

CONFIRMED MINUTES

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

ON MONDAY 23 JULY 2007 AT 7:34PM

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.

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.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 2 July 2007

258 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Garry Rumble that the minutes of the Ordinary Meeting of 2 July 2007 be confirmed.

DECLARATIONS OF INTEREST

Nil.

MAYORAL MINUTES

1 The Retirement of Sir Ian Turbott AO, CMG, CVO

259 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jackie Greenow that the Mayoral Minute on The Retirement of Sir Ian Turbott AO, CMG, CVO, be received.

2 Retirement of Children's Services Manager Denise Gibson

260 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jackie Greenow that the Mayoral Minute on Retirement of Children's Services Manager Denise Gibson be received.

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

3 Emu Village Childcare Centre recognised in State awards

261 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Karen McKeown that the Mayoral Minute on Emu Village Childcare Centre recognised in State awards be received.

His Worship the Mayor, Councillor Pat Sheehy AM, presented Cathy Omerod, Co-ordinator of Emu Village Childcare Centre, with a framed certificate from Network NSW in recognition of the outstanding work done by the Centre in Out of School Hours care.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Disability Access Committee Meeting held on 6 June 2007

262 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Susan Page that the recommendations contained in the Report and Recommendations of the Disability Access Committee meeting held on 6 June, 2007 be adopted.

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

263 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Greg Davies that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 July, 2007 be adopted.

3 Report and Recommendations of the Policy Review Committee Meeting held on 9 July 2007

264 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 9 July, 2007 be adopted.

MASTER PROGRAM REPORTS

THE CITY IN ITS BROADER CONTEXT

1 Finalise Master Plan and implementation Strategy for the Civic Space between the JSPAC, Civic Centre and Westfield

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

That:

1. The information contained in the report on Finalise Master Plan and implementation Strategy for the Civic Space between the JSPAC, Civic Centre and Westfield be received.
2. Council endorse the draft Landscape Master Plan for exhibition purposes and the commencement of the pathway upgrade outlined in Stage 1 commence immediately following completion of detailed designs.
3. In conjunction with the Landscape Master Plan, Council conduct a safety audit of the Henry/High Streets section of the walkway between Railway Street and the Civic Centre, with special consideration being given to lighting requirements.
4. A memorandum of understanding and a program of events be developed between Council, the JSPAC and Westfield
5. The matter be reported back to Council following completion of the consultation process for adoption.

Councillor Kevin Cramer requested that his name be recorded as having voted AGAINST the MOTION.

Councillor Mark Davies left the meeting, the time being 8:10 pm.

Councillor Mark Davies returned to the meeting, the time being 8:17 pm.

2 Great River Walk Stage 5

Councillor David Bradbury left the meeting, the time being 8:18 pm.

Councillor David Bradbury returned to the meeting, the time being 8:19 pm.

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

That:

1. The information contained in the report on Great River Walk Stage 5 be received.
2. Council endorse the lodgement of the application for the 2007-2008 Metropolitan Greenspace Program grant for the Great River Walk Stage 5.
3. The Department of Planning be notified of Council's endorsement of the application.
4. A further report be presented to Council concerning the provision of street lighting for the pavement of the Great River Walk Stage 5.

THE CITY AS A SOCIAL PLACE

4 Unauthorised development carried out by Walker Corporation Pty Limited.

Applicant: Walker Group Constructions Pty Limited; Owner: Macquarie Goodman

DA04/1637

267 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler that the information contained in the report on Unauthorised development carried out by Walker Corporation Pty Limited be received.

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

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

That:

1. The information contained in the report on Assistance Towards Amateur Sportspeople and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel be received.
2. Council be provided with quarterly reports detailing the results/outcomes gained by recipients of this assistance.

THE CITY IN ITS ENVIRONMENT

5 Grant Received - Waterwise Garden - St Marys

'269 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Greg Davies

That:

1. The information contained in the report on Grant Received - Waterwise Garden - St Marys be received.
2. Council endorse the acceptance of \$42,735 for the construction of a Waterwise demonstration garden at St Marys, from the Hawkesbury Nepean Catchment Management Authority.

THE CITY SUPPORTED BY INFRASTRUCTURE

7 Local Government Road Safety Program - Roads and Traffic Authority Grant Funding 2007-2008

'270 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Local Government Road Safety Program - Roads and Traffic Authority Grant Funding 2007-2008 be received.
2. Council accept the grants from the Roads and Traffic Authority as outlined in the report.

6 RTA 2007/08 Road Funding Grants

271 RESOLVED on the MOTION of Councillor Steve Simat seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on RTA 2007/08 Road Funding Grants be received.
2. The RTA 2007/08 Program Funding Block Grant in the amount of \$894,000 be accepted.
3. The Supplementary Road Component in the amount of \$156,000 be allocated to the next stage of the upgrading of Luddenham Road, a 1km section commencing 1km south of Twin Creeks Drive, heading south.
4. Council accept the grant of \$250,000, offered under the 2007/2008 Roads and Traffic Authority REPAIR Program, for the reconstruction of Jamison Road, South Penrith between Woodriff Street and 50m east of Castlereagh Street.
5. The Common Seal of the Council of the City of Penrith be affixed to the "Agreement for Block Grant Assistance to Council for Regional Roads 2007/2008".
6. Council accept the grant of \$44,000 offered under the Road Safety Program to partially fund the position of Road Safety Co-ordinator.
7. A report be provided to Council, detailing options available to accelerate the provision of funding to complete upgrading of Luddenham Road.

8 Connecting Road between Erskine Business Park and the M7 Motorway

272 RESOLVED on the MOTION of Councillor Steve Simat seconded Councillor John Thain

That:

1. The information contained in the report on Connecting Road between Erskine Business Park and the M7 Motorway be received.
2. Council make urgent representations to the NSW Planning Minister regarding the urgency of accelerating the provision of this important element of infrastructure.

LEADERSHIP AND ORGANISATION

9 Bestowing the Civic Recognition of Honorary Citizen of the City of Penrith upon Sir Ian Turbott AO, CMG, CVO

273 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Bestowing the Civic Recognition of Honorary Citizen of the City of Penrith upon Sir Ian Turbott AO, CMG, CVO be received.
2. Council bestow the Civic recognition of Honorary Citizen of the City of Penrith upon Sir Ian Turbott AO, CMG, CVO at a Civic Reception, to be held as soon as practicable.

14 Pecuniary Interest Returns

274 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jackie Greenow that the information contained in the report on Pecuniary Interest Returns be received.

15 City Operations Directorate Report to end June 2007

275 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jackie Greenow that the information contained in the report on City Operations Directorate Report to end June 2007 be received.

17 Summary of Investments & Banking for the period 29 May to 30 June 2007

276 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Summary of Investments & Banking for the period 29 May to 30 June 2007 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 29 May 2007 to 30 June 2007 be noted and accepted.
3. The graphical investment analysis as at 30 June 2007 be noted.
4. The Agency Collection Fees information as at 30 June 2007 be noted.

10 Bestowing the Civic Recognition of Honoured Citizen of the City of Penrith upon the Hon Peter Anderson AM

277 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler

That:

1. The information contained in the report on Bestowing the Civic Recognition of Honoured Citizen of the City of Penrith upon the Hon Peter Anderson AM be received.
2. Council bestow the Civic recognition of Honoured Citizen of the City of Penrith upon the Hon Peter Anderson AM, at a Civic Reception, to be held as soon as practicable.

11 NSW Electoral Commission - Anticipated Cost of 2008 Local Government Elections

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

That:

1. The information contained in the report on NSW Electoral Commission - Anticipated Cost of 2008 Local Government Elections be received.
2. Council write to the Premier, the Minister for Local Government, Local State Members and the Local Government Association of New South Wales expressing Council's dissatisfaction in such a large increase in costs being passed on to local government.
3. Council write to WSROC, seeking their support by way of representations to Government in this matter.

12 2007 Local Government Association NSW Conference Motions

279 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow

That:

1. The information contained in the report on 2007 Local Government Association NSW Conference Motions be received.
2. The eleven (11) motions detailed in the report be submitted for inclusion in the 2007 Local Government Association NSW Conference Business Paper.
3. The following additional motion be submitted for inclusion in the 2007 Local Government Association NSW Conference Business Paper:

“That the NSW Local Government Association make a submission to the Independent Transport Safety & Reliability Regulator (ITSRR) and the Minister for Transport regarding the likely financial and legal impact on councils in regard to responsibility and liability resulting from any Interface Agreements.

That the NSW Local Government Association also be requested to negotiate with the appropriate Rail Authorities on an agreed template for Interface Agreements.”

4. Councillor Kaylene Allison be nominated as a voting delegate at the 2007 Local Government Association NSW Conference to replace Councillor Jim Aitken OAM who is unable to attend.

13 2007 Australian Local Government Association (ALGA) National General Assembly of Local Government

280 RESOLVED on the MOTION of Councillor Karen McKeown 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. The Motion detailed in the report be submitted for inclusion in the 2007 Australian Local Government Association National General Assembly Business Paper.
3. The following additional motion be submitted for inclusion in the 2007 Australian Local Government Association (ALGA) National General Assembly of Local Government Business Paper:

“That the Australian Local Government Association make a submission to the Independent Transport Safety & Reliability Regulator (ITSRR) and the Minister for Transport regarding the likely financial and legal impact on councils in regard to responsibility and liability resulting from any Interface Agreements.”

16 Standard & Poor's Credit Rating

281 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Karen McKeown

That:

1. The information contained in the report on Standard & Poor's Credit Rating be received.
2. A report be provided to Council examining the capacity of Penrith City Council to issue its own infrastructure bonds, and if needed, a recommendation be prepared for the LGA Conference regarding approaching the Government to change legislation to allow this to occur.

QUESTIONS WITHOUT NOTICE

QWN 1 Consultation with Local Youth – Youth Advisory Council (YAC)

Councillor Susan Page requested that an urgent report be brought to Council on how Penrith City Council consults with its young people, and detailing how Council would participate in any Western Sydney Regional YAC that may be created in the future.

282 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Jackie Greenow that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Pat Sheehy AM, ruled that the matter was urgent and should be dealt with at the meeting.

283 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Jackie Greenow that an urgent report be brought to Council on how Penrith City Council consults with its young people, and detailing how Council would participate in any Western Sydney Regional YAC that may be created in the future.

QWN 2 Lighting - Henry Street side of Westfield

Councillor Susan Page requested a memo reply concerning the lights over the footpath alongside Westfield in Henry Street, which are not working, and requested that they be repaired.

QWN 3 Trees - Racecourse Road, Penrith

Councillor Susan Page requested a memo reply concerning the need to trim overhanging branches on trees along Racecourse Road, particularly on the left hand side on the corner of Gilda Avenue, travelling north.

QWN 4 Activities of Western Sydney Alliance

Councillor David Bradbury requested a report to Council providing an update on the activities of the Western Sydney Alliance in relation to the campaign against the proposed Badgerys Creek Airport.

QWN 5 Access on Australian Aeroplanes

Councillor David Bradbury requested that the Disability Access Committee review the matter of disability access on Australian aeroplanes and that a report be provided to Council on this matter, the review to consider the suitability of toilet facilities provided.

QWN 6 Recycling facilities available to Council's Controlled Entities

Councillor Karen McKeown requested a report to Council detailing what recycling facilities are available, and being utilised, at the premises of Council's controlled entities.

QWN 7 Scientific Weeds Study

Councillor John Thain requested that the Mayor write to the State Government, seeking information on the progress of the Scientific Weeds Study, and that a memo reply be forwarded to all Councillors when this information has been received.

QWN 8 Community Services Directory

Councillor Kevin Crameri OAM requested that his fax number be amended in the Community Services Directory, and including the CD version and electronically available information.

QWN 9 Immunisation Clinic

Councillor Kevin Crameri OAM requested a memo reply to all Councillors concerning the booking of the Penrith Library Theatre, and the facility available at St Marys, for the immunisation clinics.

COMMITTEE OF THE WHOLE

284 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Susan Page that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:59 pm.

1 Presence of the Public

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

Leadership and Organisation

2 Property Matter - Council Property - Lease of Suite 2 at Gaymark Lane, 134-138

Henry Street, 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.

3 Property Matter - Council Property - Assignment of Lease - from Suzanne Fenech to proposed new tenant Clever Kids Education Centre Penrith over Suite 3 at Gaymark Lane, 134-138 Henry Street, 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.

Leadership and Organisation

4 Legal Matter - Penrith Whitewater Stadium

This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 9:08 pm and the General Manager reported that the Committee of the Whole met at 8:59 pm on 23 July 2007, 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

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 Property Matter - Council Property - Lease of Suite 2 at Gaymark Lane, 134-138 Henry Street, Penrith

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

CW2 That:

1. The information contained in the report on Property Matter - Council Property - Lease of Suite 2 at Gaymark Lane, 134-138 Henry Street, Penrith be received.
2. Council grant a 1 year lease with a 1 year option to Kapsis & Associates Solicitors & Barristers 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.

3 Property Matter - Council Property - Assignment of Lease - from Suzanne Fenech to proposed new tenant Clever Kids Education Centre Penrith over Suite 3 at Gaymark Lane, 134-138 Henry Street, Penrith

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

CW3 That:

1. The information contained in the report on Property Matter - Council Property - Assignment of Lease - from Suzanne Fenech to proposed new tenant Clever Kids Education Centre Penrith over Suite 3 at Gaymark Lane, 134-138 Henry Street, Penrith be received.
2. Council grant Suzanne Fenech an Assignment of Lease to Clever Kids Education Centre Penrith 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.

4 Legal Matter - Penrith Whitewater Stadium

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

CW4 That:

1. The information contained in the report on Legal Matter - Penrith Whitewater Stadium be received.
2. A further report be provided, as requested by Council, on this matter.

ADOPTION OF COMMITTEE OF THE WHOLE

285 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Jackie Greenow that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:10 pm.

I certify that these 12 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 23 July 2007.

Chairperson

Date