

CONFIRMED MINUTES

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

ON MONDAY 1 DECEMBER 2008 AT 7:37PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Jim Aitken OAM 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 Jim Aitken OAM, Councillors Kaylene Allison, Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee, and John Thain.

APOLOGIES

There were no apologies.

LEAVE OF ABSENCE

Leave of Absence was requested by Councillor Kevin Crameri OAM for the period 1 December 2008 to 8 December 2008 inclusive.

426 RESOLVED on the MOTION of Jackie Greenow seconded Councillor Greg Davies that leave of absence be granted to Councillor Kevin Crameri OAM for the period 1 December 2008 to 1 December 2008 inclusive.

CONFIRMATION OF MINUTES - Ordinary Meeting - 10 November 2008

427 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the minutes of the Ordinary Meeting of 10 November 2008 be confirmed, with the following amendment to QWN 11 on page 11 of the minutes:

The words "Glenmore Park Road" to now read "Glenbrook Street, Jamisontown"

DECLARATIONS OF INTEREST

Councillor John Thain declared a pecuniary interest in *Item 18 – WSROC Group Tender for the supply of general hardware products* as the Parent Company - Wesfarmers conducts

business with his employer. Councillor Thain stated that he would leave the Council Chamber during discussion of this item.

Councillor Ross Fowler OAM declared a pecuniary interest in *Item 1 – Penrith City Centre Development Control Plan 2007 and Penrith City Centre Civic Improvement Plan*, as he owns property in the area referred to in the report. Councillor Fowler stated that he would leave the Chamber during discussions of this item.

Councillor Ben Goldfinch declared a non pecuniary less than significant interest in *Item 1 - Penrith City Centre Development Control Plan 2007 and Penrith City Centre Civic Improvement Plan*, as his father owns property in the area referred to in the report but no changes to the planning controls affecting the property were proposed.

Councillor Jim Aitken OAM declared a pecuniary interest in *Item 1 – Penrith City Centre Development Control Plan 2007 and Penrith City Centre Civic Improvement Plan* and *Item 6 – Caddens Release Area Planning Agreement*, as he owns property in these areas. Councillor Aitken stated that he would leave the Chamber during the discussion of these items.

SUSPENSION OF STANDING ORDERS

428 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:43pm.

Jacqueline Crompton

Item 9 - Development Application 08/0218 for Telecommunications Facility at No. 162a sixth Avenue, Llandilo Applicant: Daly International Pty Ltd; Owner: Milorad Pirovic and Pirovic Investments Pty Limited.

Jacqueline Crompton, representing the applicant, spoke in support of the application, highlighting the need for a telecommunications facility in this area to improve the current poor and unreliable service presently experienced. Ms Crompton noted that Telstra has considered all other options before submitting this application.

429 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that an extension of time be granted to Ms Jacqueline Crompton, the time being 7:49 pm.

Ms Crompton also emphasised that Telstra takes a precautionary approach to Public Health and Safety, ensuring any emissions from towers come in well under the recommended guidelines. Finally, Ms Crompton stated that Telstra was flexible in its approach and accepted the conditions placed on the proposal and demonstrated the steps Telstra had taken to minimise the impact of the tower.

Michael Farrugia

Item 9 - Development Application 08/0218 for Telecommunications Facility at No. 162a sixth Avenue, Llandilo Applicant: Daly International Pty Ltd; Owner: Milorad Pirovic and Pirovic Investments Pty Limited.

Investments Pty Limited.

Michael Farrugia, a relative of affected persons, spoke in opposition to the application. Mr Farrugia raised concerns regarding the effectiveness of the facility and whether it would actually improve the mobile phone service. Furthermore Mr Farrugia expressed concerns to the long term health effects of Mobile phone tower emissions.

Lisa Xuereb

Item 9 - Development Application 08/0218 for Telecommunications Facility at No. 162a sixth Avenue, Llandilo Applicant: Daly International Pty Ltd; Owner: Milorad Pirovic and Pirovic Investments Pty Limited.

Lisa Xuereb, representing Berkshire Park and Shanes Park Action Group and Llandilo Primary School P & C, spoke in opposition to the application. Ms Xuereb stated that Llandilo was considered by residents to be a rural and not an industrial area. Ms Xuereb raised concerns to the location of the facility as it is in close proximity to a local school, and that there are also plans for another school in the same area in the near future. Ms Xuereb requested Council defer the decision on this proposal until such time that a community meeting can be held with the applicant.

RESUMPTION OF STANDING ORDERS

430 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Kath Presdee that Standing Orders be resumed, the time being 8:06pm.

MAYORAL MINUTES

1 Rugby League celebrated in Penrith

Councillor Mark Davies left the meeting, the time being 8:07 pm

Councillor Mark Davies returned to the meeting, the time being 8:09 pm

431 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the Mayoral Minute on Rugby League celebrated in Penrith be received.

2 Mobile Playvan Receives National Recognition

432 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the Mayoral Minute on Mobile Playvan Receives National Recognition be received.

3 Australian Council of Local Government meeting

433 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross

Fowler OAM that the Mayoral Minute on Australian Council of Local Government meeting be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Penrith Valley Community Safety Partnership Meeting held on 13 November 2008

434 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 13 November, 2008 be adopted, with the addition of Councillor Kaylene Allison to the list of Apologies for this meeting.

2 Report and Recommendations of the Policy Review Committee Meeting held on 17 November 2008

435 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 17 November, 2008 be adopted.

MASTER PROGRAM REPORTS

THE CITY IN ITS BROADER CONTEXT

436 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain that Councillor Jackie Greenow take the Chair for consideration of Item 1.

Having previously declared a pecuniary interest in Item 1, His Worship the Mayor, Councillor Jim Aitken OAM and the Deputy Mayor, Councillor Ross Fowler OAM, left the meeting.

Councillor Jackie Greenow then took the chair for consideration of Item 1, the time being 8:23 pm.

1 Penrith City Centre Development Control Plan 2007 and Penrith City Centre Civic Improvement Plan

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

That:

1. The information contained in the report on Penrith City Centre Development Control Plan 2007 and Penrith City Centre Civic Improvement Plan be received.
2. Council adopt the draft Penrith City Centre Development Control Plan 2007.
3. Penrith City Centre Development Control Plan 2007 takes effect from the date of public notification in a local newspaper.
4. As directed by the Minister for Planning, under clause 94EAA(1) of the Environmental Planning and Assessment Act (1979), Council approve the Penrith City Centre Civic Improvement Plan as a Section 94 Contributions Plan under the Environmental Planning and Assessment Act (1979).
5. Council repeal the existing Penrith City Centre Section 94 Contributions Plan, and the funding deficit from the existing Section 94 Contributions Plan be transferred to the adopted Penrith City Centre Civic Improvement Plan.
6. Penrith City Centre Civic Improvement Plan takes effect from the date of public notification in a local newspaper.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For
Councillor Kaylene Allison
Councillor Robert Ardill
Councillor Greg Davies
Councillor Mark Davies
Councillor Tanya Davies
Councillor Ben Goldfinch
Councillor Jackie Greenow
Councillor Prue Guillaume
Councillor Marko Malkoc
Councillor Karen McKeown
Councillor Kath Presdee
Councillor John Thain

Against

His Worship the Mayor, Councillor Jim Aitken OAM, returned to the Chair, the time being 8:25 pm.

The Deputy Mayor, Councillor Ross Fowler OAM returned to the meeting, the time being 8:25 pm.

THE CITY AS A SOCIAL PLACE

9 Development Application 08/0218 for Telecommunications Facility at No. 162a Sixth Avenue, Llandilo. Applicant: Daly International Pty

Limited; Owner: Milorad Pirovic and Pirovic Investments Pty Limited DA08/0218

438 RESOLVED on the MOTION of Councillor Greg Davies
seconded Councillor Kaylene Allison

That:

1. The information contained in the report on Development Application 08/0218 for Telecommunications Facility at No. 162a Sixth Avenue, Llandilo be received
2. The application for Development Application 08/0218 for Telecommunications Facility at No. 162a Sixth Avenue, Llandilo be approved subject to the following Standard and Special Conditions of Consent:

Standard Conditions

- 2.1 A001 (Approved plans), A011(Engineering Works DCP), A038 (Lighting locations),A039 (Graffiti), A046 (Construction Certificate), D001 (Sediment and Erosion), D006 (o filling without approval), D009 (Covering of waste storage), D010 (Waste Disposal), D014 (Plant & equipment noise),D026(Liquid waste), D027 (SW lines not to be touched), D032 (Mobile phone facilities),(E001 (BCA Compliance) H01F (Stamped Plans/ Site Notice), H002 (All forms of construction), H022 (Survey), H041 (Hours of work), I003 – (h) (Roads Act Approval 1) (delete including stormwater) K026 (Stabilised access) L005 (Planting of plant material), L010 (Retain existing trees) Q01F (Notice of commencement and appointment of PCA), Q05F (Occupation Certificate class 10)

Special Conditions

- 2.2 Screen planting is to be carried out along the exterior of the fenced compound of the base station to screen the foreground of the structure.

In addition, a strip of indigenous tree species along the eastern boundary shall be planted to minimise visual impact of the proposal as seen from the surrounding areas.

A landscape plan to be prepared in consultation with Council's Landscape Architect. Details are to be submitted to Council for approval prior to commencement of works.

- 2.3 The external appearance of the proposed monopole shall be mist green in colour to ensure consistency with the associated antennas. The proposed equipment shelter and perimeter security fence shall be mist green in colour so as to ensure that it will be compatible with the visual amenity of the locality.
- 2.4 Written certification (or other relevant documentation) may be requested by Council to demonstrate that the Mobile Phone Base Station continues to operate in accordance with the requirements of the

relevant government authorities. This certification (or other relevant documentation) is to be provided in writing within 21 days from the date of the request.

- 2.5 The provision of services, including electricity supply cabling and fibre optic cabling must not result in damage to or the destruction of any trees on the subject site or any adjoining properties.
3. Persons who made submissions in respect of the proposal be advised of Council's decision in writing.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Councillor Jim Aitken OAM
Councillor Kaylene Allison
Councillor Robert Ardill
Councillor Greg Davies
Councillor Mark Davies
Councillor Tanya Davies
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Jackie Greenow
Councillor Prue Guillaume
Councillor Marko Malkoc
Councillor Karen McKeown
Councillor Kath Presdee
Councillor John Thain

Against

2 2008 Community Assistance Program Planned Component

439 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Jackie Greenow

That:

1. The information contained in the report on the 2008 Community Assistance Program Planned Component be received
2. Council approve funding for the recommended projects and amounts totalling \$39,000 from the Planned Component of the 2008 Community Assistance Program as outlined in Table 2 in this report.

4 Australian Government Budget Commitment - Sports and Recreation Facilities

440 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Australian Government Budget Commitment - Sports and Recreation Facilities be received.
2. The Australian Government be notified that Penrith City Council accepts the \$5,234,000 commitment to the projects at: CUA Stadium, Penrith Park - \$5m; Cook Park spectator seating - \$100,000; Jamison Park netball court resurfacing - \$84,000; Penrith Waratahs Rugby League Club construction of shade shelters - \$50,000.

5 Penrith Park, CUA Stadium - Stage 3, Southern Grandstand and Howell Oval

441 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Jackie Greenow

That:

1. The information contained in the report on the current status of the implementation of Penrith Park, CUA Stadium - Stage 3, Southern Grandstand and Howell Oval be received.
2. The project management process for the implementation of Stage 3, being the redevelopment of the Southern Grandstand including utility for Howell Oval, be adopted as follows:
 - The existing Penrith Football Stadium Redevelopment Working Party be reconvened and be expanded to include: the Federal Member for Lindsay (or his nominated representative) and two representatives of Penrith Cricket Club.
 - Penrith Panthers be appointed as the Project Managers subject to Federal Government approval, and appropriate documentations being agreed.
3. Further reports be presented to Council detailing the scope of work and costs for Stage 3 of the development of Penrith Park – CUA Stadium master plan and Penrith Panthers being appointed as the formal project managers.

23 Reclassification of the Gipps Street site Lot 2 DP81099 (No. 34 - 102) Gipps Street, Claremont Meadows as a Public Reserve

442 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Reclassification of the Gipps Street site Lot 2 DP81099 (No. 34 - 102) Gipps Street, Claremont Meadows as a Public Reserve be received.
2. The Gipps Street site Lot 2 DP81099 (No. 34 – 102) Gipps Street, Claremont Meadows be formally designated as public reserve and classified as community land under the provisions of the Local Government Act. Council also declare the land to be public park.
3. The common seal of the Council of the City of Penrith be affixed to all necessary documentation.

3 Bicentenary of the First Crossing of the Blue Mountains - 2013

443 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Bicentenary of the First Crossing of the Blue Mountains - 2013 be received
2. A cooperative approach to the 2013 celebrations be developed with Blue Mountains and Lithgow City Councils and that meetings be convened with representatives of these Councils to discuss the matter further.
3. If a joint approach from Penrith, Blue Mountains and Lithgow Councils is endorsed, it be proposed that the Mayors of each Council write a joint letter to all local members of parliament requesting support and the identification of possible State and Federal involvement and funding.
4. Council progress its investigations into the funding of a permanent exhibition, in recognition of the first crossing of the Blue Mountains by European Settlers.

7 St Marys Release Area Planning Agreement

Councillor Karen McKeown left the meeting, the time being 8:32 pm.

Councillor Karen McKeown returned to the meeting, the time being 8:35 pm.

444 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies that this item be deferred for consideration at the Ordinary Meeting 15 December 2008.

8 Modification to existing 88B restrictions in regards to Asset Protection

**Zones and Use of Land at Lot 6910 DP 1065455 Osprey Avenue,
Glenmore Park. Applicant: Sean Kinsella; Owner: Johanna Kinsella DA02/1778**

445 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Modification to existing 88B restrictions in regards to Asset Protection Zones and Use of Land at Lot 6910 DP 1065455 Osprey Avenue, Glenmore Park be received
2. The application be approved, subject to the restriction being modified as follows:
 - 2.1 The restriction on the use of land referred to Eighthly and Ninthly is lifted from Lots 6910 DP 10654552
 - 2.2 A new restriction on the use of land in accordance with Section 88B of the Conveyance Act 1919 is to be imposed requiring dwellings on Lots 6910 be constructed to a Level 3 standard in accordance with AS3959 – 1999
 - 2.3 A new restriction on the use of land in accordance with Section 88B of the Conveyance Act 1919 is to be imposed requiring new dwellings on Lots 6910 to be provided with a minimum 10metre APZ
 - 2.4 No dwelling shall be erected on any burdened lot unless:
 - It is erected within the building envelope area identified area as ‘BE’ identified on the diagram on sheet 2 of the plan. The eastern building envelope setback shall be varied to 10metres
 - Setbacks are in accordance with the requirements of the Eastern Hamlets DCP Amendment albeit verandahs and pergolas will be permitted to encroach 1.5 meters within the front setback area in accordance with Penrith DCP 2000-Single Dwellings (Part 5.3) except that such encroachment will not be permitted on Lots 6910
3. The Common Seal of Penrith City Council be affixed to all necessary documentation to vary the restriction.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Councillor Jim Aitken OAM
Councillor Kaylene Allison
Councillor Robert Ardill
Councillor Greg Davies
Councillor Mark Davies
Councillor Tanya Davies
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Jackie Greenow
Councillor Prue Guillaume

Against

Councillor Marko Malkoc
Councillor Karen McKeown
Councillor Kath Presdee
Councillor John Thain

10 Proposed Development Application 08/0576 for a 3 storey commercial building with basement parking at Lot 1 DP 567138 & Lot D DP 153855 (No. 606 - 608) High Street, Penrith. Applicant: Nor'Side Investments Pty Ltd; Owner: Nor'Side Investments Pty Ltd DA08/0576

446 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Proposed Development Application 08/0576 for a 3 storey commercial building with basement parking at Lot 1 DP 567138 & Lot D DP 153855 (No. 606 - 608) High Street, Penrith be received
2. The General Manager's delegated authority be used to determine the Development Application for a 3 storey commercial building with basement parking at Lot 1 DP 567138 & Lot D DP 153855 (No. 606 - 608) High Street, Penrith once the Civic Improvement Plan for the City comes into effect.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For
Councillor Jim Aitken OAM
Councillor Kaylene Allison
Councillor Robert Ardill
Councillor Greg Davies
Councillor Mark Davies
Councillor Tanya Davies
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Jackie Greenow
Councillor Prue Guillaume
Councillor Marko Malkoc
Councillor Karen McKeown
Councillor Kath Presdee
Councillor John Thain

Against

At 8:54 pm, His Worship the Mayor, Councillor Jim Aitken OAM, vacated the Chair, and the Deputy Mayor, Councillor Ross Fowler OAM, took the Chair for consideration of Item 6.

6 Caddens Release Area Planning Agreement

447 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Robert Ardill

That:

1. The information contained in the report on Caddens Release Area Planning Agreement be received.
2. Council endorse the finalisation, public notification and signing of the Planning Agreement with Landcom as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be affixed to the Planning Agreement.
4. Further information be provided to Councillors on the preparation of a plan of management, and related funding arrangements, for the proposed Environmental Conservation zone.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For
Councillor Kaylene Allison
Councillor Robert Ardill
Councillor Greg Davies
Councillor Mark Davies
Councillor Tanya Davies
Councillor Ross Fowler OAM
Councillor Ben Goldfinch
Councillor Jackie Greenow
Councillor Prue Guillaume
Councillor Marko Malkoc
Councillor Karen McKeown
Councillor Kath Presdee
Councillor John Thain

Against

His Worship the Mayor returned to the Chair at 8:59 pm.

THE CITY IN ITS ENVIRONMENT

11 Parking of Vehicles for Sale on Road Verges and Naturestrips

448 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ben Goldfinch that the information contained in the report on Parking of Vehicles for Sale on Road Verges and Naturestrips be received.

THE CITY SUPPORTED BY INFRASTRUCTURE

12 Cumberland Zone Rural Fire Service Headquarters

'449 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Cumberland Zone Rural Fire Service Headquarters be received.
2. Authority be given to the Waste and Community Protection Manager to sign the necessary documentation to define and co-share the annual operating costs of the Zone Rural Fire Service headquarters in the terms of this report, including \$26,400 in compensation for the licence fee.
3. The licence fee in the licence agreement be reduced to \$1.00.

16 Tender Reference 02-08/09 Supply & Delivery of One (1) Dual Control Suction Street Sweeper

'450 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Tender Reference 02-08/09 Supply & Delivery of One (1) Dual Control Suction Street Sweeper be received
2. An order be placed with Schwarze Industries Australia Pty Ltd for the supply and delivery of a model A6500XL Road Sweeper for the lump sum purchase cost of \$245,950
3. The existing unit to be replaced is returned to Schwarze Industries Australia Pty Ltd as a trade in at a value of \$65,000 to be offset against the capital cost of the new unit.

13 Funding Offer from the Roads & Traffic Authority for Implementation of 40km/h High Pedestrian Activity Area Scheme in Penrith CBD

'451 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Funding Offer from the Roads & Traffic Authority for Implementation of 40km/h High Pedestrian Activity Area Scheme in Penrith CBD be received.
2. A further report be presented to Council investigating additional alternative options for addressing pedestrian safety in the Penrith CBD.

14 Region 1 Proposed Bus Network Review

Councillor Greg Davies left the meeting, the time being 9:10 pm.

Councillor Jackie Greenow left the meeting, the time being 9:16 pm.

Councillor Jackie Greenow returned to the meeting, the time being 9:18 pm.

Councillor Greg Davies returned to the meeting, the time being 9:19 pm.

'452 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Kath Presdee

That:

1. The information contained in the report on Region 1 Proposed Bus Network Review be received.
2. The Design & Technical Advice Manager be authorised to finalise the submission on the "Region 1 Proposed Bus Network" generally in accordance with the issues as identified in the report, and that Council strongly expresses its disappointment that Penrith City Council was not included in consultations about changes to existing bus routes, given Council's provision of supporting infrastructure and planning decisions for the future.
3. The State Government be referred to the recommendations of the Penrith Integrated Transport and Land Use Strategy (PITLUS) report.

15 Transport Summit

Councillor Prue Guillaume left the meeting, the time being 9:31 pm.

Councillor Prue Guillaume returned to the meeting, the time being 9:33 pm.

453 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

That

1. The information contained in the report on Transport Summit be received.
2. The proposed Transport Summit be timed so as to take advantage of the availability of guest speakers and/or outcomes of the Urban Transport Forum being held in February 2009.

LEADERSHIP AND ORGANISATION

Having previously declared a pecuniary interest in Item 18, Councillor John Thain left the meeting, the time being 9:37 pm.

18 WSROC Group Tender for the supply of general hardware products

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

That:

1. The information contained in the report on WSROC Group Tender for the supply of general hardware products be received
2. The tender from J Blackwood & Son Ltd (also t/a A E Baker & Co Pty Ltd) be accepted on the basis of a unit price agreement for a period of 3 years with provision for rise & fall.

Councillor Kath Presdee left the meeting, the time being 9:37 pm.

Councillor John Thain returned to the meeting, the time being 9:38 pm.

17 Tender Reference 19-07/08 Provision of Catering Services

455 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Tender Reference 19-07/08 Provision of Catering Services be received
2. The tender from All In Good Taste Catering by Italia be accepted for a period of 2 years from 17 February 2009 with an option to extend the agreement for a further 2x1 year periods (following a satisfactory trial period of 6 months) subject to satisfactory ongoing performance.

19 Agreement with Blacktown City Council - IT Capability

456 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown that the information contained in the report on Agreement with Blacktown City Council - IT Capability be received.

20 Provision of Insurance Brokerage and Claims Management Services

457 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

That:

1. The report on the provision of insurance brokerage and claims management be received
2. Westpool be delegated authority to undertake a review of our insurance broker and claims management team on council's behalf and
3. The results and recommended tenders be submitted back to council for approval.

21 Council Property - Electricity Easements at Wallacia Bushfire Brigade, Lot 422 DP 706223, Park Road, Wallacia

458 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Robert Ardill

That:

1. The information contained in the report on Council Property - Electricity Easements at Wallacia Bushfire Brigade, Lot 422 DP 706223, Park Road, Wallacia be received
2. Council grant Integral Energy an Easement for Padmount Substation 3.8m x 5.5m and a Restriction on Use of Land immediately surrounding the substation to a measurement of 6.105m x 9.18m over Lot 422 DP 706232, Park Road, Wallacia.
3. Council grant Sydney Water an Easement for Electricity Purposes one metre wide over Lot 422 DP 7906232, Park Road, Wallacia.
4. Council accept compensation from Sydney Water in the amount of \$45,000 for the two easements described in recommendations 2 and 3 above plus disturbance of \$5,000 which totals to \$50,000 (excluding GST).
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

22 Preparations and Financial Settings for the 2009-2010 Management Plan

Councillor Kath Presdee returned to the meeting, the time being 9:39 pm.

459 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Preparations and Financial Settings for the 2009-2010 Management Plan be received.
2. Council make initial identification of particular matters to be considered in the preparation of the Draft 2009-2010 Management Plan.
3. Preparation of the Draft 2009-2010 Management Plan continue in the terms discussed in this report.

24 Regional & Local Community Infrastructure Program

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

That:

1. The information contained in the report on Regional & Local Community Infrastructure Program be received
2. The identified projects be approved for submission.
3. Prior to any expenditure on the UWS Hockey upgrade, Council be provided with a Management Plan detailing the ongoing operation of the facility.
4. Council write to the Federal Member for Lindsay and lobby for an additional \$200,000 in Federal funding for the upgrade of the UWS Hockey Facility.

QUESTIONS WITHOUT NOTICE

QWN 1 Provision of Pedestrian Crossing - Lavin Crescent, Werrington

Councillor Ben Goldfinch requested memo reply seeking provision of a pedestrian crossing and traffic control measures at Lavin Crescent, Werrington.

QWN 2 State Government decision concerning provision of railway station at University of Western Sydney (Werrington Campus)

Councillor Mark Davies requested a report to Council detailing the impacts of the recent decision by the State Government not to proceed with the railway station at UWS Werrington, in particular the impact on the WELL precinct.

QWN 3 Re-assessment of approval for tree removal - 41 Ladbury Avenue, Penrith

Councillor Mark Davies requested that Council reconsider the assessment of this tree in light of an arboricultural report which recommends the tree be removed.

QWN 4 Closure of Southlands Pharmacy

Councillor Robert Ardill requested a memo reply concerning how Council can assist a resident who has an existing insurance account with this pharmacy that will close, to transfer his account to another pharmacy.

QWN 5 Pedestrian Crossing – Corner of Evans Street and The Crescent Road, Lemongrove

Councillor Ross Fowler OAM requested a memo reply detailing the removal of the pedestrian crossing at the corner of Evans Street and The Crescent, Lemongrove, and that information be provided on options that can be implemented to enhance pedestrian safety at this location.

QWN 6 "Steamroller Park" - Letter from St Joseph's Primary School, Kingswood, Class 4MS

Councillor Ross Fowler OAM requested a memo reply and that a letter be forwarded to class 4MS at St Joseph's Primary school responding to their request for the advanced provision of further playground equipment for the newly named "Steamroller Park" in Victoria Street, Cambridge Park.

QWN 7 Mayoral Minute - Rugby League celebrated in Penrith

Councillor Ross Fowler OAM requested that Council send a letter of congratulations to the participating teams and to Panthers for the success of the carnival.

QWN 8 Library Services - South Penrith Library Closure

Councillor Jackie Greenow requested a report to Council detailing alternative options regarding the South Penrith Library Closure and provision of library services in general.

QWN 9 Belar Place Carpark, St Marys

Councillor Jackie Greenow requested a memo reply detailing the laws in relation to parking in carparks with no designated signage or line marking. Also requesting that an estimate of the cost of linemarking carspaces in this carpark be provided for possible funding from voted works.

QWN 10 Park Naming - Kevin Dwyer OAM

Councillor Jackie Greenow requested a report to Council regarding the possibility of naming the park between Collins Street and Inglis Avenue, St Marys after the late Kevin Dwyer OAM.

QWN 11 South Penrith Library Construction

Councillor Karen McKeown requested a report to Council detailing the possibility of constructing a stand alone building or extending the existing community centre to provide ongoing library services in South Penrith. The report also to provide costings and the payback period for such a project.

QWN 12 Carport Application - Meadowview Way, Werrington Downs

Councillor John Thain requested a memo reply detailing Council requirements for constructing a carport.

QWN 13 Tree Preservation

Councillor John Thain requested a report to Council detailing how inappropriate trees on local residences can be dealt with.

QWN 14 Timeframe for completion of footpaths – Oxley Park

Councillor Greg Davies requested a memo reply providing information on the expected time frame for completion of foot paving works in Canberra, Melbourne and Brisbane Streets, Oxley Park, including the provision for disabled access points on Desborough Road, St Marys.

COMMITTEE OF THE WHOLE

461 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Robert Ardill that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:04 pm.

Councillor Karen McKeown left the meeting the time being 10:04 pm.

1 Presence of the Public

CW1 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Robert Ardill that the press and public be excluded from Committee of the Whole to deal with the following matters:

City as a Social Place

2 Commercial Matter - St Clair Tennis Courts, Cook Parade - Surrender of Lease

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 - Sale of Closed Road Part Melville Road, St Clair to the Adjoining Owner

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 12 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.

Leadership and Organisation

5 Commercial Matter - Council Property Sewerage Pumping Station within Woodriff Gardens, High 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 Personnel Matter - Novated Leases

This item has been referred to Committee of the Whole as the report refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

City In Its Environment

7 Property Matter

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.

The meeting resumed at 10:15 pm and the General Manager reported that the Committee of the Whole met at 10:04 pm on 1 December 2008, the following being present

His Worship the Mayor Councillor Jim Aitken OAM, Councillors Kaylene Allison, Robert Ardill , Greg Davies, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee, 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 - St Clair Tennis Courts, Cook Parade - Surrender of Lease

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

CW2 That:

1. The information contained in the report on Commercial Matter - St Clair Tennis Courts, Cook Parade - Surrender of Lease be received.
2. Tony Podesta School of Tennis be notified that the lease can be surrendered with immediate effect and that the appropriate legal process should be pursued.
3. All costs, including Council's legal costs, associated with the surrender of the lease be the responsibility of Tony Podesta School of Tennis.

3 Commercial Matter - Sale of Closed Road Part Melville Road, St Clair to the Adjoining Owner

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

CW3 That:

1. The information contained in the report on Commercial Matter - Sale of Closed Road Part Melville Road, St Clair to the Adjoining Owner be received.
2. Council agree to the sale of the redundant section of Melville Road St Clair to be closed to the adjoining owner in accordance with Conditions 1 – 6 as outlined in the summary of the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation to effect the sale and transfer.

4 Commercial Matter - Council Property - Lease of Shop 12 at Cranebrook Village Shopping Centre

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

CW4 That:

1. The information contained in the report on Commercial Matter - Council Property - Lease of Shop 12 at Cranebrook Village Shopping Centre be received.
2. Council grant Mr Adam a 5 year lease with an option to renew for a period of 5 years over Shop 12 at Cranebrook Village Shopping Centre, 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.

5 Commercial Matter - Council Property Sewerage Pumping Station within Woodriff Gardens, High Street, Penrith

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

CW5 That:

1. The information contained in the report on Commercial Matter - Council Property Sewerage Pumping Station within Woodriff Gardens, High Street, Penrith be received
2. The Property Development Manager and Legal and Governance Manager be given authority to enter into negotiations to settle the matter.

Councillor Karen McKeown returned to the meeting, the time being 10:05 pm.

6 Personnel Matter - Novated Leases

RECOMMENDED on the MOTION of Councillor Jackie Greenow seconded Councillor Ross Fowler OAM

CW6 That:

1. The information contained in the report on Personnel Matter - Novated Leases be received
2. A further report on this matter be presented to a future Councillor Briefing.

7 Property Matter

RECOMMENDED on the MOTION of Councillor Jackie Greenow seconded Councillor Karen McKeown

CW7 That:

1. The information contained in the report on this Property Matter be received.
2. Council agree to the proposals as outlined in the report.
3. Councillors Jim Aitken OAM, Ross Fowler OAM, John Thain and Greg Davies be members of the proposed Working Party.

ADOPTION OF COMMITTEE OF THE WHOLE

462 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that the recommendations contained in the Committee of the Whole and shown as CW2, CW3, CW4, CW5, CW6 and CW7 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:22 pm

I certify that these 22 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 1 December 2008.

Chairperson

Date