

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

ON MONDAY 29 SEPTEMBER 2014 AT 7:31PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor Ross Fowler 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 Ross Fowler OAM, Deputy Mayor, Greg Davies and Councillors Jim Aitken OAM (arrived 7:49pm), Prue Car, Marcus Cornish, Mark Davies, Maurice Giroto, Ben Goldfinch, Jackie Greenow OAM, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

LEAVE OF ABSENCE

September 2014 for an indefinite period..

APOLOGIES

261 RESOLVED on the MOTION of Councillor Maurice Giroto seconded Councillor Jackie Greenow OAM that an apology be received for Councillor Bernard Bratusa.

CONFIRMATION OF MINUTES - Ordinary Meeting - 22 September 2014

262 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch that the minutes of the Ordinary Meeting of 22 September 2014 be confirmed.

DECLARATIONS OF INTEREST

Councillor Ben Goldfinch declared a Pecuniary Interest in *Item 3 - Development Application DA14/0799 Demolition of existing structures and construction of single new dwelling at Lot 18 DP 2121 (No. 26) The Straight Road, Mulgoa* as he owns the property subject of the report.

Councillor Karen McKeown declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 6 - Development Application DA14/0622 Retrospective approval for earthworks, construction of a shed and parking of 2 x truck vehicles (rigid truck and semi trailer) at Lot 122 DP 709303 (No.s 41-47) Jolly Street, Castlereagh* as her son was previously employed by the Applicant. Councillor McKeown indicated she would leave the room for discussion of this matter.

Councillor Jackie Greenow OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 13 - Magnetic Places Neighbourhood Renewal Community Cultural Grants Program 2014-15* as she is employed by one of the recipients of funding subject to the

report.

Councillor Michelle Tormey declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Committee of the Whole Item 2 Commercial Matter - Proposed Advertising of Licencing of Existing Temporary Carpark located at the corner of Rodgers & Somerset Streets, Kingswood to Healthscope Limited trading as Nepean Private Hospital* as her Step Father is employed by the company subject to the report.

SUSPENSION OF STANDING ORDERS

263 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Tricia Hitchen that Standing Orders be suspended to allow a member of the public to address the meeting, the time being 7:38pm.

Mr Andrew Rezk

Item 4 - Development Application DA14/0324 Torrens Title Subdivision x 2 Lots at Lot 111 DP 1111945 (No. 84) Shepherd Street, Colyton

Mr Rezk, the applicant spoke against the recommendation. Mr Rezk stated that his development proposal in line with the streetscape of his neighbours and the development will not create a precedent. Mr Rezk stated that there was no proposal for a granny flat as part of the development proposal. In conclusion Mr Rezk said that the site plan and frontage clearly shows all of the characteristics of a Torrens title subdivision.

RESUMPTION OF STANDING ORDERS

264 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Tricia Hitchen that Standing Orders be resumed, the time being 7:44pm.

REPORTS OF COMMITTEES

1 [Report and Recommendations of the Local Traffic Committee Meeting held on 1 September 2014](#)

265 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Tricia Hitchen that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 1 September, 2014 be adopted.

2 [Report and Recommendations of the Penrith Community Safety Partnership Meeting held on 3 September 2014](#)

266 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow OAM that the recommendations contained in the Report and Recommendations of the Penrith Community Safety Partnership meeting held on 3 September, 2014 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

1 [Update on Fire at 19 Copeland Street, Kingswood](#)

267 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on the Update on Fire at 19 Copeland Street, Kingswood be received.
2. Memorandums will be provided to Councillors updating them on the progress of the clean-up operations until it is finalised.

Councillor Jim Aitken OAM arrived to the meeting, the time being 7:49pm.

2 [Existing Approvals Allowing a Circus to Operate on Council & Privately Owned Land](#)

268 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Existing Approvals Allowing a Circus to Operate on Council & Privately Owned Land be received
2. Council develop a new Policy in relation to consent required by a land owner to allow the operation of a circus within the Local Government Area.

An AMENDMENT was moved by Councillor Mark Davies seconded Councillor Ben Goldfinch that the information be received.

The AMENDMENT was PUT.
The AMENDMENT was LOST.

The MOTION was PUT.
The MOTION was CARRIED and on becoming the SUBSTANTITIVE MOTION was also CARRIED.

Having previously declared a Pecuniary Interest Councillor Ben Goldfinch left the room, the time being 8:01pm.

Councillor Maurice Giroto left the room, the time being 8:01pm.

3 [Development Application DA14/0799 Demolition of existing structures and construction of single new dwelling at Lot 18 DP 2121 \(No. 26\) The Straight Road, Mulgoa](#) Applicant: Adan Creative Designs; Owner: ~Ben and Rebecca Goldfinch

269 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies

That:

1. The information contained in the report on Development Application DA14/0799 Demolition of existing structures and construction of single new dwelling at Lot 18 DP 2121 (No. 26) The Straight Road, Mulgoa be received.
2. The application be approved subject to the following conditions.
 - 2.1 A001 Approved plans that are architecturally drawn
 - A008 Works to BCA requirements
 - A019 Occupation Certificate
 - A046 Obtain a Construction Certificate
 - B001 Demolition of Existing Structure
 - B002 Demolition and disposal to an approved landfill site
 - B003 General Asbestos
 - B004 Dust
 - B005 Mud/Soil
 - D001 Implement approved sediment & erosion control measures
 - D007 Filling of land
 - D009 Covering of waste storage area
 - D010 Appropriate disposal of excavated or other waste
 - E001 BCA compliance
 - F006 Water tank & nuisance
 - H001 Stamped plans
 - H002 All forms of construction
 - H009 Cut/fill details
 - H022 Survey
 - H030 Roof finishes
 - H036 Rainwater tank
 - H037 Safe supply of water from catchment
 - H038 Connection of rainwater tank supply
 - H039 Rainwater tank pumps
 - H041 Hours of Work
 - K041 Infrastructure Bond
 - K202 Road act

- K208 Stormwater
- K501 Roads Authority
- L008 Tree Preservation Order
- P002 Fees associated with Council land
- Q01F Notice of Commencement of Appointment of PCA
- Q05F Occupation/Compliance Certificate

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

For	Against
Councillor Prue Car	
Councillor Greg Davies	
Councillor John Thain	
Councillor Karen McKeown	
Councillor Michelle Tormey	
Councillor Jackie Greenow OAM	
Councillor Jim Aitken OAM	
Councillor Mark Davies	
Councillor Tricia Hitchen	
Councillor Marcus Cornish	
Councillor Ross Fowler OAM	

Councillors Maurice Giroto and Ben Goldfinch returned to the room, the time being 8:02pm.

4 [Development Application DA14/0324 Torrens Title Subdivision x 2 Lots at Lot 111 DP 1111945 \(No. 84\) Shepherd Street, Colyton](#)
Applicant: Andrew Rezk and Christine Merkhaic; Owner: ~Andrew Rezk and Christine Merkhaic

270 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Development Application DA14/0324 Torrens Title Subdivision x 2 Lots at Lot 111 DP 1111945 (No. 84) Shepherd Street, Colyton be received.
2. The objection pursuant to State Environmental Planning Policy No. 1 – Development Standards regarding lot area and width under Clause 10 of Penrith Local Environmental Plan 1998 (Urban Land) not be supported.
3. Development Application DA14/0324 Torrens Title Subdivision x 2 Lots at Lot 111 DP 1111945 (No. 84) Shepherd Street, Colyton be refused for the following reasons:
 - a) The application is not satisfactory for the purpose of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act as the proposal is inconsistent with the following provisions of *Penrith Local Environmental Plan 1998 (Urban Land)*:

Clause 10 Subdivision controls generally in that the proposed lot area and width are non compliant.

Clause 12(3) Building Envelope in that the building envelope for the

existing two storey building is non compliant.

The application has not demonstrated that the subdivision and building envelope development standards are unreasonable or unnecessary in the circumstances as required by State Environmental Planning Policy No. 1 – Development Standards.

- b) The application is not satisfactory for the purpose of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act as the proposal is inconsistent with the following provisions of *Penrith Development Control Plan 2006*:
 - i) The application has not satisfied Council with respect to the enhancement of the existing and future subdivision character of the street.
- c) The application is not satisfactory for the purpose of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979 as it has not been demonstrated through compliance with the relevant provisions that the site is suitable for the proposed development.
- d) The application is not satisfactory for the purpose of Section 79C(1)(e) of the Environmental Planning and Assessment Act as the proposal is not in the public interest.

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

For

Against

Councillor Prue Car
 Councillor Greg Davies
 Councillor John Thain
 Councillor Karen McKeown
 Councillor Michelle Tormey
 Councillor Jackie Greenow OAM
 Councillor Maurice Giroto
 Councillor Jim Aitken OAM
 Councillor Mark Davies
 Councillor Ben Goldfinch
 Councillor Tricia Hitchen
 Councillor Marcus Cornish
 Councillor Ross Fowler OAM

- 5 [Development Application DA14/0814 residential alterations and additions at Lot 154 DP 1117222 \(No. 77\) Forbes Street, Emu Plains](#)
Applicant: Matthew and Emma Horsfall; Owner: ~Matthew and Emma Horsfall

271 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies

That:

1. The information contained in the report on Development Application DA14/0814 residential alterations and additions at Lot 154 DP 1117222 (No.

- 77) Forbes Street, Emu Plains be received.
2. The submitted SEPP 1 be supported to vary the minimum landscaped area requirement.
 3. DA14/0814 for dwelling alterations and additions at 77 Forbes Street, Emu Plains be approved subject to the attached conditions:
 - 3.1 A001 Approved plans that are architecturally drawn
 - A008 Works to BCA requirements
 - A019 Occupation Certificate
 - A046 Obtain a Construction Certificate
 - D001 Implement approved sediment & erosion control measures
 - D007 Filling of land
 - D009 Covering of waste storage area
 - D010 Appropriate disposal of excavated or other waste
 - E001 BCA compliance
 - E002 Light and Ventilation
 - ESPECIAL Smoke detector
 - H001 Stamped plans
 - H009 Cut/fill details
 - H030 Roof finishes
 - H041 Hours of Work
 - K016 Stormwater
 - K041 Bond
 - L008 Tree Preservation Order
 - P002 Fees associated with Council land
 - Q01F Notice of Commencement of Appointment of PCA
 - Q05F Occupation/Compliance Certificate

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

For

Against

Councillor Prue Car
Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Marcus Cornish
Councillor Ross Fowler OAM

Having previously declared a Non-Pecuniary Conflict of Interest – Less than Significant Councillor Karen McKeown left the room, the time being 8:09pm.

6 [Development Application DA14/0622 Retrospective approval for earthworks, construction of a shed and parking of 2 x truck vehicles \(rigid truck and semi trailer\) at Lot 122 DP 709303 \(No.s 41-47\) Jolly Street, Castlereagh](#) Applicant: Mr and Mrs Gosling; Owner: ~Mr and Mrs Gosling

272 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marcus Cornish

That:

1. The information contained in the further report on Development Application DA14/0622 Retrospective approval for earthworks, construction of a shed and parking of 2 x truck vehicles (rigid truck and semi trailer) at Lot 122 DP 709303 (No.s 41-47) Jolly Street, Castlereagh be received.
2. The matter be deferred pending a further report to Council outlining reasons for refusal.

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

For	Against
Councillor Prue Car	
Councillor Greg Davies	
Councillor John Thain	
Councillor Michelle Tormey	
Councillor Jackie Greenow OAM	
Councillor Maurice Giroto	
Councillor Jim Aitken OAM	
Councillor Mark Davies	
Councillor Ben Goldfinch	
Councillor Tricia Hitchen	
Councillor Marcus Cornish	
Councillor Ross Fowler OAM	

Councillor Karen McKeown returned to the room, the time being 8:13pm.

OUTCOME 3 - WE CAN GET AROUND THE CITY

7 [Tender Reference 14/15-01 Construction of South Creek Footbridge, St Marys](#)

273 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Tender Reference 14/15-01 Construction of South Creek Footbridge, St Marys be received
2. Bridgeworks (Aust) Pty Ltd be awarded the contract for the construction of South Creek Shared Path Bridge Upgrade works for the amount of \$1,013,620.00 excluding GST.

3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

8 Land Acquisition by Road & Maritime Services - Purchase land from Council under Land Acquisition (Just Terms Compensation) Act 1991 for part of Council land at Gipps Street Reserve to widen and construct the road known as Gipps Street identified as Lot 12 DP 1194036, being part of land in Certificate of Title 2/81099

274 RESOLVED on the MOTION of Councillor Prue Car seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Land Acquisition by Road & Maritime Services - Purchase land from Council under Land Acquisition (Just Terms Compensation) Act 1991 for part of Council land at Gipps Street Reserve to widen and construct the road known as Gipps Street identified as Lot 12 DP 1194036, being part of land in Certificate of Title 2/81099 be received.
2. Council approve the sale under Land Acquisition (Just Terms Compensation) Act 1991 of Lot 12 DP 1194036, being part of land in Certificate of Title 2/81099 to Road & Maritime Services for a sum of \$231,000.
3. The Seal of the Council of the City of Penrith be placed on all required documentation.

9 Local Government Road Safety Program - Roads and Maritime Services Grant Funding 2014-2015

275 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies

That:

1. The information contained in the report on Local Government Road Safety Program - Roads and Maritime Services Grant Funding 2014-2015 be received.
2. Council accept the grants offered by Roads and Maritime Services Local Government Road Safety Program, totalling \$13,000, as outlined in the report.
3. Council write to Roads and Maritime Services and Local State Members thanking them for their continued support for road safety initiatives within the Penrith Local Government Area.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

10 [Kingswood Public Domain Manual](#)

276 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Kingswood Public Domain Manual be received.
2. The Manual be adopted as Council policy for the future upgrades of footpaths and public spaces in the Kingswood Centre.
3. The Access Committee and the Penrith Valley Chamber of Commerce be advised of Council's decision.

11 [Tender Reference 14/15-08 Jamison Park Amenities](#)

277 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Tender Reference 14/15-08 Jamison Park Amenities be received.
2. The tender for the construction works of the community sports facility building upgrades comprising; canteen with associated store, equipment store room, and sports club meeting room for the amount of \$173,573 (ex GST) from Arcs Building Group Pty Ltd be accepted.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

12 [Tender Reference 13/14-13 Ground Works to Penrith Civic Arts Precinct \(The Mondo\)](#)

278 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Tender Reference 13/14-13 Ground Works to Penrith Civic Arts Precinct (The Mondo) be received.
2. Council not accept any tender and that new tenders are invited when redesign is finalised.
3. All tenderers be advised of the decision.

13 [Magnetic Places Neighbourhood Renewal Community Cultural Grants Program 2014-15](#)

279 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Magnetic Places Neighbourhood Renewal Community Cultural Grants Program 2014-15 be received.
2. The nine projects recommended by the assessment panel are funded as listed in Appendix 1.
3. All projects not funded, as listed in Appendix 2, be provided with feedback including other avenues of funding.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

14 [Two Greater Sydney Local Land Services \(GSLLS\) Projects](#)

280 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Two Greater Sydney Local Land Services (GSLLS) Projects be received.
2. Council endorse the acceptance of funding provided by GSLLS and the contribution of 'in kind' resources to support the delivery of these projects.
3. Council formally thank GSLLS for the offer of funding to undertake the regeneration projects.
4. A further report be provided to Council regarding governance, purpose, make up and scope of the Greater Sydney Local Land Services (GSLLS).

OUTCOME 6 - WE'RE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT

16 [Occupation Agreement - Ripples St Marys and Penrith Swimming Centre](#)

281 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies

That:

1. The information contained in the report on Occupation Agreement - Ripples St Marys and Penrith Swimming Centre be received.
2. Council adopt the Occupation Agreement with Penrith Aquatic and Leisure Ltd. for the care, control and management of Ripples St Marys and Ripples Penrith.
3. The Occupation Agreement be signed by the Mayor and General Manager of Penrith City Council, and the Chairperson and Company Secretary of

Penrith Aquatic and Leisure Ltd.

4. The Common Seal of the Council of the City of Penrith be affixed to all necessary documentation.

17 Economic Evaluation of the Case for Community and Cultural Institutions and Events in Western Sydney

282 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies

That:

1. The information contained in the report on Economic Evaluation of the Case for Community and Cultural Institutions and Events in Western Sydney be received.
2. Council financially support and participate in the Economic Study.
3. Council Officers investigate the availability of a suitable funding source to fund the \$20,000 contribution towards the proposed Economic Study / Report as detailed within this report.

15 Community Assistance Program Planned Component 2014-15

Councillor Marcus Cornish left the meeting, the time being 8:25pm.

Councillor Marcus Cornish returned to the meeting, the time being 8:26pm.

283 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Community Assistance Program Planned Component 2014-15 be received.
2. Council approve funding the applications and amounts totalling \$30,000 from the Planned Component of the 2014/2015 Community Assistance Program and \$409 from the Rolling Component as outlined in Table 2 of this report.
3. A further report be brought back to a Policy Review Committee Meeting on the Community Assistance Program detailing any other funding avenues to meet the funding shortfall in projects that meet the criteria.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

19 Council Property - Easement to Drain Water over Council Lot 50, DP 30016 Public Reserve 36-38 Joseph St., Kingswood

284 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Council Property - Easement to Drain Water over Council Lot 50, DP 30016 Public Reserve 36-38 Joseph

St., Kingswood be received.

2. Council grant an easement to drain water over Public Reserve on Lot 50, DP 300016 in favour of Lots 48 and 49, DP 300016 and Lots 1 and 2, DP29528 at No.'s 24, 26, 28 and 30 Joseph St., Kingswood.
3. The applicant pay compensation to Council in the amount of \$10,250 (+GST) for the grant of the easement over Lot 50, DP 30016 No.'s 36-38, Joseph Street, Kingswood.
4. The applicant be responsible for all drainage costs, survey, legal and registration costs associated with the creation of the easement.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation to effect registration of the easement.

20 [2014-15 Financial Assistance Grant](#)

285 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Maurice Giroto

That:

1. The information contained in the report on 2014-15 Financial Assistance Grant be received.
2. The budget be adjusted to reflect the revised Financial Assistance Grant as part of the September Quarterly Review.

21 [Audit Committee](#)

286 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Maurice Giroto that the information contained in the report on Audit Committee be received.

22 [Summary of Investments & Bank for the period 1 August - 31 August 2014](#)

287 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Summary of Investments & Bank for the period 1 August - 31 August 2014 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 August 2014 to 31 August 2014 be noted and accepted.
3. The graphical investment analysis as at 31 August 2014 be noted.

18 [RFT13/14-11 - Supply Agreement for a Strategic Marketing Agency](#)

288 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on RFT13/14-11 - Supply Agreement for a Strategic Marketing Agency be received.
2. A panel of preferred agencies be established for the provision of branding and marketing consultancy services for three years, with an option to renew for a further year and with a second option to renew for a further year after that.
3. Any potential marketing programs be provided to a Councillor Briefing before engagement.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Wentworth Road - Shoulders

Councillor Jim Aitken OAM requested a memo reply concerning Wentworth Road, as the shoulders have washed away from the Northern Road East detailing whether or not the sealed section is wide enough for that section of the road way.

RR 2 Mulgoa Road Surface and Congestion

Councillor Jim Aitken OAM requested a memo reply concerning the road surface on Mulgoa Road between Jamison Road and Glenmore Parkway, and that Council write to the State Government and State Members requesting information on the improvement timeframe in road surface and congestion.

RR 3 Northern Road - Road Surface

Councillor Jim Aitken OAM requested a report to Council and an urgent letter be prepared to the RMS on the sinking of the bridge on the Northern Road over the motorway.

RR 4 Circus - Complaints/Policy

Councillor Jim Aitken OAM requested a memo reply detailing whether or not Council has ever had a policy on circuses in the City or has ever received any comments or complaints regarding circuses for the last 50 years.

RR 5 Racecourse Road - Traffic Calming Devices

Councillor Ben Goldfinch requested a memo reply concerning whether or not traffic calming devices are being investigated for Racecourse Road, in light of a serious accident that occurred recently.

URGENT BUSINESS

UB 1 Leave of Absence Request

Councillor Greg Davies requested leave of absence for the period 30 October 2014 – 23 November 2014 inclusive.

289 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Tricia Hitchen that that the matter be brought forward as a matter of urgency.

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

290 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Tricia Hitchen that leave of absence be granted for Councillor Greg Davies from 30 October 2014 – 23 November 2014 inclusive.

His Worship the Mayor, Councillor Ross Fowler OAM advised Councillors that they had received a late report for consideration in Committee of the Whole and that a resolution would be required to consider the item.

291 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Karen McKeown that the matter be considered.

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

COMMITTEE OF THE WHOLE

292 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Karen McKeown that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:36pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Mark Davies seconded Councillor Karen McKeown that the press and public be excluded from Committee of the Whole to deal with the following matters:

Outcome 7

2 [Commercial Matter - Leasing of parts of "Community" land under Council's Plan of Management to Girl Guides NSW & ACT over No 26 Trinity Drive, Cambridge Gardens and No 3 Trent Street, South 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.

3 [Commercial Matter - Proposed Advertising of Licencing of Existing Temporary Carpark located at the corner of Rodgers & Somerset Streets, Kingswood to Healthscope Limited trading as Nepean Private Hospital](#)

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

The meeting resumed at 8:52pm and the General Manager reported that the Committee of the Whole met at 8:26pm on 29 September 2014, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Greg Davies and Councillors Jim Aitken OAM, Prue Car, Marcus Cornish, Mark Davies, Maurice Giroto, Ben Goldfinch, Jackie Greenow OAM, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

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 - Leasing of parts of "Community" land under Council's Plan of Management to Girl Guides NSW & ACT over No 26 Trinity Drive, Cambridge Gardens and No 3 Trent Street, South Penrith](#)

RECOMMENDED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies

CW2 That:

1. The information contained in the report on Commercial Matter - Leasing of parts of "Community" land under Council's Plan of Management to Girl Guides NSW & ACT over No 26 Trinity Drive, Cambridge Gardens and No 3 Trent Street, South Penrith be received
2. Council grant leasing of No 26 Trinity Drive, Cambridge Gardens and part of No 3 Trent Street, South Penrith to Girl Guides NSW & ACT in accordance with Section 47A of the Local Government Act 1993.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

3 [Commercial Matter - Proposed Advertising of Licencing of Existing Temporary Carpark located at the corner of Rodgers & Somerset Streets, Kingswood to Healthscope Limited trading as Nepean Private Hospital](#)

Councillor Michelle Tormey left the meeting, the time being 8:47pm.

Councillor Michelle Tormey returned to the room, the time being 8:49pm.

RECOMMENDED on the MOTION of Councillor Mark Davies seconded Maurice Giroto

CW3 That:

1. The information contained in the report on Commercial Matter - Proposed

Commencement of Licencing of Existing Temporary Carpark located at the corner of Rodgers & Somerset Streets, Kingswood to Healthscope Limited trading as Nepean Private Hospital be received.

2. The report be deferred until a further meeting to allow for further information to be provided concerning the restoration of the land and the lease responsibilities.

4 Property Matter - 131 Queen Street, St Marys

RECOMMENDATION

CW4 That:

1. The information contained in the report on Property Matter - 131 Queen Street, St Marys be received.
2. The actions outlined in the report be adopted.
3. The Common Seal of the council of the city of Penrith be placed on all documentation as necessary.

ADOPTION OF COMMITTEE OF THE WHOLE

293 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Maurice Giroto That the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3 and CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:56pm.

I certify that these 17 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 29 September 2014.

Chairperson

Date