

**CONFIRMED MINUTES OF THE
ORDINARY MEETING OF PENRITH CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS ON
MONDAY 5 SEPTEMBER 2005 AT 7:02PM**

NATIONAL ANTHEM AND PRAYER

The meeting opened with the National Anthem and Prayer read by the Rev Neil Checkley.

STATEMENT OF REGOGNITION

Her Worship the Mayor, Councillor Jackie Greenow read a statement of recognition of Penrith City's Aboriginal and Torres Strait Islander Cultural Heritage.

PRESENT

Her Worship the Mayor Councillor Jackie Greenow, Kaylene Allison, David Bradbury, Lexie Cettolin, Greg Davies, Mark Davies, Ross Fowler, Garry Rumble, Pat Sheehy AM, and John Thain.

APOLOGIES

409 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor John Thain that apologies be received and accepted from Councillors Kevin Crameri OAM, Karen McKeown and Susan Page.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Jim Aitken OAM for the period 16 August to 29 September 2005 inclusive, and to Councillor Steve Simat for the period 22 August to 25 October 2005 inclusive.

CONFIRMATION OF MINUTES

Ordinary Meeting - 15 August 2005

410 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Garry Rumble the minutes of the Ordinary Meeting of 15 August 2005 be confirmed.

DECLARATIONS OF INTEREST

Councillor Ross Fowler declared a non-pecuniary interest in Item 5, 2005 Canoe Slalom World Championships as he is a member of the organising committee and reserved his right to speak and vote on the item.

Councillor Ross Fowler declared a non-pecuniary interest in Item 11, Funding for the Penrith Valley Economic Development Corporation for the 2005-06 financial year as he is a member of the Board of the Penrith Valley Economic Development Corporation and he reserved his right to speak and vote on the item.

Councillor Ross Fowler declared a pecuniary interest in Item 2 in the Committee of the Whole, Commercial Matter - Property Acquisition - High Street, Penrith as he acts for the solicitors who advise the owners of the property, and indicated that he would leave the

meeting when the item was debated and voted on.

Councillor Ross Fowler declared a pecuniary interest in Item 6 in the Committee of the Whole, Commercial Matter - Acquisition of Road Widening, Lenore Lane, Erskine Park, as he is acts for the owners and indicated that he would leave the meeting when the item was debated and voted on.

MAYORAL MINUTES

411 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Greg Davies that the Mayoral Minutes on Angela Lennon's 30 Years of Service and the Retirement of Luigi (Gino) D'Angelis be deferred until the consideration of Item 15, Presentations to Luigi (Gino) D'Angelis and Angela Lennon, later in the meeting.

1 Presentation of Outstanding Service Awards to Councillor Pat Sheehy and Councillor Ross Fowler

Her Worship the Mayor, Councillor Jackie Greenow read a Mayoral Minute congratulating Councillor Pat Sheehy and Councillor Ross Fowler who have been given Outstanding Service Awards by the NSW Local Government Association.

412 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies that the Mayoral Minute on the Presentation of Outstanding Service Awards to Councillor Pat Sheehy and Councillor Ross Fowler be received.

2 The Opening of the North St Marys Neighbourhood Centre

Her Worship the Mayor, Councillor Jackie Greenow read a Mayoral Minute about the opening of the North St Marys Neighbourhood Centre on Saturday 27 August

413 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that the Mayoral Minute on The Opening of the North St Marys Neighbourhood Centre be received.

3 Council achieves recognition at Keep Australia Beautiful Sustainable Cities Awards

Her Worship the Mayor, Councillor Jackie Greenow read a Mayoral Minute about Council winning the 'Don't Waste Australia' Waste Minimisation Award, being runner-up in the Sustainable Cities Overall Award and receiving a high commendation for its Sustainability Street Program in the Environmental Education category at Keep Australia Beautiful Sustainable Cities Awards on 1 September 2005. Councillor Greenow also congratulated St Marys North Public School for its environmental program, which received a high commendation in the Metropolitan Schools Environment Award category.

414 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that the Mayoral Minute on Council achieving recognition at the Keep Australia Beautiful Sustainable Cities Awards be received.

REPORTS OF COMMITTEES

Report and Recommendations of the Disability Access Committee 3 August 2005

415 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the Report and Recommendations of the Disability Access Committee of 3 August 2005 be adopted.

MASTER PROGRAM REPORTS

416 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler that Item 16, 2004-05 Annual Statements, be dealt with as the first item of business.

Council's Auditor, Mr Dennis Banicevic, a Director of Price Waterhouse Coopers addressed the meeting and gave a short presentation on Council's Annual Financial Statements. He said that they were the first Local Government Financial Statements that he had audited this year and that they showed Penrith Council was in a sound financial position. He said that the Statements demonstrated a high standard of financial reporting.

16 2004-05 Annual Statements

6037/34

417 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler

That:

1. The information contained in the report on 2004-05 Annual Statements be received
2. Pursuant to S415 it is the Council's opinion That:
 - (a) The financial statements and schedules have been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, the Local Government Asset Accounting Manual, and Australian Accounting Standards. The Code requires a phasing in of the new accounting requirements
 - (b) Apart from the non-recognition of land under roads as required by the phasing process, the statements comply with Australian Statements of Accounting Concepts
 - (c) The financial statements present fairly the Council's financial position as at 30 June 2005 and the operating result for the year then ended
 - (d) The statements are in accord with Council's accounting and other records.
3. Pursuant to clause 21 of the Local Government Financial Management Regulation it is the Council's opinion That:
 - (a) The accompanying Special Purpose Financial report has been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, and the requirements of National Competition Policy. The Code requires the inclusion of various charges and subsidies which are not actually paid or payable
 - (b) The report is a special purpose report and is not required to comply with Australian Accounting Standards. The above legislative requirements differ from Australian Accounting Standards and hence the report does not comply with Australian Accounting Standards
 - (c) The financial statements present a modelled scenario for comparative purposes. They do not report an actual result.
4. Council confirms its endorsement of the budget in the knowledge that some of

its business activities are not making commercial returns. The existence of notional subsidies represents Council's commitment to its community service obligations

5. The Statements be forwarded to Council's Auditors
6. Abandonments for 2005 as detailed be written off
7. The balance of stores and materials be adjusted in the stores and materials registers in accordance with the various write-offs
8. The allocation of the budget surplus is considered as part of the September quarterly review
9. Council's Chief Financial Officer and the staff of the Finance department be congratulated on the presentation of the 2004-05 Financial Statements.

THE CITY IN ITS ENVIRONMENT

1 National Water Commission Submission - Effective Water Management - Enhanced Environmental Flows

4109/29

418 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler

That:

1. The information contained in the report on National Water Commission Submission - Effective Water Management - Enhanced Environmental Flows be received
2. A further report be submitted to Council when the outcomes of the funding bid process is announced by the National Water Commission.

THE CITY AS A SOCIAL PLACE

2 Development Application 05/0825 involving the erection of a two storey commercial building for the purpose of a public building and commercial offices with ground floor cafe and basement parking on Lot 2 DP 228082 and Lot 2 DP 529800 (No. 225 - 227) Queen Street, St Marys. Applicant: Michael Collins and Associates; Owner: Penrith City Council

DA05/0825

419 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Development Application 05/0825 involving the erection of a two storey commercial building for the purpose of a public building and commercial offices with ground floor cafe and basement parking on Lot 2 DP 228082 and Lot 2 DP 529800 (No. 225 - 227) Queen Street, St Marys be received
2. Development Application 05/0825 involving the erection of a two storey commercial building for the purpose of a public building and commercial offices with ground floor cafe and basement parking on Lot 2 DP 228082 and

Lot 2 DP 529800 (No. 225 - 227) Queen Street, St Marys, be granted consent subject to the conditions below:

Special Conditions:

- 2.1 A strip of land of 0.905m wide along Carson Lane is to be dedicated to Council for the purpose of road widening prior to the issue of the Occupation Certificate at no cost to Council. The dedication is to be generally in accordance with the plan by Vince Morgan Surveyors numbered 15001T3 and dated 11/5/05
- 2.2 All entrances/exits to the building, including roller door entrances at the rear of the building shall be well lit to clearly illuminate areas where people are most vulnerable. Under awning lighting shall be provided at the Queen Street frontage. Details are to be submitted with the application for Construction Certificate
- 2.3 Lighting shall be vandal resistant, contained within the property boundary (except in the case of entrances/ exits and under awnings) and be consistent in order to reduce the contrast between shadows and illuminated areas. No light should be projected upwards. Details are to be submitted with the application for Construction Certificate
- 2.4 Any glass façade on the Queen Street frontage of the building should be of clear plate glass (at street level) to allow an active street presentation and to provide passive surveillance to the street and from the street back into the building. Toughened glass should be installed to minimise breakage and the potential for glass etching. Details are to be submitted with the application for Construction Certificate
- 2.5 Internal stairs that open onto Queen Street and also lead to the basement car park shall be secured, lit and accessible via a security card/key system only. All works are to be completed prior to the use or occupation of the premises
- 2.6 The basement car park shall be accessible by tenants/staff of the building only. In addition to the security gate system an intercom security system shall be installed in the basement car park prior to the occupation or use of the premises
- 2.7 All surfaces within the basement area shall be painted in light coloured paint or finished in light grey concrete to reflect as much light as possible. All potential entrapment points should be avoided, eg., under stairs, blind corners and wide columns. Adequate lighting and mirrors should be used when certain design features are unavoidable. Details are to be submitted with the application for Construction Certificate.
- 2.8 The car parking spaces No. 1 and No. 36 shall be widened for a minimum clear width of 2.5m. The details are to be submitted with the application for Construction Certificate
- 2.9 In order to provide security of the toilet facilities within the building, access shall be restricted to tenants and visitors only to businesses in the building. These amenities shall be clearly labelled barring access. All works shall be completed prior to the use or occupation of the premises

- 2.10 Louvered air vents on the basement car park shall be of vandal resistant material. Details are to be submitted with the application for Construction Certificate
- 2.11 The external colour scheme shall be generally in accordance with the colour scheme shown on the photomontage submitted with the development application. Details are to be submitted with the application for Construction Certificate
- 2.12 The existing car parking area on the subject site is to be demolished as part of the approved work
- 2.13 A preliminary archaeological investigation shall be carried out to determine the possibility of any significant heritage remains. The investigation report shall accompany the Construction Certificate application
- 2.14 The applicant shall obtain an excavation permit form the NSW Heritage Office under the Heritage Act 1977 prior to the commencement of any excavation works on the site. If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office
- 2.15 Prior to the commencement of works on site:
- An appropriately qualified archaeologist shall be employed to oversee the construction of the approved development, including any approved excavation works
 - Details of the archaeologist employed to oversee the construction of the development shall be submitted to Penrith City Council with the 'Notification of Commencement' 2 days before works are to commence on site
- 2.16 The existing tree located in front of the property and within the Queen Street footpath shall be protected from being damaged during the construction period. The tree protection measures are to be in place prior to the commencement of any construction. No street trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy
- 2.17 A minimum building setback of 3.66m shall be provided to Queen Street frontage. The details are to be submitted with the application for Construction Certificate
- 2.18 Proposed café/shop is not to be operated as a restaurant without prior consent of Council

Standard Conditions

- 2.19 **A001** (DA02 Issue F, DA02 to DA07 all Issue G and dated 21/1/05, plans numbered DA08 Issue G and dated 23/3/05, all drawn by Morrisbray Architects); A011; A016; A039; A019F; B002; B003; B004; B005; B006; D001; D009; D010; E001A; E002 (Northern side boundary fire protection of openings – BCA Part C 3.2 and 3.4); E006;

E008; E009; F001; G003; G004; H01F; H002; H003; H011; H030; H041; **I003**([a] Provision of a heavy-duty gutter crossing 7.6m wide; [b] Provision of a vehicular footway crossing 7m wide; [c] Opening the road reserve for the provision of services including stormwater; [d] Placing of hoardings, containers, waste skips, etc. in the road reserve.); I004([a] Provision of kerb and gutter, drainage, footpath and ancillary works to achieve a carriageway width of 3.5m wide in Carson Lane with appropriate kerb returns into the car park and into Queen Street); K001; K002; K016; K019; K025 (concreted); K027 (37)..(37)..(1); K036; K037; K039; K040; M014; N001 (St Marys Town Centre)...(\$122,474.00); P001; P002; Q001; Q006

3. Persons who made submissions in respect to the proposed development be advised of Council's decision in writing.

5 2005 Canoe Slalom World Championships

2071/10 Pt2

420 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the information contained in the report on the 2005 Canoe Slalom World Championships be received.

7 Glenmore Park Community Equipment Pool

1117/37

421 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Glenmore Park Community Equipment Pool be received
2. Council endorse the election by the Annual General Meeting of the Glenmore Park Community Equipment Pool on Thursday 11th August 2005 of the following office bearers to manage the Equipment Pool on behalf of Council:

Carol Dwyer
Sue Game
Melissa Moore
Rose Hurley.

3. Letters be sent to the outgoing management committee of the Glenmore Park Community Equipment Pool thanking them for their contribution and commitment to the maintenance of this valuable community service.

3 Section 96 Modification of Development Application 04/0180 Multi-unit Housing Development comprising ten (10) Attic Style Villas at Lot 728 DP 253258 and Lot 721 DP 597503 (No. 85 - 87) Irwin Street, Werrington. Applicant: P & N Gordon; Owner: I McAdam

DA04/0180

422 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor John Thain

That:

1. The information contained in the report on Section 96 Modification of Development Application 04/0180 Multi-unit Housing Development comprising ten (10) Attic Style Villas at Lot 728 DP 253258 and Lot 721 DP 597503 (No. 85 - 87) Irwin Street, Werrington be received
2. The modification request be approved by way of:
 - 2.1 Modifying the description of lapsing periods under the *Decision of Consent Authority* heading of the Development Consent to:

“The conditions to be satisfied prior to commencement of the consent will need to be completed by 7 February 2006.”

4 Development Application 05/0229 proposal for a detached dual occupancy at Lot 268 DP 204977 (No. 51) Westbank Avenue, Emu Plains. Applicant: Mrs S & Mrs K Harris; Owner: Mrs S & Mrs K Harris **DA05/0229**

423 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Mark Davies

That:

1. The information contained in the report on Development Application 05/0229 proposal for a detached dual occupancy at Lot 268 DP 204977 (No. 51) Westbank Avenue, Emu Plains be received
2. Determination of the Development Application 05/0229 for a detached dual occupancy at Lot 268 DP 204977 (No. 51) Westbank Avenue, Emu Plains, be deferred to allow Councillors to inspect the site and to meet with affected residents.

6 Arts Project Working Party **31/56 & 21/37**

424 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Garry Rumble

That:

1. The information contained in the report on Arts Project Working Party be received
2. The Arts Project Working Party be reformed and it comprise those representatives outlined in the report
3. Council nominate Councillors Jackie Greenow, Ross Fowler and Pat Sheehy as representatives on the Arts Project Working Party
4. The Arts Project Working Party's Terms of Reference be:

“To develop and report back to Council on a strategy for the integration of the City's principal cultural facilities, and to oversee implementation of the strategy, as adopted by Council.”

8 Extension to the Penrith Valley Community Safety Plan

1117/29 Pt6

425 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Pat Sheehy

That:

1. The information contained in the report on the option to extend the Penrith Valley Community Safety Plan for a 12-month period, expiring in December 2006 be received.
2. Penrith City Council approve the application to the NSW Attorney General's Department for a 12-month extension of the current Penrith Valley Community Safety Plan.

9 Community Assistance Program

6016/47

426 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor John Thain

That:

1. The information contained in the report on Community Assistance Program be received
2. Council approve the allocation of \$1,000 to the Penrith Sudanese Youth Writers group to assist with documenting their refugee stories.
3. Council defer approval of an allocation of \$1,000 to the Kingswood Park Primary School to assist with the implementation of a Breakfast Week program pending the receipt of answers to the following questions:
 - What are the objectives of the program?
 - What is proposed to be funded with the \$1000?
 - What other contributions are there to the program, either in cash or in kind?
 - What happens with the program after the first week?
 - What is the extend of the involvement of the Area Health Service?
 - How will the program be evaluated?
 - When will the program be implemented?

10 Alcohol Free Zones

9008/13 Pt3

427 RESOLVED on the MOTION of Councillor Garry Rumble seconded Councillor Greg Davies

That:

1. The information contained in the report on Alcohol Free Zones be received
2. Those areas detailed in the report be declared Alcohol Free Zones pursuant to Section 644 of the Local Government Act 1993 for a three year period commencing 1 October 2005

3. Advertisements be placed in the local media advising of the establishment of the alcohol free zones.

THE CITY AS AN ECONOMY

11 Funding for the Penrith Valley Economic Development Corporation for the 2005-06 financial year 1133/54 Part 2

428 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Funding for the Penrith Valley Economic Development Corporation for the 2005-06 financial year be received
2. Council endorse two payments of \$125,784 to the Corporation for the 2005-06 financial year.

THE CITY SUPPORTED BY INFRASTRUCTURE

12 Proposed Extensions to Judges Place Carpark 9204/2

429 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Proposed Extensions to Judges Place Carpark, be received
2. The submission from Suters Architects be accepted in the amount of \$35,660 for the preparation of designs, cost estimates and Development Application for an additional two floors of carparking and CPTED enhancements at the Judges Place Carpark.
3. The project cost limit be set at \$40,000 allocated from the Carparking/Traffic Facilities Reserve.
4. A further report be prepared for Council on the feasibility of building a multi-storey commuter carpark at Penrith Railway Station with the involvement of State Rail
5. A further report be prepared on secure parking at Judges Place carpark.

LEADERSHIP AND ORGANISATION

13 Council Property - Community Connections Building, 114 - 116 Henry Street Penrith - Upgrading of Air Conditioning System, Tender No 09-04/05

430 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler

That:

1. The information contained in the report on Council Property - Community Connections Building, 114 - 116 Henry Street Penrith - Upgrading of Air

Conditioning System, Tender No 09-04/05 be received

2. Council accepts the tender of Keystone Mechanical Services Pty Ltd in the amount of \$324,700.

14 Council Property - Granting of Easement for Overhead Power Lines on Council Land, Lot 222, D.P. 606545, Maple Road, St Marys 3096/1

431 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler

That:

1. The information contained in the report on Council Property - Granting of Easement for Overhead Power Lines on Council Land, Lot 222, D.P. 606545, Maple Road, St Marys be received
2. Council grant Integral Energy an easement for overhead power lines over Lot 222, D.P. 606545 at Maple Road, St Marys
3. Integral Energy to bear all reasonable costs associated with the granting of the easement
4. Compensation to be paid by Integral Energy be determined in accordance with an independent valuation by a registered Valuer approved by the Property Development Manager
5. The Common Seal of the Council of the city of Penrith be placed on all necessary documentation.

17 National Risk Management Conference 6011/40

432 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Lexie Cettolin

That:

1. That the information contained in the report on National Risk Management Conference be received
2. Council endorse the attendance of Councillor Ross Fowler at the Conference.

15 Presentations to Luigi (Gino) D'Angelis and Angela Lennon 909/83

433 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Ross Fowler

That:

1. The information contained in the report on Presentations to Luigi (Gino) D'Angelis and Angela Lennon be received
2. A presentation be made by Council at tonight's meeting to Luigi (Gino) D'Angelis in recognition of his retirement from Council after 26 years service and Angela Lennon in recognition of her 30 years service to Council.

MAYORAL MINUTES

4 Angela Lennon - 30 Years Service

Her Worship the Mayor, Councillor Jackie Greenow read a Mayoral Minute congratulating Angela Lennon on reaching the milestone of thirty years' service with Council.

434 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that the Mayoral Minute on Angela Lennon's thirty years of service be received.

5 Retirement of Luigi (Gino) D'Angelis

Her Worship the Mayor, Councillor Jackie Greenow read a Mayoral Minute congratulating Luigi (Gino) D'Angelis on his retirement after twenty five years' service with Council.

435 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Greg Davies that the Mayoral Minute on the retirement of Luigi (Gino) D'Angelis after twenty five years' service be received.

QUESTIONS WITHOUT NOTICE

QWN 1 Letter From Penrith Paceway 3070/13 Pt4

Councillor David Bradbury requested a memo responding to the letter sent to Councillor by Penrith Paceway concerning the redevelopment of Penrith Stadium.

QWN 2 Carparking Codes 9200/9 Pt4

Councillor David Bradbury requested that a report be brought to Council that provides a comprehensive description to clarify all of the carparking codes and standards for Penrith City.

QWN 3 Swimming Cumberland's Open Day 3/1 Pt 4

Councillor John Thain advised Council that Swimming Cumberland are holding their open day on 11 September and that all Councillors are welcome to attend.

QWN 4 Trees Damaged in Nth St Marys 5007/5

Councillor John Thain advised that trees in the median strips in North St Marys have been severely trimmed but that the trimming has been done so badly that it resembles vandalism. He requested that Council officers investigate the problem and advise Council on what needs to be done. He said that Catalina Street in particular has been badly affected by the poor trimming.

QWN 5 Enforcement of Passive Uses of the Park at Progress Way, Cranebrook 3048/1

Councillor Ross Fowler requested that Council officers and Rangers liaise with the Police to stop the increasing use of the park at Progress Way off Pendock St Cranebrook by people on motor bikes. This unauthorised use is affecting the amenity of the area, particularly on weekends.

QWN 6 Removal of All Day Carparking Spaces from the Soper carpark 9208/1 Pt2

Councillor Mark Davies asked for confirmation that a number of all day carparking spaces have been removed from the Soper carpark, and if the spaces have been removed, the reasons for their removal.

QWN 7 More Responses on Carparking 9200/10 Pt2

Councillor Mark Davies advised that he has received a further eighteen submissions on parking problems in Penrith from the public via the WWW.penrithparkingnightmare.com website, and tabled those responses.

QWN 8 Representations on Behalf of Mrs Quinn KA/11/1

Councillor Mark Davies asked for a memo regarding the issues raised in a letter from Mrs Quinn of Jamisontown. Mrs Quinn has made complaints about anti-social behaviour occurring in Kay Laneway.

QWN 9 Representations on Behalf of Shane and Carlie Stratford AN/O4/2

Councillor Mark Davies asked for a memo in response to concerns about antisocial behaviour occurring in the laneway behind their house in Daphne Close, Kingswood.

COMMITTEE OF THE WHOLE

436 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Pat Sheehy that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:32PM.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Greg Davies seconded Councillor Pat Sheehy 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 - Property Acquisition - High Street, Penrith 326944

This item was referred to Committee of the Whole as the report referred 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.

3 Walker Corporation - Erskine Park Employment Area AP05/0002 Part 2

This item was referred to Committee of the Whole as the report referred 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.

Leadership and Organisation

4 Commercial Matter - Council Property - Lease of Shop 10, Allen Arcade, 140-142 Henry Street, Penrith 320469 LE9

This item was referred to Committee of the Whole as the report referred 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.

5 Commercial Matter - Council Property - Lease of Shop 14, Cranebrook Shopping Centre - Post Office 634905 LE14 Pt 4

This item was referred to Committee of the Whole as the report referred 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.

6 Commercial Matter - Acquisition of Road Widening, Lenore Lane, Erskine Park LE/18

This item was referred to Committee of the Whole as the report referred 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 2005 ICF Canoe Slalom World Championships

Her Worship the Mayor, Councillor Jackie Greenow, informed the meeting that she wished to raise a matter regarding the 2005 ICF Canoe Slalom World Championships in Committee of the Whole.

This item was referred to Committee of the Whole as it involved 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.

8 Station Street site

The Acting General Manager informed the meeting that he wished to provide Councillors in the Committee of the Whole with information about the Station Street site.

This item was referred to Committee of the Whole as it involved 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.

The meeting resumed at 10:12PM and the Acting General Manager reported that the Committee of the Whole met at 8:39PM on Monday 5 September 2005, the following being present

Her Worship the Mayor Councillor Jackie Greenow, Kaylene Allison, David Bradbury, Lexie Cettolin, Greg Davies, Mark Davies, Ross Fowler, Garry Rumble, 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

Councillor Ross Fowler, having previously declared a pecuniary interest in Item 2 and Item 6 in the Committee of the Whole left the meeting the time being 8:40PM.

2 Commercial Matter - Property Acquisition - High Street, Penrith 326944

CW2 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor John Thain

That:

1. The information contained in the report on Commercial Matter - Property Acquisition - High Street, Penrith be received
2. Council purchase Lot 1 in D.P. 804899 in accordance with Conditions 1 – 11 as outlined in the report
3. The land be classified as “Operational” land
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

6 Commercial Matter - Acquisition of Road Widening, Lenore Lane, Erskine Park LE/18

CW6 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Pat Sheehy

That:

1. The information contained in the report on Commercial Matter - Acquisition of Road Widening, Lenore Lane, Erskine Park be received
2. Council pay compensation to the owner for the dedication of 938.7 square metres from Lots 5A & 5B, D.P. 162129 in accordance with the summary as outlined in the report.

Councillor Fowler returned to the meeting the time being 8:42PM.

3 Walker Corporation - Erskine Park Employment Area AP05/0002 Part 2

CW3 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor David Bradbury that the information contained in the report to the Committee of the Whole regarding Walker Corporation – Erskine Park Employment Area be received and the litigation be settled in the terms set out in the report.

4 Commercial Matter - Council Property - Lease of Shop 10, Allen Arcade, 140-142 Henry Street, Penrith 320469 LE9

CW4 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Garry Rumble

That:

1. The information contained in the report on Commercial Matter - Council Property - Lease of Shop 10, Allen Arcade, 140-142 Henry Street, Penrith be received
2. Council grant a two (2) year Lease with a three (3) year option to the new tenant 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.

5 Commercial Matter - Council Property - Lease of Shop 14, Cranebrook Shopping Centre - Post Office 634905 LE14 Pt 4

CW5 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Garry Rumble

That:

1. The information contained in the report on Commercial Matter - Council Property - Lease of Shop 14, Cranebrook Shopping Centre - Post Office be received
2. Council grant a five (5) year Lease with a five (5) year option to the existing tenant on 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.

7 Commercial Matter – 2005 ICF Canoe Slalom World Championships

CW7 RESOLVED on the MOTION of Councillor Pat Sheehy seconded Councillor Kaylene Allison

That:

1. The information contained in the verbal report on the 2005 ICF Canoe Slalom World Championships be received
2. The General Manager be authorised to negotiate with Australian Canoeing Inc. to secure the staging of the 2005 ICF Canoe Slalom World Championships at Penrith Whitewater Stadium
3. That the General Manager be authorised to negotiate by way of in kind support or appropriately secured loan to an amount agreed to in the Committee of the Whole.
4. That a report be presented to the next Council Meeting setting out the terms of any negotiations.

8 Commercial Matter – Station Street Site

CW8 RESOLVED on the MOTION of Councillor Ross Fowler seconded Councillor Pat Sheehy that the information contained in the verbal report by the Acting General Manager on the Station Street site be received.

ADOPTION OF COMMITTEE OF THE WHOLE

437 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Ross Fowler that the recommendations contained in the report of the Committee of the Whole and shown as CW2 to CW8 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:16PM.

I certify that these 17 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 5 September 2005.

Chairperson

Date