of Planning document entitled "*LEPs and Council Land – Best Practice Guideline for councils using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by Council*"
5. Council resolve to amend the Exempt and Complying provisions of the Penrith Development Control Plan to require development approval for the demolition of places identified for listing as heritage items or as part of heritage conservation areas in a draft planning instrument.

Councillor Jackie Greenow returned to the meeting, the time being 9:00 pm.

#### **15 Update on the implementation of the Wallacia and Mulgoa Sewerage Scheme**

1214 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. A further report be submitted to the next Council meeting, regarding the provision of financial assistance by Council to owners of properties affected by the '1 in 100 year' flood level, to offset the additional cost of connection to the Scheme.

#### **16 Western Sydney Recycled Water Initiative - Replacement Flows Project**

1215 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Western Sydney Recycled Water Initiative - Replacement Flows Project be received.
2. The proposed submission outlined in the report be submitted to the Department of Planning.

## **THE CITY AS AN ECONOMY**

Councillor Kevin Crameri OAM left the meeting, the time being 9:21 pm.

### **18 International Links Program 2007**

1216 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler

That:

1. The information contained in the report on International Links Program 2007 be received.
2. There be Councillor representation, along with staff of Council, nominated by the General Manager, to represent Council at the official launch of the exhibition and musical performance in Hakusan, Japan in March 2007, and that a courtesy visit also be paid to Fujieda, Japan, Penrith's sister city and Gangseo-gu, South Korea.
3. There be Councillor representation, accompanied by appropriate staff of Council, nominated by the General Manager, to represent Council at the Trade and Investment Promotion Fair in Kunshan, People's Republic of China in October 2007, and that a courtesy visit also be paid to Xicheng, People's Republic of China.

### **19 Sponsorship of Australian Pro Tour of Wakeboarding in Penrith Valley**

1217 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler

That:

1. The information contained in the report on Sponsorship of Australian Pro Tour of Wakeboarding in Penrith Valley be received.
2. Council approve the sponsorship of the Australian Pro Tour of Wakeboarding in Penrith Valley involving in-kind support and a cash contribution of \$5,000 from the City Marketing budget.

**21 Construction of a Commercial Building at 225-227 Queen Street, St Marys - Tender No. 10-06/07**

1218 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler

That:

1. The information contained in the report on Construction of a Commercial Building at 225-227 Queen Street, St Marys - Tender No. 10-06/07 be received.
2. Gledhill Constructions Pty Ltd be accepted as the preferred tenderer subject to final costs being determined with respect to keeping Carsons Lane open and resolution of accessing the adjacent property immediately to the north.
3. Council officers be authorised to enter into contractual documentation with Gledhill Constructions Pty Ltd to the satisfaction of the Legal Officer and Building Services Manager consistent with the terms of this report and subject to resolution of the matters raised in item 2 above.
4. The programme budget as set out in the report be adopted.

**22 Council Property - Proposed subdivision corner of Belmore and Station Streets Penrith**

1219 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler

That:

1. The information contained in the report on Council Property - Proposed subdivision corner of Belmore and Station Streets Penrith be received.
2. Council enter into a Bond Agreement with Sydney Water concerning the three (3) sewerage connection points required to the subdivision of Council's former Council Chambers site.
3. Council agree to the unconditional Bank Guarantee being issued to Sydney Water in the amount of \$160,500 that forms part of the Bond Agreement.
4. The Common Seal of the Council of the City of Penrith be placed on all the necessary documentation.

**17 Employment Planning Discussion Paper and draft Employment**

**Planning Strategy**

1220 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain

That:

1. The information contained in the report on the Employment Planning Discussion Paper and draft Employment Planning Strategy be received.
2. Those persons who made submissions regarding the Employment Planning Discussion Paper and draft Employment Planning Strategy be invited to a briefing, to be held at the earliest opportunity, in the New Year.

Councillor Kevin Cramer OAM returned to the meeting, the time being 9:27 pm.

**20 Urban Development Institute of Australia National Congress 2007**

1221 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Urban Development Institute of Australia National Congress 2007 be received.
2. Councillors Jim Aitken OAM, Steve Simat, Mark Davies, Lexie Cettolin, Jackie Greenow, Susan Page and any other interested Councillors attend the National Congress of the Urban Development Institute of Australia in Perth, from Monday 12 March 2007 to Thursday 15 March 2007, as Council's delegates, and leave of absence be granted to those Councillors for the duration of the Conference.

**THE CITY SUPPORTED BY INFRASTRUCTURE**

**23 Clothing Collection Bins**

1222 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Clothing Collection Bins be received.
2. The owners of clothing bins in the Penrith area be directed to remove those bins with the highest recorded levels of dumping and vandalism, and continue to monitor the remaining bins.

**LEADERSHIP AND ORGANISATION**

**24 Preparations and Financial Settings for the 2007-08 Management Plan**

'1223 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Preparations and Financial Settings for the 2007-08 Management Plan be received.
2. Council make initial identification of particular matters to be considered in the preparation of the Draft 2007-08 Management Plan.
3. Preparation of the Draft 2007-08 Management Plan continue in the terms discussed in this report.

**26 Strategic Plan Sustainability Framework**

'1224 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on the Strategic Plan Sustainability Framework be received.
2. The trial of the proposed sustainability framework, leading to the development of the new Strategic Plan, be endorsed.
3. Further information on the proposed implementation of the trial be brought to Council in the development of the next Management Plan.

**25 Biodiversity Conservation Management Plan - Erskine Park  
Employment Area**



1225 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Biodiversity Conservation Management Plan - Erskine Park Employment Area be received.
2. Council endorse the principle of an EPEA Biodiversity Corridor System as the centrepiece of a regional biodiversity corridor linking the Orchard Hills Defence site, the South Creek riparian corridor, the EPEA biodiversity corridor and the Ropes Creek riparian corridor, as outlined in the report.
3. Council endorse the Memorandum of Understanding relating to the biodiversity conservation proposal for Erskine Park Employment Area.
4. Council agree to the covenant being placed on the title of Lot 201 DP 1094523 Erskine Park Road, Erskine Park, in accordance with the details outlined in the report.
5. The Common Seal of the Council of the City of Penrith be placed on all the necessary documentation.

## **QUESTIONS WITHOUT NOTICE**

### **QWN 1 Nordoff-Robbins Music Therapy Australia**

Councillor Jackie Greenow requested that a total of \$10,000, equally from North, South and East Ward voted works be allocated to gold sponsorship of Nordoff-Robbins Music Therapy Australia.

1226 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.

1227 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Susan Page that a total of \$10,000, equally from North, South and East Ward voted works be allocated to gold sponsorship of Nordoff-Robbins Music Therapy Australia.

### **QWN 2 Kingsway Touch Football Complex**

Councillor Lexie Cettolin requested that \$1,300 each from North, South and East Ward voted works (total \$3,900) be allocated to carry out widening works at the driveway of Kingsway Touch Football Complex.

1228 RESOLVED on the MOTION of Councillor Lexie Cettolin 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.

1229 RESOLVED on the MOTION of Councillor Lexie Cettolin seconded Councillor Susan Page that \$1,300 each from North, South and East Ward voted works (total \$3,900) be allocated to carry out widening works at the driveway of Kingsway Touch Football Complex.

Councillor John Thain left the meeting, the time being 9:33 pm.

**QWN 3 Petition from Nepean Shores**

Councillor Garry Rumble requested that the development application concerning the proposed caravan park in this area (DA 06/1733) be reported to Council for its consideration, having particular regard to matters such as noise impact, increase in traffic, security risks, effect on property values, and location of the caravan park.

**QWN 4 Mosquito Collection Program**

Councillor Garry Rumble requested a report to Council concerning the possible continuation of the mosquito collection program for the period November to May.

**QWN 5 DA Tracking Program - "i Determine"**

Councillor Garry Rumble requested information on the present position with regard to the operations and redevelopment of the DA tracking program – “i Determine”, as at present this program is not available.

Councillor Greg Davies left the meeting, the time being 9:35 pm.

**QWN 6 Spotted Gums - Willoring Crescent, Jamisontown**

Councillor Mark Davies requested the removal of a Spotted Gum tree, from Council land in the vicinity of 32 Willoring Crescent, Jamisontown, as a number of large branches have fallen from it, presenting a dangerous situation for residents of the area.

Councillor Lexie Cettolin left the meeting, the time being 9:36 pm.

Councillor Lexie Cettolin returned to the meeting, the time being 9:37 pm.

Councillor Steve Simat left the meeting, the time being 9:39 pm.

**QWN 7 Western Sydney Industry Awards**

Councillor Jim Aitken OAM presented Council with a plaque for Gold Sponsorship of the Western Sydney Industry Awards.

Councillor Greg Davies returned to the meeting, the time being 9:40 pm.

Councillor Garry Rumble left the meeting, the time being 9:40 pm.

**QWN 8 Proposed Waste Facility – Smith Street, Emu Plains**

Councillor Karen McKeown requested a report to Council on the development application for a waste facility in Smith Street, Emu Plains, to include an investigation and details on the existing operation, and any associated spillages/mishaps that have occurred at this site.

**QWN 9 Leave of Absence**

Councillor Karen McKeown requested leave of absence from 9 December 2006 to 18 December 2006 inclusive.

1230 RESOLVED on the MOTION of Councillor Jackie Greenow 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.

1231 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Jim Aitken OAM that Leave of Absence be granted to Councillor Karen McKeown from 9 December 2006 to 18 December 2006 inclusive.

Councillor Garry Rumble returned to the meeting, the time being 9:41 pm.

Having previously declared a pecuniary interest in Committee of the Whole Item 3, Councillor John Thain left the meeting, the time being 9:41 pm.

Councillor Steve Simat returned to the meeting, the time being 9:41 pm.

**COMMITTEE OF THE WHOLE**

1232 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Greg Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:42 pm.

**1 Presence of the Public**

CW1 RESOLVED on the motion of Councillor Jackie Greenow 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 - Status of Appeal against deemed refusal of Development Application 06/0662 for the Construction of New Shopping Centre at Part Lot 671 DP 739138 & Lot 672 DP 739138 & Part Lot 671 DP 739138 (No. 37) Cook Parade, St Clair. Applicant: Sam Management Service (Aust) Pty Limited; Owner: Sam Management Service (Aust) Pty Limited**

**DA06/0662**

*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.*

**3 Commercial Matter - Penrith Football Stadium Future Management**

*This item is being 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 a person who supplied it, or (ii) confer a commercial advantage on a competitor of the Council and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

*City as an Economy*

**4 Commercial Matter - Council Property - 225-227 Queen Street, St Marys**

*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 Commercial Matter - Acquisition of Road Widening, Vincent Avenue, Mulgoa**

*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*

**6 Commercial Matter - Council Property - Lease of ATM Space within Queen Street Centre at 207-209 Queen Street St Marys**

*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*

**7 Commercial Matter - 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.*

The meeting resumed at 10:15 pm and the General Manager reported that the Committee of the Whole met at 9:42 pm on 4 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, Greg Davies, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Steve Simat, and John Thain (from 10:08 pm).

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 - Status of Appeal against deemed refusal of Development Application 06/0662 for the Construction of New Shopping Centre at Part Lot 671 DP 739138 & Lot 672 DP 739138 & Part Lot 671 DP 739138 (No. 37) Cook Parade, St Clair. Applicant: Sam Management Service (Aust) Pty Limited; Owner: Sam Management Service (Aust) Pty Limited**

**DA06/0662**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow

CW2 That the information contained in the report on Legal Matter - Status of Appeal against deemed refusal of Development Application 06/0662 for the Construction of New Shopping Centre at Part Lot 671 DP 739138 & Lot 672 DP 739138 & Part Lot 671 DP 739138 (No. 37) Cook Parade, St Clair be received.

**3 Commercial Matter - Penrith Football Stadium Future Management**

RECOMMENDED on the MOTION of Councillor Garry Rumble seconded Councillor Ross Fowler

CW3 That:

1. The information contained in the report on Commercial Matter - Penrith Football Stadium Future Management be received.
2. Council endorse the program of activities outlined in the report.
3. Subject to confirmation of the actual costs, an amount of \$70,000 be provided to Panthers as Council's contribution to the redevelopment project to meet funding shortfall in the project, and those funds be drawn from the relevant Reserve to meet the costs of the new electronic evacuation systems in the redeveloped Penrith Football Stadium.

Councillor John Thain returned to the meeting, the time being 10:08 pm.

**4 Commercial Matter - Council Property - 225-227 Queen Street, St Marys**

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

CW4 That:

1. The information contained in the report on Commercial Matter - Council Property - 225-227 Queen Street, St Marys be received.
2. A further report be presented to Council on the progress of the development.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**5 Commercial Matter - Acquisition of Road Widening, Vincent Avenue, Mulgoa**

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

CW5 That:

1. The information contained in the report on Commercial Matter - Acquisition of Road Widening, Vincent Avenue, Mulgoa be received.
2. Council compensate the owners for the dedication of the land in accordance with conditions 1 to 4, as outlined in the summary of the report.

**6 Commercial Matter - Council Property - Lease of ATM Space within Queen Street Centre at 207-209 Queen Street St Marys**

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

CW6 That:

1. The information contained in the report on Commercial Matter - Council Property - Lease of ATM Space within Queen Street Centre at 207-209 Queen Street St Marys be received.
2. Council grant a new 3-year Lease with a 3-year option to the existing tenant in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**7 Commercial Matter - Council Property - Sale of No 8 Coallee Place South Penrith**

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

CW7 That:

1. The information contained in the report on Commercial Matter - Council Property - Sale of No 8 Coallee Place South Penrith be received.
2. Council adopt the reserve price for the sale of Lot 24, DP 249672 at No 8 Coallee Place South Penrith at Public Auction on 16 December 2006 indicated at Item 1 in the separate annexure report issued to Council.
3. Council issue Delegated Authority to the Property Development Manager indicated at Item 2 in the separate annexure report issued to Council.
4. The Property Development Manager be authorised to sign the Contract for Sale documentation if the property is successfully sold.

**ADOPTION OF COMMITTEE OF THE WHOLE**

1233 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Susan Page that the recommendations contained in the Committee of the Whole, and shown as CW1, CW2, CW3, CW4, CW5, CW6 and CW7, be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:18 pm.

I certify that these 22 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 4 December 2006.
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<hr/> <p>Chairperson</p>	<hr/> <p>Date</p>
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