

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

ON MONDAY 21 NOVEMBER 2011 AT 7:37PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

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

MAYORAL MINUTES

1 [The passing of Merv Cartwright](#)

311 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow that the Mayoral Minute on The passing of Merv Cartwright be received.

His Worship the Mayor, Councillor Greg Davies asked that the meeting observe a minute's silence in memory of Merv Cartwright.

Councillor Jackie Greenow spoke in support of the Mayoral Minute.

LEAVE OF ABSENCE

November 2011 to 21 December 2011 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 7 November 2011

312 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Marko Malkoc that the minutes of the Ordinary Meeting of 7 November 2011 be confirmed.

DECLARATIONS OF INTEREST

There were no declarations of interest.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Local Traffic Committee Meeting held on 7 November 2011](#)

313 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 7 November, 2011 be adopted.

2 [Report and Recommendations of the Policy Review Committee Meeting held on 14 November 2011](#)

314 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 14 November, 2011 be adopted.

DELIVERY PROGRAM REPORTS

A LEADING CITY

2 [Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors](#)

315 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors be received.
2. Council adopt the Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors.
3. Council forward a copy of the Council's adopted Policy on the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors to the DLG.

5 [Summary of Investments and Banking for the period 1 October to 31 October 2011](#)

316 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 October to 31 October 2011 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 October 2011 to 31 October 2011 be noted and accepted.
3. The graphical investment analysis as at 31 October 2011 be noted.

1 [2011-2012 Operational Plan - September Quarter Review](#)

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

That:

1. The information contained in the report on 2011-2012 Operational Plan - September Quarter Review be received.
2. The 2011-12 Operational Plan Review as at 30 September 2011, including the revised estimates and revotes identified in the recommended budget outlined in this report and detailed in Attachment 1 – *2011-12 Operational Plan, Services Performance and Financial Review Summary* be adopted.

3 [Council Meeting Calendar for 2012](#)

318 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Council Meeting Calendar for 2012 be received
2. The draft Meeting Calendar for 2012 be adopted.

4 [Urban Development Institute of Australia National Congress 2012](#)

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

That:

1. The information contained in the report on Urban Development Institute of Australia National Congress 2012 be received.
2. Council nominate Councillors Kevin Crameri OAM, Marko Malkoc, Ben Goldfinch, Mark Davies and Jim Aitken OAM to attend the National Congress of the Urban Development Institute of Australia in Perth from 6-9 March, 2012 and grant leave of absence as appropriate.

A CITY OF OPPORTUNITIES

6 [Council's 2010-11 Annual Report](#)

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

That:

1. The information contained in the report on Council's 2010-11 Annual Report be received.
2. The Annual Report be forwarded to the Division of Local Government by 30 November 2011.

7 **Councillor Representative on the Board of Directors of the Penrith City Children's Services Cooperative (PCCSC) Limited**

321 RESOLVED on the MOTION of Councillor Jackie Greenow seconded Councillor John Thain

That:

1. The information contained in the report on Councillor Representative on the Board of Directors of the Penrith City Children's Services Cooperative (PCCSC) Limited be received.
2. Councillor Kath Presdee be appointed to fill the vacant position on the Board of Directors of the Penrith City Children's Services Cooperative Limited.
3. Councillor Tanya Davies be formally thanked for her contribution on the Penrith City Children's Services Cooperative Limited.

8 **Development Application DA11/0570 for a Dwelling and Septic Tank at Lot 817 DP 1068323 No. 164-172 Capitol Hill Drive Mount Vernon**
Applicant: Gail Lilian Malpass & Bruce Lester Malpass; Owner: Gail Lilian Malpass & Bruce Lester Malpass

322 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jackie Greenow

That:

1. The information contained in the report on Development Application DA11/0570 for a Dwelling and Septic Tank at Lot 817 DP 1068323 No. 164-172 Capitol Hill Drive Mount Vernon be received.
2. The terms of clause (b) of the restriction fourthly referred to in the 88B Instrument attached to Lot 817, DP 1068323, be varied as follows as it applies to Lot 817 only:
 - (b) *All development erected on the subject lot will be in accordance with the proposed building platform indicated on the Site Plan Prepared by Masterton Homes Pty Ltd, Drawing for Job Number 37989*
3. The Common Seal of Penrith City Council be affixed to the necessary documentation
4. Development Application No 11/0570 for the construction of a dwelling and the installation of an on site sewerage management system, be approved subject to the recommended standard and special conditions of Development Consent as follows:

Standard Conditions

- 4.1 A008 – Works to BCA requirements
- A009 – Residential Works DCP
- A019 – Occupation Certificate

- A046 – Issue of Construction Certificate
- D001 – Sedimentation and Erosion Controls
- D005 – No filling without prior approval
- D009 – Covering Waste Storage area
- D010 – Appropriate disposal of excavated material
- E001 – BCA compliance
- F010 – Septic distance from house
- F014 – Aerated irrigation
- H001 – Stamped plans and erection of site notice
- H036 – Rainwater tank
- H037 – Safe supply from catchment
- H038 – Connection of rainwater tank supply
- H039 – Rainwater tank pumps
- H041 – Hours of work
- I003 – Roads Act approval
- K017 – Stormwater and sewerage plan
- L001 – General landscaping
- L008 – Tree preservation order
- Q001 – Notice of commencement and appointment of PCA

Special Conditions

- 4.2 The development must be implemented substantially in accordance with the plans numbered for Job No BAC54507, drawn by Charleston Homes and dated 4th July 2011, the application form, the BASIX Certificate, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions
- 4.3 All boundary fences are to be low profile, open style and rural in character. The front fence is not to exceed 1.5m in height. The brick dwarf wall is not to exceed 300mm above natural ground level at any point.
- 4.4 The future swimming pool is to be the subject of a separate development application to Council.
- 4.5 Prior to the issue of a Construction Certificate for the development, the variation of the Restriction on the Use of land numbered 4(b) in DP 1068323, shall be registered with the Land and Property Information division of the Department of Lands

The variation to the covenant shall be in the terms approved by resolution of Penrith City Council

- 4.6 Cut and fill operations on the property are only permitted in conjunction with the building works and shall be strictly limited in depth and extent to that detailed on the approved plans and specifications

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

If Penrith City Council is not the Principal Certifying Authority, a copy of the validation certificate is to be submitted to Council for their reference

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

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

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

- i. The septic tank, drainage lines and effluent disposal area shall not be altered without the prior approval of Council. In addition, the septic tank shall not be buried or covered
- ii. There shall be no effluent runoff from the subject property to

adjoining premises, public places or reserves

- iii. There shall be available all year round, adequate water supply that is available to the property

- 4.8 The Eco Max Cells shall have a minimum area of 140m² and shall be prepared in accordance with the “Environmental and Health Protection Guidelines On Site Sewage Management for Single Households” and AS1547:2000

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

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

All stormwater and seepage shall be diverted away from the disposal area by using an agricultural drain or earthen bund and dish drain

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

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

- 4.10 The recommended construction details to reduce aircraft noise intrusion to meet indoor design sound levels, as detailed in the report prepared by Acoustic Logic Consultancy and dated 12th May 2006 are to be undertaken during construction. As the recommended construction details are carried out and on completion of the development, a qualified acoustic consultant shall certify that the development has been constructed to meet the indoor design sound levels in accordance with the approved acoustic report

- 4.11 Roof and surface water shall be disposed of in accordance with the approved drainage design. Overflow from the existing in-ground rainwater tank is to be disposed of into the street gutter

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

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

Certificate are to be completed prior to the issue of the Occupation Certificate

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

- (a) Written documentation or Compliance Certificate from Penrith City Council certifying to the satisfactory completion of works approved under the Roads Act 1993
- (b) Written documentation or certification attesting to the satisfactory installation of, and the Licence to Operate the on site sewage management system issued by Penrith City Council
- (c) Certification from a qualified acoustic consultant certifying that the development has been constructed in accordance with the approved acoustic report/to meet the indoor design sound levels in accordance with the approved acoustic report

- 4.14 A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority. In the event that a Compliance Certificate was issued by the Principal Certifying Authority certifying compliance that all conditions of the development consent required to be met has in fact been met as well as any documentation stated above, shall be submitted to Penrith City Council if Council is not the Principal Certifying Authority.

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

For

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

Against

9 Section 96(1A) Application to Modify Development Consent DA11/0235 for a Liquor Store to remove Condition No. 2 at Lot 41 DP 610847 (No. 31) Moore Street, St Clair Applicant: Cityscape Planning and Projects; Owner: F & L Russo Pty Ltd

A MOTION was moved by Councillor Jim Aitken OAM seconded Councillor Tanya Davies
That:

1. The information contained in the report on Section 96(1A) Application to Modify Development Consent DA11/0235 for a Liquor Store to remove Condition No. 2 at Lot 41 DP 610847 (No. 31) Moore Street, St Clair be received.
2. The Section 96(1A) Application to Modify Development Consent 11/0235 to remove Condition No.2 Lot 41 DP 610841 (No.31) Moore Street, St Clair be refused for the following reasons:
 - 2.1 The application is not satisfactory for the purpose of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979 due to the potential unreasonable impacts of an unlimited operational use:
 - Safety and security of the site and adjoining park; and
 - Anti social behaviour and loitering of patrons in the area.
 - 2.2 The application is not satisfactory for the purpose of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 as the site may not be suitable for the proposed development given its proximity to the adjoining park and community land uses.
 - 2.3 The application is not satisfactory for the purpose of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 as the likely impacts may not be in the public interest.

Councillor John Thain FORESHADOWED a further MOTION

That:

1. The information contained in the report on Section 96(1A) Application to Modify Development Consent DA11/0235 for a Liquor Store to remove Condition No. 2 at Lot 41 DP 610847 (No. 31) Moore Street, St Clair be received.
2. The Section 96(1A) Application to Modify Development Consent DA11/0235 for a Liquor Store to remove Condition No. 2 at Lot 41 DP 610847 (No. 31) Moore Street, St Clair be approved by:
 - 2.1 Deleting the following Condition No.2:

This consent is limited to a period of 12 months from the date of this consent. Prior to the expiry date of this consent, the applicant will be required to submit an application for any continuance of the use.
 - 2.2 Amending Condition No.8 to read:

“The Security Management Plan is to be reviewed and updated to incorporate mitigation measures by store management at the request and to

the satisfaction of Penrith City Council and/or the NSW Police to respond to any occurrences of safety, security and anti social behaviour.”

3. Those who made submissions be notified of the determination.

The MOTION was PUT.

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

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

The MOTION was LOST.

A FORESHADOWED MOTION moved by Councillor John Thain seconded Councillor Marko Malkoc was PUT.

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

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

The FORESHADOWED MOTION was CARRIED and on becoming the SUBSTANTATIVE MOTION was also CARRIED.

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

That:

1. The information contained in the report on Section 96(1A) Application to Modify Development Consent DA11/0235 for a Liquor Store to remove Condition No. 2 at Lot 41 DP 610847 (No. 31) Moore Street, St Clair be received.

2. The Section 96(1A) Application to Modify Development Consent DA11/0235 for a Liquor Store to remove Condition No. 2 at Lot 41 DP 610847 (No. 31) Moore Street, St Clair be approved by:

- 2.1 Deleting the following Condition No.2:

This consent is limited to a period of 12 months from the date of this consent. Prior to the expiry date of this consent, the applicant will be required to submit an application for any continuance of the use.

- 2.2 Amending Condition No.8 to read:

“The Security Management Plan is to be reviewed and updated to incorporate mitigation measures by store management at the request and to the satisfaction of Penrith City Council and/or the NSW Police to respond to any occurrences of safety, security and anti social behaviour.”

3. Those who made submissions be notified of the determination.

A GREEN CITY

10 [Waste and Sustainability Improvement Payment Program](#)

324 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jim Aitken OAM that the information contained in the report on Waste and Sustainability Improvement Payment Program be received.

11 [Penrith Recycled Water Scheme Stage 2](#)

325 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Penrith Recycled Water Scheme Stage 2 be received.
2. A further report be presented to Council on completion of the detailed design stage of the project and prior to proceeding to the construction phase of the project.

A LIVEABLE CITY

13 [Reclassification of Land - Council Free Parking Area Agreements](#)

326 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Reclassification of Land Council Free Parking Area Agreements be received.
2. These identified lands (even though they are privately owned) be classified as operational land in accordance with the Director General Guidelines and only

for the purpose of the free parking agreement.

3. Glenmore Park Town Centre, Westfield Penrith, Centro Nepean and Coles (1st Choice Liquor') be advised of Council's decision.

14 Tender Reference 21-10/11, Roof Replacement and Rectification at Ripples Aquatic Centre

327 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marko Malkoc

That:

1. The information contained in the report on Tender Reference 21-10/11, Roof Replacement and Rectification at Ripples Aquatic Centre be received.
2. Council rescind the resolution made at its meeting on 18 July 2011 to engage Bilas Knight Pty Ltd.
3. Council readvertise the tender for the Roof Replacement and Rectification at Ripples Aquatic Centre.

12 Penrith War Memorial Swimming Pool - 50th Anniversary Event

328 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Penrith War Memorial Swimming Pool - 50th Anniversary Event be received.
2. Entry be provided free of charge to Penrith War Memorial Swimming Pool for the Family Fun Australia Day, 26 January 2012.

A VIBRANT CITY

15 Place Making and Public Art Policy

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

That:

1. The information contained in the report on Place Making and Public Art Policy be received.
2. Council endorse the Place Making and Public Art Policy provided as Appendix 1 to this report.
3. Council write to the organisations making submissions on the minor alterations and Council endorsement of the Place Making and Public Art policy.

16 [Transportation of restricted solid waste to SITA landfill facility](#)

330 RESOLVED on the MOTION of Councillor Prue Guillaume seconded Councillor Ross Fowler OAM that the information contained in the report on Transportation of restricted solid waste to SITA landfill facility be received.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Regional Youth Forum

Councillor John Thain requested a memo reply concerning the opportunity to hold a Regional Youth Forum which also engaged young people from outside the Penrith Local Government Area

RR 2 Industry Partnership Award

Councillor John Thain tabled an Award to Council received from the Schools Industry Partnership for hosting over 500 student HSC Workplacements in 2011.

RR 3 Designated Alcohol Free Areas

Councillor Karen McKeown requested a Council report concerning designating the park adjacent to the proposed Liquor Store at Lot 41 DP 610847 (No. 31) Moore Street, St Clair as an Alcohol Prohibited Area under Section 632A of the Local Government Act 1993.

RR 4 Removal of Tree in Reserve adjacent to 12 Lewis Road, Cambridge Gardens

Councillor Kath Presdee requested Council inspect and appropriately prune a tree in the reserve bounding Lewis and Boomerang Roads and Carlyle Crescent, Cambridge Gardens as the branches overhang properties and drop foliage causing damage.

RR 5 Financial Resourcing of Community Campaigns

Councillor Prue Guillaume requested a report to Council detailing how Council has financially resourced community campaigns in the past, particularly concerning campaigns against the Castlereagh Tip in the 1990s and the campaigns against Badgerys Creek Airport and to preserve land on the ADI site.

RR 6 Consideration of Submissions relating to Development Applications

Councillor Tanya Davies requested a memo reply detailing why a submission from the NSW Police pertaining to DA11/0235 was not considered in the Section 96(1A) application to modify consent.

URGENT BUSINESS

UB 1 Commercial Matter - Tender Reference 25-10/11 for the provision of Grave Digging Services

Councillor Kevin Crameri OAM requested this item be discussed in committee of the whole as the item refers to information that would, if disclosed, prejudice the maintenance of law and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Councillor Tanya Davies left the meeting, the time being 8:38pm and did not return.

COMMITTEE OF THE WHOLE

331 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Ross Fowler OAM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:38pm.

1 Presence of the Public

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

A Leading City

2 [Commercial Matter - Council Property - Sale of Lot 55, DP 1170183 Lenore Lane, Erskine Park](#)

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 - Council Property - Leasing of Suite 9 at 140-142 Henry Street, Penrith \(Allen Arcade\)](#)

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.

4 Commercial Matter - High Street, Penrith

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 8:49pm and the Acting General Manager reported that the Committee of the Whole met at 8:38pm on Monday, 21 November 2011 the following being present

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

and the Committee of the Whole excluded the press and public from the meeting for the reasons set out in CW1 and that the Committee of the Whole submitted the following recommendations to Council.

CONFIDENTIAL BUSINESS

2 [Commercial Matter - Council Property - Sale of Lot 55, DP 1170183 Lenore Lane, Erskine Park](#)

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marko Malkoc

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Sale of Lot 55, DP 1170183 Lenore Lane, Erskine Park be received.
2. Council sell Lot 55, DP 1170183 in accordance with Conditions 1-9 as outlined in summary of the report, subject to public auction.
3. The Property Development Manager be authorised to sign a “Deed of Agreement” that is to be prepared by Council’s solicitors.
4. The Property Development Manager be authorised to sign the agency agreement and Contract of Sale in consultation with the Group Manager - Legal and Governance.
5. A further report be presented to Council in relation to the setting of the reserve price prior to the public auction.
6. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

3 Commercial Matter - Council Property - Leasing of Suite 9 at 140-142 Henry Street, Penrith (Allen Arcade)

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

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Suite 9 at 140-142 Henry Street, Penrith (Allen Arcade) be received.
2. Council grant Master Coaching Penrith a new 3 year lease with a 3 year option over Suite 9 at "Allen Arcade" 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.

4 Commercial Matter - High Street, Penrith

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marko Malkoc

CW4 That:

1. The information contained in the report on Commercial Matter - High Street, Penrith be received.
2. The recommendation as proposed in the separate annexure to this report be adopted.

UB 1 Commercial Matter - Tender Reference 25-10/11 for the provision of Grave Digging Services

Councillor Kevin Crameri OAM requested a further report be brought to Council providing previous reports to Council and other relevant information including pricing.

ADOPTION OF COMMITTEE OF THE WHOLE

332 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow that the recommendations 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 8:53pm.

I certify that these 16 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 21 November 2011.

Chairperson	Date
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