

## **CONFIRMED MINUTES**

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

**ON MONDAY 14 DECEMBER 2009 AT 7:05PM**

#### **NATIONAL ANTHEM**

The meeting opened with the National Anthem.

#### **STATEMENT OF RECOGNITION**

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

#### **LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor Kath Presdee for the period 13 December 2009 to 16 December 2009 inclusive.

#### **APOLOGIES**

There were no apologies.

#### **CONFIRMATION OF MINUTES - Ordinary Meeting - 30 November 2009**

445 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Robert Ardill that the minutes of the Ordinary Meeting of 30 November 2009 be confirmed.

#### **DECLARATIONS OF INTEREST**

Councillor Jim Aitken OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 8 - Fire Safety Assessment of Centro Lennox, Lot 1 DP 610862 Pyramid Street Emu Plains. Owner: CPT Custodian Pty Ltd* as he is a Director of a company that leases a shop in Centro Lennox.

Councillor Greg Davies declared a Pecuniary Interest in *Item 1 - Notice of Motion (Rescission)*, as it applies to Items 3 and 6 of the Ordinary Meeting of 30 November 2009, as

he had exchanged voting preferences with one of the property owners at the last Penrith City Council local Government election.

Councillor Greg Davies declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 6 – Regional and Local Community Infrastructure Program - Strategic Projects funding opportunity* as he is the Chairperson on the Board that manages Ripples.

Councillor Greg Davies declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 12 - Tender Reference 28-09/10 Supply & Installation of Pool Water Heating Equipment* as he is the Chairperson on the Board that manages Ripples.

Councillor Kaylene Allison declared a Pecuniary Interest in *Item 1 - Notice of Motion (Rescission)*, as it applies to Items 3 and 6 of the Ordinary Meeting of 30 November 2009, as she had exchanged preferences with one of the property owners at the last local government election and also her Uncle owns land in Kemps Creek.

Councillor Jackie Greenow declared a Pecuniary Interest in *Item 1 - Notice of Motion (Rescission)*, as it applies to Items 3 and 6 of the Ordinary Meeting of 30 November 2009, as she owns property in an area covered by the report.

Councillor Ross Fowler OAM declared a Pecuniary Interest in *COW Item 2 - Commercial Matter - Leasing of Coffee Shop/General Store within Glenmore Park Child & Family Precinct* as an applicant for this lease is a client of his.

Councillor Mark Davies declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 1 - Decision Making Arrangements During the Christmas/New Year Council Recess* as one of the applicants was a client of his.

Having previously declared an interest in *Item 1 - Notice of Motion (Rescission)*, Councillors Jackie Greenow, Kaylene Allison and Greg Davies left the meeting, the time being 7:15 pm.

#### **SUSPENSION OF STANDING ORDERS**

446 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:15 pm.

#### **Mr Scott Greenow**

*Item 1 - Notice of Motion (Rescission)*

Mr Scott Greenow, affected person, spoke in opposition to the Rescission Motion and reiterated his reasons for why 16 & 18 Pages Road, St Marys should not be heritage listed. Mr Greenow questioned the accuracy of Heritage Reports that had been carried out on the property.

#### **RESUMPTION OF STANDING ORDERS**

447 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor John

Thain that Standing Orders be resumed, the time being 7:19 pm.

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**NOTICE OF MOTION**

**1 Notice of Motion (Rescission)**

448 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that Item 3 of the 30 November 2009 business paper be rescinded and resubmitted for Council's consideration.

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

| <b>For</b>                 | <b>Against</b>              |
|----------------------------|-----------------------------|
| Councillor Jim Aitken OAM  | Councillor Prue Guillaume   |
| Councillor Ross Fowler OAM | Councillor Karen McKeown    |
| Councillor Robert Ardill   | Councillor John Thain       |
| Councillor Mark Davies     | Councillor Kevin Cramer OAM |
| Councillor Ben Goldfinch   |                             |
| Councillor Tanya Davies    |                             |
| Councillor Marko Malkoc    |                             |

**Recommittal of Item 3 of 30 November 2009 business paper (Outstanding issues from the public exhibition of draft Amendment No. 1 to Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation))**

449 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Outstanding issues for the public exhibition of draft Amendment No. 1 to Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation) be received.
2. House Numbers 14, 16 and 18 Pages Road, St Marys be retained in Schedule 1 of draft Amendment No. 1 to Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation).

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

| <b>For</b>                  | <b>Against</b>            |
|-----------------------------|---------------------------|
| Councillor Jim Aitken OAM   | Councillor Prue Guillaume |
| Councillor Ross Fowler OAM  | Councillor Karen McKeown  |
| Councillor Robert Ardill    | Councillor John Thain     |
| Councillor Mark Davies      |                           |
| Councillor Ben Goldfinch    |                           |
| Councillor Tanya Davies     |                           |
| Councillor Marko Malkoc     |                           |
| Councillor Kevin Cramer OAM |                           |

Councillor Jim Aitken OAM then declared a Pecuniary Interest in *Item 6 of the 30 November 2009 Ordinary Meeting business paper (Proposed changes to draft Amendment No 1 to Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation))*, as he

owns/has an interest in property covered by the report. Councillor Jim Aitken OAM then left the meeting, the time being 7:31 pm.

Councillor Ross Fowler OAM declared a Pecuniary Interest in *Item 6 of the 30 November 2009 Ordinary Meeting business paper (Proposed changes to draft Amendment No 1 to Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation))*, as he is a property owner or a shareholder in a property; a director or secretary of companies that are property owners; or an auditor or accountant for clients who are property owners in the areas under consideration. Councillor Ross Fowler OAM then left the meeting, the time being 7:31 pm.

450 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Mark Davies that Item 6 of the 30 November 2009 business paper (*Proposed changes to draft Amendment No 1 to Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation)*), be rescinded and resubmitted for Council's consideration.

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

| <b>For</b>                  | <b>Against</b>            |
|-----------------------------|---------------------------|
| Councillor Robert Ardill    | Councillor Prue Guillaume |
| Councillor Mark Davies      | Councillor Karen McKeown  |
| Councillor Ben Goldfinch    | Councillor John Thain     |
| Councillor Tanya Davies     |                           |
| Councillor Marko Malkoc     |                           |
| Councillor Kevin Cramer OAM |                           |

**Recommittal of Item 6 of 30 November 2009 business paper (Proposed changes to draft Amendment No 1 to Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation))**

451 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Robert Ardill:

That:

1. The information contained in the report on Proposed changes to draft Amendment No 1 to Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation) be received.
2. The changes and corrections listed in this report be made to draft Amendment No.1 to Local Environmental Plan 1991 (Environmental Heritage Conservation).
3. Following the changes, draft Amendment No.1 to Local Environmental Plan 1991 (Environmental Heritage Conservation), (except for any amendments arising from the changes to the Standard Instrument) be forwarded to the Department of Planning with a request that the Minister make the Plan.
4. That the comments of the Director be noted and should it be subsequently determined by the Director that further communication be required with

applicants to a current native title claim then that communication be put in place and if required the matter be remitted back to Council.

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

| <b>For</b>                  | <b>Against</b>            |
|-----------------------------|---------------------------|
| Councillor Robert Ardill    | Councillor Prue Guillaume |
| Councillor Mark Davies      | Councillor Karen McKeown  |
| Councillor Ben Goldfinch    | Councillor John Thain     |
| Councillor Tanya Davies     |                           |
| Councillor Marko Malkoc     |                           |
| Councillor Kevin Cramer OAM |                           |

Councillors Kaylene Allison, Greg Davies, Ross Fowler OAM and Jim Aitken OAM returned to the meeting, the time being 7:38 pm.

## **REPORTS OF COMMITTEES**

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

452 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Kaylene Allison that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 25 November, 2009 be adopted.

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

453 RESOLVED on the MOTION of Councillor Prue Guillaume seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 2 December, 2009 be adopted.

### **3 Report and Recommendations of the Local Traffic Committee Meeting held on 7 December 2009**

454 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Greg Davies that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 7 December, 2009 be adopted.

### **4 Report and Recommendations of the Policy Review Committee meeting held on 7 December, 2009**

455 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 7 December, 2009 be adopted.

## **DELIVERY PROGRAM REPORTS**

### **A LEADING CITY**

Councillor Jackie Greenow returned to the meeting, the time being 7:39 pm.

#### **1 Decision Making Arrangements During the Christmas/New Year Council Recess**

Councillor Jackie Greenow left the meeting at 7:41 pm and did not return.

456 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Robert Ardill

That:

1. The information contained in the report on Decision Making Arrangements During the Christmas/New Year Council Recess be received.
2. Development Applications which would normally warrant reporting to Council between 15 December 2009 and 31 January 2010 inclusive be determined under the General Manager's delegation by the General Manager, after consultation with the Mayor.
3. A report be presented to the Ordinary Council Meeting to be held on 1 February 2010 relating to the operations of the organisation during this period.

#### **2 Preparations and Financial Settings for the 2010-2011 Operational Plan**

Councillor Ross Fowler OAM complimented the Council's staff on the report.

457 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Preparations and Financial Settings for the 2010-2011 Operational Plan be received.
2. Council make initial identification of particular matters to be considered in the preparation of the Draft 2010-2011 Operational Plan.
3. Preparation of the Draft 2010-2011 Operational Plan continue in the terms discussed in this report.

### **3 Sustainability Scholarship in Memory of Louise Petchell**

Councillors Karen McKeown and Tanya Davies commented that the report was timely as an unveiling of a memorial plaque and a tree planting ceremony in honour of Louise Petchell was held on 11 December 2009.

458 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Tanya Davies

That:

1. The information contained in the report on Sustainability Scholarship in Memory of Louise Petchell be received.
2. The Louise Petchell Learning for Sustainability Scholarship be established to commence in the 2010-11 financial year.

### **SUSPENSION OF STANDING ORDERS**

459 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Greg Davies that Standing Orders be suspended to allow a member of the public to address the meeting, the time being 7:52 pm.

### **Mr Bernard Proctor**

#### *Item 3 - Sustainability Scholarship in Memory of Louise Petchell*

Mr Bernard Proctor, husband of the Late Louise Petchell, addressed the meeting with regard to the Learning for Sustainability Scholarship to be established by Council in Louise's honour. Mr Proctor thanked Council for the recent memorial service and tree planting which took place last Friday, 11 December 2009 on behalf of Louise's family. Mr Proctor also expressed his wish that Council establish an honour roll board in conjunction with this Scholarship, in order to recognise achievers in the field of Sustainability.

### **RESUMPTION OF STANDING ORDERS**



460 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown that Standing Orders be resumed, the time being 7:54 pm.

**4 Council Property - Electricity Easement over Three Separate Parcels of Land at Cranebrook, Glenmore Park and St Marys**

'461 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Council Property - Electricity Easement over Three Separate Parcels of Land at Cranebrook, Glenmore Park and St Marys be received.
2. Council grant Integral Energy an Easement for Padmount Substation and Restriction as to User over Lot 404 DP 1135832 Centauri Circuit at Cranebrook, Lot 8100 DP 876748 Blue Hills Drive, at Glenmore Park and Lot 8 DP 974985 No 2-6 Mamre Road at St Marys.
3. Compensation be paid by Integral Energy in the amount of \$5,500 plus GST over Lot 404 DP1135832 Centauri Circuit at Cranebrook as well as all reasonable costs associated with the granting of the easement.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

Councillor Karen McKeown left the meeting, the time being 7:55 pm.

**5 Amendments to the Fees & Charges - St Marys Memorial Hall and Glenmore Park Child and Family Centre**

'462 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Amendments to the Fees & Charges - St Marys Memorial Hall and Glenmore Park Child and Family Centre be received.
2. The amended fees as advertised be adopted.

**6 Regional and Local Community Infrastructure Program - Strategic Projects funding opportunity**

Councillor Karen McKeown returned to the meeting, the time being 7:56 pm.

463 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Regional and Local Community Infrastructure Program - Strategic Projects funding opportunity be received.
2. Council endorse the submission of the Ripples Leisure Centre improvements as the preferred project for submission under the Regional and Local Community Infrastructure Program – Strategic Projects funding opportunity.
3. Council endorse the expenditure of \$12,500 to Knox & Partners Landscape Architects from the Grants Reserve as outlined in the report.

**7 Summary of Investments & Banking from 1 November 2009 to 30 November 2009**

464 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Summary of Investments & Banking from 1 November 2009 to 30 November 2009 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 November 2009 to 30 November 2009 be noted and accepted.
3. The graphical investment analysis as at 30 November 2009 be noted.

**A GREEN CITY**

**8 Fire Safety Assessment of Centro Lennox, Lot 1 DP 610862 Pyramid Street Emu Plains. Owner: CPT Custodian Pty Ltd**

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

That:

1. The information contained in the report on Fire Safety Assessment of Centro Lennox, Lot 1 DP 610862 Pyramid Street Emu Plains be received
2. Council prepare Notices of Intention to Serve an Order No. 6 under Section 121B of the Act, incorporating all items identified by the Brigade and Council
3. The Brigade be advised on the action taken by Council.

**9 Site Compatibility Application under SEPP (Housing for Seniors or people with a Disability) 2004 for the Penrith Golf Club, The Northern**

**Road, Penrith. Applicant: Cityscape Planning & Projects; Owner:  
Penrith Golf Club**

466 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Site Compatibility Application under SEPP (Housing for Seniors or people with a Disability) 2004 for the Penrith Golf Club, The Northern Road, Penrith be received.
2. Council advise the Department of Planning that it does not object in principle to the issue of a Site Compatibility Certificate for Seniors Housing on the site subject to any Certificate issued incorporating the following requirements:
  - 2.1 Buildings not to exceed 4 storeys in height
  - 2.2 Viewlines to the Blue Mountains escarpment are preserved
  - 2.3 All buildings are setback a minimum of 80m from The Northern Road
  - 2.4 The development not be designed in a way that creates an urban image or character as viewed from The Northern Road
  - 2.5 Bus service enhancements for residents.
3. The Department of Planning be advised that this decision does not in any way fetter Council's ability to determine any subsequent development application on the site on its merits.

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 Prue Guillaume  
Councillor Karen McKeown  
Councillor Greg Davies  
Councillor John Thain  
Councillor Jim Aitken OAM  
Councillor Ross Fowler OAM  
Councillor Robert Ardill  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Tanya Davies  
Councillor Marko Malkoc  
Councillor Kevin Crameri OAM

**Against**

**10 Section 96 Application (DA03/2784.04) to modify condition 18 vary the release restriction on the use of land relating to building height at Lot 1041 - 1048 DP 1128253 Harold Bentley Way, Glenmore Park.  
Applicant: Proust & Gardner Consulting Pty Ltd; Owner: Nergl Developments Pty Ltd**

**DA03/2784.04**

467 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Section 96 Application (DA03/2784.04) to modify condition 18 vary the release restriction on the use of land relating to building height at Lot 1041 - 1048 DP 1128253 Harold Bentley Way, Glenmore Park 1128253 be received.
2. The General Manager, in consultation with the Mayor, be given the delegated authority to determine the Section 96 Application No 03/2784.04 to modify Development Consent No 03/2784.
3. Council authorise the Common Seal of Penrith City Council be affixed to all necessary documentation as prepared to reflect the findings of this assessment report.

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 Prue Guillaume  
Councillor Karen McKeown  
Councillor Greg Davies  
Councillor John Thain  
Councillor Jim Aitken OAM  
Councillor Ross Fowler OAM  
Councillor Robert Ardill  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Tanya Davies  
Councillor Marko Malkoc  
Councillor Kevin Cramer OAM

**Against**

**A LIVEABLE CITY**

**11 Path paving construction request in Cambridge Park**

468 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ben Goldfinch:

That:

1. The information contained in the report on Path paving construction request in Cambridge Park be received.
2. The amount of \$5,400 be allocated from North Ward voted works to the construction of a footpath along the frontage of St Pauls Anglican Church, Cambridge Park.

## **12 Tender Reference 28-09/10 Supply & Installation of Pool Water Heating Equipment**

469 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Tender Reference 28-09/10 Supply & Installation of Pool Water Heating Equipment be received.
2. A Contract for the Supply and Installation of Pool Water Heating Equipment be awarded to Trisley's Hydraulic Services Pty Ltd for the lump sum fixed cost of \$332,940 (ex GST) including the options for increased plant capacity.

## **A VIBRANT CITY**

### **13 Magnetic Places Community Cultural Grants Program 2009-2010**

470 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Magnetic Places Community Cultural Grants Program 2009-2010 be received.
2. The recommended projects listed in Table 1 in this report be approved for funding.

## **QUESTIONS WITHOUT NOTICE**

Councillor John Thain left the meeting, the time being 8:04 pm.

### **QWN 1 Assistance to attend Special Olympics National Games - Adelaide 2010**

Councillor Tanya Davies requested that an amount of \$150 be allocated from the Sporting

Donation Vote, and an amount of \$350 be allocated from East Ward voted works, to assist a St Clair resident to attend the Special Olympics National Games to be held in Adelaide in 2010.

Councillor John Thain returned to the meeting, the time being 8:06 pm.

471 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Ross Fowler OAM that the matter be brought forward and dealt with as an urgent matter.

His Worship the Mayor, Councillor Kevin Crameri OAM, ruled that the matter was urgent and should be dealt with at the meeting.

472 RESOLVED on the MOTION of Councillor Tanya Davies seconded Councillor Ross Fowler OAM that an amount of \$150 be allocated from the Sporting Donation Vote, and an amount of \$350 be allocated from East Ward voted works, to assist a St Clair resident to attend the Special Olympics National Games to be held in Adelaide in 2010.

#### **QWN 2 Hire of Castlereagh Hall for Charity Event**

Councillor Ben Goldfinch requested that an amount of \$400 be allocated from North Ward voted works to pay for the cost of hire of the Castlereagh Hall for a fundraising event for people dealing with depression.

473 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor John Thain that the matter be brought forward and dealt with as an urgent matter.

His Worship the Mayor, Councillor Kevin Crameri OAM, ruled that the matter was urgent and should be dealt with at the meeting.

474 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor John Thain that an amount of \$400 be allocated from North Ward voted works to pay for the cost of hire of the Castlereagh Hall for a fundraising event for people dealing with depression.

#### **QWN 3 Dilapidated condition of property in Glossop Street, St Marys**

Councillor Mark Davies requested an inspection by Council officers and memo reply to all Councillors outlining the extend of health, contamination and illegal dumping issues at a property in Glossop Street, St Marys.

#### **QWN 4 Pedestrian Access to Southlands Shopping Centre**

Councillor Mark Davies requested a memo reply to all Councillors regarding the provision of pedestrian access into Southlands shopping centre from Maxwell Street, South Penrith.

**QWN 5 Uniting West Charity**

Councillor Greg Davies requested a report be presented to the Policy Review Committee on the Uniting West charity, and that representatives of the charity be invited to make a presentation to the meeting.

**QWN 6 Donations Policy**

Councillor Ross Fowler OAM requested a report be presented to the Policy Review Committee providing a review of the Support Policy for cultural and sporting donations, including the quantum of funds.

**COMMITTEE OF THE WHOLE**

475 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor John Thain that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:20 pm.

**1 Presence of the Public**

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

*A Leading City*

**2 Commercial Matter - Leasing of Coffee Shop/General Store within Glenmore Park Child & Family Precinct**

*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.*

**3 Commercial Matter - Assignment of Lease of Lakeview General Store at 3-4 Floribunda Avenue Glenmore Park**

*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 Commercial Matter - Purchase of No.1 Collins Street, St Marys being Lot B DP 38643**

*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 8:26 pm and the General Manager reported that the Committee of the Whole met at 8:20 pm on 14 December 2009, the following being present

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Greg Davies, Mark Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Prue Guillaume, Marko Malkoc, Karen McKeown 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**

Having previously declared a Pecuniary Interest in COW Item 2, Councillor Ross Fowler OAM left the meeting, the time being 8:21 pm.

**2 Commercial Matter - Leasing of Coffee Shop/General Store within Glenmore Park Child & Family Precinct**



RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

CW2 That:

1. The information contained in the report on Commercial Matter - Leasing of Coffee Shop/General Store within Glenmore Park Child & Family Precinct be received.
2. Council thank Jobquest Pty Ltd for their interest in submitting a tender concerning the first tender advertising process.
3. Council grant a 10 year Lease with a 5 year option to Mr Charles Sentas in accordance with the terms and conditions as outlined in the report.
4. The Common Seal of the City of Penrith be placed on all necessary documentation.

Councillor Ross Fowler OAM returned to the meeting, the time being 8:22 pm.

**3 Commercial Matter - Assignment of Lease of Lakeview General Store at 3-4 Floribunda Avenue Glenmore Park**

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

CW3 That:

1. The information contained in the report on Commercial Matter - Assignment of Lease of Lakeview General Store at 3-4 Floribunda Avenue Glenmore Park be received.
2. Council grant an assignment of lease to Steven Williams and Michelle Kenny in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

**4 Commercial Matter - Purchase of No.1 Collins Street, St Marys being Lot B DP 38643**

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Ben Goldfinch

CW4 That:

1. The information contained in the report on Commercial Matter - Purchase of No.1 Collins Street, St Marys being Lot B DP 38643 be received.
2. Council purchase Lot B DP 38643 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.

**ADOPTION OF COMMITTEE OF THE WHOLE**

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

Davies that the recommendation 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 8:29 pm.

I certify that these 16 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 14 December 2009.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date