

CONFIRMED MINUTES

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

ON MONDAY 3 MAY 2010 AT 7:35PM

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, Kath Presdee and John Thain.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 19 April 2010

130 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the minutes of the Ordinary Meeting of 19 April 2010 be confirmed.

DECLARATIONS OF INTEREST

Councillor Kath Presdee declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 5 - Tender Reference 33-09/10 for the provision of Lawn Maintenance Services to Child Care Centres and Lemongrove Village* as she is a Director of the Parents Advisory Committee of the Werrianda Children's Centre.

Councillor Ross Fowler OAM declared a Pecuniary Interest in *Item 6 - Development Application DA09/0901 for the operation of a Red Rooster Restaurant at Lot 21 DP 1085064 (No. 21) Lavin Crescent, Werrington County. Applicant: Red Rooster Foods Pty Ltd; Owner: Christopher & Nicholas Kousparis* as two of the tenants in this shopping area are his clients. Councillor Fowler OAM stated that he would be leaving the Chamber during consideration of this item and would take no part in the discussion.

MAYORAL MINUTES

1 The passing of Hawkesbury City Councillor Rex Stubbs OAM

Councillors Jim Aitken OAM and Greg Davies responded to the Mayoral Minute.

131 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM that the Mayoral Minute on The passing of Hawkesbury City Councillor Rex Stubbs OAM be received.

2 Council wins Local Government Cultural Award 2010

Councillors Karen McKeown and John Thain responded to the Mayoral Minute.

132 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown that the Mayoral Minute on Council wins Local Government Cultural Award 2010 be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Penrith Valley Community Safety Partnership Meeting held on 31 March 2010

133 RESOLVED on the MOTION of Councillor Kaylene Allison seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Penrith Valley Community Safety Partnership meeting held on 31 March, 2010 be adopted.

2 Report and Recommendations of the Access Committee Meeting held on 7 April 2010

134 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor Prue Guillaume that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 7 April, 2010 be adopted.

DELIVERY PROGRAM REPORTS

A LEADING CITY

1 Public Exhibition of draft Community Strategic Plan 2031, draft Delivery Program 2009-2013, draft Community Engagement Strategy, draft Resource Strategy and draft Operational Plan 2010-2011

Councillor Ross Fowler OAM raised concerns about the adverse trends in Council's Long Term Financial Model and that ratepegging was affecting the financial position of Local Government.

Councillors John Thain and Jim Aitken OAM supported the above observations made by Councillor Ross Fowler OAM.

Councillor Jim Aitken OAM requested that a report be presented to Council on the effect of cost shifting from the State Government to Local Government over the last few years.

Councillors Karen McKeown and Mark Davies raised concerns about the potential impact that rising electricity costs may have on future Council budgets. Councillor Karen McKeown expressed a view that, as a sustainable leader, Council should investigate the replacement of street lighting globes that are more energy efficient and that Council should investigate the funding options that are available to achieve this.

Councillors Ross Fowler OAM, Mark Davies and Jim Aitken OAM also raised concerns at the rising costs of Council's employee costs in next year's budget.

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

That:

1. The information contained in the report on the Public Exhibition of draft Community Strategic Plan 2031, draft Delivery Program 2009-2013, draft Community Engagement Strategy, draft Resource Strategy and draft Operational Plan 2010-2011 be received.
2. In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, Council endorse the draft Community Strategic Plan 2031, draft Delivery Program (2009-2013), draft Resource Strategy, draft Community Engagement Strategy and draft Operational Plan 2010-2011 including any amendments made at tonight's meeting, for public exhibition.
3. In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, the draft Community Strategic Plan 2031, draft Delivery Program (2009-2013), draft Resource Strategy, draft Community Engagement Strategy and draft Operational Plan 2010-2011 be placed on public exhibition for 30 days, commencing on Monday 10 May 2010 and closing on Tuesday 8 June 2010.
4. Submissions from the public on the draft Community Strategic Plan 2031, draft Delivery Program (2009-2013), draft Resource Strategy, draft Community Engagement Strategy and draft Operational Plan 2010-2011 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 31 May 2010 in the Civic Centre.
5. Council congratulate and thank the staff involved for the significant work undertaken in preparing this report.

Councillor Mark Davies left the meeting, the time being 8:16 pm.

2 Audit Committee

'136 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the information contained in the report on Audit Committee be received.

3 2010 Australian Local Government Association (ALGA) National General Assembly of Local Government Motions

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

That:

1. The information contained in the report on 2010 Australian Local Government Association (ALGA) National General Assembly of Local Government Motions be received.
2. Council confirm the action taken in forwarding the Motion detailed in the report on 'Partnership Approach to the National Population Strategy' for inclusion in the 2010 Australian Local Government Association National General Assembly Business Paper.

4 Cultural Planning Partnership

Councillor Mark Davies returned to the meeting, the time being 8:18 pm.

138 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Cultural Planning Partnership be received.
2. \$50,000 be allocated to this project in 2009-10 Operational Plan as outlined in this report.

A CITY OF OPPORTUNITIES

5 Tender Reference 33-09/10 for the provision of Lawn Maintenance Services to Child Care Centres and Lemongrove Village

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

That:

1. The information contained in the report on Tender Reference 33-09/10 for the provision of Lawn Maintenance Services to Child Care Centres and Lemongrove Village be received.
2. A contract for the provision of Child Care lawn and ground maintenance and Lawn Ground Maintenance for Child Care Centres and for Lemongrove Village be awarded to Star Property Maintenance Pty Ltd for the annual cost of \$86,180.00 for a period of two (2) years, with an option to extend the agreement for a further one (1) year period (with provision for rise & fall).

A GREEN CITY

Having previously declared a Pecuniary Interest in Item 6, Councillor Ross Fowler OAM left the meeting, the time being 8:21 pm.

Councillor Ben Goldfinch left the meeting, the time being 8:21 pm.

- 6 Development Application DA09/0901 for the operation of a Red Rooster Restaurant at Lot 21 DP 1085064 (No. 21) Lavin Crescent, Werrington County. Applicant: Red Rooster Foods Pty Ltd; Owner: Christopher & Nicholas Kousparis** **DA09/0901**

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

That:

1. The information contained in the report on Development Application DA09/0901 for the operation of a Red Rooster Restaurant at Lot 21 DP 1085064 (No. 21) Lavin Crescent, Werrington County be received.
2. Development Application DA09/0901 for the operation of a Red Rooster Restaurant at Lot 21 DP 1085064 (No. 21) Lavin Crescent, Werrington County be approved subject to the following conditions:

Standard Conditions

- | | | |
|-----|------|---|
| 2.1 | A001 | Approved plans |
| | A008 | Works to BCA requirements |
| | A012 | Food shop |
| | A019 | Occupation Certificate |
| | A021 | Business registration |
| | A026 | Advertising Signs |
| | A027 | Hours of operation |
| | A039 | Graffiti |
| | A046 | Obtain Construction Certificate before commencement of works |
| | B002 | Australian Standard for demolition and disposal to approved landfill site |
| | D001 | Implement approved sediment and erosion control measures |
| | D010 | Appropriate disposal of excavated or other waste |
| | D014 | Plant and equipment noise |
| | E01A | BCA compliance (Class 2-9) |
| | E002 | BCA issues to be addressed |
| | | o Exit travel distances must comply with Clause D1.4; and |
| | | o The provision of sanitary facilities for patrons and |
| | | o staff must comply with Clause F2.3. |
| | E006 | Disabled access and facilities |
| | E009 | Annual fire safety |
| | F022 | Commercial kitchens exhaust system |
| | H001 | Stamped plans and erection of site notice (Class 2-9) |
| | H002 | Provision of site facilities prior to commencement of construction works (a, b & d) |
| | H041 | Hours of construction work |

L001	Approved landscaping plans
L002	Landscaping construction
L003	Landscaping report requirements
L005	Planting of plant material
L006	Australian Standard landscaping requirements
Q01F	Notice of commencement and appointment of PCA
Q006	Occupation Certificate

Special Conditions

- 2.2 Directional signage and pavement arrows are to be installed to ensure that all traffic exiting the drive- through lane turn right into the existing car park
- 2.3 A Construction Certificate shall be issued by a Certifying Authority to include the following civil works
- (a) Line marking and signage
 - (b) Internal road way (drive thru lane)
 - (c) Stormwater drainage

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

- 2.4 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, pedestrian access, carparking and manoeuvring areas associated with the subject development are in accordance with AS 2890.1, AS2890.2 and Penrith City Council's Development Control Plan
- 2.5 Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times

Note:

1. A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council
- 2.6 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

- 2.7 Prior to the issue of an Occupation Certificate directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority
- 2.8 All car parking and manoeuvring shall be in accordance with AS 2890.1 (2004) and Council's requirements. One accessible car space shall be located closest to the entrance to the building
- 2.9 Provision shall be made for unfixed seating accessible to and usable by people with disabilities. Details of the seating arrangements are to be provided prior to the issue of a **Construction Certificate**
- 2.10 All external plant and equipment is to be suitably screened with compatible materials and finishes. Details are to accompany the application for Construction Certificate
- 2.11 Prior to the issue of a Occupation Certificate a checklist and supporting documentation shall be submitted to the Principal Certifying Authority demonstrating that each condition of the development consent has been satisfactorily addressed.
- 2.12 Entrances/exits to the building, walkways and the car park must be well lit to clearly illuminate these areas:
Lighting must be:
 - a) Consistent in order to reduce the contrast between shadows and illuminated areas
 - b) Vandal resistant
 - c) Contained within the property boundary and no light should be projected upwards
- 2.13 The following vegetation is to be avoided:
 - a) Vegetation with top to bottom foliage. Low ground cover or high canopied vegetation is to be utilised as this type of planting allows clear lines of sight
 - b) Medium height (under 2 metres) planting as it provides places of concealment
 - c) Vegetation that hinders sightlines to car parks and walkways,
 - d) Use of pebbles and such like material for garden beds.
- 2.14 The following is required in order to maintain pedestrian safety on site:
 - a) Clear signage is to be provided on site to adequately control the entry and exit points and to guide vehicles and pedestrians to

- appropriate locations throughout the site
- b) The required sight lines to pedestrians or other vehicles in or around the car park or entrances are not to be compromised by landscaping, signage, fencing or display materials.
- 2.15 Security on the site must include a “back to base” alarm system and installation of CCTV cameras to monitor the entrances and exits of the building including the loading dock and the car parking areas.
- 2.16 CCTV signage shall be erected on site outlining that a CCTV system is in place 24 hours.
- 2.17 Detailed design of the amended access arrangements, including the required triangular concrete island at the Dunheved Road entry point are required to be submitted and approved to Penrith Council prior to the issue of the Construction Certificate.
3. The individuals who made a submission to be advised of Council’s decision and of the consideration given to their concerns.

Councillor John Thain asked if the development consent could accommodate customer and proprietor only signs to be erected.

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 Jim Aitken OAM
Councillor Robert Ardill
Councillor Mark Davies
Councillor Tanya Davies
Councillor Marko Malkoc
Councillor Kevin Cramer OAM

Against

- 7 Development Application DA10/0235 Proposed single storey dwelling at Lot 1143 DP 1107623 (No. 15) Jirramba Court, Glenmore Park . Applicant: Westminster Building Co. Pty. Ltd; Owner: Preetpal Singh DA10/0235**
- Councillors Ross Fowler OAM and Ben Goldfinch returned to the meeting, the time being 8:27 pm.

141 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Development Application DA10/0235 Proposed single storey dwelling at Lot 1143 DP 1107623 (No. 15) Jirramba Court, Glenmore Park be received.
2. The SEPP 1 objection relating to the minimum rear setback be supported.
3. Development Application 10/0235 seeking consent for the construction of a Single Storey Dwelling at 15 Jirramba Court, Glenmore Park be approved subject to the attached conditions:

Standard Conditions

- 3.1 A001 - Approved Plans
 - A008 – Works to BCA requirements
 - A009 – Residential Works DCP
 - A046 – Obtain Construction Certificate
 - D001 – Sediment and Erosion Control Measures
 - D007 – Filling of Land
 - D009 – Covering Waste Storage area
 - D010 – Waste disposal
 - E001 – BCA compliance
 - E005 – Smoke Alarms
 - F006 – Water Tank
 - G005 – Rainwater Tank - Plumbing
 - H01F – Stamped plans and erection of site notice
 - H002 - All forms of construction
 - H011 – Engineering plans and specifications
 - H013 – Further details of building components
 - H014 – Slabs/Footings
 - H015 – Termite protection
 - H022 – Survey
 - H024 – Glass Installation
 - H030 – Roof colours
 - H036 – Rainwater Tank
 - H037 – Safe Supply of Water
 - H038 – Connection of Rainwater
 - H039 – Rainwater Tank Pumps

- H041 – Hours of work
- I003 – Road Act Approval
- K016 – Stormwater
- L008 - Tree Preservation Order
- P001 – Costs
- P002 - Fees
- Q001 – Notice of commencement and appointment of PCA
- Q005 - Occupation Certificate

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 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

- 8 Development Application DA09/0960 for proposed Torrens Titled Subdivision of existing Strata Titled Dual Occupancy at Lot 1 & 2 SP 73768 (No. 101) Ladbury Avenue, Penrith. Applicant: Freeburn Surveying; Owner: Mr & Mrs Nielsen & Ms I Georgakopoulos** **DA09/0960**

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

That:

1. The information contained in the report on Development Application DA09/0960 for proposed Torrens Titled Subdivision of existing Strata Titled Dual Occupancy at Lot 1 & 2 SP 73768 (No. 101) Ladbury Avenue, Penrith be received.
2. The objection to clause 10 of Penrith LEP1998 not be supported.
3. The Development Application DA09/0960 for proposed Torrens Titled Subdivision of existing Strata Titled Dual Occupancy at Lot 1 & 2 SP73768 (No. 101) Ladbury Avenue, Penrith of existing strata titled Dual Occupancy be refused for the following reasons:

Reasons of Refusal

- 1 Pursuant to Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act, 1979 the proposed development does not satisfy the objectives of the 2(a) Residential (Urban and Landscape Protection) and is inconsistent with Part 4 Clause 10 (1) (c) of Penrith Local Environmental Plan No.1998 (Urban Lands)
SEPP 1 objection not supported as it does not justify why compliance with the development standard is unreasonable;
- 2 Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979 the proposal is not in the public interest as the proposal would set a precedent that could result in applications of a similar type in the surrounding area and in other residential zoned areas of the LEP;
- 3 The proposal does not satisfy the objectives of the zone.

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

For

Councillor Kaylene Allison
Councillor Prue Guillaume
Councillor Karen McKeown
Councillor Kath Presdee
Councillor Greg Davies
Councillor John Thain
Councillor Jackie Greenow
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

A LIVEABLE CITY

9 Proposed Additional Alcohol Free Zones and Alcohol Free Areas

143 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Karen McKeown

That:

1. The information contained in the report on Proposed Additional Alcohol Free Zones and Alcohol Free Areas be received.
2. Council support the progression of the consultation process for the establishment of additional Alcohol Free Zones and Alcohol Free Areas at each of the locations proposed by this report.
3. A further report be submitted to Council on completion of the advertising and consultation period.

QUESTIONS WITHOUT NOTICE

QWN 1 Fencing of Off Leash area for Dogs

Councillor Prue Guillaume requested a report to Council investigating the possibility of fencing one of the City's off leash areas for dogs, in particular the area in Jamison Park, South Penrith. Councillor Guillaume tabled a petition of 400 signatures, supporting this proposal.

QWN 2 Amenities Block at Ched Towns Reserve

Councillor Prue Guillaume requested that Council's staff be congratulated on the timely rebuilding of the amenities building used by Glenmore Park Soccer Club at Ched Towns Reserve.

QWN 3 Proposed Waste Management Facility at Patons Lane, Orchard Hills

Councillor Prue Guillaume requested a report be presented to Council on the waste management facility proposed to be situated at Patons Lane, Orchard Hills, with the report to include the following:

- (i) all avenues available to Council to influence the decision of the Department of Planning in relation to Part 3A applications;
- (ii) what the storey height would be for a building of 30 metres tall, as is proposed by the proponent.

With the consent of Councillor Prue Guillaume, Councillor Tanya Davies also asked that the report identify:

- Impact on residents – health, amenity, valuations on property, etc
- Why has this proposal been submitted under Part 3A
- How different is this proposal to the one previously submitted to Council
- Did Council receive any fees for the submission of the original proposal
- Background on Dellara Pty Ltd – in particular the directorships and experience of the company.

With the consent of Councillor Prue Guillaume, Councillor Jim Aitken OAM also asked that the report consider the potential asbestos at the site and the proximity of the proposed development to Blaxland Creek.

Councillor Mark Davies requested an additional report to Council regarding the recommendations made by ICAC to the State Government regarding the Part 3A planning laws and why the State Government has not yet implemented these recommendations.

QWN 4 Waste Management Facility at Kemps Creek

Councillor Tanya Davies requested a report to Council on SITA's waste management facility at Kemps Creek and in particular if the proposal to accept radioactive contaminated waste is included within its development consent.

QWN 5 Boundary fence – Department of Housing property in Moreshead Street, Colyton

Councillor Tanya Davies requested a memo reply concerning the possibility of Council liaising with the Department of Housing to replace the timber boundary fence between 13 Moreshead Street, Colyton, and Council land, with a colorbond fence.

QWN 6 Traffic Lights on Belmore and Station Streets, Penrith

Councillor Tanya Davies requested that the Access Committee investigate the situation of no disability access at the set of traffic lights on Belmore and Station Streets, Penrith, with a view to this being remedied.

QWN 7 Litter and drainage issues - Claremont Meadows

Councillor Tanya Davies requested an onsite meeting with relevant staff concerning significant litter and growth of weeds in various drainage areas in Claremont Meadows, with a view to discussing an ongoing management strategy.

QWN 8 Seating area - Coachmans Park, St Marys

Councillor Tanya Davies requested a memo reply detailing the management of Coachmans Park, St Marys and other public spaces with a view to clearing the proliferation of beer bottles and similar litter that is left there on weekends.

QWN 9 Claremont Meadows Shopping Centre - Graffiti

Councillor Tanya Davies requested a memo reply detailing what steps have been taken to require the Claremont Meadows shopping centre proprietors/management to remove graffiti on the buildings within a specified timeframe, in particular (i) what is that timeframe; (ii) how does Council monitor compliance; and (iii) can Council urgently liaise with the owner to improve the façade as extensive graffiti has been present on the rear of the Centre for over three weeks.

QWN 10 Speed hump in O'Connell Street, Claremont Meadows

Councillor Tanya Davies requested a memo reply concerning the possibility of raising the speed hump in O'Connell Street, Claremont Meadows to a more effective height as the low rise one presently located there is not effective in slowing speeding vehicles.

QWN 11 Fencing - Sunflower Avenue, Claremont Meadows

Councillor Tanya Davies requested a memo reply concerning the dilapidated fencing alongside the playground on Sunflower Avenue, Claremont Meadows and requested that the remainder of the fencing be removed. Councillor Tanya Davies also requested that the damaged wire fence surrounding the remaining sides of this playground be either repaired or replaced.

QWN 12 Glenmore Park - Maintenance Issues

Councillor Tanya Davies requested a memo reply on the following matters:

- (i) the deteriorating fence around Ched Towns Reserve; and at the corner of Laguna/Surveyors Creek Road; and
- (ii) the stagnant state of the pond at the corner of Glenmore Parkway and Morrison Road.

QWN 13 Achievements of Local Sportspeople

Councillor Tanya Davies outlined the recent achievements of Christopher Bunton at the Special Olympics in Adelaide this month and expressed the gratitude of Christopher and his family to Council for enabling Christopher to attend this event.

QWN 14 Broadband Internet Access

Councillor Robert Ardill requested a memo reply concerning broadband internet access to new residential lots in Claremont Meadows and in particular what plans are in place to ensure high speed access is available to new residential developments.

QWN 15 Westpool

Councillor Ross Fowler OAM presented an information item on the Westpool AGM report and also reported that Wollongong City Council is the newest (and eighth) member of the insurance pool.

QWN 16 Memory Park, Penrith

Councillor Greg Davies requested a memo reply concerning progress with the appearance of Memory Park, Penrith and in particular the sign on the adult shop in this area.

QWN 17 St Marys Scouts

Councillor Greg Davies requested a memo reply concerning the possibility of moving the directional sign to the St Marys Scout Hall from its present location to the other side of the road, as it is currently obscured by tree branches.

Councillor Greg Davies also requested that the Mayor, Councillor Kevin Cramer OAM, send a letter of congratulations to the St Marys Scouts on their 60th anniversary.

QWN 18 Pole Posters

Councillor Greg Davies requested a report to Council on the instances of posters being placed on poles within the Penrith City area, and what action is possible to address this.

COMMITTEE OF THE WHOLE

144 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Tanya Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:22 pm.

Councillors Prue Guillaume and Mark Davies left the meeting, the time being 9:22 pm and did not return.

1 Presence of the Public

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

A Leading City

2 Council Properties - Permanent Road Closure of Ballah, Coolibah & Korimul Lanes, South Penrith and Sale of Land to Adjoining Owners

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

The meeting resumed at 9:26 pm and the General Manager reported that the Committee of the Whole met at 9:22 pm on 3 May 2010, the following being present

His Worship the Mayor Councillor Kevin Crameri OAM, Councillors Jim Aitken OAM, Kaylene Allison, Robert Ardill, Greg Davies, Tanya Davies, Ross Fowler OAM, Ben Goldfinch, Jackie Greenow, 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 Council Properties - Permanent Road Closure of Ballah, Coolibah & Korimul Lanes, South Penrith and Sale of Land to Adjoining Owners

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marko Malkoc

CW2 That:

1. The information contained in the report on Council Properties - Permanent Road Closure of Ballah, Coolibah & Korimul Lanes, South Penrith and Sale of Land to Adjoining Owners be received.
2. Council approve the sale of land to adjoining owners off Ballah, Coolibah & Korimul Lanes, South Penrith as outlined in the table contained within the report.
3. Council finalise the permanent road closures of Ballah, Coolibah & Korimul Lanes, South Penrith.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation as required.

ADOPTION OF COMMITTEE OF THE WHOLE

145 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marko Malkoc that the recommendations contained in the Committee of the Whole and shown as CW1 and CW2 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 9:27 pm.

I certify that these 17 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 3 May 2010.

Chairperson

Date