

CONFIRMED MINUTES

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

ON MONDAY 5 MAY 2008 AT 7:35PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

The Deputy Mayor, Councillor Jackie Greenow 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

The Deputy Mayor Councillor Jackie Greenow, Councillors Jim Aitken OAM, Kaylene Allison, David Bradbury, Lexie Cettolin, Kevin Crameri OAM, Mark Davies, Ross Fowler OAM, Karen McKeown, Garry Rumble, Pat Sheehy AM, Steve Simat and John Thain.

APOLOGIES

148 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Steve Simat that the apology from Councillor Greg Davies be accepted.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Susan Page for the period 21 April 2008 to 12 May 2008 inclusive.

149 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Lexie Cettolin that Councillor Susan Page be granted an extension to her leave of absence, for another two weeks, to 26 May 2008 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 21 April 2008

150 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Mark Davies that the minutes of the Ordinary Meeting of 21 April 2008 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest made at this stage of the meeting.

Councillors Jim Aitken OAM and Ross Fowler OAM made declarations of interest as part of the consideration of Reports of Committees.

SUSPENSION OF STANDING ORDERS

151 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Kevin Crameri OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:38 pm.

Daniel McNamara

Report and Recommendations of Policy Review Committee Meeting – 28 April 2008 (Item 3 – Riverlink Precinct Plan)

Speaking FOR the Recommendation

Mr McNamara, Director of DMPS, thanked Council and Council officers for the opportunity to contribute at this early stage of the planning process for the Riverlink Precinct Plan and expressed hope that Council will continue to co-operate in the sharing of information, particularly with regard to the flood study, and proposed permitted uses within the Precinct. Mr McNamara noted that residents were concerned at the lack of detailed information related to development potential of land available and viable recreation uses for the precinct.

Lorraine Quartermain

Report and Recommendations of Policy Review Committee Meeting – 28 April 2008 (Item 3 – Riverlink Precinct Plan)

Speaking AGAINST the Recommendation

Ms Quartermain, representing residents of Blaikie Road, expressed disappointment and frustration with the process that has been followed during Council's development of the Riverlink Precinct Plan, and noted that several residents had been attempting to develop their land for some 20 years, including having numerous flood, and other, studies done.

RESUMPTION OF STANDING ORDERS

152 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM that Standing Orders be resumed, the time being 7:51 pm.

REPORTS OF COMMITTEES

Councillor Jim Aitken OAM declared a pecuniary interest in *Item 4 of the Report and Recommendations of the Policy Review Committee Meeting held on 28 April 2008 – Caddens Release Area draft Local Environmental Plan and draft Development Control Plan* as he owns land within the area, and left the meeting, the time being 7:52 pm.

Councillor Ross Fowler OAM declared a pecuniary interest in *Item 3 of the Report and Recommendations of the Policy Review Committee Meeting held on 28 April 2008 - Riverlink*

Precinct Plan as he is a Director of a company that owns property in the Plan area and also the accountant for property owners within the Plan area, and left the meeting, the time being 7:52 pm.

1 Report and Recommendations of the Policy Review Committee Meeting held on 28 April 2008

153 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 28 April, 2008 be adopted.

Councillors Jim Aitken OAM and Ross Fowler OAM returned to the meeting, the time being 7:53 pm.

MASTER PROGRAM REPORTS

LEADERSHIP AND ORGANISATION

1 Draft 2008-2009 Management Plan

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

That:

1. The information contained in the report on Draft 2008-2009 Management Plan be received.
2. The proposed amendments to the Strategic Program as detailed in Appendix 1 to the report be adopted from 1 July 2008.
3. The proposed consolidation of certain Services as detailed in the report be adopted from 1 July 2008.
4. Council adopt the Draft 2008-2009 Management Plan, including the amendments detailed in the memorandum from the Corporate Development Manager, dated 5 May 2008.
5. The Draft 2008-2009 Management Plan be placed on Public Exhibition for 30 days, commencing on Monday 12 May 2008 and closing on Tuesday 10 June 2008.
6. Submissions from the public on the Draft Management Plan be invited and the public consultation arrangements as detailed in this report be implemented, including a public meeting and forum to be held on Monday 2 June 2008 in the Civic Centre.

THE CITY AS A SOCIAL PLACE

12 Research Partnerships Program - University of Western Sydney

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

That:

1. The information contained in the report on Research Partnerships Program - University of Western Sydney be received.
2. Council endorse the research grant as outlined in this report and a contribution of \$15,971 as the partner in the research project.
3. Council be advised of the outcome of the grant application.
4. Should the research grant be successful, Council and the Penrith City Children's Services Cooperative be advised of the findings of the research.

2 Feasibility of Sporting Fields at Brookfield Reserve

156 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Lexie Cettolin that this matter be deferred until consultation has taken place with the Penrith Junior Rugby League Club and the Nepean Soccer Club, and the maximum amount available for a Capital Assistance Program grant has been established.

3 Requirements for submission of a development application for dual occupancy in rural areas

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

That:

1. The information contained in the report on Requirements for submission of a development application for dual occupancy in rural areas be received.
2. The report be submitted for consideration of the Development Regulation Working Party, in particular the issue of fees and charges and if payment of these can be deferred over a period of time, and also matters regarding costs associated with water and electricity meters.

THE CITY IN ITS ENVIRONMENT

4 Request for Tender 12-07/08 for the Provision of Bushland Management and Associated Project Management

158 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Request for Tender 12-07/08 for the Provision of Bushland Management and Associated Project Management be received.
2. The six highest ranked Tenderers be placed on the approved panel for Bushland Management & Associated Project Management for an initial period of three years with an option to extend for a further two by one year periods.

THE CITY SUPPORTED BY INFRASTRUCTURE

5 Local Government Road Safety Program - Additional Funding

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

That:

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

6 Fire Safety of Council Facilities

160 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jim Aitken OAM that the information contained in the report on Fire Safety of Council Facilities be received.

LEADERSHIP AND ORGANISATION

7 Pecuniary Interest Returns

161 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM that the information contained in the report on Pecuniary Interest Returns be received.

8 Australian Local Government Women's Association (ALGWA) NSW Branch State Conference

162 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM that the information contained in the report on Australian Local Government Women's Association (ALGWA) NSW Branch State Conference be received.

10 Transfer and Dedication as Road - Lot 8349, DP 1003801, Kyarra Terrace, Glenmore Park. Owner: Mrs Zagorka Ljubic. Applicant: J Wyndham Prince Pty Ltd

163 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Transfer and Dedication as Road - Lot 8349, DP 1003801, Kyarra Terrace, Glenmore Park. Owner: Mrs Zagorka Ljubic. Applicant: J Wyndham Prince Pty Ltd be received.
2. Council accept the transfer of Lot 8349, DP 1003801 in the amount of \$1 on the basis the administration cost of \$500 is paid to Council.
3. Lot 8349, DP1003801 be dedicated as road by a notice in the Government Gazette under Section 10 of the Roads Act 1993.
4. The Common Seal of the Council of the City of Penrith be affixed to all necessary documentation.

11 Annual GST Compliance Certificate

164 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Annual GST Compliance Certificate be received.
2. The Mayor, Deputy Mayor, General Manager and Chief Financial Officer sign the 2008 GST Compliance Certificate.

9 20th Women, Management and Employment Relations Conference - 24 to 25 July 2008

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

That:

1. The information contained in the report on 20th Women, Management and Employment Relations Conference - 24 to 25 July 2008 be received.
2. Councillors Karen McKeown and Kaylene Allison attend the 20th Women, Management and Employment Relations Conference.

QUESTIONS WITHOUT NOTICE

QWN 1 Japanese Weeping Willow Tree

Councillor Pat Sheehy AM requested a memo reply to all Councillors concerning a Japanese Weeping Willow tree on a property in Weatherby Avenue, Cambridge Park that has become a matter of concern to the owner and neighbours, the owner having been denied permission to have the tree removed.

QWN 2 Footpaving - Brougham Street, Emu Plains

Councillor Karen McKeown requested a memo reply concerning the provision of footpaving on Brougham Street, Emu Plains, on the western side between the Great Western Highway and Pyramid Street.

QWN 3 Provision of Signage - Ray Morphett Pavilion at Dukes Oval

Councillor Karen McKeown requested that an amount of \$600 from South Ward voted works be allocated to the provision of signage to the Ray Morphett Pavilion.

166 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Garry Rumble 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.

167 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Garry Rumble that an amount of \$600 from South Ward voted works be allocated to the provision of signage to the Ray Morphett Pavilion.

QWN 4 River Summit

Councillor John Thain requested a memo reply to all Councillors on possible items for the agenda of the planned River Summit, as referred to in the letter to members from Hawkesbury River County Council, dated 2 May 2008.

QWN 5 Roadworks in Kolenberg Place, Emu Plains

Councillor Jim Aitken OAM requested a report to Council on roadworks that need to be completed in Kolenberg Place, Emu Plains this year.

QWN 6 Spray paint damage to cars parked in Allen Place Carpark

Councillor Jim Aitken OAM requested a memo reply concerning spray paint damage that has occurred to cars parked in the Allen Place Carpark in Penrith.

QWN 7 Overgrown vegetation - land on corner of Iken Street and York Road, Penrith

Councillor Garry Rumble requested a memo reply to all Councillors concerning overgrown land on the corner of Iken Street and York Road, Penrith, asking if this land is part of a Council bushland regeneration program.

QWN 8 Criteria for Successful Tenderers - Training

Councillor Mark Davies requested a report to Council on the feasibility of including the criterion of training as an aspect of the list of criteria considered when determining a successful tenderer.

QWN 9 Referral of Legal Matter to Committee of the Whole

Councillor David Bradbury advised that he had a legal matter to be considered at the end of the meeting, in Committee of the Whole.

QWN 10 Sailability

Councillor Jackie Greenow requested that an amount of \$11,875, derived in equal amounts from each Ward's voted works, be allocated to the provision of path paving and the purchase of a 4 person boat for the Sailability Program to be located at the Sydney International Regatta Centre.

168 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Jim Aitken OAM 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.

169 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Jim Aitken OAM that an amount of \$11,875, derived in equal amounts from each Ward's voted works, be allocated to the provision of path paving and the purchase of a 4 person boat for the Sailability Program to be located at the Sydney International Regatta Centre.

COMMITTEE OF THE WHOLE

170 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:38 pm.

1 Presence of the Public

CW1 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM that the press and public be excluded from Committee of the Whole to deal with the following matters:

City as an Economy

2 Commercial Matter - Acquisition of Property - Christie Street, Dunheved

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 Property Matter - Council Property - Sale of Lots 120 & 121, DP 1121806, Koloona Drive, Emu Plains

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

4 Question Without Notice 9 - Referral of Legal Matter to Committee of the Whole

This item 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 8:53 pm and the General Manager reported that the Committee of the Whole met at 8:38 pm on 5 May 2008, 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 OAM, Jackie Greenow, Karen McKeown, Garry Rumble, Steve Simat, Pat Sheehy AM 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 - Acquisition of Property - Christie Street, Dunheved

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Steve Simat

CW2 That:

1. The information contained in the report on Commercial Matter - Acquisition of Property - Christie Street, Dunheved be received.
2. Council submit an offer to purchase the property from the owner in the form of the tender documentation, at the price indicated in the summary of the report.
3. Funding for the proposed acquisition be by way of loan borrowing, with debt servicing costs met by the Property Development Reserve.
4. If Council is successful in acquiring the subject land then it be classified as "Operational" land.
5. A further report be presented to Council as a result of the outcome concerning the subject site.
6. The Common Seal Council of the City of Penrith be placed on all necessary documentation.

3 Property Matter - Council Property - Sale of Lots 120 & 121, DP 1121806, Koloona Drive, Emu Plains

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

CW3 That:

1. The information contained in the report on Property Matter - Council Property - Sale of Lots 120 & 121, DP 1121806, Koloona Drive, Emu Plains be received.
2. Council sell Lots 120 & 121, DP 1121806, at Nos. 89-91 Koloona Drive, Emu Plains by public auction.
3. Century 21 Renshaw Realty be engaged to undertake the advertising and public auction of the property.
4. A further report be presented to Council to determine the reserve price to be presented to the auctioneer on the day of the auction.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

4 Question Without Notice 9 - Referral of Legal Matter to Committee of the Whole

RECOMMENDED on the MOTION of Councillor David Bradbury seconded Councillor Pat Sheehy AM

CW4 That the information concerning various properties in Strathdon Road, Emu Heights be received.

ADOPTION OF COMMITTEE OF THE WHOLE

171 RESOLVED on the MOTION of Councillors Ross Fowler OAM seconded Councillor David Bradbury that the recommendations contained in the Committee of the Whole and shown as CW2 and CW3 be adopted, with CW4 being adopted, as amended, to read:

“That the information concerning various properties in Strathdon Road, Emu Heights be received and a further report be submitted to Council after a site meeting for Councillors has been convened.”

There being no further business the Chairperson declared the meeting closed the time being 8:56 pm.

I certify that these 10 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 5 May 2008.

Chairperson

Date