

CONFIRMED MINUTES

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

ON MONDAY 26 MARCH 2007 AT 7:30 PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

The Deputy Mayor, Councillor Karen McKeown 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

The Deputy Mayor Councillor Karen McKeown, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury (arrived at 7:34 pm), Lexie Cettolin, Greg Davies, Mark Davies, Ross Fowler, Susan Page, Garry Rumble, Steve Simat and John Thain.

APOLOGIES

'90 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler that an apology from Councillor David Bradbury be accepted.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Kevin Crameri OAM, for the period 19 March 2007 to 30 March 2007 inclusive, and to Councillors Jackie Greenow and Pat Sheehy AM, for the period 19 March 2007 to 31 March 2007 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 5 March 2007

'91 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Greg Davies that the minutes of the Ordinary Meeting of 5 March 2007 be confirmed.

Councillor David Bradbury arrived at the meeting, the time being 7:34 pm.

DECLARATIONS OF INTEREST

There were no declarations of interest.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Disability Access Committee Meeting held on 7 February 2007

92 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Disability Access Committee meeting held on 7 February, 2007 be adopted.

2 Report and Recommendations of the Local Traffic Committee Meeting held on 5 March 2007

93 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 5 March, 2007 be adopted.

3 Report and Recommendations of Policy Review Committee Meeting held on 12 March 2007

94 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Ross Fowler that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 12 March, 2007 be adopted, with the following amendments to Leave of Absence, and Item 1 – Joan Sutherland Performing Arts Centre (JSPAC) – 2006/07 Operating Subsidy, as follows:

Leave of Absence to now read:

Leave of Absence was previously granted to Councillors Jim Aitken OAM and Steve Simat for the period 11 March 2007 to 16 March 2007 inclusive to attend the UDIA Conference, and to Councillor Garry Rumble for the period 11 March 2007 to 13 March 2007 inclusive to attend the LGSA Tourism Conference.

Item 1 – Joan Sutherland Performing Arts Centre (JSPAC) – 2006/07 Operating Subsidy to now read:

That:

1. The information contained in the report on Joan Sutherland Performing Arts Centre (JSPAC) - 2006/07 Operating Subsidy be received, and it be noted that the capital contribution from the JSPAC was \$400,000, of which \$96,000 was provided directly by JSPAC, with the balance of \$304,000 to be paid by the JSPAC, half prior to 30/6/07 and half prior to 30/6/08.
2. Council agree to provide the Joan Sutherland Performing Arts Centre an additional \$200,000, such funds being set aside in the 2006/07 budget.
3. The annual subsidy of \$700,000 (2006/07) be increased by CPI in future years.
4. The subsidy be paid in two instalments (July and January) and that six monthly financial reports be submitted to Council for review.
5. Council continue to lobby for additional funding in the form of grants, and that grants applied for and received be reported to Council.

MASTER PROGRAM REPORTS

THE CITY AS A SOCIAL PLACE

1 Arms of Australia Inn Museum Management Committee

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

That:

1. The information contained in the report on Arms of Australia Inn Museum Management Committee be received.
2. Council, under Section 355 of the Local Government Act, approve of the following additional persons being included on the Arms of Australia Inn Museum Management Committee:
 - Bob Moynahan, Treasurer
 - Helen Raeside – Committee member
 - George McIntosh – Committee member
 - Betty McIntosh – Committee member
 - Bob Fielding – Committee member
 - Rosemary Weaver – Committee member
 - Joyce Moynahan – Committee member
3. Council, under Section 377 of the Local Government Act, delegate the management of the Arms of Australia Inn Museum to the Committee formed under Section 355 of the Local Government Act 1993, and comprising those additional and existing persons listed in this report.

2 Planning Agreement - Lot 101 DP 700213, Werrington Downs and Lot 2, DP 771656, Claremont Meadows

96 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Planning Agreement - Lot 101 DP 700213, Werrington Downs and Lot 2, DP 771656, Claremont Meadows be received.
2. Council enter into the Planning Agreement with Landcom on the terms referred to in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.
4. Council commence a process of community consultation with residents of the Claremont Meadows community in relation to the matters referred to in this report. Such a process of consultation should also include providing an update to residents on the status of other key local issues such as the landfill rehabilitation project, the Werrington Arterial and the extensions to the Community Centre.

3 Glenmore Park Stage 2 - Draft Local Environmental Plan and Penrith Development Control Plan 2006 amendment. Owners: Stockland, Mulpha Norwest, Holicombe, Vianello and Mint Holdings

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

That:

1. The information contained in the report on Glenmore Park Stage 2 - Draft Local Environmental Plan and Penrith Development Control Plan 2006 amendment. Owners: Stockland, Mulpha Norwest, Holicombe, Vianello and Mint Holdings be received.
2. In accordance with the Environmental Planning and Assessment Act 1979 and the Regulations 2000, Council submit the draft Penrith Local Environmental Plan 2007 – Glenmore Park Stage 2 as attached to this report to the Director-General of the Department of Planning seeking the issue of a Section 65 certificate to enable the draft Plan to be publicly exhibited.
3. In accordance with the Environmental Planning and Assessment Act 1979 and the Regulations 2000, a draft amendment to Penrith Development Control Plan 2006 Chapter 6 to incorporate the controls relating to Glenmore Park Stage 2 as attached to this report, be publicly exhibited.
4. A further report be provided to Council seeking endorsement of the proposed Planning Agreement and draft Section 94 Development Contributions Plan as outlined in the report.
5. The land owners group be advised of Council's decision and that the Planning Agreement outlined in the report will need to be resolved and endorsed by Council prior to Council being in a position to adopt the draft Local Environmental Plan for referral to the Department of Planning and the Minister for approval and gazettal.
6. A further report be presented to Council following public exhibition of the draft Local Environmental Plan, draft Development Control Plan amendment and draft Section 94 Development Contributions Plan, advising of the outcomes of the exhibition and making further recommendations relating to the adoption of the final plans.
7. A further report be presented to Council regarding the provision of affordable housing, giving consideration to housing for people with a disability and other disadvantaged groups.

14 Development Application for Refurbishment of Southlands Shopping Centre at Part Lot 2, DP 589130 and Lot 1, DP 541427, known as 2 Birmingham Road, South Penrith. Applicant: RM (No 4) Pty Ltd;

Owner: RM (No 4) Pty Ltd

DA06/1699

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

That:

1. The information contained in the report on Development Application for Refurbishment of Southlands Shopping Centre at Part Lot 2, DP 589130 and Lot 1, DP 541427, known as 2 Birmingham Road, South Penrith be received.
2. The submission made, objecting to Clause 17(3) of Interim Development Order 28 in accordance with State Environmental Planning Policy No 1 – Development Standards, be supported.
3. DA06/1699 for the refurbishment of Southlands Shopping Centre on Part Lot 2, DP 589130 and Lot 1, DP 541427, known as 2 Birmingham Road, South Penrith be granted consent, subject to the following standard and special conditions:

Standard Conditions

- | | | |
|-----|------|---|
| 3.1 | A001 | Approved plans (as amended by Figure 1, Proposed Changes to Car Park Layout, prepared by Masson Wilson Twiney dated 27 February 2007) |
| | A008 | BCA requirements |
| | A011 | Engineering Works DCP |
| | A014 | Consolidation of lots |
| | A017 | DA for new uses |
| | A026 | Advertising signs. The proposed signage panels in the roof of the northern elevation are not approved. |
| | A036 | Baby care room. (Details will include how the design will permit parents to accompany children so that their safety is maintained when they are using the sanitary facilities in the building.) |
| | A039 | Graffiti |
| | A045 | ATMs |
| | B002 | Demolition |
| | B003 | Asbestos |
| | B004 | Dust |
| | B005 | Mud |
| | D001 | Erosion and sediment controls |
| | D002 | Spray grass |
| | D006 | No fill without prior approval |
| | D010 | Excavated wastes |
| | D013 | Noise levels (Report prepared by Reverb Acoustics dated May 2006) |

- D025 Stormwater disposal
- E002 BCA issues (large isolated buildings, egress, smoke hazard management, energy efficiency). The shopping centre shall be suitably upgraded to comply with the requirements of the Building Code of Australia
- E01A BCA compliance. The proposed building works shall comply with the minimum requirements of the Energy Efficiency requirements of Section J of the Building Code of Australia. In addition, appropriate water saving devices are to be installed for use in landscaped areas and indoor facilities if possible. Details are to be provided with the Construction Certificate
- E003 Structural alterations
- E006 Access and facilities for persons with disabilities. (The recommendations of the Access Review Report prepared by Morris-Goding Accessibility Consulting, dated 21 December, 2006, are to be adopted in this regard.)
- E008 Fire safety list with CC
- E009 Annual fire safety statement
- F001 Food shop construction
- G002 Section 73 Sydney Water
- G004 Integral Energy
- H001 Site signage
- H003 Traffic management
- H011 Structural engineering plans and specifications
- H041 Hours of work
- H022 Survey
- I003 Roads Act Approval
- (a) heavy duty crossing 12.4m Birmingham Rd entry
 - (b) heavy duty crossing 15m loading dock exit in Birmingham Rd
 - (c) heavy duty gutter crossing 12.9m Evan St replacing existing
 - (d) heavy duty footway crossing 11m wide with 1m wide median for entry in Birmingham Rd
 - (e) heavy duty footway crossing 10m for loading dock exit in Birmingham Rd
 - (f) heavy duty footway crossing 11.5m Evan St entry
 - (g), (h) (i) and (j)

I004	Roads Act engineering
	(a) roundabout to intersection of Maxwell Street and Birmingham Rd
	(b) relocation of existing Council stormwater line
	(c) repair road pavement Evan Street
	(d) relocation of services necessary as result of works
K001	Engineering Works DCP. The works are to include the car park and drainage works for the car park.
K002	WAE drawings
K005	Easement to Council (3m wide, variable, adjacent to southern boundary)
K019	Connection to Council's system
K025	Pavement seal
K027	Car Parking
K033	Customer parking sign
K036	Maintenance bond
K037	Performance Bond
K039	Road Safety Audit
L001	Approved landscape plan
L002	Landscape construction
L003	Report requirement
L006	Australian standards
L007	Tree protection measures
L009	Tree Preservation Order
P001	Costs
P002	Fees associated with Council land
Q01F	Notice of commencement
Q006	Occupation Certificate

Special Conditions

General

- 3.2 To further activate and present the southern entrance as an inviting entrance, the following amendments are required to be submitted and approved by Council prior to the issue of a Construction Certificate:
- (a) provide a landscaped feature at the connecting footpath entry on

- Council land; and
- (b) either
- provide glazing to the south eastern section of the supermarket, allowing viewing of the internal operations of this section of the supermarket/bakery, OR
 - delete some floor space from the south eastern section of the supermarket and replace with an additional speciality shop with an active use and extensive glazing, opening to the outdoor seating area
- 3.3 The speciality tenancy adjacent to the south mall is to be an ‘active’ use, such as a café or the like
- 3.4 The tenancy nominated as “library” is to remain as a public library for the life of the development or as required by Council

Safety and Security

- 3.5 Prior to the issue of an Occupation Certificate, documentation is to be submitted to Council demonstrating that the public address system is audible from all tenancies and public areas (including toilets and parents changing room). The public address system is to be maintained through the life of the development to ensure that the system remains audible in all tenancies and public areas.
- 3.6 To maintain active frontages of the shopping centre, coverage of glazing, such as window dressings, posters, advertisements and the like, is restricted to 60% of each window
- 3.7 To improve surveillance and open sight lines allowing people to see the entrances to the toilets, amended plans of the public toilet area, including the centre manager’s office, is to be submitted to and approved by Council’s Community Safety Officer prior to the issue of a Construction Certificate. The following details are to be included:
- (a) The centre manager’s office shall include a viewing window to provide clear view of the corridor leading to the toilets
 - (b) CCTV coverage shall be provided in the corridor leading to the toilets
 - (c) Signage stating the corridor is covered by CCTV shall be installed within the corridor
 - (d) Quality lighting shall be installed in the corridor
- 3.8 The recommendations contained within the “*Southlands Social Impact Assessment and Crime Prevention Through Environmental Design Audit*”, as amended by Council’s Community Safety Co-ordinator, is to be adopted in the future design and construction of the shopping centre

Community Management

- 3.9 To ensure that local services and partners are engaged in local events, activities and community vibrancy, a Management Program outlining the impact monitoring and communications strategy is to be prepared in conjunction with Council. The applicant is to liaise with Council's Community Programmes Co-ordinator regarding the Program. This Program is to be developed prior to the Occupation Certificate being issued for the development

Engineering

- 3.10 The following items are to be addressed by amended plan submitted to an approved by Council prior to the issue of a Construction Certificate for the site:

- (a) The ramp and stairs at the Maxwell Street frontage are to be relocated on site and removed from the road reserve
- (b) An amended drainage plan that covers the whole of the site and includes proposed finished surface levels, pit drainage inverts, flow rates, water quality devices prior to discharge to the Council system and retaining wall drainage connection
- (c) An amended car park layout that removes the proposed landscape strips at the end of the car spaces
- (d) Proposed retaining wall details that show the impact of the proposed walls on the verge and the construction process. Plans are to show any services that are to be affected by the construction

- 3.11 Fencing is to be provided for the following locations:

- (a) 10m to the north of the existing pedestrian crossings on both sides of the road in Evan Street
- (b) the south western side of the pedestrian crossing in Evan Street and is to extend from the crossing 5m past the pedestrian entrance to the shopping centre
- (c) on the eastern side of Evan Street to the south of the crossing and is to match the proposed fencing on the western side

The proposed fencing type is to be approved by Council prior to a Construction Certificate being issued. Fencing is to be provided at no cost to Council

- 3.12 The proposed gates within the service road are to allow for the passage of overland flow and be of an open style construction for the lower 0.5m
- 3.13 The pavement design for the service road is to be designed so as to place no loads on the existing Council owned stormwater pipe and is to grade from Evan Street to Birmingham Road

Traffic and Parking

- 3.14 All car parking and manoeuvring must be in accordance with AS 2890 and Council's requirements. Full details must be submitted with the Construction Certificate
- 3.15 By use of an automatic boom gate or other physical measure on the property, delivery vehicles are to be prevented from entering the site from Birmingham Road
- 3.16 In the event that road widening is required along the Maxwell Street frontage in accordance with Penrith IDO 28, the applicant is to find alternative car parking spaces on site or to the satisfaction of Council.

Landscaping

- 3.17 Prior to an Occupation Certificate being issued, a landscaped feature element is to be provided at the midblock footpath entry on Council's land. This landscaped element is to be designed such that it represents an open link between Council's Community Precinct and the southern entry to the Shopping Centre. Liaison with Council's Landscape Co-ordinator is required in the development of this element
- 3.18 The proposed landscaping within the road reserve, including species are to be amended. Liaison with Council's Park, Construction and Maintenance Department is suggested in regard to street tree species and spacing
- 3.19 The landscaping beds within the car parking area are to allow for increased pedestrian and trolley access

Advice

- 3.20 In accordance with the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve
- 3.21 Any temporary loading zones required during construction will be the subject of a separate application to the Local Traffic committee and payment of the appropriate fees.

THE CITY IN ITS ENVIRONMENT

5 Plan of Management for Jamison Creek Riparian Corridor

'99 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler

That:

1. The information contained in the report on Plan of Management for Jamison Creek Riparian Corridor be received.
2. Council adopt the Draft Plan of Management for Jamison Creek Riparian Corridor, as detailed in the report.

4 Rainwater Tanks

'100 RESOLVED on the MOTION of Councillor Kaylene Allison seconded Councillor Susan Page

That:

1. The information contained in the report on Rainwater Tanks be received.
2. Council continue to promote the Sydney Water rebate and WaterFix program.
3. Council continue to investigate and provide current information to residents on available interest free loans offered by financial institutions for the purchase of rainwater tanks.

6 Asbestos contamination at Leonay Parade, Leonay

'101 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Asbestos contamination at Leonay Parade, Leonay be received.
2. Council approve the engagement of Geotechnique Pty Ltd to remediate and validate the reserve for the estimated cost of \$106,300.

THE CITY AS AN ECONOMY

7 Draft Employment Planning Strategy

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

That:

1. The information contained in the report on Draft Employment Planning Strategy be received.
2. Council adopt the Employment Planning Strategy, as attached to this report, with the site at Old Bathurst Road/Russell Street to be included in the Draft LEP as General Industrial, with all other issues to be assessed as part of a future Development Application.
3. Those who made submissions regarding the Employment Planning Discussion Paper and draft Employment Planning Strategy be advised of Council's decision, and thanked for their participation in the process.
4. Council adopt the revised 'Penrith City – Centres Hierarchy', as attached to this report, as an Interim Policy.

THE CITY SUPPORTED BY INFRASTRUCTURE

8 Design & Construct a Pedestrian Bridge over Schoolhouse Creek, Loftus Street, Regentville -Tender Reference 14-06/07

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

That:

1. The information contained in the report on Design & Construct a Pedestrian Bridge over Schoolhouse Creek, Loftus Street, Regentville -Tender Reference 14-06/07 be received.
2. All tenders in this matter be reviewed, with a view to approaching all tenderers, or calling for new tenders, and the matter then be further reported to Council.
3. The Disability Access Committee view the plans for the bridge and inspect the site to ensure that the design meets access requirements.

LEADERSHIP AND ORGANISATION

9 2006-2007 Council Borrowing Program

104 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Greg Davies that the information contained in the report on 2006-2007 Council Borrowing Program be received.

10 Amendment to the 2007 Meeting Calendar

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

That:

1. The information contained in the report on Amendment to the 2007 Meeting Calendar be received.
2. The 2007 Council Meeting Calendar be amended so that the Ordinary Meeting scheduled for 14 May 2007 is held on 7 May 2007, the Ordinary Meeting scheduled for 18 June is held on 25 June 2007, and an additional Ordinary Meeting is held on 28 May 2007.

11 Local Government Reform Program - Promoting Better Practice Report

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

That:

1. The information contained in the report on Local Government Reform Program - Promoting Better Practice Report be received.
2. The attached letter and accompanying Table be forwarded to the Department of Local Government.

13 Summary of Investments & Banking for the period 30 January 2007 to 26 February 2007

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 30 January 2007 to 26 February 2007 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 30 January 2007 to 26 February 2007 be noted and accepted.
3. The graphical investment analysis as at 26 February 2007 be noted.

12 City Operations Directorate Report to end of February 2007

108 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that the information contained in the report on City Operations Directorate Report to end of February 2007 be received.

QUESTIONS WITHOUT NOTICE

QWN 1 Closure of Sportsgrounds

Councillor Garry Rumble requested a memo reply to all Councillors concerning Council's policy on the blanket closure of all sportsgrounds during wet weather.

QWN 2 Tench Reserve - Softfall under Play Equipment

Councillor Garry Rumble requested a memo reply regarding complaints about the lack of regular attention to the softfall material under the swings at Tench Reserve, and seeking advice as to how often this area is serviced.

QWN 3 Mosquito Vector Control Program

Councillor Garry Rumble requested a report to Council on the Mosquito Vector Control program, this report to comment in particular on the potential risk of domestic water tanks and other containers, holding collected water for long periods of time, breeding mosquitoes in large numbers.

QWN 4 Regentville Community Hall

Councillor Mark Davies tabled a petition from residents in the vicinity of Regentville Community Hall, requesting a memo reply, and that a meeting be organised for residents to discuss with Councillors and Council officers the issues of concern they are facing, regarding antisocial behaviour taking place during functions at the Hall.

QWN 5 Graffiti - Mulgoa Road

Councillor Mark Davies requested a memo reply concerning the removal of graffiti on the transformer box outside the Supacheap Auto building on Mulgoa Road, Penrith, and additionally seeking advice as to who is responsible for removing graffiti on the Domayne sign in the same locality.

QWN 6 Brookfield Avenue, Werrington Downs and Adjoining Open Space

Councillor Ross Fowler requested a report to Council on the possibility of more fully utilising the Brookfield Avenue open space area for active recreation purposes, and in particular for junior sports.

QWN 7 Off Leash Areas

Councillor David Bradbury requested a memo reply to his previous request of 1 March 2007, for a response regarding the status of existing off leash areas, and the possibility of providing off leash areas in the Penrith Lakes Scheme.

QWN 8 Claremont Meadows Shopping Centre

Councillor David Bradbury requested a memo reply regarding the cleanliness of the Claremont Meadows Shopping Centre, and requested that Council write a letter to the shop owners in this centre, regarding the poor presentation and appearance of the centre, and asking that they take appropriate action to remedy this situation.

QWN 9 Re-Election of Local State Members

Councillor David Bradbury requested that the Mayor write a letter to the three local State Members - The Hon Diane Beamer MP, Member for Mulgoa; Mrs Karyn Paluzzano MP, Member for Penrith; and Mr Allan Shearan, Member for Londonderry - congratulating them on their re-election to Parliament at the State Election held on 26 March 2007.

109 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Kaylene Allison that the matter be brought forward and dealt with as a matter of urgency

The Deputy Mayor, Councillor Karen McKeown, ruled that the matter was urgent and should be dealt with at the meeting.

110 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Kaylene Allison that the Mayor write a letter to the three local State Members - The Hon Diane Beamer MP, Member for Mulgoa; Mrs Karyn Paluzzano MP, Member for Penrith; and Mr Allan Shearan, Member for Londonderry - congratulating them on their re-election to Parliament at the State Election held on 26 March 2007.

QWN 10 Orchard Hills Public School - Access Road

Councillor Greg Davies requested a memo reply detailing the approximate cost of resealing the access road to Orchard Hills Public School, and how funding may be obtained for this from the relevant authority.

COMMITTEE OF THE WHOLE

111 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 8:31 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 - 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 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.

- 4 Commercial Matter - Samuel Marsden Road Riding Facility Committee**

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 Supported by Infrastructure

- 5 Personnel Matter - Lorry Owner Drivers**

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.

Leadership and Organisation

- 6 Legal Matter - Emily Street, Londonderry**

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 9:18 pm and the Acting General Manager reported that the Committee of the Whole met at 7:31 pm on 26 March 2007, the following being present

The Deputy Mayor Councillor Karen McKeown, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury, Lexie Cettolin, Greg Davies, Mark Davies, Ross Fowler, 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 - 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 Jim Aitken OAM

CW2 That:

1. 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.
2. Council grant delegation to the Development Services Manager to refuse the application in accordance with the matters outlined in this report.
3. The SEPP 1 objection be refused.

- 3 Legal Matter - Applicant: Walker Group Constructions; Owner: Macquarie Goodman** **DA04/1637**

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

CW3 That the information contained in the report on Legal Matter – Applicant: Wallker Group Constructions; Owner: Macquarie Goodman be received, and a further report be presented to Council, concerning the matters raised.

4 Commercial Matter - Samuel Marsden Road Riding Facility Committee

RECOMMENDED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken

CW4 That the information contained in the report on Commercial Matter - Samuel Marsden Road Riding Facility Committee be received.

5 Personnel Matter - Lorry Owner Drivers

RECOMMENDED on the MOTION of Councillor Ross Fowler seconded Councillor Susan Page

CW5 That:

1. The information contained in the report on Personnel Matter - Lorry Owner Drivers be received.
2. Council approve the payments as detailed in the report.

6 Legal Matter - Emily Street, Londonderry

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

CW6 That:

1. The information contained in the report on Legal Matter - Emily Street, Londonderry be received.
2. The recommendation contained in the report be adopted.

ADOPTION OF COMMITTEE OF THE WHOLE

112 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Jim Aitken OAM the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5 and CW6 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:20 pm.

I certify that these 18 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith

City Council held on 26 March 2007.

Chairperson

Date