

## **CONFIRMED MINUTES**

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

**ON MONDAY 4 MAY 2009 AT 7:32PM**

#### **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, Kevin Crameri OAM, 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.

#### **CONFIRMATION OF MINUTES - Ordinary Meeting - 6 April 2009**

90 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee that the minutes of the Ordinary Meeting of 6 April 2009 be confirmed.

#### **DECLARATIONS OF INTEREST**

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in an item to be raised in *Committee of the Whole Items 4 and 5 – Legal Matter – 8 Donohoes Road, Mulgoa*, as the matter indirectly concerns an individual who voluntarily handed out election material for Councillor Kevin Crameri OAM.

#### **Procedural Matter**

91 RESOLVED on the MOTION of Councillor Tanya Davies seconded Ross Fowler OAM that the Mayoral Minutes be considered before suspension of standing orders.

## MAYORAL MINUTES

### 1 The passing of Louise Petchell

After reading the Mayoral Minute, His Worship the Mayor, Councillor Jim Aitken OAM invited Councillors, as well as Bernard Proctor, to respond to the Mayoral Minute regarding Louise Petchell.

His Worship the Mayor, Councillor Jim Aitken OAM then asked that the Meeting observe one minute's silence in memory of Louise Petchell.

92 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown that the Mayoral Minute on The passing of Louise Petchell be received.

### 2 Council recognised for sustainable water management

93 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies that the Mayoral Minute on Council recognised for sustainable water management be received.

### 3 Presentation of Local Government Association Service Certificates

94 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the Mayoral Minute on Presentation of Local Government Association Service Certificates be received.

His Worship the Mayor, Councillor Jim Aitken OAM, then presented Service Certificates to former Councillors Steve Simat, David Bradbury and Pat Sheehy AM.

## SUSPENSION OF STANDING ORDERS

95 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Mark Davies that Standing Orders be suspended to allow members of the public to address the meeting, the time being 8:30 pm.

Councillors Robert Ardill and Mark Davies left the meeting, the time being 8:35 pm.

### Mr Geoff Brown

*Item 2 – Biodiversity Conservation of the former AirServices land, Cranebrook*

Mr Geoff Brown, representing Western Sydney Conservation Alliance, spoke in opposition to the recommendation and likely development proposals in this area. Mr Brown suggested additional recommendations to this report and stated that he considered Council must rezone

the entire site for conservation purposes.

Councillors Greg Davies and John Thain left the meeting, the time being 8:36 pm.

### **RESUMPTION OF STANDING ORDERS**

96 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jackie Greenow that Standing Orders be resumed, the time being 8:37 pm.

Councillors Robert Ardill and Mark Davies returned to the meeting, the time being 8:37 pm.

### **REPORTS OF COMMITTEES**

#### **1 Report and Recommendations of the Penrith Valley Community Safety Partnership Meeting held on 25 March 2009**

97 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 25 March, 2009 be adopted.

#### **2 Report and Recommendations of the Access Committee Meeting held on 1 April 2009**

98 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 1 April, 2009 be adopted.

#### **3 Report and Recommendations of the Local Traffic Committee Meeting held on 6 April 2009**

99 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 6 April, 2009 be adopted.

#### **4 Report and Recommendations of the Policy Review Committee Meeting held on 27 April 2009**

100 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 27 April, 2009 be adopted.

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**MASTER PROGRAM REPORTS**  
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**LEADERSHIP AND ORGANISATION**

**1 Draft 2009-2010 Operational Plan - Public Exhibition**

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101 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Mark Davies

That:

1. The information contained in the report on Draft 2009-2010 Operational Plan - Public Exhibition be received.
2. Council adopt the Draft 2009-2010 Operational Plan, including any amendments made at tonight's meeting, for exhibition.
3. The Draft 2009-2010 Operational Plan be placed on Public Exhibition for 30 days, commencing on Monday 11 May 2009 and closing on Tuesday 9 June 2009.
4. Submissions from the public on the Draft Operational Plan be invited and the public consultation arrangements as detailed in this report be implemented, including a public meeting and forum to be held on Monday 1 June 2009 in the Civic Centre.

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**THE CITY IN ITS BROADER CONTEXT**

Councillors Greg Davies and John Thain returned to the meeting, the time being 8:40 pm.

**2 Biodiversity Conservation on the former AirServices land, Cranebrook**

102 RESOLVED on the MOTION of Councillor Prue Guillaume seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Biodiversity Conservation on the former AirServices land, Cranebrook be received.
2. Council confirms that it will pursue a maximum conservation outcome for the site in the form of either an E1 or E2 zoning under Stage 2 of the Penrith LEP.
3. Council make renewed representations to the NSW Deputy Premier, the Hon Carmel Tebbutt in relation to Council's previous request for the State Government's consent for an E1 zoning to be attached to the site.
4. The representations referred to in recommendation 3 above should note the existence of the Federal Government's \$15 million Western Sydney Conservation Corridor fund and encourage the State Government to enter into discussions with the Federal Government to attempt to access some of these funds to acquire the site.
5. A copy of this recommendation be sent to the landowner; the NSW Deputy Premier, the Hon Carmel Tebbutt; the Federal Minister for the Environment, Heritage & Arts, the Hon Peter Garrett; the relevant State and Federal Shadow Ministers, Federal Member for Lindsay, David Bradbury, and the State Member for Londonderry, Allan Shearan.

## THE CITY AS A SOCIAL PLACE

### **3 Installation of cricket practice wicket net facilities at Cook and Banks Reserve, St Clair**

103 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Tanya Davies

That:

1. The information contained in the report on the Installation of cricket practice wicket net facilities at Cook and Banks Reserve, St Clair be received.
2. The additional \$10,000 needed to fund these facilities be made available from East Ward voted works.

### **4 Variation to 88B Instrument for Lot 807 DP 1068323 (No. 30 - 31) Belleview Avenue, Mt Vernon. Applicant: Agata Curic; Owner: Agata Curic**

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

That:

1. The information contained in the report on Variation to 88B Instrument for Lot 807 DP 1068323 (No. 30 - 31) Belleview Avenue, Mt Vernon be received.
2. The terms of clause (b) of Restrictive Covenant fourthly referred to in the 88B Instrument attached to Lot 807, DP 1068323, be varied as follows as it applies to Lot 804 only:
  - (b) All development erected on the subject lot will be in accordance with the proposed building envelope indicated on the Site Plan/Site Analysis, Drawing No 01/07 for Project Number 007-08/09. This clause does not preclude the construction of a tennis court outside the nominated building envelope.
3. The Common Seal of Penrith City Council be affixed to the necessary documentation
4. Development Application No 081285 for the construction of a dwelling, in-ground swimming pool, tennis court and front fence, and the installation of an on site sewerage management system, be approved subject to the proposed conditions of Development Consent as follows:

**Standard Conditions**

- 4.1 A008 – Works to BCA requirements
- A009 – Residential Works DCP
- A019 – Occupation Certificate
- A046 – Issue of Construction Certificate
- D001 – Sedimentation and Erosion Controls
- D009 – Covering Waste Storage area
- E001 – BCA compliance
- E005 – Smoke Alarms
- F010 – Septic distance from house
- H001 – Stamped plans and erection of site notice
- H011 – Engineering plans and specifications
- H013 – Further details of building components
- H014 – Slab design
- H015 – Termite protection
- H036 – Rainwater tank
- H037 – Safe supply from catchment

H038 – Connection of rainwater tank supply

H039 – Rainwater tank pumps

H041 – Hours of work

H034 – Bushfire roof sarking

I003 – Roads Act approval

K017 – Stormwater and sewerage plan

L001 – General landscaping

L008 – Tree preservation order

Q001 – Notice of commencement and appointment of PCA

### Special Conditions

- 4.2 The development must be implemented substantially in accordance with the plans drawn by AM for Project Number 007-08/09, dated 21.2.09, the application form, the BASIX Certificate, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions
- 4.3 All boundary fences are to be low profile, open style and rural in character. The front fence is not to exceed 1.2m in height. The brick dwarf wall is not to exceed 300mm above natural ground level at any point.
- 4.4 Prior to the issue of a Construction Certificate for the development, the variation of the Restriction on the Use of land numbered 4(b) in DP 1068323, shall be registered with the Land and Property Information division of the Department of Lands
- The variation to the covenant shall be in the terms approved by resolution of Penrith City Council. The plan attached to the documentation shall indicate that the building envelope is to be located a minimum distance of 5m from the side property boundaries.
- 4.6 Cut and fill operations on the property are only permitted in conjunction with the building works and shall be strictly limited in depth and extent to that detailed on the approved plans and specifications

**Before any fill material is imported to site, a validation certificate issued by an appropriately qualified person is to be provided to the Principal Certifying Authority.** The validation certificate must demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment

If Penrith City Council is not the Principal Certifying Authority, a

copy of the validation certificate is to be submitted to Council for their reference

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}

- 4.7 All house sewer and plumbing work shall be carried out in accordance with Sydney Water's requirements or the Local Government (Water, Sewerage and Drainage) Regulation 1993
- a) Penrith City Council is both the consent authority and certifying authority for the installation of the On Site Sewage Management System (OSSM), otherwise known as a septic tank system. It is your responsibility to contact Council's Building Approvals and Environment Protection Department to organise all inspections required for the installation of the system. In this regard, the following will require inspection:
- All internal and external drainage lines and septic tanks before they are backfilled/covered
  - On completion of the system's installation and prior to its commissioning, ensuring compliance with those conditions specific to the installation of the system

A copy of the satisfactory inspection reports carried out by Council shall be submitted to the Principal Certifying Authority if Council is not the Principal Certifying Authority

- i. The septic tank, drainage lines and effluent disposal area shall not be altered without the prior approval of Council. In addition, the septic tank shall not be buried or covered
- ii. There shall be no effluent runoff from the subject property to adjoining premises, public places or reserves
- iii. There shall be available all year round, adequate water supply that is available to the property
- 4.8 The effluent disposal area shall have a minimum area of 830m<sup>2</sup> and shall be prepared in accordance with the “Environmental and Health Protection Guidelines On Site Sewage Management for Single Households” and AS1547:2000

**Prior to the issue of the Occupation Certificate and the issue of an operational licence for the OSSM system by Penrith City Council, the effluent disposal area shall be:**

- Prepared/ landscaped in accordance with the stamped - approved plans

All stormwater and seepage shall be diverted away from the disposal



area by using an agricultural drain or earthen bund and dish drain

**4.9 Prior to the commencement of construction works:**

- (a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
- A standard flushing toilet connected to a public sewer, or
  - If that is not practicable, an accredited sewage management facility approved by the council, or
  - Alternatively, any other sewage management facility approved by council

4.10 The recommended construction details to reduce aircraft noise intrusion to meet indoor design sound levels, as detailed in the report prepared by Acoustic Logic Consultancy report No 3843 and dated November 2008 are to be undertaken during construction. As the recommended construction details are carried out and on completion of the development, a qualified acoustic consultant shall certify that the development has been constructed to meet the indoor design sound levels in accordance with the approved acoustic report

4.11 Roof and surface water shall be disposed of in accordance with the approved drainage design. Overflow from the existing in-ground rainwater tank is to be disposed of via a level spreader system.

4.12 The existing trees to the perimeter of the property, other than those nominated on the site plan to be relocated, shall be retained and duly protected during the construction of the development. Tree protection measures shall be installed before any works can commence on site including the clearing of site vegetation

4.13 A landscape plan is to be submitted for the development indicating the provision of additional landscaping to the entrance, driveway and tennis court areas. The plan is to be prepared by a suitable qualified person and is to be submitted for approval prior to the issue of a construction certificate for the development.

4.14 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the dwelling. The commitments listed in the BASIX Certificate are to be completed prior to the issue of the Occupation Certificate

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding. This includes submitting the following documentation to the Principal Certifying Authority:

- (a) Written documentation or Compliance Certificate from Penrith City Council certifying to the satisfactory completion of works approved under the Roads Act 1993

- (b) Written documentation or certification attesting to the satisfactory installation of, and the Licence to Operate the on site sewage management system issued by Penrith City Council
  - (c) Certification from a qualified acoustic consultant certifying that the development has been constructed in accordance with the approved acoustic report/to meet the indoor design sound levels in accordance with the approved acoustic report
- 4.15 A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority. In the event that a Compliance Certificate was issued by the Principal Certifying Authority certifying compliance that all conditions of the development consent required to be met has in fact been met as well as any documentation stated above, shall be submitted to Penrith City Council if Council is not the Principal Certifying Authority.

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 Kevin Crameri OAM  
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**

**THE CITY IN ITS ENVIRONMENT**

**6 Caring for Our Country Federal Grant Applications**

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

That:

1. The information contained in the report on Caring for our Country Federal Grant Application be received.
2. The Caring for Our Country grant applications outlined in the report be supported by Council.

**5 BA026282.01 - Section 96(2) Modification to Development Consent No.413/89 - Modify the extension of the northern quarry wall - Lot 230 DP 1134016, Nos.16-23 Clifton Avenue, KEMPS CREEK. Applicant: NSW Investment Pty Ltd; Owner: NSW Investments Pty Ltd & Tranteret Pty Ltd**

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106 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on BA026282.01 - Section 96(2) Modification to Development Consent No.413/89 - Modify the extension of the northern quarry wall - Lot 230 DP 1134016, Nos.16-23 Clifton Avenue, KEMPS CREEK be received.
2. BA026282.01 which proposes a Section 96(2) Modification to Development Consent No.413/89 which seeks to modify the extension of the northern quarry wall be approved subject to the following amendments:

**Delete Condition No.24 and replace with the following which reads: -**

"24. Extraction shall not take place within 50 metres of the Main Road Reserve or within 15 metres of the access road or any boundary of the lands except the northern boundary as outlined by Condition 24A(i) and within common boundary of Lot 230 DP 1134016. Stable batters are to be provided to these excavations. The applicant is to establish vegetative screening of the operation around all boundaries and immediately when extraction commences."

**Add Condition No.24A which reads as follows: -**

- "24A. A Sub-Rehabilitation Plan shall be submitted to and approved by Council which details the rectification work to be carried out to the northern quarry wall and the adjoining northern property. This plan shall include the following action:
- (i). Stabilisation of the northern quarry wall is to be carried out with the relocation of batters to be fully contained within the subject site only. An eight (8) metre setback shall be provided for and maintained from the top of northern quarry wall of Cell No.2 to the northern property boundary and is to be landscaped in keeping with the adjoining northern property known as Lot 1 DP 812284. Should any backfilling be required to make good this setback, existing material sourced from stockpiled materials on the site shall be used only and should additional material be required, Virgin Excavated Natural Material (VENM) shall be used only.

A survey plan prepared by a suitably qualified surveyor and a cross section plan prepared by a geotechnical engineer shall be submitted for consideration which details the stabilisation works of the northern quarry wall and the relocation of batters with the prescribed setback.

- (ii). Backfilling of the first seven (7) metres of the batter from the toe of the northern quarry wall to the top of the northern quarry wall

shall be restricted for use of existing stockpiled material on Lot 1 DP 812284. Any additional material required for backfilling in this area shall be restricted to Virgin Excavated Natural Material (VENM). Should VENM be required, Council shall be notified immediately with an appropriate verification certificate which shall be submitted to and approved by Council prior to its importation onto the site.

A survey plan prepared by a suitably qualified surveyor and a cross section plan prepared by a geotechnical engineer shall be submitted for consideration detailing the proposed backfilling of this batter.

- (iii). The disturbed portion of land adjoining the subject site known as Lot 1 DP 812284 shall be rehabilitated with all stockpiled materials being fully removed off that site and the land returned to its original landform. Lot 1 DP 812284 shall be revegetated to its original condition with appropriate native species that are endemic to the area to be used only. A Vegetation Management Plan detailing the types of species used together with a schedule of the quantity shall be provided for consideration.
- (iv). Landscaping shall be placed along the setback adjoining the northern quarry wall and the northern property boundary. The type of landscaping to be used shall be of native species that are endemic to the area and denoted in the Vegetation Management Plan as stipulated in point (iii) above.

The Sub-Rehabilitation Plan shall be submitted to Penrith City Council within three (3) months from date of this consent.

A maximum of **three (3) years** from the date of this consent is provided to rehabilitate and revegetate both sites in accordance with the above points and the Sub-Rehabilitation Plan and any other applicable condition listed in this consent.”

24B A Construction Certificate for the provision of bulk earthworks for rectification works to the northern and western wall faces of cell 2 are to be approved by the certifying authority. The bulk earthwork drawings are to be prepared in accordance with Penrith City Council’s Engineering Works Development Control Plan and the Guidelines for Engineering Works for Subdivisions and Developments Part 1–Design and AS 3798 - 2007. The bulk earthwork drawings are to be endorsed by a suitably qualified geotechnical engineer prior to the issue of the Construction Certificate

24C After completion of all the engineering works, Work-as-Executed Drawings and Certificates are to be submitted to the Principal

Certifying Authority in accordance with Penrith City Council's Engineering Works Development Control Plan and Guidelines for Engineering Works for Subdivisions and Developments - Part 1 Design and Part 2 Construction. A copy of Work-as-Executed Drawings and Certificates are also to be submitted with Penrith City Council, if Council is not the Principal Certifying Authority

- 24D All filling must be compacted to 98% standard compaction. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798-2007. At completion of the works a Compliance Certificate shall be prepared by the applicant's Geotechnical Engineer and submitted to the Principal Certifying Authority. If Penrith City Council is not the Principal Certifying Authority a copy of the compliance certificate is to be submitted to Council prior to the issue of the Occupation Certificate. The Compliance Certificate shall accompany the "Works as Executed" drawings.

3. A yearly update be reported to all Councillors on the development of this site.

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 Kevin Crameri OAM  
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**

**THE CITY SUPPORTED BY INFRASTRUCTURE**

- 7 Federal Government 2009/2010 "Auslink Black Spot Program" Funding Offer**

107 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Kath Presdee

That:

1. The information contained in the report on Federal Government 2009/2010 "Auslink Black Spot Program" Funding Offer be received.
2. Council accept the grant funding of \$1,545,000 offered for the 5 successful Black Spot projects under the 100% Federally Funded "Nation Building Program" for 2009/2010.
3. Council note that the RTA will upgrade the existing traffic signals at the intersection of the Great Western Highway and Parker Street, Penrith for a total cost of \$150,000 under the State Program.

## **LEADERSHIP AND ORGANISATION**

### **8 Audit Committee**

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

That:

1. The information contained in the report on Audit Committee be received.
2. The Charter of the Audit Committee be amended, as follows -

- a) insert a new paragraph at the end of section 1

*The independence of the Audit Committee is critical to its ability to operate effectively*

- b) insert in section 2 after "other Councillors"

*broadly representative of the composition of the Council*

- c) Delete the current provision for the election of the Chairperson and insert instead

*In order to maintain independence, and to comply with the recommendations of the Department of Local Government, the Committee should elect one of the independent members as its chairperson*

- d) Add to the end of the Charter

*Support for the Committee*

*The General Manager shall ensure that reasonable resources are allocated to providing the Audit Committee with the information it needs to discharge its responsibilities. The Internal Auditor shall report to each meeting on achievements and plans related to matters of interest to the Audit Committee.*

*The General Manager shall ensure that no restriction is placed on the ability of Council's Internal Auditor to inform the Audit Committee members of any matter or detail the Internal Auditor considers appropriate.*

## **9 Pecuniary Interest Returns**

109 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that the information contained in the report on Pecuniary Interest Returns be received.

## **11 Urban Development Institute of Australia National Congress at Brisbane**

110 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that the information contained in the report on Urban Development Institute of Australia National Congress at Brisbane be received.

## **12 Summary of Investments and Banking for the period 1 March 2009 to 31 March 2009**



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

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 March 2009 to 31 March 2009 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 March 2009 to 31 March 2009 be noted and accepted.
3. The graphical investment analysis as at 31 March 2009 be noted.
4. The Agency Collection Fees be noted.

**10 Commercial Matter - Council Property - Compensation for Electricity Easements at Wallacia Bushfire Brigade, Lot 22 DP 706223, Park Road, Wallacia**

112 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that the information contained in the report on Commercial Matter - Council Property - Compensation for Electricity Easements at Wallacia Bushfire Brigade, Lot 22 DP 706223, Park Road, Wallacia be received.

**QUESTIONS WITHOUT NOTICE**

**QWN 1 Temporary Car Park east of State Office Block, Penrith**

Councillor Mark Davies requested a report to Council concerning the need for more long term parking in Penrith CBD and in particular the use of the temporary carpark in Belmore Street, near the State Office Block, only being available for 2 hour parking, instead of long term parking.

**QWN 2 Security of Sculptures in garden at Lewers Gallery**

Councillor Mark Davies requested a report to Council detailing security measures to be taken to prevent theft of sculptures from the garden at Lewers Gallery and in addition the possibility of having a replica made of the stolen water fountain.

**QWN 3 Dunheved Precinct, St Marys**

Councillor Ross Fowler OAM requested a report to Council on the implications of industrial planning in this area, in particular reporting on the status of the construction of the link road, surplus railway land consolidation and disposal, and implications regarding employment objectives, so that Councillors as well as any prospective investors in this area may be made aware of these issues.

Councillor Greg Davies left the meeting, the time being 9:04 pm.

**QWN 4 Woodlands Drive, Glenmore Park**

Councillor Prue Guillaume presented a petition from residents of Woodlands Drive, Glenmore Park, concerned about dangerous and excessive speeding in this street, and requesting that this matter be referred to the Local Traffic Committee for investigation of traffic calming measures that may be suitable in this area.

**COMMITTEE OF THE WHOLE**

113 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Marko Malkoc that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:08 pm.

**1 Presence of the Public**

CW1 RESOLVED on the motion of Councillor Jackie Greenow seconded Councillor Kevin Cramer OAM 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 1, 140-142 Henry Street, Penrith**

*This item has been referred to Committee of the Whole as the report refers to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

**3 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.*

**4 Legal Matter - 8 Donohoes Avenue, Mulgoa**

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

**5 Legal Matter - 8 Donohoes Avenue, Mulgoa**

*This item has been referred to Committee of the Whole as the report refers to advice*

*concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

The meeting resumed at 10:19 pm and the General Manager reported that the Committee of the Whole met at 9:08 pm on 4 May 2009, the following being present

His Worship the Mayor Councillor Jim Aitken OAM, Councillors Kaylene Allison, Robert Ardill, Kevin Crameri OAM, Greg Davies (returned to the meeting at 9:25 pm), 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 - Council Property - Lease of Shop 1, 140-142 Henry Street, Penrith**

RECOMMENDED on the MOTION of Councillor Jackie Greenow seconded Councillor Kevin Crameri OAM

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Lease of Shop 1, 140-142 Henry Street, Penrith be received
2. Council grant Healthscope Limited trading as "Penrith Skin Cancer Clinic" a new 3 year lease with a further two 3 year options in accordance with terms and conditions outlined in the report.
3. The Common Seal of the Council of Penrith be placed on all necessary documentation.

### **3 Commercial Matter - Council Property - Sewerage Pumping Station within Woodriff Gardens, High Street, Penrith**

RECOMMENDED on the MOTION of Councillor Kath Presdee seconded Councillor Karen McKeown

CW3 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 report recommends the information be noted.

#### **4 Legal Matter - 8 Donohoes Avenue, Mulgoa**

Councillor Greg Davies returned to the meeting, the time being 9:25 pm.

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Robert Ardill

CW4 That:

1. The information contained in the report on Legal Matter - 8 Donohoes Avenue, Mulgoa be received.
2. The preferred option as agreed during the committee of the whole meeting be adopted.

#### **5 Legal Matter - 8 Donohoes Avenue, Mulgoa**

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Robert Ardill

CW5 That the information contained in the report on Legal Matter - 8 Donohoes Avenue, Mulgoa be received.

#### **ADOPTION OF COMMITTEE OF THE WHOLE**

114 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Tanya Davies that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:20 pm.

I certify that these 19 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 4 May 2009.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date