

CONFIRMED MINUTES

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

ON MONDAY 22 MARCH 2010 AT 7:37PM

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 Kaylene Allison, Robert Ardill, Greg Davies, Mark Davies (arrived at 8:05 pm), Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Jackie Greenow, Prue Guillaume, Marko Malkoc, Karen McKeown, Kath Presdee and John Thain.

APOLOGIES

58 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jackie Greenow that the apology be accepted for Councillor Jim Aitken OAM, and that an apology be accepted from Councillor Mark Davies for his late arrival at the meeting.

CONFIRMATION OF MINUTES - Ordinary Meeting - 22 February 2010

59 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc that the minutes of the Ordinary Meeting of 22 February 2010 be confirmed.

DECLARATIONS OF INTEREST

His Worship the Mayor, Councillor Kevin Crameri OAM, declared a Non-Pecuniary Interest – Significant in *Item 15 – Relocation of Llandilo Rural Fire Brigade Station*, as he is a Deputy Captain of this Brigade. Councillor Crameri stated that he would vacate the Chair during consideration of and voting on this matter.

MAYORAL MINUTES

1 The passing of Alf Randell OAM

Councillors Greg Davies, Jackie Greenow, John Thain and Ross Fowler OAM responded to the Mayoral Minute.

60 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Greg Davies

That:

1. The Mayoral Minute on The passing of Alf Randell OAM be received.
2. Council erect a plaque in memory of Alf and Billie Randell at the former St Marys Council Chambers, to be unveiled at the official opening of the St Marys Corner Community and Cultural Precinct on 29 May 2010.

2 Cr Karen McKeown re-elected as Australian Local Government Women's Association NSW Branch President

Councillors Ross Fowler OAM, Kath Presdee, John Thain, Greg Davies, Tanya Davies and Jackie Greenow responded to the Mayoral Minute.

61 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM that the Mayoral Minute on Cr Karen McKeown re-elected as Australian Local Government Women's Association NSW Branch President be received.

3 Council staff response to emergency situation

Councillor Mark Davies arrived at the meeting, the time being 8:05 pm.

Councillor John Thain acknowledged the efforts of Council staff in response to a fire at Dunheved Road, St Marys on 20 March 2010.

62 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain that the Mayoral Minute on Council staff response to emergency situation be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Access Committee Meeting held

on 3 February 2010

63 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Robert Ardill that the Recommendations contained in the Report and Recommendations of the Access Committee meeting held on 3 February, 2010 be adopted.

2 Report and Recommendations of the Local Traffic Committee Meeting held on 1 March 2010

64 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ben Goldfinch that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 1 March, 2010 be adopted.

3 Report and Recommendations of the Policy Review Committee Meeting held on 8 March 2010

65 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Prue Guillaume that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 8 March, 2010, with the exception of *Item 2 – Waterside Estate – Acoustic Buffer*, be adopted.

Report and Recommendations of the Policy Review Committee Meeting held on 8 March 2010 – Item 2 – Waterside Estate – Acoustic Buffer

66 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Karen McKeown that the recommendation contained in the Report and Recommendations of the Policy Review Committee meeting held on 8 March, 2010, in relation to *Item 2 – Waterside Estate – Acoustic Buffer*, be adopted.

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

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

4 Report and Recommendations of the Waste Services Committee

Meeting held on 24 February 2010

67 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marko Malkoc that the recommendations contained in the Report and Recommendations of the Waste Services Committee meeting held on 24 February, 2010 be adopted.

DELIVERY PROGRAM REPORTS

A LEADING CITY

1 Legal Matter - Provision of Council's External Legal Services

68 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Legal Matter - Provision of Council's External Legal Services be received.
2. Council officers advertise for expressions of interest for up to two firms to be added (in addition to Gadens Lawyers) to Council's legal panel for a period of 2 years.
3. The contractual arrangements with Gadens Lawyers continue in accordance with the terms of the contract already in place between Council and Gadens Lawyers.
4. DLA Phillips Fox and Playford, Thomson, Cutlers be advised that Council is to advertise for Expressions of Interest for two firms to be added to Council's legal panel, for a period of two years and that they may lodge an Expression of Interest within that process should they wish to do so.

3 Council Property - Road Closure - Part of Strathdon Road, Emu Heights

69 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Council Property - Road Closure - Part of Strathdon Road, Emu Heights be received.
2. Council approve an initial road closure application to be submitted to Land & Property Management Authority of NSW as outlined in the report.
3. A further report be submitted to Council if the road closure application is approved by Land & Property Management Authority of NSW, in regard to agreed sale negotiations with the adjoining owner.

4 2009-10 Borrowing Program

'70 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on 2009-10 Borrowing Program be received.
2. Council borrow the amount of \$4,113,000 on a 10 year repayment schedule.
3. Council's General Manager be authorised to negotiate appropriate loan terms in accordance with this report and resolution.
4. The Common Seal of the Council of the City of Penrith Seal be affixed to those documents that are necessary to finalise these borrowings.
5. The final terms and conditions of the borrowings be reported to Council upon completion of the contracts.

5 Summary of Investments and Banking for the period 1 February to 28 February

'71 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 February to 28 February be received
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 February 2010 to 28 February 2010 be noted and accepted.
3. The graphical investment analysis as at 28 February 2010 be noted.

2 2010 Australian Local Government Association (ALGA) National General Assembly of Local Government

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

That:

1. The information contained in the report on 2010 Australian Local Government Association (ALGA) National General Assembly of Local Government be received.
2. Council nominate Councillor Ross Fowler OAM as its voting delegate for the 2010 National General Assembly of Local Government.
3. Council nominate Councillors Jim Aitken OAM, Marko Malkoc and Karen McKeown to attend as observers at the 2010 National General Assembly of Local Government.
4. Leave of Absence be granted to all Councillors attending the 2010 National General Assembly of Local Government to be held in Canberra from 14-17 June 2010.
5. A further report detailing suggested motions be considered at Council's Policy Review Committee meeting to be held on 29 March 2010.

20 Proposed membership of Council's Waste Services Committee

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

That:

1. The information contained in the report on Proposed membership of Council's Waste Services Committee be received.
2. The Council endorses the applications from Patricia Ryan, Andrew Wilcox, Trevor Robey and John Kliese to be community members on the Waste Services Committee; and that a reserve list with an order of preference of Dianne Darlington and Gina Thomas be established in the event that a nominated representative declines their nomination.
3. The Council send a letter of appreciation to all unsuccessful applicants that nominated to be a member on the Waste Services Committee.
4. Councillors Marko Malkoc, Tanya Davies, Greg Davies, Kath Presdee and His Worship the Mayor, Kevin Crameri OAM be appointed as members to the Waste Services Committee.

A CITY OF OPPORTUNITIES

6 Community Assistance Program Rolling Component - Projects

Approved Under Delegation - July - December 2009

'74 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc that the information contained in the report on Community Assistance Program Rolling Component - Projects Approved Under Delegation - July - December 2009 be received.

7 Grant Applications - Positive Ageing and St Marys Kitchen

'75 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Grant Applications - Positive Ageing and St Marys Kitchen be received.
2. Council retrospectively endorse the two grant applications summarised in this report.

A GREEN CITY

8 Housing NSW Green Street Program

'76 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Robert Ardill

That:

1. The information contained in the report on the Housing NSW Green Street Program be received.
2. Council agree to participate in the Housing NSW Green Street Program, commencing in selected streets in Cranebrook.
3. A further report be presented to Council evaluating the community and environmental outcomes achieved through program implementation in Cranebrook.

9 Three successful environmental grants

'77 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Three successful environmental grants be received.
2. The grant funding offered to Penrith City Council be accepted.
3. Council write to the three funding bodies accepting the grants, thanking them for the opportunity to access important environmental funding to assist with improving Penrith's natural environment.
4. Council write to the relevant Ministers thanking them for the grants provided, and also to the Local Members thanking them for their support in obtaining these grants.

10 Fire Safety Assessment of Integrated Housing Development, Lot 1 DP 270142 (No. 41) Regentville Road, Glenmore Park

'78 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Tanya Davies

That:

1. The information contained in the report on Fire Safety Assessment of Integrated Housing Development, Lot 1 DP 270142 (No. 41) Regentville Road, Glenmore Park 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.

11 Concept Plan for Precinct B in the Glenmore Park Stage 2 Release Area. Applicant: Lensworth Glenmore Park C/O Byrnes PDM Pty Ltd; Owner: Lensworth Glenmore Park

79 RESOLVED on the MOTION of Councillor Prue Guillaume seconded Councillor Tanya Davies

That:

1. The information contained in the report on Concept Plan for Precinct B in the Glenmore Park Stage 2 Release Area be received.
2. The Precinct B Concept Plan be endorsed by Council.
3. A separate report be presented to Council outlining the form of playing fields intended to be included in Glenmore Park Stage 2 Release Area, including details of Council's ongoing asset management.

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 Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Cramer OAM

Against

12 Development Application DA09/0599 Multi Unit Housing - Demolition of existing dwelling and Construction of Nine Attic Style Villas 67-69 Brisbane Street, Oxley Park. Applicant: Maderinn Group Pty Ltd; Owner: Oen Zoan Castle Hill Property Investment Group Pty Ltd DA09/0599

80 RESOLVED on the MOTION of Councillor Kaylene Allison seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Development Application DA09/0599 Multi Unit Housing - Demolition of existing dwelling and Construction of Nine Attic Style Villas 67-69 Brisbane Street, Oxley Park be received.
2. The objection pursuant to State Environmental Planning Policy No. 1 – Development Standards to the rear setback provisions under Clause 12(4) of Penrith Local Environmental Plan 1998 (Urban Land) be supported.
3. Development Application DA09/0599 Multi Unit Housing - Demolition of existing dwelling and Construction of Nine Attic Style Villas 67-69 Brisbane Street, Oxley Park be approved subject to the following conditions:

Standard Conditions

- | | | |
|-----|------|---|
| 3.1 | A001 | Approved plans |
| | A008 | Works to BCA requirements |
| | A009 | Residential works DCP |
| | A011 | Engineering works DCP |
| | A014 | Lot consolidation |
| | A019 | Occupation Certificate |
| | A038 | Lighting locations |
| | A039 | Graffiti |
| | A046 | Obtain Construction Certificate before commencement of works |
| | B001 | Demolition of existing structures |
| | B002 | Australian Standard for demolition and disposal to approved landfill site |
| | B003 | Asbestos |
| | B004 | Dust |
| | B005 | Mud/soil |
| | B006 | Hours of demolition work |
| | C003 | Uncovering relics |
| | D001 | Implement approved sediment and erosion control measures |
| | D009 | Covering of waste storage area |
| | D010 | Appropriate disposal of excavated or other waste |
| | E001 | BCA compliance |
| | E006 | Disabled access and facilities for Villa No.5 |

G002	Section 73
G004	Integral Energy
H001	Stamped plans and erection of site notice (Class 2-9)
H002	Provision of site facilities prior to commencement of construction works
H006	Implement waste management plan
H025	Construction of garbage rooms
H033	Clothes drying facilities
H036	Rainwater tank
H037	Safe supply of water from catchment areas
H038	Connection of rainwater tank supply
H039	Rainwater tank pumps
H041	Hours of construction work
I003	Roads Act approval
K001	Engineering Construction Certificate
L001	Approved landscaping plans
L002	Landscaping construction
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
M013	Street trees
N001	Cultural Facilities - \$1,498.00
N002	District Open Space - \$27,199.00
N003	Footpath - \$1,064.00
N004	Local Open Space - \$9,845.00
P001	Costs
P002	Fees associated with Council land
Q01F	Notice of commencement and appointment of PCA
Q010	BASIX Certificate

Special Conditions

- 3.2 In order to improve surveillance, landscaping shall provide clear lines of sight and avoid concealment areas in public areas, along footpaths and along the frontages of the site
- 3.3 Dense vegetation and shrubs with top to bottom foliage shall be avoided. Low ground cover or high canopied vegetation is preferred to enable clear sight lines and maintain visibility

- 3.4 All walkways and common areas within the development shall be open and clear of potential entrapment spots
- 3.5 Access to the private courtyards of the residential units shall be restricted to residents and their authorised guests only. Access control or territorial reinforcement measures shall be put in place to clearly separate public and private spaces. This can be in the form of fencing or landscaping treatments which clearly define the private space
- 3.6 All buildings shall be clearly identified with visible street numbers to assist visitors and emergency services
- 3.7 A Construction Certificate shall be issued by a Certifying Authority to include the following civil works
 - (a) On-site detention system
 - (b) Car park

Civil design drawings shall be prepared strictly in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and applicable Australian Standards

- 3.8 Stormwater drainage from the site shall be discharged to the:
 - (a) Penrith City Council's trunk drainage system behind the property

The proposed stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority

- 3.9 On-site detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Moderinn Group, reference number 09HR260 D02 revision C, dated 18/06/09.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a qualified Hydrologic/Hydraulic Engineer and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

- 3.10 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, pedestrian access,

manoeuvring areas associated with the subject development are in accordance with AS 2890.1, AS2890.2 and Penrith City Council's Development Control Plan.

- 3.11 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.
- 3.12 Prior to the commencement of works on site, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 3.13 Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 3.14 Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Penrith City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.
- 3.15 All filling shall be undertaken in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and AS 3798.
- 3.16 Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works within the road reserve and Council's easement have been inspected and approved by Penrith City Council.
- 3.17 Prior to the issue of the Occupation Certificate the Principal Certifying Authority shall ensure that all civil works have been satisfactorily completed in accordance with the Construction Certificate, Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works, and relevant conditions of the development consent.
- 3.18 Prior to the issue of an Occupation Certificate the Certifying Authority shall ensure that the on-site detention systems:
 - o Has been constructed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works and Construction Certificate conditions of development consent.
 - o Will operate satisfactorily with regard to any variations or that suitable remedial works have been undertaken.
 - o Will operate in accordance with the design intent and Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Details of the approved and constructed system shall be provided as part of the works-as-executed drawings.

- 3.19 Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system, shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.
4. The individuals who made a submission be advised of Council's decision and of the consideration given to their concerns.

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 Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Cramer OAM

Against

- 13 Development Application DA09/0197 at Lot 131 DP 270417 (No. 8-10) Medinah Crescent, Luddenham for Torrens Title Subdivision 15 Lots (Integrated). Applicant: North Western Surveys Pty Limited; Owner: Twin Creeks Properties Pty Limited**

DA09/0197

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

That:

1. The information contained in the report on Development Application DA09/0197 at Lot 131 DP 270417 (No. 8-10) Medinah Crescent, Luddenham for Torrens Title Subdivision 15 Lots (Integrated) be received.
2. The State Environmental Planning Policy No.1 objection to the Development Standard lot density be supported.
3. The application be referred to the Department of Planning for concurrence in accordance with the requirements of the guidelines for concurrence provisions.
4. Upon receipt of concurrence from the Department of Planning Development Application DA09/0197 at Lot 131 DP 270417 (No. 8-10) Medinah Crescent, Luddenham for Torrens Title Subdivision 15 Lots (Integrated) be determined under delegation authority as applicable at the time by the appropriate council officer.

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 Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Crameri OAM

Against

- 14 Development Application DA09/0200 at Lot 48 DP 270417 (No. 336-348) Luddenham Road, Luddenham for proposed 26 residential and 2 residual allotments subdivision. Applicant: North Western Surveys Pty Limited; Owner: Twin Creeks Properties Pty Limited** **DA09/0200**

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

That:

1. The information contained in the report on Development Application DA09/0200 at Lot 48 DP 270417 (No. 336-348) Luddenham Road, Luddenham for proposed 26 residential and 2 residual allotments subdivision be received.
2. The State Environmental Planning Policy No.1 objection to the Development Standard for lot density be supported.
3. The application be referred to the Department of Planning for concurrence in accordance with the requirements of the guidelines for concurrence provisions.
4. Upon receipt of concurrence from the Department of Planning Development Application DA09/0200 at Lot 48 DP 270417 (No. 336-348) Luddenham Road, Luddenham for proposed 26 residential and 2 residual allotments subdivision be determined under delegated authority as applicable at the time by the appropriate Council officer.

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 Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
Councillor Ross Fowler OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Crameri OAM

Against

A LIVEABLE CITY

Having previously declared a Non-Pecuniary Conflict of Interest – Significant in Item 15, His Worship the Mayor, Councillor Kevin Crameri OAM vacated the Chair and left the meeting, the time being 8:22 pm

The Deputy Mayor, Councillor Ross Fowler OAM then took the Chair for consideration of Item 15.

15 Relocation of Llandilo Rural Fire Brigade Station

83 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor John Thain

That:

1. The information contained in the report on the Relocation of Llandilo Rural Fire Brigade Station be received.
2. Council approve, in principle, the relocation of the Llandilo Rural Fire Brigade Station as proposed in this report.
3. A further report be presented to Council providing an estimated cost to complete the project and an appropriate funding model.
4. Investigations be carried out to ascertain the possibility of partnerships with local industries in providing materials for this Brigade Station.

The Deputy Mayor, Councillor Ross Fowler OAM then vacated the Chair and His Worship the Mayor, Councillor Kevin Crameri OAM returned to the Chair, the time being 8:24 pm.

16 Naming of Mini Field at Peppertree Oval after Bill Borg

84 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Naming of Mini Field at Peppertree Oval after Bill Borg be received.
2. Council endorse the naming of the mini field at Peppertree Reserve as the "The Bill Borg Mini Field".
3. A new sign reflecting the name of the mini field be installed (with appropriate formalities).

17 Request for Hall Hire Fee Reduction from Nepalese Community

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

That:

1. The information contained in the report on Request for Hall Hire Fee Reduction from Nepalese Community be received.
2. Council allocate \$400, in equal amounts, from each Ward's voted works, to the cost of hiring Harold Corr Hall, to enable celebrations for Nepali New Year.
3. The report to be presented to the Policy Review Committee meeting of 10 May 2010 include guidelines and details on what other funding opportunities may be available in order to address similar requests for funding.

18 Tender Reference 34-09/10 for the provision of Tree Removal Services

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

That:

1. The information contained in the report on Tender Reference 34-09/10 for the provision of Tree Removal Services be received.
2. A Contract be awarded to Bolans Tree Service Pty Ltd for the lump sum fixed price \$100,000 plus GST to complete the works program for the removal of 250 spotted gum street trees as specified.

19 Athletic Association of the Great Public Schools NSW Head of the River - Saturday, 27 March 2010

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

That:

1. The information contained in the report on Athletic Association of the Great Public Schools NSW Head of the River - Saturday, 27 March 2010 be received.
2. The Transport Management Plan for the event be endorsed.
3. The Sydney International Regatta Centre submit the Transport Management Plan for the event to the Roads and Traffic Authority for approval prior to the event.
4. The applicant be advised of 2 and 3 above.

QUESTIONS WITHOUT NOTICE

QWN 1 Seventh Avenue, Llandilo - Footpath and Kerb Extension

Councillor Ross Fowler OAM requested that an amount of \$18,610 be allocated from North Ward voted works towards extending the existing kerb and gutter and footpath in the vicinity

of Llandilo Primary School in Seventh Avenue, Llandilo.

His Worship the Mayor, Councillor Kevin Crameri OAM, declared a Non-Pecuniary Conflict of Interest – Less Than Significant in this item given that he is a long-term resident of the area.

88 RESOLVED on the MOTION of Councillor Ross Fowler OAM 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.

89 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that an amount of \$18,610 be allocated from North Ward voted works towards extending the existing kerb and gutter and footpath in the vicinity of Llandilo Primary School in Seventh Avenue, Llandilo.

QWN 2 Amenities Block - Rugby League Grounds at Kingsway, St Marys

Councillor Jackie Greenow requested that an amount of \$2,900 be allocated equally from each Ward's voted works to provide tiling in the toilets at the Rugby League Grounds at Kingsway, St Marys.

90 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc 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.

91 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Marko Malkoc that an amount of \$2,900 be allocated equally from each Ward's voted works to provide tiling in the toilets at the Rugby League Grounds at Kingsway, St Marys.

QWN 3 Penrith Panthers BMX Club

Councillor Prue Guillaume requested that a comprehensive report be presented to the next Ordinary Meeting of Council, investigating ways that the Penrith Panthers BMX Club can be supported to obtain adequate lighting and canteen facilities for their grounds at Blair Oval, with this report to include all available grants and options for relocating the facility.

QWN 4 Trimming of trees near power lines

Councillor Prue Guillaume requested a memo reply addressing the cutting of trees next to Integral Energy lines, due to reports of the middle of trees being cut out.

QWN 5 Andrews Road – Sporting Facility

Councillor Greg Davies requested a memo reply concerning the status of the toilets and dressing sheds at the Andrews Road sporting facility.

QWN 6 Dunheved Industrial Estate – Link Road

Councillor Ross Fowler OAM requested a report to Council concerning progress with discussions with Delfin Lend Lease in respect of Link Road, Dunheved, and that Council write to the Minister for Planning, raising concerns at the limited access to the Dunheved Industrial Estate.

QWN 7 Masterplan for Dunheved Industrial Estate

Councillor Mark Davies had previously called for a report on the preparation of a Masterplan for the Dunheved Industrial Estate and requested a report to update progress made with the Masterplan.

COMMITTEE OF THE WHOLE

92 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Tanya Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:42 pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Jackie Greenow seconded Councillor Marko Malkoc that the press and public be excluded from Committee of the Whole to deal with the following matters:

A Leading City

2 Commercial Matter - Assignment of Lease of Shop 4 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.

3 Council Property - Leasing of Coffee Shop/General Store within the 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.

The meeting resumed at 8:45 pm and the General Manager reported that the Committee of the Whole met at 8:42 pm on 22 March 2010, the following being present

His Worship the Mayor Councillor Kevin Crameri 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 - Assignment of Lease of Shop 4 at Cranebrook Village Shopping Centre

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Karen McKeown

CW2 That:

1. The information contained in the report on Commercial Matter - Assignment of Lease of Shop 4 at Cranebrook Village Shopping Centre be received.
2. Council grant an assignment of lease from Luxinvest Pty Ltd to Sen Khun & Boyanmolika Kong over Shop 4 at Cranebrook Village Shopping 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 documents.

3 Council Property - Leasing of Coffee Shop/General Store within the Glenmore Park Child & Family Precinct

RECOMMENDED on the MOTION of Councillor Marko Malkoc seconded Councillor Kath Presdee

CW3 That:

1. The information contained in the report on Council Property - Leasing of Coffee Shop/General Store within the Glenmore Park Child & Family Precinct be received.
2. Council grant a 10 year Lease with a 5 year option to Dean James McAlister in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

ADOPTION OF COMMITTEE OF THE WHOLE

93 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Robert Ardill that the recommendations contained in the Committee of the Whole and shown as CW1, CW2 and CW3 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:46 pm.

I certify that these 20 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 22 March 2010.

Chairperson

Date