

CONFIRMED MINUTES

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

ON MONDAY 23 APRIL 2007 AT 7:32PM

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 Executive Officer/Public Officer.

PRESENT

His Worship the Mayor Councillor Pat Sheehy AM, Councillors David Bradbury (arrived at 8:00 pm), Lexie Cettolin, Kevin Crameri OAM, Greg Davies, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Steve Simat and John Thain.

APOLOGIES

113 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown that the apologies from Councillors David Bradbury, Kaylene Allison and Jim Aitken OAM be accepted.

CONFIRMATION OF MINUTES - Ordinary Meeting - 26 March 2007

114 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler that the minutes of the Ordinary Meeting of 26 March 2007 be confirmed, subject to the amendment of part 2 of the resolution at Item 7 to now read:

- “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.”

DECLARATIONS OF INTEREST

Councillor Kevin Crameri OAM declared a non-pecuniary interest in *Item 7 - Development Application DA06/1848 for the construction of a dwelling at Lot 244 DP2147 (No. 244) Seventh Avenue, Llandilo. Applicant: Innovation Planning Australia; Owner: Mr Phillip Adams* as he lives and owns land in the vicinity, and in view of his long association with the applicant's family for many years. Councillor Crameri reserved the right to comment during

any debate, but stated that he would not vote on this matter.

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, and a Director on the Board of Penrith Whitewater Stadium.

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 Karen McKeown 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.

His Worship the Mayor, 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

115 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:39 pm.

Mr Robert McGuinness

Item 7 - Development Application DA06/1848 for the construction of a dwelling at Lot 244 DP2147 (No. 244) Seventh Avenue, Llandilo. Applicant: Innovation Planning Australia; Owner: Mr Phillip Adams

Speaking AGAINST the Recommendation

Mr McGuinness was representing Innovation Planning Australia Pty Ltd, and spoke against the recommendation for refusal of the development, stating that, as the proposal is for a single dwelling on a single lot, it will not reduce the opportunity for further agricultural development, as it will take up no more space on the 1 ha lot than a dual occupancy would on a 2 ha lot. He also stated that the likelihood of any new agricultural pursuits being undertaken on a 2ha lot is very low, given the current state of rural industry.

RESUMPTION OF STANDING ORDERS

116 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler that Standing Orders be resumed, the time being 7:47 pm.

MAYORAL MINUTES

1 The Passing of Mr Dharma Sinniah

117 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Karen McKeown that the Mayoral Minute on The Passing of Mr Dharma Sinniah be received.

2 Launch of Penrith Valley Home Based Business Website

118 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Greg Davies that the Mayoral Minute on Launch of Penrith Valley Home Based Business Website be received.

3 Community Partnership with the NSW Cancer Council

Councillor David Bradbury arrived at the meeting, the time being 8:00 pm.

119 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Mark Davies that the Mayoral Minute on Community Partnership with the NSW Cancer Council be received.

Dr Penman made a presentation on the Cancer Council's partnership with Penrith City Council and how it was important, given the statistics relating to cancer.

4 Retirement of Information Technology Manager Richard Baczelis

120 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Kevin Crameri OAM that the Mayoral Minute on Retirement of Information Technology Manager Richard Baczelis be received.

LEADERSHIP AND ORGANISATION

8 Presentation to Richard Baczelis

121 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Presentation to Richard Baczelis be received.
2. Council to recognise the long service and dedicated contribution made by Richard Baczelis in his 43 year long career with Penrith City Council, and extend its best wishes to Richard Baczelis and his family for a long and happy retirement.

His Worship the Mayor, Councillor Pat Sheehy AM, presented Richard Baczelis with a framed copy of the Mayoral Minute.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 2 April 2007

122 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 April, 2007 be adopted.

2 Report and Recommendations of the Policy Review Committee Meeting held on 2 April 2007

123 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Garry Rumble that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 2 April, 2007 be adopted.

MASTER PROGRAM REPORTS

THE CITY IN ITS BROADER CONTEXT

14 Penrith Lakes Scheme

124 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Kevin Crameri OAM that the information contained in the report on Penrith Lakes Scheme be received.

THE CITY AS A SOCIAL PLACE

1 Assistance to Amateur Sportspeople and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel

125 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri OAM that the information contained in the report on Assistance to Amateur Sportspeople and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel be received.

3 Naming of a Park in Algie Crescent, Kingswood

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

That:

1. The information contained in the report on Naming of a Park in Algie Crescent, Kingswood be received.
2. Council endorse the naming of the park on Algie Crescent, Kingswood as 'Samuel Foster Reserve' and make application to the Geographical Names Board for the official gazetting.

5 Children's Services 2007/2008 Budget Overview and Fees and Charges

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

That:

1. The information contained in the report on Children's Services 2007/2008 Budget Overview and Fees and Charges be received.
2. Council adopt the fees and charges for the operation of Children's Services for inclusion in the Draft 2007/2008 Management Plan.
3. Council's draft 2007/2008 Management Plan include funding of \$65,938 (operational deficit of \$59,938 and \$6,000 equipment allocation for Vacation Care services) towards service provision for the Children's Services managed by Penrith City Children's Services Co-operative.
4. Council's draft 2007/2008 Management Plan include provision for a \$5,000 scholarship for Children's Services.
5. The proposed 2007/2008 fees and charges for Children's Services be adopted with allowance for PCCSC, under certain criteria, to vary the fees and charges by up to 20%, having regard to a policy to be adopted by Council with regard to setting the fees and charges.

6 Londonderry Neighbourhood Project

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

That:

1. The information contained in the report on Londonderry Neighbourhood Project be received.
2. Council endorse the grant application to DOTARS.
3. Council approve the \$50,000 cash contribution from the following sources:
 - . \$20,000 for water saving measurers in building services
 - . \$18,000 from General Revenue
 - . \$12,000 advanced from the Sustainability Revolving Fund to be repaid over 5 years.

2 Community Safety & Security Conference 2007

129 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Karen McKeown

That:

1. The information contained in the report on Community Safety & Security Conference 2007 be received.
2. Councillor Garry Rumble, and any other available Councillors attend the Conference and leave of absence be granted to those Councillors as appropriate.

4 Mosquito Vector Control Program

130 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Mosquito Vector Control Program be received.
2. Council undertake a targeted information program about mosquitoes and arboviruses at the start of known risk periods.

7 Development Application DA06/1848 for the construction of a dwelling at Lot 244 DP2147 (No. 244) Seventh Avenue, Llandilo. Applicant: Innovation Planning Australia; Owner: Mr Phillip Adams DA06/1848

131 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Steve Simat that consideration of this item be deferred until Councillor Jim Aitken OAM is able to be in attendance.

LEADERSHIP AND ORGANISATION

10 Westpool Study Tour - Public Risk and Insurance Managers Association (PRIMA) Conference 2007

132 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Susan Page that the information contained in the report on Westpool Study Tour - Public Risk and Insurance Managers Association (PRIMA) Conference 2007 be received.

11 Grants Received

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

That:

1. The information contained in the report on Grants Received be received.
2. Council endorse the acceptance of \$2 million for the Implement Ropes and South Creek Regional Open Space Strategic Management Plan and \$1.1 million for the Sustainable Playing Fields project funded through the Environmental Trust's Urban Sustainability Program.
3. Council send letters of thanks to the Minister for the Environment and the Local Member for their support and pledged funds for the Urban Sustainability Program grants.
4. Council endorse the acceptance of funding for the Great River Walk, Penrith Stage 1a and the Signage, Branding and Promotions Plan, offered under the Metropolitan Greenspace Program 2006/07.
5. Council send letters of thanks to the Minister for Planning and the Local Member, and letters of congratulations to the Great River Walk Incorporated and Hawkesbury City Council for their support and pledged funds.

12 Council Property - Land Consolidation - Penrith Regional Gallery & Lewers Bequest. Owner: Penrith City Council. Applicant: Penrith City Council

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

That:

1. The information contained in the report on Council Property - Land Consolidation - Penrith Regional Gallery & Lewers Bequest. Owner: Penrith City Council. Applicant: Penrith City Council be received.
2. The Common Seal of the Council of the City of Penrith be placed on the Linen Plan of Consolidation that consolidates Lots 3 & 4 DP 504935 and Lot B1 DP 419667.

13 Summary of Investments for the period of 27 February 2007 to 31 March 2007

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

That:

1. The information contained in the report on Summary of Investments for the period of 27 February 2007 to 31 March 2007 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 27 February 2007 to 31 March 2007 be noted and accepted.
3. The graphical investment analysis as at 31 March 2007 be noted.
4. The Agency Collection Fees information as at 31 March 2007 be noted.

9 2007 Australian Local Government Association (ALGA) National General Assembly of Local Government

' 136 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow

That:

1. The information contained in the report on 2007 Australian Local Government Association (ALGA) National General Assembly of Local Government be received.
2. Council nominate the Mayor, or his nominee, as its voting delegate for the 2007 National General Assembly of Local Government.
3. Council nominate Councillors Jim Aitken OAM, Garry Rumble, Susan Page, and any other interested and available Councillor, to attend as observers at the 2007 National General Assembly of Local Government.
4. Leave of Absence be granted to all Councillors attending the 2007 National General Assembly of Local Government to be held in Darwin from 26-29 November 2007.

QUESTIONS WITHOUT NOTICE

QWN 1 Andrews Road, Cranebrook

' Councillor Kevin Crameri OAM requested a memo reply detailing what action will be taken to remedy the poor state of the surface of Andrews Road, Cranebrook, between Castlereagh Road and Greygums Road.

QWN 2 Mowing - Casuarina Circuit and Angophora Avenue, Kingswood

' Councillor Mark Davies requested a memo reply addressing the concerns raised by residents with regard to recent mowing works carried out to the reserve bounded by Casuarina Circuit and Angophora Avenue, Kingswood.

QWN 3 Proposed Bridge to connect Penrith Lakes Scheme to the Northern end of Russell Street, Emu Plains

Councillor Mark Davies submitted a petition from 60 residents of the Russell Street, Emu Plains area, and requested a memo reply addressing their concerns regarding a bridge proposed to be built to connect the Penrith Lakes Scheme to the northern end of Russell Street, Emu Plains. The concerns mostly relate to the likely impact of the proposed bridge on the amenity of the area.

QWN 4 Mamre Road, St Clair

Councillor Steve Simat requested a report to Council, regarding the possibility of implementing a beautification program, including the planting of trees, in various areas on the eastern side of Mamre Road, St Clair, in and around the vicinity of Banks Drive and McIntyre Street, which would serve to enhance the view corridor along that strip.

QWN 5 Presentation of Rotary Award

Councillor Karen McKeown presented Council with a Bronze Sponsor award, from Rotary, for Council's involvement in the 'Police Officer of the Year' Award.

QWN 6 Aussies for Orphans Ball

Councillor Karen McKeown requested that \$300 be allocated from each of the three Wards' voted works for Council to become a Gold Sponsor of the Aussies for Orphans Ball.

137 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler 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.

138 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler that \$300 be allocated from each of the three Wards' voted works for Council to become a Gold Sponsor of the Aussies for Orphans Ball.

COMMITTEE OF THE WHOLE

139 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Jackie Greenow that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:53 pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Susan Page seconded Councillor Jackie Greenow 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 Shops 10, 11 & 13 at Cranebrook Village Shopping Centre

This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Leadership and Organisation

3 Commercial Matter - Acquisition for Road Widening, Castlereagh Road/Jane Street, 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 Commercial Matter - Council Property - Dedication for Road Widening, Springwood Road, Agnes Banks

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.

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 10:01 pm and the Acting General Manager reported that the Committee of the Whole met at 8:53 pm on Monday, 23 April 2007, following being present

His Worship the Mayor Councillor Pat Sheehy AM, Councillors 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

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 Commercial Matter - Council Property - Lease of Shops 10, 11 & 13 at Cranebrook Village Shopping Centre

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

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Lease of Shops 10, 11 & 13 at Cranebrook Village Shopping Centre be received.
2. Council grant H.S. Enterprises Pty Ltd a five (5) year Lease, with a five (5) year Option, over Shops 10, 11 & 13 at Cranebrook Village Shopping Centre in accordance with the terms and conditions contained within the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

3 Commercial Matter - Acquisition for Road Widening, Castlereagh Road/Jane Street, Penrith

RECOMMENDED on the MOTION of Councillor Ross Fowler seconded Councillor Jackie Greenow

CW3 That:

1. The information contained in the report on Commercial Matter - Acquisition for Road Widening, Castlereagh Road/Jane Street, Penrith be received.
2. Council purchase Lot 1 DP 218028 at Nos 2277-2279 Castlereagh Road, Penrith in accordance with Conditions 1-7 as outlined in the report.
3. The land be classified as "Operational" land.
4. The Building Services Manager be authorised to demolish all structures after acquisition.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

4 Commercial Matter - Council Property - Dedication for Road Widening, Springwood Road, Agnes Banks

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Garry Rumble

CW4 That:

1. The information contained in the report on Commercial Matter - Council Property - Dedication for Road Widening, Springwood Road, Agnes Banks be received.
2. Council accept compensation from the Roads & Traffic Authority for the acquisition and dedication as road of approximately 960 square metres from Lot 2 DP 564321 Springwood Road, Agnes Banks 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 David Bradbury seconded Councillor Steve Simat

CW5 That:

1. The information contained in the report on Legal Matter - Penrith Whitewater Stadium be received.
2. The suggested action in the report be endorsed.

ADOPTION OF COMMITTEE OF THE WHOLE

140 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Garry Rumble that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:04 pm.

I certify that these 11 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 23 April 2007.

Chairperson

Date