

CONFIRMED MINUTES

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

ON MONDAY 8 SEPTEMBER 2008 AT 7:04PM

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 Cramer OAM, Mark Davies, Ross Fowler OAM, Jackie Greenow, Karen McKeown, Susan Page, Garry Rumble, Pat Sheehy AM and John Thain.

APOLOGIES

315 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jackie Greenow that the apologies from Councillors Jim Aitken OAM and Steve Simat be accepted.

CONFIRMATION OF MINUTES - Ordinary Meeting - 4 August 2008

316 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kevin Cramer OAM that the minutes of the Ordinary Meeting of 4 August 2008 be confirmed.

DECLARATIONS OF INTEREST

Councillor Pat Sheehy AM declared a non-pecuniary interest in *Item 12 – Directors on Penrith Performing and Visual Arts Limited* as he is recommended for appointment as a community representative on the Board of Penrith Performing and Visual Arts Limited. Councillor Sheehy stated that he would leave the Chamber during consideration of this item.

Councillor Karen McKeown declared a non-pecuniary interest in *Item 12 – Directors on Penrith Performing and Visual Arts Limited* as she is a member of the Board of Penrith Performing and Visual Arts Limited. Councillor McKeown stated that she would reserve her right to speak and vote on the matter.

MAYORAL MINUTES

1 Retirement of Parks Construction and Maintenance Manager

317 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Retirement of Parks Construction and Maintenance Manager be received.

2 The Passing of Mr Greg Marshall

318 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on The Passing of Mr Greg Marshall be received.

A minute's silence was observed in memory of Mr Greg Marshall.

3 Mayoral Ball raises \$36,000 for local charities

319 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on Mayoral Ball raises \$36,000 for local charities be received.

4 A Retrospective of Penrith City Council 2004 - 2008

320 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on A Retrospective of Penrith City Council 2004 - 2008 be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 4 August 2008

321 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Susan Page that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 4 August, 2008 be adopted.

2 Report and Recommendations of the Disability Access Committee Meeting held on 6 August 2008

322 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Disability Access Committee meeting held on 6 August, 2008 be adopted.

3 Report and Recommendations of the Policy Review Committee Meeting

held on 18 August 2008

323 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 18 August, 2008 be adopted.

4 Report and Recommendations of the Local Traffic Committee Meeting held on 1 September 2008

324 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 1 September, 2008 be adopted.

5 Report and Recommendations of the Policy Review Committee Meeting held on the 1 September 2008

325 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Lexie Cettolin that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 1 September, 2008 be adopted.

MASTER PROGRAM REPORTS

326 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that *Item 9 - 2007-08 Annual Financial Statements* be considered before all other business.

SUSPENSION OF STANDING ORDERS

327 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kaylene Allison that Standing Orders be suspended to allow Council's Auditor to address the meeting, the time being 8:34 pm.

Council's External Auditor, Mr Dennis Banicevic, a Director of PriceWaterhouse Coopers, addressed the meeting and gave a short presentation on Council's 2007-2008 Annual Financial Statements. Mr Banicevic said the Statements show Penrith City Council to be in a sound financial position and that they demonstrate a high standard of financial reporting.

RESUMPTION OF STANDING ORDERS

328 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler OAM that Standing Orders be resumed, the time being 8:47 pm.

LEADERSHIP AND ORGANISATION

9 2007-08 Annual Financial Statements

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

That:

1. The information contained in the report on 2007-08 Annual Financial Statements be received.
2. Pursuant to s413(2)(c) 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 2008 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 215 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 2008 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. The information contained in the report on 2007-08 Annual Financial Statements be received.

THE CITY IN ITS BROADER CONTEXT

1 Penrith City Centre Development Control Plan 2007

'330 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Mark Davies

That:

1. The information contained in the report on Penrith City Centre Development Control Plan 2007 be received.
2. Council endorse the public exhibition of a minor procedural amendment to Penrith City Centre Development Control Plan 2007 (to clarify reference to 'Penrith City Centre LEP 2008'), in accordance with the relevant provisions of the Environmental Planning and Assessment Act, 1979 and associated Regulations, as outlined in this report.
3. A further report be presented to Council following the exhibition.

THE CITY AS A SOCIAL PLACE

2 Research Partnerships Program - University of Western Sydney

'331 RESOLVED on the MOTION of Councillor Pat Sheehy AM 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 acceptance of the research grant.
3. Council and the Penrith City Children's Services Co-operative be advised of the findings of the research.

3 Sydney North West Inclusion Support Agency

332 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Sydney North West Inclusion Support Agency be received.
2. Council's interest in a new funding agreement be conveyed to the Department of Education, Employment and Workplace Relations.

- 4 Development Application No. 08/0576 - Proposed Four Storey Commercial Building at Lot 1 DP 567138 & Lot D DP153855 (No. 600 - 608) High Street, Penrith. Applicant: Nor'side Investments Pty Ltd; Owner: Nor'side Investments Pty Ltd** **DA08/0576**

333 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Development Application No. DA08/0576 - Proposed Four Storey Commercial Building at Lot 1 DP 567138 & Lot D DP153855 (No. 600 - 608) High Street, Penrith be received.
2. The General Manager exercise his delegated authority to determine the development application after consultation with the Mayor or the Deputy Mayor.

THE CITY IN ITS ENVIRONMENT

5 Kitchen Organics Tidy Bins Tender

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

That:

1. The information contained in the report on Kitchen Organics Tidy Bins Tender be received.
2. Source Separation Systems be the preferred tenderer for the supply of kitchen organics tidy bins at the rates identified in this report.
3. The Waste & Community Protection Manager, in consultation with the Legal & Governance Manager, be authorised to negotiate a contract with Source Separation Systems consistent with this report for signing under the Common Seal of Council.
4. The Waste & Community Protection Manager be authorised to negotiate terms with SITA Environmental Solutions to receive, store and distribute the kitchen organics tidy bins to households in the city in conjunction with the distribution of the 140 litre mobile garbage bin (and bin lid changeover program) that will form part of the three bin collection system.

THE CITY SUPPORTED BY INFRASTRUCTURE

8 Penrith CBD - Temporary Christmas Shuttle Bus

335 RESOLVED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Penrith CBD - Temporary Christmas Shuttle Bus be received.
2. Council contribute \$13,440 for the operation of the second free shuttle bus and \$399.30 toward bus graphics (front and side of bus), together with the costs of the temporary Bus Stop signage, from the Carparking/Traffic Facilities Reserve.

6 RTA 2008/09 Road Funding Grants

336 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on RTA 2008/09 Road Funding Grants be received.
2. The RTA 2008/09 Program Funding Block Grant in the amount of \$914,000 be accepted.
3. The Supplementary Road Component in the amount of \$156,000 be allocated to the completion of the upgrading of Luddenham Road, a 3.5km section commencing 2.0km south of Twin Creeks Drive, heading south to Elizabeth Drive.
4. The Common Seal of the Council of the City of Penrith be affixed to the "Agreement for Block Grant Assistance to Council for Regional Roads 2008/2009".

7 Federal Government 2008/2009 "Auslink Black Spot Program" funding offer

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

That:

1. The information contained in the report on Federal Government 2008/2009 "Auslink Black Spot Program" funding offer be received.
2. Council accept the grant funding of \$827,000 offered for the 5 successful projects under the 100% Federally Funded "Auslink Black Spot Program" for 2008/2009.
3. Council accept the grant funding of \$30,000 offered under the 50:50 program for the Penrith Bike Plan 2008/2009.
4. Council congratulate staff involved in securing this grant funding, particularly in regard to their new approach to obtaining 'Black Spot' funding.

LEADERSHIP AND ORGANISATION

Having previously declared a non-pecuniary interest in Item 12, Councillor Pat Sheehy AM left the meeting, the time being 8:53 pm.

12 Directors on Penrith Performing and Visual Arts Limited

338 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Directors on Penrith Performing and Visual Arts Limited be received.
2. The resignations of Councillor Pat Sheehy AM as a Councillor representative and Mr Bruce McDonald as a community representative on the board of the Penrith Performing and Visual Arts Limited be accepted.
3. Councillor Pat Sheehy AM be appointed as a community representative on the board of the Penrith Performing and Visual Arts Limited effective from 14 September 2008.
4. Council write a letter to Mr Bruce McDonald thanking him for his considerable contribution as a community representative on the board of the Penrith Performing and Visual Arts Limited.

Councillor Garry Rumble left the meeting, the time being 8:54 pm.

Councillor Pat Sheehy AM returned to the meeting, the time being 8:55 pm.

10 Audit Committee

'339 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Kaylene Allison that the information contained in the report on Audit Committee be received.

Councillor Garry Rumble returned to the meeting, the time being 8:56 pm.

11 Council Operations between the Local Government Election and the 13 October 2008 Ordinary Council Meeting

'340 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Council Operations between the Local Government Election and the 13 October 2008 Ordinary Council Meeting be received.
2. Development Applications which would normally warrant reporting to Council between 9 September 2008 and 12 October 2008 inclusive be determined under the General Manager's delegation by:
 - the General Manager, after consultation with the Mayor, or in the Mayor's absence, the Deputy Mayor, in the periods from 9/9/08 to 12/9/08 inclusive and from 30/9/08 to 12/10/08 inclusive;
 - the General Manager, after consultation with the Mayor, in the period from 13/9/08 to 29/9/08.
2. A report be presented to the Ordinary Council Meeting to be held on 13 October 2008 relating to the operations of the organisation during this period.

13 2008-09 Financial Assistance Grant

'341 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Kaylene Allison

That:

1. The information contained in the report on 2008-09 Financial Assistance Grant be received.
2. The additional \$389,694 be transferred to reserve for 2009-10 projects.

14 Summary of Investments & Banking reported for the period 1 July to 31 August 2008

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

That:

1. The information contained in the report on Summary of Investments & Banking reported for the period 1 July to 31 August 2008 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 July 2008 to 31 August 2008 be noted and accepted.
3. The graphical investment analysis as at 31 August 2008 be noted.

QUESTIONS WITHOUT NOTICE

QWN 1 Spring Festival 2008

Councillor Jackie Greenow advised that the Spring Festival was to be held on Saturday 6 September 2008, but that it had to be cancelled due to rain. It would now be held on a date to be determined, but possibly 11 October 2008.

QWN 2 Request for Sign - Brookfield Basketball Court

Councillor Lexie Cettolin requested a memo reply to her request for a sign to be erected at the Brookfield basketball court, to remind people to take their rubbish with them when they leave.

QWN 3 Funds handed over to State Government by Councils

Councillor Kevin Crameri OAM requested a memo reply consisting of an itemised list of amounts of money handed over to State Government by Penrith City Council relating to agency payments (predominantly rate instalments) taken on Council's behalf by the Commonwealth Bank, where insufficient reference was included to enable identification.

QWN 4 Government Drive, Emu Plains

Councillor Kevin Crameri OAM requested a memo reply as to whether the north side of Government Drive, Emu Plains is on the list for footpath paving, and if so, when the work is scheduled to be carried out.

QWN 5 Damaged caused to Roads by Garbage Trucks - Llandilo

Councillor Kevin Crameri OAM requested a report to Council on the damage caused by garbage trucks to the verge and edge of the road in Old Llandilo Road, and Fourth Avenue, between Northern and Terrybrook Roads, Llandilo.

QWN 6 Provision of Maintenance Services - Llandilo

Councillor Kevin Crameri OAM requested a report to Council addressing concerns of residents of Llandilo that the provision of services to this area are diminishing, in particular those relating to maintenance of roads, shoulders and footpaths.

QWN 7 Availability of Rescue Services in Penrith Area

Councillor Kevin Crameri OAM requested a report to Council on the current availability of the rescue service in the Penrith area, given the recent loss of the Ambulance service, including the area covered by the service, and also requested that a letter be forwarded to the Minister for Emergency Services, the Hon Tony Kelly MLC, seeking information in this regard.

QWN 8 TV Reception in Western Sydney

Councillor Kevin Crameri OAM requested a memo reply to all Councillors concerning the lack of TV reception available in various areas of the Penrith Local Government Area and seeking that this problem be addressed.

QWN 9 Report on Outstanding Items

Councillor Garry Rumble requested a report to Council on Outstanding Items, previously submitted by him for action.

QWN 10 Batt Street, Penrith - Commercial Car Parking

Councillor Mark Davies requested that the matter of providing parking restrictions for the left side of Batt Street, Penrith, heading east, be referred to the Local Traffic Committee, as no parking facilities are available for businesses along this side of the road.

QWN 11 Glenbrook Street, South Penrith - Speeding Vehicles

Councillor Mark Davies requested that the Local Traffic Committee be requested to investigate the matter of speeding vehicles in Glenbrook Street, South Penrith with a view to providing some speed minimisation measures in this street.

QWN 12 Nepean District Cricket Association

Councillor Ross Fowler OAM requested a report to Council detailing the proposal by the Nepean District Cricket Association for the provision of additional cricket facilities in the Penrith Local Government Area, and canvassing sources of additional funding.

QWN 13 Nepean Medical Research Foundation

Councillor Ross Fowler OAM requested that an amount of \$2,500, to be funded in equal amounts from each of North, South and East Ward voted works, be allocated to membership of the Nepean Medical Research Foundation, with a report to Council outlining the benefits of membership of the Foundation and the options available for funding such membership into the future.

343 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies that the matter be brought forward as a matter of urgency.

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

344 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor

Mark Davies that an amount of \$2,500, to be funded in equal amounts from each of North, South and East Ward voted works, be allocated to membership of the Nepean Medical Research Foundation, with a report to Council outlining the benefits of membership of the Foundation and the options available for funding such membership into the future.

QWN 14 Provision of Seating at Greygums Sportsground

Councillor John Thain requested that an amount of \$4,800 be allocated from North Ward voted works to the provision of seating between the ovals at the AFL grounds at Greygums Sportsground.

'345 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Pat Sheehy AM that the matter be brought forward as a matter of urgency.

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

346 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Pat Sheehy AM that an amount of \$4,800 be allocated from North Ward voted works to the provision of seating between the ovals at the AFL grounds at Greygums Sportsground.

QWN 15 Old Bathurst Road and Smith Street, Emu Plains

'Councillor John Thain requested that the Local Traffic Committee investigate the provision of traffic signals at the intersection of Old Bathurst Road and Smith Street, Emu Plains to improve traffic control in this area.

QWN 16 No Mow Zones - North Ward

'Councillor John Thain requested a report to Council on No Mow Zones in North Ward.

QWN 17 Compost Bin Scheme

Councillor Karen McKeown requested that Council write to all schools in the Penrith Local Government Area to ascertain if they wanted to be involved with the Compost Bin Scheme.

Councillor Karen McKeown further requested that an amount of \$2,000 be allocated from each of North, South and East Ward voted works (totalling \$6,000) to enable all schools in the Penrith Local Government Area to participate in the Compost Bin Scheme.

'347 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Garry Rumble that the matter be brought forward as a matter of urgency.

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

348 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Garry Rumble that an amount of \$2,000 be allocated from each of North, South and East Ward voted works (totalling \$6,000) to enable all schools in the Penrith Local Government

Area to participate in the Compost Bin Scheme.

Councillor Karen McKeown requested that a report be presented to Council on conclusion of this Scheme, outlining its success.

QWN 18 Request for Donation - St Clair Youth and Neighbourhood Team Inc

Councillor Kaylene Allison requested that an amount of \$2,000 be allocated from East Ward voted works to St Clair Youth and Neighbourhood Team Inc to cover the cost of sending Youth Group participants to a camp at Wisemans Ferry.

349 RESOLVED on the MOTION of Councillor Kaylene Allison seconded Councillor Jackie Greenow that the matter be brought forward as a matter of urgency.

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

350 RESOLVED on the MOTION of Councillor Kaylene Allison seconded Councillor Jackie Greenow that an amount of \$2,000 be allocated from East Ward voted works to St Clair Youth and Neighbourhood Team Inc to cover the cost of sending Youth Group participants to a camp at Wisemans Ferry.

QWN 19 New RTA Office - St Marys

Councillor Kaylene Allison requested that the Mayor write to the RTA, thanking it, on behalf of residents, for the reinstatement of an office at the Station Street Plaza in St Marys.

QWN 20 Penrith RSL Memorial Fundraising Dinner

Councillor David Bradbury requested that an amount of \$1,000 in total be allocated, in equal amounts from each of North, South and East Ward voted works, to the purchase of tickets for a table at the Penrith RSL Memorial Fundraising Dinner to be held on 12 September 2008.

351 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Mark Davies that the matter be brought forward as a matter of urgency.

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

352 RESOLVED on the MOTION of Councillor David Bradbury seconded Councillor Mark Davies that an amount of \$1,000 in total be allocated, in equal amounts from each of North, South and East Ward voted works, to the purchase of tickets for a table at the Penrith RSL Memorial Fundraising Dinner to be held on 12 September 2008.

QWN 21 Provision of Pram Ramps - Oxford Street and Melita Road, Cambridge Park

Councillor Pat Sheehy AM requested a memo reply on the provision of pram ramps in the kerbing at the intersection of Oxford Street and Melita Road, Cambridge Park, to facilitate access to Oxford Street shops.

Councillor Pat Sheehy AM also requested that an accessibility audit of the area be undertaken and referred to Council's Access Committee.

Councillor Mark Davies left the meeting, the time being 9:19 pm.

QWN 22 Outstanding Matter - Use of Email Correspondence

Councillor Susan Page requested follow up of her request that email be used for correspondence with community groups, wherever possible, instead of paper.

The Mayor indicated to Council that a report should be presented to the new Council on all outstanding Councillor requests.

Councillor Mark Davies returned to the meeting, the time being 9:21 pm.

QWN 23 Bethany Primary School - Fun Day/Fete - 24 October 2008

Councillor Susan Page requested that an amount of \$250 be allocated from South Ward voted works to Bethany Primary School to cover the cost of hiring the Penrith City Council stage for its Fun Day/Fete to be held on 24 October 2008, and also that the requirement for the \$500 bond for the stage be waived in this instance.

353 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Garry Rumble that the matter be brought forward as a matter of urgency.

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

354 RESOLVED on the MOTION of Councillor Susan Page seconded Councillor Garry Rumble that an amount of \$250 be allocated from South Ward voted works to Bethany Primary School to cover the cost of hiring the Penrith City Council stage for its Fun Day/Fete to be held on 24 October 2008, and also that the requirement for the \$500 bond for the stage be waived in this instance.

COMMITTEE OF THE WHOLE

355 RESOLVED on the MOTION of Councillor 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 9:23 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 - Council Property - Lease of Shop 2 at 144 Henry Street, Penrith

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

Leadership and Organisation

3 Commercial Matter - Bennett Road, St Clair

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 Commercial Matter - Council Property - Lot 28 DP 700376 Laycock Street, Cranebrook, being part of Greygums Oval

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.

The meeting resumed at 9:25 pm and the General Manager reported that the Committee of the Whole met at 9:23 pm on 8 September 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, 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 - Council Property - Lease of Shop 2 at 144 Henry Street, Penrith

RECOMMENDED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Susan Page

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Lease of Shop 2 at 144 Henry Street, Penrith be received.
2. Council grant a 5 year lease with a 5 year option to The Trustees of the Society of St Vincent De Paul (NSW) in accordance with the terms and conditions outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

3 Commercial Matter - Bennett Road, St Clair

RECOMMENDED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Susan Page

CW3 That:

1. The information contained in the report on Commercial Matter - Bennett Road, St Clair be received.
2. Council agree to purchase the land at 209 Bennett Road St Clair from NSW Police in accordance with conditions 1 to 8 as indicated in the report.
3. Council agree to the Proposed Procedures (a) to (e) as outlined in the report.
4. The land be classified at "operational" land.
5. The Common Seal of the Council of the City of Penrith be placed on the necessary documentation.

4 Commercial Matter - Council Property - Lot 28 DP 700376 Laycock Street, Cranebrook, being part of Greygums Oval

RECOMMENDED on the MOTION of Councillor Pat Sheehy AM seconded Councillor Kevin Cramer OAM

CW4 That:

1. The information contained in the report on Commercial Matter - Council Property - Lot 28 DP 700376 Laycock Street, Cranebrook, being part of Greygums Oval be received.
2. Council raise no objection to the Telstra installation of a telecommunication facility in relation to the existing light pole located at the Greygums Oval, Laycock Street, Cranebrook on Lot 28 DP 700376.
3. Council accept the access compensation in the amount as stated in the report.
4. The applicant be responsible for all survey, legal and construction costs associated with the access notice.
5. The Property Development Manager be authorised to sign an access deed for Telstra to install, operate and maintain telecommunications facilities.

ADOPTION OF COMMITTEE OF THE WHOLE

356 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Pat Sheehy AM 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 9:27 pm.

I certify that these 17 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 8 September 2008.

Chairperson

Date