

CONFIRMED MINUTES

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

ON MONDAY 3 DECEMBER 2007 AT 7:34PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

PRAYER

The Council Prayer was read by the Rev Neil Checkley.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Greg Davies read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

PRESENT

His Worship the Mayor Councillor Greg Davies, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury, Lexie Cettolin, Kevin Crameri OAM, Mark Davies, Ross Fowler, Jackie Greenow, Karen McKeown, Garry Rumble, Pat Sheehy AM, Steve Simat (arrived at 8:02 pm) and John Thain.

APOLOGIES

440 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler that the apology from Councillor Steve Simat be accepted.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Susan Page for the period 5 November 2007 to 17 December 2007 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 5 November 2007

441 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Jim Aitken OAM that the minutes of the Ordinary Meeting of 5 November 2007 be confirmed.

DECLARATIONS OF INTEREST

Councillor Kevin Crameri OAM declared a non-pecuniary interest in *Item 3 – Magnetic Places – Community Cultural Grants Program*, as he is an office holder on the Llandilo Community Hall Committee.

SUSPENSION OF STANDING ORDERS

442 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor David Bradbury that Standing Orders be suspended to allow members of the public to address the

meeting, the time being 7:40 pm.

Mr Andrew Smith

Item 10 – Chameleon Drive Reserve – Erskine Park

Speaking AGAINST the Recommendation

Mr Smith was representing the Western Storm Soccer Club and outlined the Club's concerns that the membership is growing but that the Club has no permanent allocated grounds for training and competition. He stated that any other grounds that they could possibly use are already overcrowded with the usage of other soccer clubs in the area. Mr Smith reiterated that his Club was prepared to make a contribution to finding a long term solution to this problem, possibly involving a 3-5 year plan and requested Council's assistance in this regard, stating that before any grant monies can be sought, appropriate grounds need to be identified.

Mr Sasha Johnson

Item 12 – Community Noticeboard Facilities

Speaking FOR the Recommendation

Mr Johnson outlined the benefits of noticeboards, in particular their function of facilitating local arts and cultural events, raising public awareness, creating a sense of community, and providing opportunities for employment, access to housing, networking, pastoral care, and education and tuition. Mr Johnson stated that the noticeboards should be community owned and managed to ensure timely notification of events.

Mrs Gabriella Fenech

Item 14 – Subdivision Application 07/0121 at University of Western Sydney Lot 1721 DP 864087 (No. 56) Second Avenue, Kingswood. Applicant: Whelans Planning; Owner: University of Western Sydney, and Item 16 - Development Application 07/1281 Concept Plan for a "Seniors Living" Retirement Village Lot 1721 DP 864087 (which is subject to a 1 into 2 lot subdivision) (No. 56) Second Avenue, Kingswood. Applicant: Anglican Retirement Villages; Owner: University of Western Sydney

Speaking AGAINST the Recommendation

Mrs Fenech, an affected owner whose property is adjacent to the location of the proposed development, spoke of her concerns regarding the potential increase in traffic travelling along Manning Street on the boundary of her property. In addition, stating that increased traffic will be unsafe for pedestrian residents. Mrs Fenech also noted that this development would affect the level of privacy at the rear of her property and was concerned that the development would be excessive in terms of bulk and scale.

Mr Tim Vollmer

Item 14 – Subdivision Application 07/0121 at University of Western Sydney Lot 1721 DP 864087 (No. 56) Second Avenue, Kingswood. Applicant: Whelans Planning; Owner: University of Western Sydney, and Item 16 - Development Application 07/1281 Concept Plan for a “Seniors Living” Retirement Village Lot 1721 DP 864087 (which is subject to a 1 into 2 lot subdivision) (No. 56) Second Avenue, Kingswood. Applicant: Anglican Retirement Villages; Owner: University of Western Sydney

Speaking AGAINST the Recommendation

Mr Vollmer, an affected neighbour, addressed the issue of increased traffic, in particular the safety of students on school days, and requested details of the traffic assessment that was recently carried out in the area.

Councillor Steve Simat arrived at the meeting, the time being 8:02 pm.

443 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Cramer OAM that an extension of time be granted to Mr Tim Vollmer.

Mr Vollmer reiterated that the potential volume of through traffic was of particular concern. Mr Vollmer also raised the matter of the maximum height of the development possibly exceeding 8 metres, and also requested a map of the area which was notified of the development proposal.

Mr Trevor Ratcliff

Item 16 - Development Application 07/1281 Concept Plan for a “Seniors Living” Retirement Village Lot 1721 DP 864087 (which is subject to a 1 into 2 lot subdivision) (No. 56) Second Avenue, Kingswood. Applicant: Anglican Retirement Villages; Owner: University of Western Sydney

Speaking FOR the Recommendation

Mr Ratcliff, representing the applicant, spoke in support of the proposed development, and noted that the average age of residents would preclude them from driving motor vehicles and therefore the traffic impact on Manning Street would be minimal. Mr Ratcliff stated that, although the plans for the development have not yet been finalised, most of the development is likely to consist of single to two storey structures, to best meet the needs of residents in the area.

444 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Garry Rumble that an extension of time be granted to Mr Trevor Ratcliff.

Mr Ratcliff concluded by raising the matter of likely employment generation in the area, as a result of the proposed development, together with its location close to UWS, which may offer potential synergies, including opportunities for students in health care to obtain training.

Mr Yusuf Tayebjee

Item 16 – Development Application 07/1281 Concept Plan for a “Seniors Living” Retirement Village Lot 1721 DP 864087 (which is subject to a 1 into 2 lot subdivision) (No. 56) Second Avenue, Kingswood. Applicant: Anglican Retirement Villages; Owner: University of Western Sydney

Speaking AGAINST the Recommendation

Mr Tayebjee, an owner of property in the vicinity of the proposed development, briefly reiterated the concerns raised by affected neighbours, particularly with regard to possible traffic impacts, emphasising the effect that increased traffic will have on the safety of school children in the area.

Mr Edward Owen

Item 22 – Adoption of Plan of Management for River Road Riparian Corridor

Speaking FOR the Recommendation

Mr Owen, representing the River Road Residents Committee, spoke in support of the Plan of Management that has now been prepared for this area, and noted the history of resident concern over the condition of the riverbank, with trees and weeds taking over and reducing the visual amenity of the area. Mr Owen stated that a very successful public meeting was held with regard to this situation, and noted that this meeting was well supported by Council staff. Mr Owen thanked Council staff who offered residents the opportunity to have input into the Plan of Management. Mr Owen then offered some suggestions with regard to the use of resident volunteers in the future management of the area, after the works have been undertaken, noting that parking issues need to be clarified, and also suggesting some measures for building of retaining walls, replanting of the site, and the need to find a solution to the issue of pooled stormwater in the roadway.

RESUMPTION OF STANDING ORDERS

445 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Pat Sheehy AM that Standing Orders be resumed, the time being 8:30 pm.

MAYORAL MINUTES

1 Muru Mittigar wins prestigious award for second consecutive year

446 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Muru Mittigar wins prestigious award for second consecutive year be received.

2 Locals recognised in Western Sydney Academy of Sport Annual Awards

447 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Pat Sheehy AM that the Mayoral Minute on Locals recognised in Western Sydney Academy of Sport Annual Awards be received.

3 2007 Federal Election

448 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on 2007 Federal Election be received.

REPORTS OF COMMITTEES

Councillor Jackie Greenow left the meeting, the time being 8:45 pm

Councillor Jackie Greenow returned to the meeting, the time being 8:46 pm.

1 Report and Recommendations of the Local Traffic Committee Meeting held on 5 November 2007

449 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 5 November, 2007 be adopted, with the exception of *Item 3 – O’Connell Street, Claremont Meadows – Existing Two Lane Slow Point (Chicane) Device*, which is to be the subject of a further report on the actions taken in relation to this matter.

2 Report and Recommendations of the Policy Review Committee Meeting held on 19 November 2007

450 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 19 November, 2007 be adopted.

MASTER PROGRAM REPORTS

451 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Garry Rumble that Items 16 and 14 be considered before any other Items in the business paper.

THE CITY AS A SOCIAL PLACE

In regard to Item 16 - Development Application 07/1281 Concept Plan for a "Seniors Living" Retirement Village Lot 1721 DP 864087 (which is subject to a 1 into 2 lot subdivision) (No. 56) Second Avenue, Kingswood. Applicant: Anglican Retirement Villages; Owner: University of Western Sydney, it was noted that the Development Services Manager had advised Councillors by memo, dated 30 November 2007, that the reference to *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, on page 93 of the report, should have been a reference to *State Environmental Planning Policy (Seniors Living) 2004*.

16 Development Application 07/1281 Concept Plan for a "Seniors Living" Retirement Village Lot 1721 DP 864087 (which is subject to a 1 into 2 lot subdivision) (No. 56) Second Avenue, Kingswood. Applicant: Anglican Retirement Villages; Owner: University of Western Sydney DA07/1281

452 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Kevin Cramer OAM that consideration of this matter be deferred and a report be presented to the Ordinary Meeting of 17 December 2007, which addresses the following issues:

1. The option of the proposed roadway linking Manning Street to the UWS internal road network being severed to provide for two cul-de-sacs with the cul-de-sac from Manning Street to provide service access to the Hi-Care facility only.
2. Staff access to the Hi-Care and Independent Living Units to be provided via the UWS internal road network, not Manning Street.
3. The proposed building height being consistent with the relevant development controls.
4. Other matters raised by the speakers addressing tonight's meeting, in relation to the buffer zone to existing residences, traffic and parking.

Councillor David Bradbury FORESHADOWED an intention to move a MOTION to defer Item 14 – *Subdivision Application 07/0121 at University of Western Sydney Lot 1721 DP 864087 (No. 56) Second Avenue, Kingswood. Applicant: Whelans Planning; Owner: University of Western Sydney.*

14 Subdivision Application 07/0121 at University of Western Sydney Lot 1721 DP 864087 (No. 56) Second Avenue, Kingswood. Applicant: Whelans Planning; Owner: University of Western Sydney DA07/0121

453 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Jim Aitken OAM that this matter be deferred for consideration at the Ordinary Meeting of 17 December 2007.

At 9:02 pm, the Mayor vacated the Chair and left the meeting, and the Deputy Mayor, Councillor Jackie Greenow took the Chair for the remainder of the meeting.

THE CITY IN ITS BROADER CONTEXT

1 Status of the Roads and Traffic Authority presence in Queen Street, St Marys

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

That:

1. The information contained in the report on Status of the Roads and Traffic Authority presence in Queen Street, St Marys be received.
2. Council write to the Roads and Traffic Authority, with copies to Local Members, seeking information regarding the proposed timeframe for the return of RTA services to St Marys.

THE CITY AS A SOCIAL PLACE

2 Community Assistance Program 2007 Planned Component

'455 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Steve Simat

That:

1. The information contained in the report on Community Assistance Program 2007 Planned Component be received.
2. Council approve funding the recommended projects and amounts totalling \$39,000 from the Planned Component of the Community Assistance Program as outlined in this report.

3 Magnetic Places - Community Cultural Grants Program

'456 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Steve Simat

That:

1. The information contained in the report on Magnetic Places - Community Cultural Grants Program be received.
2. Council approve the applications and the recommended funding allocations as provided in Table 1 of this report.

6 Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel including results gained by recipients

'457 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Steve Simat that the information contained in the report on Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel including results gained by recipients be received.

7 Victoria Street Community Cottage - Annual General Meeting

'458 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Steve Simat

That:

1. The information contained in the report on Victoria Street Community Cottage - Annual General Meeting be received.

2. Council, under Section 355 of the Local Government Act 1993, appoint the following persons to comprise the Management Committee for the Victoria Street Community Cottage at Werrington:
Len Willis – President
Angie Green – Secretary
Betty Schneider – Treasurer
Betty Warren – Booking Officer
Committee Members: Avis Oakes, Ron Tipton , Sue Tipton, Hans Schneider, Margaret Borland, Noel Borland, Maureen Romanowski, Leonie Hannah, Carmen Boserio, Barbara Reed, Desmond Lucas.

3. Council delegate care, control and management of Victoria Street Community Cottage under Section 377 of the Local Government Act 1993 to the Victoria Street Community Cottage Management Committee

8 Australasian Cemeteries and Crematoria Association Conference, 7-11 October 2007 - Melbourne

'459 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Steve Simat that the information contained in the report on Australasian Cemeteries and Crematoria Association Conference, 7-11 October 2007 - Melbourne be received.

9 Penrith Football Stadium Redevelopment

460 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Steve Simat

That:

1. The information contained in the report on Penrith Football Stadium Redevelopment be received.
2. The scope of works for the application of the \$5 million NSW Government contribution for Stage 2 redevelopment of the Penrith Football Stadium focussing on the eastern grandstand and north-east entry be:
 - North east forecourt
 - Centres of excellence
 - public toilets
 - lift
 - widening of the top level corridor
 - back of house services
 - upgrading of the corporate boxes.
3. The Penrith Football Stadium Redevelopment Working Party continue to meet as required during the course of Stage 2 works.

13 Claremont Meadows Stage 2 - Planning Agreement for Conservation Lands

461 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Steve Simat

That:

1. The information contained in the report on Claremont Meadows Stage 2 - Planning Agreement for Conservation Lands be received.
2. Council endorse the public notification, finalisation and signing of the Planning Agreement as outlined in this report.
3. The Common Seal of the Council of the City of Penrith be affixed to the Planning Agreement.

20 St Marys Children's Centre, St Marys Occasional Care Centre and Koolyangarra Children's Centre

'462 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Steve Simat

That:

1. The information contained in the report on St Marys Children's Centre, St Marys Occasional Care Centre and Koolyangarra Children's Centre be received.
2. Council support the Penrith City Children's Services Co-operative proposal to consolidate St Marys Children's Centre and St Marys Occasional Child Care Centre and the new operating model for Koolyangarra Children's Centre.
3. St Marys Occasional Child Care Centre be managed by Penrith City Children's Services Co-operative with an ongoing financial contribution from Council for a two year transition period.
4. A decision regarding the future use or demolition of the St Marys Occasional Child Care Centre building be held over until discussions have taken place with other relevant Council Departments involved in the strategic planning of the St Marys CBD.
5. Council relinquish the lease of the Koolyangarra premises and recommend to the Department of Housing the transfer of the lease to SPYNS (formerly South Penrith Youth and Neighbourhood Service).

4 National Housing Conference 2008

'463 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Lexie Cettolin

That:

1. The information contained in the report on National Housing Conference 2008 be received.
2. Councillors Jim Aitken OAM and Karen McKeown, and any other interested Councillors, attend the National Housing Conference, from 20 to 22 February 2008.

5 South Penrith Community Facilities Precinct

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

That:

1. The information contained in the report on South Penrith Community Facilities Precinct be received.
2. Council endorse the approach to the temporary relocation of the South Penrith Youth Services to the Glenmore Park Youth and Community Centre as outlined in this report.
3. Council approve a contribution of \$20,000 from the Property Development Reserve towards the relocation of South Penrith Youth Services to the Glenmore Park Youth and Community Centre and the demolition of the cottage on Maxwell Street.

10 Chameleon Drive Reserve - Erskine Park

'465 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Pat Sheehy AM

That:

1. The information contained in the report on Chameleon Drive Reserve - Erskine Park be received.
2. The option to develop soccer fields in Chameleon Reserve not be advanced.
3. Council and the Nepean District Soccer Football Association (NDSFA) pursue other options to find a permanent home for the Western Storm.
4. Assistance from the Penrith Valley Sports Foundation be sought during the next round of ground allocations.

11 Tender No. 07-07/08 - Provision of Graffiti Removal Services

466 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Steve Simat

That:

1. The information contained in the report on Tender No. 07-07/08 - Provision of Graffiti Removal Services be received.
2. N.T. Barnes Pty Ltd trading as Wundaguard be appointed as the primary supplier of graffiti removal and paint out services for a period of one (1) year with an option to extend for a further one (1) year period.
3. PT Nicol trading as Techni-Clean Penrith Blue Mountains and Australian High Pressure Cleaning Pty Ltd be appointed as the secondary (backup) suppliers of graffiti removal and paint out services for a period of one (1) year with an option to extend for a further one (1) year period.

Recomittal of Item 6 - Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel including results gained by recipients

467 RESOLVED on the MOTION of Councillor John Thain seconded Ross Fowler that consideration of *Item 6 - Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel including results gained by recipients* be recommitted for consideration of Council.

468 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Lexie Cettolin that the information contained in the report on Assistance Towards Amateur Sportspersons and Representatives in the fields of Art, Music, Culture - Overseas and Interstate Travel including results gained by recipients be received.

12 Community Noticeboard Facilities

469 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Pat Sheehy AM that the information contained in the report on Community Noticeboard Facilities be received.

15 Development Application DA07/0994 - Proposal for a residential shed at Lot 271 DP832651, 45 Yodalla Avenue, Emu Plains. Applicant: Serge Panayi; Owner: Jai Lewis and Renee Andrews **DA07/0994**

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

That:

1. The information contained in the report on Development Application DA07/0994 - Proposal for a residential shed at Lot 271 DP832651, 45 Yodalla Avenue, Emu Plains be received.
2. The request for variation of Part 4 Section 4.2 Clause 5.3 of the Penrith Development Control Plan be granted.
3. Development Application DA07/0994 be approved, subject to the following standard conditions:
 - 3.1 A02F – Development to be carried out in accordance with the approved plans
 - 3.2 A008 – Works to BCA requirements
 - 3.3 A009 – Works to Residential Construction Works DCP
 - 3.4 A019 – Occupation Certificate
 - 3.5 A020 – Use of the building
 - 3.6 B001 (existing shed on the subject site) – demolition of existing building
 - 3.7 B002 – Demolition works to Australian Standard
 - 3.8 B003 - Asbestos
 - 3.9 B004 - Dust
 - 3.10 B005 – Mud/Soil
 - 3.11 B006 – Hours of work for demolition
 - 3.12 D001 – Sediment and erosion control measures
 - 3.13 D009 – Waste storage area
 - 3.14 E001 – BCA compliance
 - 3.15 H01F – Stamped plans and site notice
 - 3.16 H041 – Hours of work
 - 3.17 H011 – Engineering plans and specifications
 - 3.18 H030 – Roof finishes
 - 3.19 K016 – Stormwater connection
 - 3.20 K025 – Pavement seal
 - 3.21 L006 – Landscaping to meet Australian Standard
 - 3.22 L012 – Existing landscaping to be maintained
 - 3.23 Q01F – Notice of commencement and appointment of PCA
 - 3.24 Q05F (shed) – Occupation Certificate.

4. Development Application DA07/0994 be approved, subject to the following non standard conditions:
 - 4.1 Landscaping is to be provided between the rear of the property and the rear of the shed in accordance with the stamped approved plans. The trees must be of a semi mature species, and must be capable of growing to a height of 6 metres at maturity. The species used must be listed in Council's Landscape Development Control Plan
 - 4.2 Lattice work and suitable plantings must be installed on the western boundary in accordance with the stamped approved plans
 - 4.3 The finished floor level of the shed must be at RL 10.20, as amended in red pen on the stamped approved plans.
5. The objectors to Development Application DA07/0994 be notified of Council's decision.

17 Update of activities undertaken by the Development Services Department - First Quarter 2007/2008

471 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Pat Sheehy AM

That:

1. The information contained in the report on Update of activities undertaken by the Development Services Department - First Quarter 2007/2008 be received.
2. A memo be provided to all Councillors on membership of the Development Review Panel and the type and number of applications it has considered over the last year, and providing details of the policy on matters that are referred back to Council.

18 Western Sydney Area Assistance Scheme (WSAAS)

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

That:

1. The information contained in the report on Western Sydney Area Assistance Scheme (WSAAS) be received.
2. Council make representations to the NSW Minister for Community Services, the Hon Kevin Greene MP, the Minister for Western Sydney, the Hon Barbara Perry MP, and the Treasurer, the Hon Michael Costa MP, with a copy being forwarded to Local Members, regarding the issues canvassed in this report.

19 WSROC Young Women's Leadership Program

473 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Lexie Cettolin

That:

1. The information contained in the report on WSROC Young Women's Leadership Program be received.
2. Council allocate \$5,000 to WSROC's Young Women's Leadership Program as outlined in this report.
3. Council write to the Minister for Women, the Hon Verity Firth, thanking her for her support of this Program and reiterating how successful this Program has been.

21 Camp Victory

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

That:

1. The information contained in the report on Camp Victory be received.
2. The Community Safety initiatives budget pledge \$3,000 to assist with the implementation of the Camp Victory program, subject to the Police raising the balance of funds required.
3. An amount of \$2,200 from each Ward's voted works, totalling \$6,600, be provided to assist with the balance of funds required.
4. After the program is completed, a further report be presented to Council detailing the areas of residence of the participants.

THE CITY IN ITS ENVIRONMENT

22 Adoption of Plan of Management for River Road Riparian Corridor

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

That:

1. The information contained in the report on Adoption of Plan of Management for River Road Riparian Corridor be received.
2. Council adopt the Plan of Management for River Road Riparian Corridor within the provisions of the Local Government Act.
3. Public notice be given of Council's decision to adopt the Plan of Management for River Road Riparian Corridor.
4. The following works be included in 2008/09 Parks Improvement Program:
 - Remove remainder of Gleditsia trees from River Road foreshore;
 - Implement weed removal program in selected areas along the foreshore; and
 - Install interpretive signage along foreshore to raise community awareness.
5. Council actively pursue any opportunities for grant funding for works listed in the Plan of Management for River Road Riparian Corridor.

THE CITY AS AN ECONOMY

23 Revitalisation of Dunheved Business Park - Dunheved Circuit & Christie Street Road Link within the Precinct

476 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Revitalisation of Dunheved Business Park - Dunheved Circuit & Christie Street Road Link within the Precinct be received.
2. Council agree that the initial route option of the extension of the links road through to Christie Street at Lee Holm Road be retained.
3. Council be informed as to the progress with its land and arrangements with Delfin Lend Lease land.

24 2007 Kunshan Trade and Investment Promotion Fair

477 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Kaylene Allison that the information contained in the report on 2007 Kunshan Trade and Investment Promotion Fair be received.

THE CITY SUPPORTED BY INFRASTRUCTURE

25 Cumberland District Rural Fire Service - Service Level Agreement

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

That:

1. The information contained in the report on Cumberland District Rural Fire Service - Service Level Agreement be received.
2. The Mayor and General Manager be authorised to sign the Service Agreement under the Common Seal of Council.

LEADERSHIP AND ORGANISATION

26 Pecuniary Interest Returns

479 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Garry Rumble that the information contained in the report on Pecuniary Interest Returns be received.

27 Council Meeting Calendar for 2008

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

That:

1. The information contained in the report on Council Meeting Calendar for 2008 be received.
2. The Draft Meeting Calendar for 2008 be adopted.
3. The Meeting Calendar be reviewed at the first Ordinary Meeting of the new Council following the Local Government Election to be held on 27 September 2008.

28 Council Property - Licence Agreement over Part of Palena Lane, St Clair to Adjoining Owner

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

That:

1. The information contained in the report on Council Property - Licence Agreement over Part of Palena Lane, St Clair to Adjoining Owner be received.
2. Council approve the Licence Agreement under Part 10, Division 2, Sections 153-157 of The Roads Act 1993 over part of Palena Lane, St Clair to adjoining owners Mr & Mrs Thompson of 47 Rotorua Road, St Clair in accordance with conditions 1-8 outlined in the report.

30 Summary of Investments & Banking for the period 1 October to 31 October 2007

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 October to 31 October 2007 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 October 2007 to 31 October 2007 be noted and accepted.
3. The graphical investment analysis as at 31 October 2007 be noted.

29 Council Property - 62 Great Western Highway, Kingswood

483 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Ross Fowler

That:

1. The information contained in the report on Council Property - 62 Great Western Highway, Kingswood be received.
2. The local community be consulted on the proposed development on the Council land, together with the findings of the Flood Study.
3. The proposed drainage improvements in Chapman Gardens be included the 2007/08 or 2008/09 drainage program.
4. A further report be submitted to Council, after the community consultation, regarding the process for sale of the property.
5. An amount of \$250,000 of the sale proceeds be used to alleviate nuisance flooding in the Cosgrove Crescent area.

QUESTIONS WITHOUT NOTICE

QWN 1 Signage - Various

Councillor Pat Sheehy AM asked that the following signage be urgently corrected:

- Sign, at the North Penrith Community Centre, that reads 'Kingswood Park Community Centre' be removed and replaced with 'North Penrith Community Centre';
- Fingerboard sign in Queen Street, St Marys, that reads 'St Marys Bowling Club' be removed.

QWN 2 Funding required for Penrith Panthers Fishing Club

Councillor Pat Sheehy AM requested that an amount of \$200 from each Ward's voted works, totalling \$600, be allocated to the Panthers Fishing Club for its Fishfest 2008 event.

484 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Mark Davies that the matter be brought forward and dealt with as a matter of urgency.

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

485 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Mark Davies that an amount of \$200 from each Ward's voted works, totalling \$600, be allocated to the Panthers Fishing Club for its Fishfest 2008 event.

QWN 3 Funding Options for Performing Arts School

Councillor David Bradbury requested a memo reply detailing funding opportunities for the 'You Can Dance' Performing Arts School to enable students to perform at Dream World, and various other venues on the Gold Coast, in April 2008.

QWN 4 Emu Plains Cemetery - Dedication of Public/Pauper Memorial

Councillor David Bradbury communicated his thanks to staff involved in organising the dedication of this memorial which took place on Saturday 1 December 2007.

QWN 5 Driver Training

Councillor Jim Aitken OAM requested a report to Council on the possibility of providing more intensive driver training before issuing a driver's license.

QWN 6 Footpath in Jeanette Street, Glenmore Park

Councillor Jim Aitken OAM requested a memo reply detailing costs of providing a footpath in Jeanette Street, Glenmore Park on the western side from Mulgoa Road to the Schoolhouse Road footpath.

QWN 7 Footpath - Spencer Street, Regentville

Councillor Jim Aitken OAM requested a memo reply detailing costs of providing a footpath in Spencer Street, Regentville on the western side, from Mulgoa Road to the creek overpath that is to be constructed shortly in Gipps Street, Regentville.

QWN 8 Kohlenberg Close, Emu Plains

Councillor Jim Aitken OAM requested a report to Council concerning the unfinished section of Kohlenberg Close, Emu Plains.

QWN 9 Prevention of Graffiti – Educational Opportunities

Councillor Jim Aitken OAM requested a report to Council detailing the following:

- Council writing to the Local Police Commands and the Local Member, requesting them to take a more diligent approach to the matter of preventing the proliferation of graffiti in the area; and
- Council writing to the Department of Education, requesting it to explore opportunities for educating school aged children about the cost to the community involved in removal of graffiti.

QWN 10 Committee of the Whole – Clarification of Legal Matters and Procedures of Committee of the Whole

Councillor Garry Rumble requested a verbal report to be provided in Committee of the Whole concerning clarification of legal matters and procedures around the distribution of Committee of the Whole reports.

QWN 11 Mobile Phone Recycling

Councillor Garry Rumble requested a report to Council concerning the possibility of Penrith City Council being involved in the Mobile Muster mobile phone recycling scheme.

QWN 12 Bridge at Loftus Street, Regentville

Councillor Garry Rumble requested a report to Council on the progress of the tender to build the bridge at Loftus Street, Regentville.

QWN 13 Preservation of Olive Trees from Soling Crescent, Cranebrook

Councillor Garry Rumble requested a report to Council, referring to his previous request of 15 August 2007, concerning the status and ongoing management of the cuttings of the olive trees and the future possible relocation and acknowledgement of their history.

QWN 14 Crossing on Stony Creek Road, Shanes Park

Councillor Kevin Crameri OAM requested a report to Council on options for correcting the dangerous road alignment and grade in the vicinity of the crossing on Stony Creek Road, between Shanes Park and Llandilo.

QWN 15 Berkshire Park Rural Fire Brigade

Councillor Lexie Cettolin requested that an amount of \$6,620 from North Ward voted works be allocated to the Berkshire Park Rural Fire Brigade to purchase and install fencing.

486 RESOLVED on the MOTION of Councillor Lexie Cettolin seconded Councillor Pat Sheehy AM that the matter be brought forward and dealt with as a matter of urgency.

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

487 RESOLVED on the MOTION of Councillor Lexie Cettolin seconded Councillor Pat Sheehy AM that an amount of \$6,620 from North Ward voted works be allocated to the Berkshire Park Rural Fire Brigade to purchase and install fencing.

QWN 16 Development Applications for Swimming Pools

Councillor Jackie Greenow requested a report to Council considering the feasibility of requiring applicants who wish to construct a swimming pool to first produce a certificate for CPR.

QWN 17 Committee of the Whole – Legal Matter

Councillor Kevin Crameri OAM requested a personal matter to be considered in Committee of the Whole.

COMMITTEE OF THE WHOLE

488 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Lexie Cettolin that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:27 pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Kevin Crameri OAM seconded Councillor Lexie Cettolin 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 - Sewerage Pumping Station within Woodriff Gardens, High 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.

Leadership and Organisation

3 Senior Staff Matters

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.

4 Question Without Notice 17 – Legal Matter

This matter has been referred to Committee of the Whole as it 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.

5 Question Without Notice 10 - Clarification of Legal Matters and Procedures of Committee of the Whole

This matter has been referred to Committee of the Whole as it 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 10:47 pm and the General Manager reported that the Committee of the Whole met at 10:27 pm on 3 December 2007, the following being present

The Deputy Mayor, Councillor Jackie Greenow, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury, Lexie Cettolin, Kevin Crameri OAM, Mark Davies, Ross Fowler, Karen McKeown, Garry Rumble, Councillor Pat Sheehy AM, 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 - Sewerage Pumping Station within Woodriff Gardens, High Street, Penrith

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

CW2 That:

1. The information contained in the report on Property Matter - Council Property - Sewerage Pumping Station within Woodriff Gardens, High Street, Penrith be noted.
2. Council endorse the action taken in lodging the objection with the Land and Environment Court.
3. Council be informed as to the outcome of procedures in accordance with the comments outlined in the report.

4 Question Without Notice 17 – Legal Matter

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Lexie Cettolin:

CW 4 That the information provided on the legal matter be received.

5 Question Without Notice 10 - Clarification of Legal Matters and Procedures of Committee of the Whole

RECOMMENDED on the MOTION of Councillor Ross Fowler seconded Councillor Karen McKeown

CW 5 That the information provided on the clarification of legal matters and procedures of Committee of the Whole be received.

3 Senior Staff Matters

RECOMMENDED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Karen McKeown

CW3 That:

1. The information contained in the report on Senior Staff Matters be received.
2. The recommendations of the Senior Staff Recruitment / Review Committee be endorsed.
3. Councillor Karen McKeown be included on the selection panel.

ADOPTION OF COMMITTEE OF THE WHOLE

489 RESOLVED on the MOTION of Councillor Pat Sheehy AM, 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 10:48 pm.

I certify that these 22 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 3 December 2007.

Chairperson

Date