

## **CONFIRMED MINUTES**

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

**ON MONDAY 4 FEBRUARY 2008 AT 7:40PM**

#### **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 Kaylene Allison, David Bradbury, Lexie Cettolin, Kevin Crameri OAM, Mark Davies, Ross Fowler OAM, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Pat Sheehy AM and Steve Simat.

#### **APOLOGIES**

1 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jackie Greenow that apologies from Councillors Jim Aitken OAM and John Thain be accepted.

#### **CONFIRMATION OF MINUTES - Ordinary Meeting - 17 December 2007**

2 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Kevin Crameri OAM that the minutes of the Ordinary Meeting of 17 December 2007 be confirmed.

#### **DECLARATIONS OF INTEREST**

Councillor Jackie Greenow declared a pecuniary interest in *Item 5 of Committee of the Whole - Commercial Matter - Council Property - Lease of Shop 3, Allen Arcade, 140-142 Henry Street, Penrith* as she is the Chairperson of the board of the company that is the subject of the report.

Councillor Ross Fowler OAM declared a pecuniary interest in *Item 5 of Committee of the Whole - Commercial Matter - Council Property - Lease of Shop 3, Allen Arcade, 140-142 Henry Street, Penrith* as he is the auditor of the organisation that is the subject of the report.

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**MAYORAL MINUTES**

**1 Penrith City Centre Local Environmental Plan Gazettal**

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3 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Penrith City Centre Local Environmental Plan Gazettal be received.

**2 2008 Australia Day Celebrations**

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4 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on 2008 Australia Day Celebrations be received.

Councillor Mark Davies left the meeting, the time being 7:57 pm.

**3 Locals Recognised in 2008 Australia Day Awards**

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5 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Locals Recognised in 2008 Australia Day Awards be received.

Councillor Mark Davies returned to the meeting, the time being 7:59 pm.

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**MASTER PROGRAM REPORTS**

**THE CITY IN ITS BROADER CONTEXT**

**1 Great River Walk - Stages 4 and 5 Grant Offer**

'6 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Mark Davies

That:

1. The information contained in the report on Great River Walk - Stages 4 and 5 Grant Offer be received.
2. Council endorse the acceptance of funding for the Great River Walk, Penrith Stage 4 (West Bank Design) and Stage 5 (The Missing Links) offered under the Metropolitan Greenspace Program 2007/08.
3. Council send letters of thanks to the Minister for Planning and the Local Member, and to the Great River Walk Inc, Hawkesbury City Council, Penrith Lakes, Baulkham Hills Shire Council, JK Williams and the Department of Lands for their support.
4. Council endorse the lodgement of the application for the 2008 Metropolitan Greenspace Program grant for the Great River Walk Stage 6.

## **2 Submission to the Department of Planning on the Planning Reforms Discussion Paper**

'7 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Submission to the Department of Planning on the Planning Reforms Discussion Paper be received.
2. Council endorse the presentation of a submission to the Department of Planning, based on the matters outlined in this report, in response to its Planning Reforms Discussion Paper.
3. Council make representations to the Minister for Local Government concerning its submission on the proposed planning reforms.
4. Council make representations to its local members concerning its position on the proposed planning reforms.
5. A further report be presented to Council on the Local Government and Shires Associations' position on the proposed planning reforms.

## **THE CITY AS A SOCIAL PLACE**

### **3 Extension of Agreement with Hawkesbury City Council for Animal Pound Services**

'8 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Steve Simat

That:

1. The information contained in the report on Extension of Agreement with Hawkesbury City Council for Animal Pound Services be received.
2. Council authorises the Waste and Community Protection Manager to enter into an agreement with Hawkesbury City Council to operate animal pound services for a further three, one year periods.

#### **4 Youth Week 2008**

'9 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Steve Simat

That:

1. The information contained in the report on Youth Week 2008 be received.
2. Council approve the proposed funding allocations for providing Youth Week activities to those organisations as outlined in this report.

#### **5 Seniors Week 2008**

'10 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Steve Simat

That:

1. The information contained in the report on Seniors Week 2008 be received.
2. Council provide Seniors Week grants to the value of \$6,220 to ten local community organisations to celebrate Seniors Week 2008, as outlined in the report.

**6 Variation of Subdivision Control currently applying to Lot 1 DP 20420  
(No. 208) Stafford Street, Penrith. Applicant: S & K Medhurst;  
Owner: S & K Medhurst**

**DA07/1280**

11 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Steve Simat

That:

1. The information contained in the report on Variation of Subdivision Control currently applying to Lot 1 DP 20420 (No. 208) Stafford Street, Penrith be received.
2. The Common Seal of Penrith City Council be affixed to all necessary documentation to vary the covenant.
3. The Development Application DA 07/1280 for the existing dwelling addition on Lot 1, DP 20420, 208 Stafford Street, Penrith be approved, subject to the following conditions:

**Standard Conditions**

- 3.1 A001 – Approved Plans
- 3.2 A020 – Use of Building
- 3.3 E001 – BCA Compliance
- 3.4 H01F – Stamped Plans
- 3.5 K016 – Stormwater

**Special Conditions**

- 3.6 The variation of the registration of the use of land as referred to as (c); in the Section 88B instrument attached to the Deposited Plan 20420 shall be registered with The Land and Property Information of New South Wales within six(6) months of issue of the development consent
- 3.7 The variation of the covenant shall be in terms approved by Penrith City Council in the documentation submitted in support of the development application.

**THE CITY IN ITS ENVIRONMENT**

**8 Floodplain Management Program 2007/2008 - Grant Offer**

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

That:

1. The information contained in the report on Floodplain Management Program 2007/2008 - Grant Offer be received.
2. The State Assisted Floodplain Management Grant offer of \$40,000 from the Minister for Climate Change, Environment and Water for the Floodplain Management Program be accepted.
3. The Minister be thanked for the grant offer.

#### **7 Olive Trees - Soling Crescent, Cranebrook**

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

That:

1. The information contained in the report on Olive Trees - Soling Crescent, Cranebrook be received.
2. When it is considered the establishment of the trees has been successful, suitable interpretive signage be provided.

### **THE CITY SUPPORTED BY INFRASTRUCTURE**

#### **9 Severe Storm on 9 December 2007**

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

That:

1. The information contained in the report on the Severe Storm on 9 December 2007 be received.
2. All Council outdoor staff be thanked for their efforts during the weeks following this storm.

### **LEADERSHIP AND ORGANISATION**

#### **10 Pecuniary Interest Returns**

15 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Steve Simat that the information contained in the report on Pecuniary Interest Returns be received.

**11 Local Government Friend of Australian Red Cross**

16 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Steve Simat

That:

1. The information contained in the report on Local Government Friend of Australian Red Cross be received.
2. Council accept the invitation of the Australian Red Cross to become a Local Government Friend of Australian Red Cross.

**14 Council Property - Electricity Easement for Padmount Substation on Open Space, Lot 10 DP 832179, The Glenmore Parkway, Glenmore Park. Owner: Penrith City Council. Applicant: Integral Energy**

17 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Steve Simat

That:

1. The information contained in the report on Council Property - Electricity Easement for Padmount Substation on Open Space, Lot 10 DP 832179, The Glenmore Parkway, Glenmore Park. Owner: Penrith City Council. Applicant: Integral Energy be received.
2. Council grant Integral Energy an Easement for Padmount Substation 5.5 x 2.75 metres and an easement one metre wide for connecting cables over Lot 10 DP 832179 at The Glenmore Parkway, Glenmore Park.
3. Integral Energy bear all reasonable costs associated with the granting of the easements.
4. Compensation in the amount of \$5,500 be accepted from Integral Energy.
5. Integral Energy be responsible for the timely removal of any graffiti upon the padmount substation.
6. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**15 Property Matter - Proposed Road Closing - Part Mamre Road, Erskine Park**

18 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Steve Simat

That:

1. The information contained in the report on Property Matter - Proposed Road Closing - Part Mamre Road, Erskine Park be received.
2. Council lodge an application with the Department of Lands for the closing of the indent section of Mamre Road that is no longer required, with the intention that the land be transferred to the owner of the adjoining land, currently CSR Ltd.
3. CSR Ltd be responsible for all application, survey and associated costs involved in the closing.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**16 Summary of Investments & Banking for the period 1 December to 31 December 2007 and an Agency Collection Method**

19 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Steve Simat

That:

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

**12 2008 Australian Local Government Women's Association NSW Annual Conference**

20 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Kaylene Allison

That:

1. The information contained in the report on 2008 Australian Local Government Women's Association NSW Annual Conference be received.
2. Council nominate Councillors Karen McKeown, Kaylene Allison, Jackie Greenow, Lexie Cettolin and Susan Page as its delegates to attend ALGWA's 55<sup>th</sup> Annual NSW State Conference, to be held in Rockdale from 3 to 5 April 2008, and grant leave of absence as appropriate.

**13 Local Government Sessions, United Nations Climate Change Conference, Bali,**



**Indonesia, 2007**

21 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on the Local Government Sessions, United Nations Climate Change Conference, Bali, Indonesia, 2007 be received.
2. Consideration of the World Mayors and Local Governments Climate Protection Agreement be referred to the Climate Change Leadership Working Party.

**17 Review of National Framework for Women in Local Government**

22 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Karen McKeown

That:

1. The information contained in the report on Review of National Framework for Women in Local Government be received.
2. The Workshop as outlined in the report be held with women councillors to develop an action plan.
3. This report form the basis of Council's response to ALGWA on the progress being made to implement the actions contained within the National Framework for Women.

**QUESTIONS WITHOUT NOTICE**

**QWN 1 Peachtree Creek – Eastern side of Ladbury Avenue, Penrith**

Councillor Susan Page requested that the rubbish and dumped soil be removed from Peachtree Creek and the area generally tidied to allow water to flow to the waterfall and flood plain.

**QWN 2 Guttering - Ladbury Avenue, Penrith**

Councillor Susan Page requested that repairs be carried out to the cracks in the guttering outside No. 36 Ladbury Avenue, Penrith and the pavement that has been damaged by the roots of a tree in the nature strip area outside the property.

**QWN 3 Stormwater Damage to Properties behind Penrith Golf Course**

Councillor Susan Page requested that the stormwater outlet behind Penrith Golf Course, backing onto properties in Ladbury Avenue, Penrith be unblocked as water is backing up onto these properties.

**QWN 4 Local Government Leaders' Forum**

Councillor Susan Page requested a report to Council on the outcomes of the Local Government Leaders' Forum held on 30 January 2008.

Councillor Steve Simat left the meeting, the time being 8:54 pm, and did not return.

**QWN 5 Penrith Agricultural Horticultural and Industry Society**

Councillor David Bradbury requested a report to Council exploring opportunities for engaging the Penrith Agricultural, Horticultural and Industry Society in discussions regarding the development of a masterplan for its land, including the Penrith Pool site and, if possible, considering a Project Bid for the Management Plan.

**QWN 6 Namatjirra Community Centre - Child Care Service**

Councillor David Bradbury requested an urgent report to the next Ordinary Council meeting, to be held on 25 February 2008, regarding the options available to maintain the existing Before and After and Vacation Care Service at Namatjirra Community Centre, which is currently run by the Werrington Community Project.

**QWN 7 Use of Fireworks in New South Wales**

Councillor David Bradbury requested a memo reply on the current laws regarding the use of fireworks in New South Wales, including consideration of the impact of fireworks on Council parks and reserves regarding the resources required to clean up the debris of such fireworks.

**QWN 8 Policy on Interpretive Signage**

Councillor Garry Rumble requested a report to Council recommending that a policy be formulated on the provision of interpretive signage throughout the City so that a uniform standard is achieved. This policy should look to ensure that the history of Penrith is not lost to residents and that residents are informed of the City's past history.

**QWN 9 Devlin and Castlereagh Roads, Castlereagh - Drainage**

Councillor Kevin Crameri OAM requested a memo reply concerning the inspection of the water drainage problem at Devlin and Castlereagh Roads, Castlereagh and detailing a solution to the problem.

**QWN 10 Air Services Land at Cranebrook**

Councillor Kevin Crameri OAM requested an urgent report to Council on the status of the Air Services land at Cranebrook, in particular any progress made since December 2007.

**QWN 11 Referral of Personal Matter to Committee of the Whole**

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

**QWN 12 Flood Study**

Councillor Kevin Crameri OAM requested a memo reply concerning the status of the proposed Flood Study.

**QWN 13 Trinity Drive/Lewis Road, Cambridge Gardens - Request for Provision of Traffic Calming Devices (Item 10 - Local Traffic Committee, 4 February 2008)**

Councillor Kevin Crameri OAM requested that his previous request for a give way sign at this location be reconsidered by the Local Traffic Committee.

**QWN 14 Car parking issues on Gidley Street, St Marys**

Councillor Mark Davies requested that the matter of car parking problems being experienced by the family day care service which is run by Mission Australia, in Gidley Street, St Marys be referred to the Local Traffic Committee for investigation.

**COMMITTEE OF THE WHOLE**

23 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Garry Rumble that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:09 pm.

**1 Presence of the Public**

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

*City as a Social Place*

**2 Legal Matter - 24 Fourth Avenue, Llandilo**

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

**3 Commercial Matter - Acquisition of Property for the Penrith Valley Cultural Precinct at St Marys**

*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**

**4 Commercial Matter - Council Property - Lease of Shop 6 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.*

**5 Commercial Matter - Council Property - Lease of Shop 3, Allen Arcade, 140-142 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.*

**6 Commercial Matter - Analysis of Development Potential for Council Properties**

*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.*

**7 Question Without Notice 11 - Referral of Personal Matter to Committee of the Whole**

*This matter has been referred to Committee of the Whole as it refers to the personal hardship of a resident or ratepayer and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

The meeting resumed at 9:19 pm and the General Manager reported that the Committee of the Whole met at 9:09 pm on Monday 4 February 2008, the following being present

His Worship the Mayor Councillor Greg Davies, Councillors Kaylene Allison, David Bradbury, Lexie Cettolin, Kevin Cramer OAM, Mark Davies, Ross Fowler OAM, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble and Pat Sheehy AM

and the Committee of the Whole excluded the press and public from the meeting for the reasons set out in CW1 and that the Committee of the Whole submitted the following recommendations to Council.

**CONFIDENTIAL BUSINESS**

**2 Legal Matter - 24 Fourth Avenue, Llandilo**

RECOMMENDED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Garry Rumble

CW2 That:

1. The information contained in the report on Legal Matter - 24 Fourth Avenue, Llandilo.
2. The matter of compliance action be reviewed upon exhibition of the Draft LEP for Rural Lands.

**3 Commercial Matter - Acquisition of Property for the Penrith Valley Cultural Precinct at St Marys**

RECOMMENDED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Ross Fowler OAM

CW3 That:

1. The information contained in the report on Commercial Matter - Acquisition of Property for the Penrith Valley Cultural Precinct at St Marys be received.
2. Council purchase No 27 Swanston Street, St Marys described as Lot 3 DP 38566 in accordance with Conditions 1-6 as outlined in the summary of the report.
3. The land at Lot 3 DP 38566 be classified as “Operational” land.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**4 Commercial Matter - Council Property - Lease of Shop 6 at Cranebrook Village Shopping Centre**

RECOMMENDED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Lexie Cettolin

CW4 That:

1. The information contained in the report on Commercial Matter - Council Property - Lease of Shop 6 at Cranebrook Village Shopping Centre be received.
2. Council approve early termination of the existing lease to Mousbah Chahrook and Gazwa Shahrook over Shop 6 at Cranebrook Village Shopping Centre as of 29 February 2008.
3. Council grant John Lui a new 5 year lease with a 5 year option over Shop 6 at Cranebrook Village Shopping Centre in accordance with the terms outlined in the report.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documents.

#### **6 Commercial Matter - Analysis of Development Potential for Council Properties**

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Pat Sheehy AM

CW6 That:

1. The information contained in the report on Commercial Matter - Analysis of Development Potential for Council Properties be received.
2. Council accept the offer of Landcom to assist in the analysis of development potential for the Council-owned properties discussed in the report.
3. Council allocate \$30,000 from the Property Development Reserve for this project.
4. Council inform the appropriate organisations and individuals of the study, including by way of consultation at the next city partners' forum.

Having previously declared a pecuniary interest in Item 5 of Committee of the Whole, Councillors Jackie Greenow and Ross Fowler OAM left the meeting, the time being 9:12 pm.

#### **5 Commercial Matter - Council Property - Lease of Shop 3, Allen Arcade, 140-142 Henry Street, Penrith**

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown

CW5 That:

1. The information contained in the report on Commercial Matter - Council Property - Lease of Shop 3, Allen Arcade, 140-142 Henry Street, Penrith be received.
2. Council grant Nova Training and Employment Inc (trading as Nova Employment) a 3 year lease with a 3 year option to further lease over Shop 3 at Allen Arcade, 140-142 Henry Street, Penrith.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

Councillors Jackie Greenow and Ross Fowler OAM returned to the meeting, the time being 9:13 pm.

**7 Question Without Notice 11 - Referral of Personal Matter to Committee of the Whole**

It was agreed that Councillors would be provided with a memo on the matters raised.

**ADOPTION OF COMMITTEE OF THE WHOLE**

24 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Susan Page that the recommendations contained in the Committee of the Whole and shown as CW1, CW 2, CW3, CW4, CW5, and CW6 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:22 pm.

I certify that these 14 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 4 February 2008.

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Chairperson

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Date