

CONFIRMED MINUTES

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

ON MONDAY 17 DECEMBER 2007 AT 7:07PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

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.

PRAYER

The Council Prayer was read by the Rev Neil Checkley.

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 and John Thain.

APOLOGIES

There were no apologies.

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 - 3 December 2007

490 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Garry Rumble that the minutes of the Ordinary Meeting of 3 December 2007 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

SUSPENSION OF STANDING ORDERS

491 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:11 pm.

Mr Alan Devine

Item 1 - 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 Devine, an affected neighbour, spoke in opposition to the development, citing disadvantages such as loss of open space to the university and neighbours, the proximity of potentially noisy student hostels to the proposed development, and an increased traffic hazard, particularly in relation to pedestrians and the absence of footpaths on Manning Street.

Mr Tim Vollmer

Item 1 – 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, spoke against the development. Mr Vollmer's issues of concern were the long term negative impacts on traffic and amenity to the residential neighbourhood in the locality, caused by the density of the development and the traffic emanating from the development via residents, visitors and staff, in particular to Manning Street.

Mr Vollmer stated his concerns regarding traffic on Manning Street and the likely danger to school children in this area if there is an increased volume in traffic and detailed some alternative traffic solutions for this area.

Ms Meg Levy

Item 1 – 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

Ms Levy, representing the applicant, spoke in support of the development, noting that at this stage the plans for the development were at concept stage only and that a detailed development application was yet to be submitted. Ms Levy stated that the applicant has demonstrated a willingness to work with Council in an effort to ensure the development will make a positive contribution to the local community. Ms Levy suggested that many jobs would be generated by the development, and that it would increase ongoing work opportunities for a range of local practitioners, as well as providing an injection of more income to local shopping areas. Ms Levy concluded by stating that the development would be a relatively low impact urban development and would result in the establishment of a much

needed community asset.

RESUMPTION OF STANDING ORDERS

492 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Jim Aitken OAM that Standing Orders be resumed, the time being 7:39 pm.

MAYORAL MINUTES

1 Recognition for Werrington Creek restoration

493 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown that the Mayoral Minute on Recognition for Werrington Creek restoration be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 3 December 2007

494 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Garry Rumble that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 3 December, 2007 be adopted.

2 Report and Recommendations of the Disability Access Committee Meeting held on 5 December 2007

495 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Steve Simat that the recommendations contained in the Report and Recommendations of the Disability Access Committee meeting held on 5 December, 2007 be adopted.

3 Report and Recommendations of the Penrith Valley Community Safety Partnership Meeting held on 5 December 2007

496 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Ross Fowler that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 5 December, 2007 be adopted.

4 Report and Recommendations of the Policy Review Committee Meeting held on 10 December 2007

497 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 10 December, 2007 be adopted.

MASTER PROGRAM REPORTS

THE CITY AS A SOCIAL PLACE

- 1 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**

498 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Ross Fowler

That:

1. The information contained in the report on 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 be received
2. DA07/1281 for a concept plan for a retirement village on Lot 1721 DP 864087 (No 56) Second Avenue Kingswood be approved, subject to the following conditions:

Standard Conditions

- 2.1 A001 (Approved Plans)
- 2.2 A006 (Concept Plan only – development subject to future development applications)
- 2.3 K008 (ROW from O'Connell Street)

Special Conditions

- 2.4 All access roads, parking and manoeuvring areas are to comply with AS2890.1 and Council's relevant Engineering Standards. Access roads, parking and manoeuvring areas for emergency vehicles, service vehicles and heavy vehicles are to comply with AS2890.2 and Council's relevant Engineering Standards. Full details shall be provided for any future development applications for the site
- 2.5 Penrith City Council is the Roads Authority under the Roads Act 1993 and is responsible for approving connection to public roads or any works on or over a road reserve. In this regard, all works are to be designed and constructed in accordance with Penrith Development Control Plan 2006 Part 2.3 Engineering Works and the Guidelines for Engineering Works for Subdivision and Developments Part 1 – Design and Part 2 – Construction. Full details shall be provided for any future development applications for the site
- 2.6 Each development application is to satisfy the assumptions made in the Traffic Report and the addendum to the Traffic Report, prepared by Transport and Traffic Planning Associates. Based on the traffic reports, 65 of the Independent Living Units shall obtain vehicular access from the south
- 2.7 Each development application is to strictly comply with the requirements of State Environmental Planning Policy (Seniors Living) 2004
- 2.8 On site stormwater detention (OSD) and water quality controls will be required for the development. Engineering details of the OSD and water quality systems shall be provided for any future development applications for the site
- 2.9 The site is affected by local overland flows from the adjoining property. An overland flow food study, which addresses all storm events and up to and including the 1 in 100 year storm event for the local catchment, shall be provided for any future development applications for the site

- 2.10 The intersection of the ARV access road and the University internal road shall have controlled access by way of an electronic sliding gate or the like. This access is to be restricted to service and emergency vehicles only, with residential or University traffic being denied. Details of the control access shall be submitted to Council for approval through future development applications for the site
- 2.11 Through access between Manning Street and the University shall be restricted to pedestrians and cyclists only. Staff car parking to the RACF is to be accessed via the internal UWS road. Only visitor car parking may be accessed via Manning Street.
- 2.12 All staff of the Residential Aged Care Facility shall access the site via the University access road.
- 2.13 To enable staff of the Residential Aged Care Facility to access the site, the necessary legal arrangements are to be put in place in favour of the Anglican Retirement Village over the University land.
3. Persons who have made submissions be notified of Council's decision.
4. Council note Mr Michael McHugh's undertaking, given to the meeting on behalf of applicant, that there will be no attempt to open up unfettered access between Manning Street and the University internal road without first seeking Council approval.

- 2 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**

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

That:

1. The information contained in the report on Subdivision Application 07/0121 at University of Western Sydney Lot 1721 DP 864087 (No. 56) Second Avenue, Kingswood be received
2. DA07/0121 for Torrens title Subdivision x 2 Lots, Lot 1721 DP864087 (No. 56) Second Avenue Kingswood be approved, subject to the following conditions:

Standard Conditions

- 2.1 A001 Approved Plans (Add: The right of carriageway shall be deleted and the 20 metre wide strip shall only be for Right of Footway and easement of services.)
- 2.2 G001 Services
- 2.3 M008 Linen Plan
- 2.4 To enable staff of the Residential Aged Care Facility, emergency services and service vehicles to access to the site, the necessary legal arrangements are to be put in place in favour of the Anglican Retirement Village over the University land. This can be in the form of either a Right of Way or a licence between the Anglican Retirement Village and the University. Details shall be provided to Council prior to the Subdivision Certificate.
- 2.5 Q008 Subdivision Certificate

Special Conditions

- 2.6 The Right of Carriageway between Manning Street and the University, marked (A) on the plan of subdivision is not approved and shall be limited to a right of footway
3. Persons who have made submissions be notified of Council's decision.

THE CITY AS AN ECONOMY

- 3 Council Property - 225-227 Queen Street, St Marys - NSW Department of Community Services**

500 RESOLVED on the MOTION of Councillor Steve Simat seconded Councillor Karen McKeown that the information contained in the report on Council Property - 225-227 Queen Street, St Marys - NSW Department of Community Services be received.

LEADERSHIP AND ORGANISATION

4 2007 National General Assembly of Local Government

501 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain that the information contained in the report on 2007 National General Assembly of Local Government be received.

6 Decision Making Arrangements During the Council Recess

502 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain that the information contained in the report on Decision Making Arrangements During the Council Recess be received.

7 Summary of Investments & Banking for the period 1 November to 30 November 2007

503 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain

That:

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

5 Urban Development Institute of Australia National Congress 2008

504 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Ross Fowler

That:

1. The information contained in the report on Urban Development Institute of Australia National Congress 2008 be received.
2. Councillors Greg Davies, Steve Simat, Jim Aitken OAM and Ross Fowler attend the National Congress of the Urban Development Institute of Australia in Melbourne, from 3-6 March 2008, as Council's delegates and that they be granted leave of absence as appropriate.

QUESTIONS WITHOUT NOTICE

QWN 1 Jamison Park Netball Complex

Councillor Jackie Greenow requested a report to Council concerning the possibility of providing funding for essential works to be carried out to the Jamison Park Netball Complex.

QWN 2 Panthers on the Prowl

Councillor Jackie Greenow congratulated Panthers on their Panthers on the Prowl schools program and noted its success in local schools.

QWN 3 Footpath Construction in Jeanette Street, Regentville

Councillor Jim Aitken OAM requested that an amount of \$14,400 from South Ward voted works be allocated to the construction of a footpath on the north side of Jeanette Street, Regentville, between Mulgoa Road and Schoolhouse Road.

'505 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Greg Davies, ruled that the matter was urgent and should be dealt with at the meeting.

506 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown that an amount of \$14,400 from South Ward voted works be allocated to the construction of a footpath on the north side of Jeanette Street, Regentville, between Mulgoa Road and Schoolhouse Road.

QWN 4 Footpath Construction in Spencer Street, Regentville

Councillor Jim Aitken OAM requested that an amount of \$13,700 from South Ward voted works be allocated to the construction of a footpath on the north side of Spencer Street, Regentville, between Mulgoa Road and Loftus Street.

'507 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Greg Davies, ruled that the matter was urgent and should be dealt with at the meeting.

508 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown that an amount of \$13,700 from South Ward voted works be allocated to the construction of a footpath on the north side of Spencer Street, Regentville, between Mulgoa Road and Loftus Street.

QWN 5 Upgrade of Electricity in Tench Reserve

Councillor Jim Aitken OAM requested a memo reply to all Councillors regarding the provision of funding for the upgrading of electricity in Tench Reserve for public use.

QWN 6 Intersection of St Thomas and Mulgoa Roads, Mulgoa

Councillor Jim Aitken OAM requested that the matter of the dangerous intersection at St Thomas Road and Mulgoa Road, Mulgoa be referred to the Local Traffic Committee to consider ways of rectifying the situation.

COMMITTEE OF THE WHOLE

509 RESOLVED on the MOTION of Councillors Jackie Greenow seconded Councillor Pat Sheehy AM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:08 pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Jackie Greenow seconded Councillor Pat Sheehy AM that the press and public be excluded from Committee of the Whole to deal with the following matters:

Leadership and Organisation

2 Commercial Matter - Lease of Former Part of Castlereagh Road, Penrith to National Foods Limited

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 Legal Matter - Committee of the Whole Procedures

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 Senior Staff Matter

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.

The meeting resumed at 8:13 pm and the General Manager reported that the Committee of the Whole met at 8:08 pm on 17 December 2007, the following being 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, 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 - Lease of Former Part of Castlereagh Road, Penrith to National Foods Limited

RECOMMENDED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Mark Davies

CW2 That:

1. The information contained in the report on Commercial Matter - Lease of Former Part of Castlereagh Road, Penrith to National Foods Limited be received.
2. Council grant a new 5 year Licence Agreement to National Foods Limited 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 Legal Matter - Committee of the Whole Procedures

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Kaylene Allison

CW3 That the information contained in the report on Legal Matter - Committee of the Whole Procedures be received.

4 Senior Staff Matter

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Lexie Cettolin

CW4 That:

1. The information contained in the report on Senior Staff Matter be received.
2. The recommendations of the Senior Staff Recruitment / Review Committee be endorsed.

ADOPTION OF COMMITTEE OF THE WHOLE

510 RESOLVED on the MOTION of Councillor Pat Sheehy AM 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 8:14 pm.

I certify that these 10 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 17 December 2007.

Chairperson

Date