

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

**ON MONDAY 23 FEBRUARY 2015 AT 7:33PM**

**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, Councillor Greg Davies (arrived at 7:40pm) and Councillors Jim Aitken OAM, Bernard Bratusa, Prue Car, Kevin Crameri OAM, Marcus Cornish, Mark Davies, Ben Goldfinch, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

**LEAVE OF ABSENCE**

Leave of Absence was previously granted to Councillor Jackie Greenow OAM for the period 17 February 2015 to 29 March 2015 inclusive.

Leave of Absence was previously granted to Councillor Maurice Giroto for the period 17 February 2015 to 3 March 2015 inclusive.

**APOLOGIES**

There were no apologies.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 2 February 2015**

24 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Michelle Tormey that the minutes of the Ordinary Meeting of 2 February 2015 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 3 - Development Application No. 14/1429 for Subdivision of One (1) Allotment into Five (5) Allotments for the Future Regional Park, Central Precinct and Residue Lots at Lot 1037 DP 1149525 Residue 1208-1274 The Northern Road Llandilo Applicant: Maryland Development Company Pty Ltd; Owner: ~St Marys Land Ltd*, as this area is in the vicinity of his home address.

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 13 - Sale of Land for Unpaid Rates and Charges*, as he is well known to the owner of the land the subject of this report. Councillor Crameri OAM stated that he would not take part in the debate on this matter.

Councillor Michelle Tormey declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 14 - Proposed Licence Agreement for Car Park located at the corner of Rodgers and Somerset Streets, Kingswood to Healthscope Limited*, as her stepfather is employed by Healthscope. Councillor Tormey stated that she would leave the meeting during consideration of this Item.

## **MAYORAL MINUTES**

### **1 Four staff awarded Louise Petchell Sustainability Scholarships**

Councillors Karen McKeown and Michelle Tormey spoke in support of the Mayoral Minute.

25 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Karen McKeown that the Mayoral Minute on Four staff awarded Louise Petchell Sustainability Scholarships be received.

## **REPORTS OF COMMITTEES**

### **1 Report and Recommendations of the Local Traffic Committee Meeting held on 2 February 2015**

26 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 2 February, 2015 be adopted, with the exception of Item 9 (*Russell Street and Old Bathurst Road, Emu Heights – Traffic Safety and Parking*) with this matter to be the subject of a detailed report to Council.

### **2 Report and Recommendations of the Policy Review Committee Meeting held on 9 February 2015**

27 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 9 February, 2015 be adopted.

His Worship the Mayor, Councillor Ross Fowler OAM then introduced Council's newly appointed Workforce and Workplace Manager, Sandy Davies, to the Council.

## **DELIVERY PROGRAM REPORTS**

### **OUTCOME 1 - WE CAN WORK CLOSE TO HOME**

#### **1 Children's Services Department - Funding from the NSW Government**

28 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Children's Services Department - Funding from the NSW Government be received.

2. The Minister for Education, The Hon Adrian Piccoli MP, be thanked for the funding of \$63,368 to support children with disabilities in Council's long day care services for 2015.

## **OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH**

### **2 Glenmore Park Stage 2 – Amendment to the Second Council Planning Agreement**

29 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Mark Davies

That:

1. The information contained in the report on Glenmore Park Stage 2 – Amendment to the Second Council Planning Agreement be received.
2. Council endorse the proposed amendments to the Second Council Planning Agreement (commonly referred to as the Council VPA) as outlined in this report and that a draft amended Council VPA be prepared in accordance with these proposed changes and the requirements of the Environmental Planning & Assessment Act and Regulations.
3. The draft amended Council VPA be placed on public notification for a period of 28 days.
4. Council authorise the General Manager to finalise and sign the amended Council VPA with the other VPA parties following the conclusion of the public notification period.
5. The Common Seal of the Council of the City of Penrith be affixed to the amended Council VPA developed in accordance with resolutions 2, 3 and 4 above.
6. Councillors be notified of any submissions received as a result of the draft amended Council VPA being placed on public notification, giving them an opportunity to bring the matter to Council.

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

#### **For**

Councillor Prue Car  
Councillor Greg Davies  
Councillor John Thain  
Councillor Karen McKeown  
Councillor Michelle Tormey  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Tricia Hitchen

#### **Against**

Councillor Bernard Bratusa  
Councillor Marcus Cornish  
Councillor Ross Fowler OAM

**3 Development Application No. 14/1429 for Subdivision of One (1) Allotment into Five (5) Allotments for the Future Regional Park, Central Precinct and Residue Lots at Lot 1037 DP 1149525 Residue 1208-1274 The Northern Road Llandilo Applicant: Maryland Development Company Pty Ltd; Owner: ~St Marys Land Ltd**

30 A MOTION was moved by Councillor Michelle Tormey seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Development Application No. 14/1429 for Subdivision of One (1) Allotment into Five (5) Allotments for the Future Regional Park, Central Precinct and Residue Lots at Lot 1037 DP 1149525 Residue 1208-1274 The Northern Road Llandilo be received.
2. Consideration of this matter be deferred until a determination is made by Council on DA14/1228.

An AMENDMENT was moved by Councillor Bernard Bratusa seconded Councillor Mark Davies:

That:

1. The information contained in the report on Development Application No. 14/1429 for Subdivision of One (1) Allotment into Five (5) Allotments for the Future Regional Park, Central Precinct and Residue Lots at Lot 1037 DP 1149525 Residue 1208-1274 The Northern Road Llandilo be received.
2. Development Application No. 14/1429 for Subdivision of One (1) Allotment into Five (5) Allotments for the Future Regional Park, Central Precinct and Residue Lots at Lot 1037 DP 1149525 Residue 1208-1274 The Northern Road Llandilo be approved subject to the following conditions:

**Standard Conditions:**

- |     |           |   |
|-----|-----------|---|
| 2.1 | A001      | Approved Plans  |
|     | M008      | Linen Plan  |
|     | Q008      | Subdivision Certificate   |
|     | K101      | Works at no cost to Council   |
|     | K514      | Subdivision Compliance Documentation  |
|     | K Special | The applicant is to grant drainage easements in favour of Penrith City Council over the existing and proposed drainage infrastructure that services Villages 3C1, 3C2 and 3C3. The granting of the drainage easements is on the basis that no claim for compensation will be made |

and that the applicant will meet all associated survey and legal costs.

K Special The applicant is to grant an easement over the proposed rising main serving Village 6 in accordance with the requirements of Sydney Water. The granting of the easement is on the basis that no claim for compensation will be made and that the applicant will meet all associated survey and legal costs.

The AMENDMENT was PUT.

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

<b>For</b>	<b>Against</b>
Councillor Bernard Bratusa	Councillor Prue Car
Councillor Mark Davies	Councillor Greg Davies
Councillor Tricia Hitchen	Councillor John Thain
Councillor Ben Goldfinch	Councillor Karen McKeown
Councillor Ross Fowler OAM	Councillor Michelle Tormey
	Councillor Kevin Crameri OAM
	Councillor Jim Aitken OAM
	Councillor Marcus Cornish

The AMENDMENT was LOST.

The MOTION was PUT.

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

<b>For</b>	<b>Against</b>
Councillor Prue Car	Councillor Bernard Bratusa
Councillor Greg Davies	
Councillor John Thain	
Councillor Karen McKeown	
Councillor Michelle Tormey	
Councillor Kevin Crameri OAM	
Councillor Jim Aitken OAM	
Councillor Mark Davies	
Councillor Ben Goldfinch	
Councillor Tricia Hitchen	
Councillor Marcus Cornish	
Councillor Ross Fowler OAM	

The MOTION was CARRIED.

**Note: Please refer to Minute No. 51 of the Ordinary Meeting of 23 March 2015, for amended resolution.**

**OUTCOME 3 - WE CAN GET AROUND THE CITY**

**4 Tender Reference 14/15-18 Design & Construct Jamison Road Shared Path Bridge, Penrith**

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

That:

1. The information contained in the report on Tender Reference 14/15-18 Design & Construct Jamison Road Shared Path Bridge, Penrith be received.
2. Steelworks Engineering Pty Ltd be awarded the contract for the Design & Construction of Jamison Road Shared Path Bridge works for the amount of \$287,486 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

**5 Western Sydney Infrastructure Plan - Local Roads Package**

Councillor Marcus Cornish left the meeting, the time being 8:18pm.

32 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Western Sydney Infrastructure Plan - Local Roads Package be received.
2. Council accept the \$1.1million Western Sydney Infrastructure Plan - Local Roads Package funding
3. A letter of thanks be written to The Hon. Jamie Briggs MP - Assistant Minister for Infrastructure and Regional Development, Federal Member for Mayo, thanking him for the Western Sydney Infrastructure Plan - Local Roads Package funding.
4. Council endorse the submission of a round two Western Sydney Infrastructure Plan - Local Roads Package 100% funding request for the detailed design and construction of the recommended and scoped works on the nine (9) intersections listed.
5. A letter be written to Ms Fiona Scott MP, Member for Lindsay, thanking her for her assistance in securing funding for round two Western Sydney Infrastructure Plan – Local Roads Package.

**OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES**

**6 Proposal for the establishment of an Alcohol Prohibited Area at Memory Park, High Street, Penrith**

33 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Proposal for the establishment of an Alcohol Prohibited Area at Memory Park, High Street, Penrith be received.
2. An Alcohol Prohibited Area be established in the public open space area of Memory Park, bound by High Street, Woodriff Street and Union Lane, Penrith.
3. The Penrith RSL Sub-Branch be consulted regarding the location of the Alcohol Prohibited Area signage prior to installation.

Councillor Marcus Cornish returned to the meeting, the time being 8:20pm.

**7 Tender Reference 14/15-17 Project Management & Design Consultancy for Kingsway Sporting Complex and Blair Oval All Weather Athletics Facility**

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

That:

1. The information contained in the report on Tender Reference 14/15-17 Project Management & Design Consultancy for Kingsway Sporting Complex and Blair Oval All Weather Athletics Facility be received.
2. Barnson Pty Ltd be awarded the contract for the Project Management & Design Consultancy for Kingsway Sporting Complex and Blair Oval All Weather Athletics Facility for an amount of \$381,000 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

**8 Services NSW - Training Facility**

35 RESOLVED on the MOTION of Councillor Kevin Cramer OAM seconded Councillor John Thain that the information contained in the report on Services NSW - Training Facility be received.

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

**9 Smoke Free Workplace Policies**

Councillor Kevin Crameri OAM left the meeting, the time being 8:31pm.

Councillor Kevin Crameri OAM returned to the meeting, the time being 8:32pm.

36 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Jim Aitken OAM that the information contained in the report on Smoke Free Workplace Policies be received.

**10 Allocation of Mulgoa Rise Sportsgrounds**

37 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown

That:

1. The information contained in the report on Allocation of Mulgoa Rise Sportsgrounds be received.
2. Glenmore Park Football Club be allocated the use of the sportsgrounds at Mulgoa Rise on a 'first right to use' basis under a seasonal hire agreement for the winter season.
3. Penrith Junior Cricket Association and Nepean District Cricket Association be allocated shared use of the sportsgrounds at Mulgoa Rise on a 'first right to use' basis under a seasonal hire agreement for the summer season.
4. A further report be provided to Council identifying the opportunities, resource requirement and funding options in relation to facility use and development for Glenmore Park/Emu Plains Lions Junior AFL.

**11 Penrith Homeless Outreach Service Hubs**

Councillor Mark Davies left the meeting, the time being 8:37pm,

Councillor Mark Davies returned to the meeting, the time being 8:38pm.

38 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that the information contained in the report on Penrith Homeless Outreach Service Hubs be received.

**OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL**

**12 Organisational Performance Report December 2014**

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

That:

1. The information contained in the report on Organisational Performance Report December 2014 be received.
2. The *Organisational Performance Report December 2014* as at 31 December 2014, including the revised estimates outlined in this report and detailed in



the attached *Organisational Performance Report – December 2014* be adopted.

**16 Summary of Investments & Banking for the period 1 January to 31 January 2015**

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 January to 31 January 2015 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 January 2015 to 31 January 2015 be noted and accepted.
3. The graphical investment analysis as at 31 January 2015 be noted.

**13 Sale of Land for Unpaid Rates and Charges**

Having previously declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 14, Councillor Michelle Tormey left the meeting, the time being 8:42pm.

41 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Greg Davies

That:

1. The information contained in the report on Sale of Land for Unpaid Rates and Charges be received.
2. Council endorse selling this land to recover the unpaid rates and property debts.
3. The Common Seal of Council be affixed to all necessary documentation.

**14 Proposed Licence Agreement for Car Park located at the corner of Rodgers and Somerset Streets, Kingswood to Healthscope Limited**

42 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Proposed Licence Agreement for Car Park located at the corner of Rodgers and Somerset Streets, Kingswood to Healthscope Limited be received.
2. Council accept a request to terminate an existing licence agreement with Blue Mountains District Health for a temporary car park located at the corner of Rodgers & Somerset Streets, Kingswood.
3. Council now proceed to enter into a 5 year licence agreement with

Healthscope, with a minimum period of 3 years, at a commencing rate of \$60,000 pa with annual CPI increases and a half share of any profit generated above subsidised employee parking fees to be paid to Council.

4. The Manager, Property Development be authorised to enter into an agreement with Healthscope as set out above and given delegated authority to sign licence documentation for and on behalf of Council.
5. Council resolve to affix the Common Seal of Penrith City Council to any necessary documentation.

### **15 Property Development Advisory Panel**

Councillor Michelle Tormey returned to the meeting, the time being 8:44pm.

Councillor Kevin Crameri OAM left the meeting, the time being 8:45pm.

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

That:

1. The information contained in the report on Property Development Advisory Panel be received
2. The Property Development Advisory Panel be established as a Section 355 Committee of Council
3. Panel members be paid a sitting fee as outlined in the report

### **REQUESTS FOR REPORTS AND MEMORANDUMS and URGENT BUSINESS**

#### **UB 1 Rembrandt Dutch Club - Dutch Festival**

Councillor Tricia Hitchen requested that an amount of \$455 be allocated from East Ward voted works to the Rembrandt Dutch Club to cover the cost of a bus to transport nursing home passengers to the Dutch Festival run by the Club.

44 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Greg Davies that the matter be brought forward and dealt with 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.

45 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Greg Davies that an amount of \$455 be allocated from East Ward voted works to the Rembrandt Dutch Club to cover the cost of a bus to transport nursing home passengers to the Dutch Festival run by the Club.

**RR 1      Trees planted in High Street, Penrith**

Councillor Jim Aitken OAM requested a memo reply to all Councillors concerning the trees planted by Penrith City Council in High Street, Penrith which are causing problems to shops due to large quantities of shedding leaves, in particular blocking drainage systems and entering shops causing damage to stock.

**RR 2      Development Application No. 14/1429 for Subdivision of One (1)  
Allotment into Five (5) Allotments for the Future Regional Park,  
Central Precinct and Residue Lots at Lot 1037 DP 1149525  
Residue 1208-1274 The Northern Road Llandilo**

Councillor Kevin Crameri OAM requested a report to Council detailing what Council officers have submitted to the Joint Regional Planning Panel on the filling of the Central Precinct, the Northern Road, Llandilo.

**UB 2      Request for Leave of Absence**

Councillor Kevin Crameri OAM requested Leave of Absence from 16 March 2015 to 20 March 2015 inclusive.

46 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Greg Davies that the matter be brought forward and dealt with 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.

47 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Greg Davies that Leave of Absence be granted to Councillor Kevin Crameri OAM from 16 March 2015 to 20 March 2015 inclusive.

**RR 3      Overhanging trees - Eighth Avenue, Llandilo**

Councillor Kevin Crameri OAM requested a memo to all Councillors concerning removal of overhanging, dead trees in Eighth Avenue, Llandilo between Second and Third Avenues.

**RR 4      Overgrown grass - Property in Second Road, Berkshire Park**

Councillor Kevin Crameri OAM requested a memo reply to all Councillors concerning his request to have a block of land in Second Road, Berkshire Park cleared as the grass height now exceeds one metre high, presenting a possible fire danger.

**RR 5      Development Application No. 14/1429 for Subdivision of One (1)  
Allotment into Five (5) Allotments for the Future Regional Park,  
Central Precinct and Residue Lots at Lot 1037 DP 1149525  
Residue 1208-1274 The Northern Road Llandilo**

Councillor Michelle Tormey requested that, in addition to the resolution at Minute No. 30, with regard to consideration of this development application, further advice be provided regarding site fencing, management of macrofauna, the impact of the link road, and any options for an underpass, once the land is transferred to the National Parks and Wildlife Services.

**RR 6      Audit of Dog Training Facilities**

Councillor Michelle Tormey requested a memo reply to all Councillors providing details of dog training facilities in the Penrith Local Government Area, as well as information on what an audit of these facilities may entail.

**RR 7      Severn Street Fire and South Creek Pollution**

Councillor Michelle Tormey requested a report to Council on the Severn Street Fire and pollution caused to South Creek, with the report to supply the following information: original development application and consent conditions; water quality test results; fire incident report; any suggested future capital works in the business park which could protect South Creek from further pollution; and any complaints received in regard to breaches of consent and outcomes of these.

**RR 8      Drainage Issues - Littlefields Road, Mulgoa**

Councillor Karen McKeown requested that no scheduled maintenance of Littlefields Road, Mulgoa take place, and that instead a report be presented to Council on drainage issues and the change in overland flow as a result of development on neighbouring properties near 87 Littlefields Road, Mulgoa, with the report to include the cost of repairs and resheeting of Littlefields Road over the past 5 years.

**RR 9      'Protect Penrith' Pamphlet**

Councillor John Thain requested a memo reply to all Councillors concerning the distribution of 'Protect Penrith' pamphlets, seeking donations, and requesting Council officers to contact the representatives of Protect Penrith Action Group Inc to clarify details of registration, officer bearers and assurance of where funds will be donated.

Councillor John Thain left the meeting, the time being 9:15pm.

Councillor Kevin Crameri OAM left the meeting, the time being 9:15pm.

**RR 10     Intersection of Dunheved Road at Werrington County Shopping Centre**

Councillor Prue Car requested an urgent report to Council investigating all possible options available to Council and the NSW Government to address the dangerous intersection on Dunheved Road and the Werrington County Shopping Centre.

**RR 11     Lighting - Forrester Road, St Marys**

Councillor Greg Davies requested that the matter of providing street lighting in the section of Forrester Road, St Marys, from the North St Marys Leagues Club to the entrance to Ropes Crossing, outside the Masters building, be referred to the Local Traffic Committee for investigation.

## COMMITTEE OF THE WHOLE

48 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor John Thain that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:18pm.

Councillors Prue Car and Greg Davies left the meeting, the time being 9:18pm.

Councillor Greg Davies returned to the meeting, the time being 9:19pm.

### 1 Presence of the Public

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

#### Outcome 7

### 2 Commercial Matter - Proposed sale of a Council property

*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 Council Property - Lease to Naval Association of Australia (Nepean & Blue Mountains Subsection) Incorporated to occupy Lot 8 DP 583415, 42 Bruce Neale Drive, Penrith

*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.*

#### Outcome 5

### 4 Status on Litigation and Compliance Matters

*This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

#### Outcome 3

### 5 Allen & Welch Place Parking Structures and Ramps

*This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

**Outcome 7**

**6 Senior Staff Matters**

*This item has been referred to Committee of the Whole as the report refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

The meeting resumed at 10:42pm and the General Manager reported that the Committee of the Whole met at 9:18pm on 23 February 2015, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Greg Davies and Councillors Jim Aitken OAM, Bernard Bratusa, Prue Car, Kevin Crameri OAM, Marcus Cornish, Mark Davies, Ben Goldfinch, 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**

Councillor Kevin Crameri OAM returned to the meeting, the time being 9:20pm.

Councillor Prue Car returned to the meeting, the time being 9:20pm.

**2 Commercial Matter - Proposed sale of a Council property**

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

CW2 That:

1. The information contained in the report on Commercial Matter - Proposed sale of a Council property be received.
2. The sale of the described property proceed as recommended.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation for the sale of the property.
4. A covenant be imposed on the property requiring the future use of the site to be restricted to medical or related uses.

**3 Council Property - Lease to Naval Association of Australia (Nepean & Blue Mountains Subsection) Incorporated to occupy Lot 8 DP 583415, 42 Bruce Neale Drive, Penrith**

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Greg Davies

CW3 That:

1. The information contained in the report on Council Property - Lease to Naval Association of Australia (Nepean & Blue Mountains Subsection)

Incorporated to occupy Lot 8 DP 583415, 42 Bruce Neale Drive, Penrith be received.

2. Council grant a 5 year lease to the Naval Association of Australia (Nepean & Blue Mountains Subsection) Incorporated under Section 47A of the Local Government Act 1993 to occupy Lot 8 DP 583415 Bruce Neale Drive, Penrith in accordance with the terms and conditions outlined in the report.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

#### **4 Status on Litigation and Compliance Matters**

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

CW4 That the information contained in the report on the Status on Litigation and Compliance Matters be received.

#### **5 Allen & Welch Place Parking Structures and Ramps**

Councillor Prue Car left the meeting, the time being 9:40pm.

Councillor Prue Car returned to the meeting, the time being 9:47pm.

RECOMMENDED on the MOTION of Councillor Mark Davies seconded Councillor Tricia Hitchen

CW5 That:

1. The information contained in the report on Allen & Welch Place Parking Structures and Ramps be received.
2. The actions outlined in the report be adopted.

#### **6 Senior Staff Matters**

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown

CW6 That:

1. The information contained in the report on Senior Staff Matters be received.
2. The recommendation of the Senior Staff Recruitment Review Committee endorsing the Assistant General Manager's contract renewal be endorsed.

#### **ADOPTION OF COMMITTEE OF THE WHOLE**

49 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5 and CW6 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:44pm.

I certify that these 16 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 23 February 2015.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date