

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

ON MONDAY 29 JUNE 2015 AT 7:37PM

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 and Councillors Jim Aitken OAM, Bernard Bratusa, Kevin Crameri OAM, Marcus Cornish, Mark Davies, Maurice Giroto, Ben Goldfinch, Jackie Greenow OAM, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

APOLOGIES

151 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown that an apology be received from Councillor Prue Car MP.

CONFIRMATION OF MINUTES - Ordinary Meeting - 25 May 2015

152 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM that the minutes of the Ordinary Meeting of 25 May 2015 be confirmed.

CONFIRMATION OF MINUTES - Extraordinary Council Meeting - 9 June 2015

153 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the minutes of the Extraordinary Council Meeting of 9 June 2015 be confirmed.

DECLARATIONS OF INTEREST

Councillor Mark Davies declared a Pecuniary Interest in *Item 5 - Development Application DA15/0161 Rural Shed Lot 68 DP 846098 (No.4) Cabernet Circuit, Orchard Hills* as the applicant's wife works in the Office of his wife, the Member for Mulgoa. Councillor Mark Davies stated that he would not take part in the debate and would leave the Chamber during consideration of this item.

Councillor Jackie Greenow OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 6 - RFT14/15-25 Mechanical Services Upgrade for the Joan Sutherland Performing Arts Centre* as she is a Director on the Board of the Joan Sutherland Performing Arts Centre.

Councillor Karen McKeown declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 6 - *RFT14/15-25 Mechanical Services Upgrade for the Joan Sutherland Performing Arts Centre* as she is a Director on the Board of the Joan Sutherland Performing Arts Centre.

SUSPENSION OF STANDING ORDERS

154 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Marcus Cornish that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:42pm.

Antonio Maltese

Item 5 – Development Application DA15/0161 Rural Shed Lot 68 DP 846098 (No. 4) Cabernet Circuit, Orchard Hills

Mr Maltese, the applicant, spoke in support of the development. Mr Maltese stated that he had attended a mediation regarding amendments to the development application and that an amendment to the location of the shed had been agreed upon by himself and Council officers. Mr Maltese added that the landscaping he will provide will soften the visual impact of the shed when viewed from the next door property. Mr Maltese concluded by stating that he believed a precedent had already been set for the erection of similar sheds on other properties in the area.

Albert Kuipers

Item 5 – Development Application DA15/0161 Rural Shed Lot 68 DP 846098 (No. 4) Cabernet Circuit, Orchard Hills

Mr Kuipers, an affected resident, spoke in opposition to the location of the proposed shed, and tabled photos of the proposed shed's location taken from his home on the next door property. Mr Kuipers stated that the height of the wall of the shed would obstruct views of the skyline from his home. Mr Kuipers added that the subject property is approximately one metre higher than his property and that he considers the distance from the location of the proposed shed to his home to be as close as 15 metres.

RESUMPTION OF STANDING ORDERS

155 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Michelle Tormey that Standing Orders be resumed, the time being 8:06pm.

MAYORAL MINUTES

1 Locals recognised in Queen's Birthday Honours

Councillor Greg Davies spoke in support of the Mayoral Minute.

156 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that the Mayoral Minute on Locals recognised in Queen's Birthday Honours be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 1 June 2015

157 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ben Goldfinch that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 1 June, 2015, be adopted, with the exception of *Item 12 - Billington Place car park, Emu Plains - Changes to parking restrictions*, with Item 12 to be deferred for consideration at a Councillor Briefing before being reconsidered by the Local Traffic Committee.

2 Report and Recommendations of the Policy Review Committee Meeting held on 22 June 2015

158 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 22 June, 2015 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

2 Tender Reference 14/15-23 Provision of Ground and Lawn Maintenance Services

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

That:

1. The information contained in the report on Tender Reference 14/15-23 Provision of Ground and Lawn Maintenance Services be received.
2. The tender from Star Property Maintenance NSW Pty Ltd for the sum of \$66,480 be accepted for the provision of Child Care Ground and Lawn Maintenance Services on an 'as required basis' for a period of three years (3) with an option to extend for a further two (2) x one (1) year periods, by mutual agreement and subject to satisfactory performance.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

1 National Growth Areas Alliance Update

160 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jim Aitken OAM that the information contained in the report on National Growth Areas Alliance Update be received.

3 Children's Services Department Federal Funding Grant – Children and Parenting Strategy

161 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Children's Services Department Federal Funding Grant – Children and Parenting Strategy be received.
2. The Minister for Social Services, the Hon Scott Morrison MP, be thanked for the funding.
3. Children's Services staff and management involved in the current Children's Services Child Care Links program be thanked for the positive outcomes achieved over the last ten years.
4. The Member for Lindsay, Ms Fiona Scott MP, be thanked for her efforts in securing this funding.

4 Penrith Business Alliance

162 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain

That:

1. The information contained in the report on Penrith Business Alliance be received.
2. Council advise the Penrith Business Alliance of its decision to pursue an alternative framework for economic development and that Council funding of the PBA will cease after 30 June 2015.
3. Council endorses that the PBA funding is re-allocated to Council's Economic Development Strategy.
4. The Penrith Business Alliance and its members be appropriately recognised and thanked for their work.
5. An urgent report be brought to Council outlining an implementation plan, including funding, for the City's Economic Development Strategy.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

Having previously declared a Pecuniary Interest in Item 5, Councillor Mark Davies left the meeting, the time being 8:38pm.

5 Development Application DA15/0161 Rural Shed Lot 68 DP 846098 (No.4) Cabernet Circuit, Orchard Hills Applicant: Antonio Maltese; Owner: ~Antonio and Angela Maltese

A MOTION was moved by Councillor Jim Aitken OAM seconded Councillor Marcus Cornish that consideration of this item be deferred pending an onsite inspection by Councillors.

163 An AMENDMENT was moved by Councillor John Thain seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Development Application DA15/0161 Rural Shed Lot 68 DP 846098 (No.4) Cabernet Circuit, Orchard Hills be received.
2. DA15/0161 for a rural shed at 4 Cabernet Circuit, Orchard Hills, be approved subject to the following conditions:

Standard Conditions:

A001 – Approved plans

A008 – Works to BCA requirements

A019 – Occupation Certificate

A020 – Use of Building

A046 – Obtain Construction Certificate before commencement of works

D001 – Implement Approved Sediment and Erosion Control Measures

D007 – Filling of Land

D009 – Covering of Waste Storage Area

E001 – BCA compliance

H001 – Stamped plans and erection of site notice

H030 – Roof finishes (rural property)

H041 – Hours of work

K016 – Stormwater

K026 – Stabilised access

L008 – Tree Preservation Order

L012 – Retain existing landscaping

P002 – Fees associated with Council land

Q01F – Notice of Commencement and Appointment of PCA

Q05F – Occupation Certificate

ASpecial – The ridge height of the rural shed shall not exceed the ridge height of the dwelling.

LSpecial - Additional landscaping shall be provided along the southern side of the rural shed and extend a minimum 5.0m beyond the front setback of the shed. Landscaping shall consist of native trees and shrubs planted at minimum height of 1.5m and shall be capable of attaining a minimum height of 2.5m at maturity.

The AMENDMENT was PUT.

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 John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Ross Fowler OAM

Against

Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Marcus Cornish

The AMENDMENT then BECAME the SUBSTANTIVE MOTION.

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

Councillor Greg Davies
Councillor John Thain
Councillor Karen McKeown
Councillor Michelle Tormey
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Ross Fowler OAM

Against

Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Marcus Cornish

THE MOTION was CARRIED.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

Councillor Mark Davies returned to the meeting, the time being 8:44pm.

6 RFT14/15-25 Mechanical Services Upgrade for the Joan Sutherland Performing Arts Centre

164 A MOTION was moved by Councillor Mark Davies seconded Councillor Marcus Cornish that this matter be deferred to a Councillor Briefing.

165 An AMENDMENT was moved by Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on RFT14/15-25 Mechanical Services Upgrade for the Joan Sutherland Performing Arts Centre be received.
2. That the tender from HSA Services Pty Ltd T/As HVAC SYSTEMS be accepted for Stages 1 - JSPAC and Civic Centre Works including BMS, Stage 2 - JSPAC Borland Foyer Works (Western Foyer), Stage 3 - JSPAC East and West Lobby Works (Northern Foyer) and Stage 4 – JSPAC Q Theatre Works for the total lump sum of \$1,335,200 exc GST.

The AMENDMENT was PUT.

The AMENDMENT was CARRIED and on becoming the SUBSTANTIVE MOTION was also CARRIED.

7 Metropolitan Greenspace Program: Placement of Common Seal to accept funding

166 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Metropolitan Greenspace Program: Placement of Common Seal to accept funding be received
2. Council endorse the Common Seal of the Council of the City of Penrith be placed on the Deed to accept funding for the Metropolitan Greenspace Program's 2014 round of funding for the 'Our River – Path, Play and Planning' project.

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

8 RFT 14/15-12 Request for Tender for the Provision of a Library Management System

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

That:

1. The information contained in the report on RFT 14/15-12 Request for Tender for the Provision of a Library Management System be received.

2. The tender from Civica Pty. Ltd. be accepted at a price of \$397,500 (ex GST) to be paid over a period of five years (\$79,500 per annum).

9 National Stronger Regions Fund - Round 2

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

That:

1. The information contained in the report on National Stronger Regions Fund - Round 2 be received.
2. Council endorse an application to Round 2 of the NSRF to redevelop the South Creek Sporting Precinct, seeking a grant of \$10m under the fund.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

10 Proposed Permanent Closure of Part Horace Street, Cranebrook and Part Francis Street, Cambridge Park

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

That:

1. The information contained in the report on Proposed Permanent Closure of Part Horace Street, Cranebrook and Part Francis Street, Cambridge Park be received.
2. Council approve submitting road closures applications over part of Horace Street, Cranebrook and part Francis Street, Cambridge Park to NSW Trade & Investment Crown Lands as outlined in the report.
3. A further report be submitted to Council seeking Council resolution for permanent road closure of part Horace Street, Cranebrook and part Francis Street, Cambridge Park following advertising and approval from NSW Trade & Investment Crown Lands.
4. The subject road closure lands be classified as Operational and consolidated with adjoining Council land following the permanent road closure of part Horace Street, Cranebrook and part Francis Street, Cambridge Park.

12 2014-15 Borrowing Program

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

That:

1. The information contained in the report on 2014-15 Borrowing Program be received.
2. Council be advised that ANZ was the successful lender for the 2014-2015 borrowings.

17 Summary of Investments and Banking for Period of 1 May 2015 to 31 May 2015

171 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the information contained in the report on Summary of Investments and Banking for Period of 1 May 2015 to 31 May 2015 be received.

11 Proposed Acquisition of Easement for Transport for NSW 66kv Aerial Cables over Council Car Park at Emu Plains Station in connection with Nepean Green Bridge Project

172 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Proposed Acquisition of Easement for Transport for NSW 66kv Aerial Cables over Council Car Park at Emu Plains Station in connection with Nepean Green Bridge Project be received
2. Council accept the nominal amount of \$1 as compensation for the creation of the easement over Council's land.
3. RMS bear any incidental costs incurred by Council in relation to the project.
4. The Common Seal of Penrith City Council be affixed to all necessary documentation to create the easement benefitting TfNSW over Council's land.

13 Adoption of Council's 2015-16 Operational Plan & Fees and Charges, including amendments to the Community Plan and Delivery Program 2013-17

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

That:

1. The information contained in the report on Adoption of Council's 2015-16 Operational Plan & Fees and Charges, including amendments to the Community Plan and Delivery Program 2013-17 be received.
2. In accordance with the Local Government Act 1993 under section 405, Council adopt the revised 2015-16 *Operational Plan* and draft *Fees and Charges*, including any amendments made at tonight's meeting.
3. Council adopt the amendment to the *Community Plan* and changes recommended to Council's *Delivery Program 2013-17*.
4. Those who made submissions be advised of Council's decision and thanked for their contribution.

Councillors Kevin Crameri OAM, Jim Aitken OAM and Marcus Cornish requested that their names be recorded as having voted against the Motion.

14 Making of the Rate

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

That:

1. The information contained in the report on Making of the Rate be received.
2. **Ordinary Rate** - Council make its Residential, Business and Farmland rates for 2015-16 in accordance with Section 535 of the Local Government Act 1993 such rate to be as follows:

Residential	Minimum Amount	\$864.20
	Ad Valorem	0.45470 Cents in the Dollar
Farmland	Minimum Amount	\$864.20
	Ad Valorem	0.22735 Cents in the Dollar
Business	Minimum Amount	\$1,105.80
	Ad Valorem	0.79190 Cents in the Dollar
Business subcategory – Penrith CBD	Minimum Amount	\$1,105.80
	Ad Valorem	0.89900 Cents in the Dollar
Business subcategory – St Marys Town Centre	Minimum Amount	\$1,105.80
	Ad Valorem	1.21800 Cents in the Dollar

3. Stormwater Charges

Council make its Stormwater Management Service charge to be applied on all urban residential and urban business land as outlined below. This is in accordance with Council’s Policy outlined in the 2015-16 Operational Plan and Fees & Charges (except land which is exempt from the Stormwater Management Services charge as outlined in Section 496A of the Local Government Act 1993).

For the 2015-16 year, the charges will be:

Residential non-strata properties	\$25 per annum
Residential strata properties	\$12.50 per annum
Urban business properties	\$22.80 plus an additional \$22.80 for 350 square metres or part of 350 square metres by which the area of the parcel exceeds 350 square metres.

4. Domestic Waste Charges

Council make its Domestic Waste Service charge to be applied to each parcel of rateable land for which the service is available, including vacant land, in accordance with Section 496 of the Local Government Act 1993. The charges will be at the amounts specified in the 2015-16 Operational Plan and 2015-16 Fees & Charges.

5. Effluent Charges

Council make its annual charge for effluent removal services to be applied to each residential occupancy with a single or shared pump out septic tank system at the rates specified in the 2015-16 Operational Plan and 2015-16 Fees & Charges. Additional pump-out services are subject to an additional charge at the

amounts specified in the 2015-16 Operational Plan and 2015-16 Fees & Charges.

6. Interest

For the purpose of calculating the interest on overdue rates and charges in accordance with Section 566(3) of the Local Government Act 1993, Council make the interest charge of 8.5% per annum for 2015-16.

7. Pension Rebate

In addition to the mandatory pensioner rebate under the Local Government Act, 1993, Council will provide a voluntary rebate under Section 582 of the Local Government Act 1993. The voluntary rebate will be equivalent to the annual stormwater charge applicable to the property. Pro-rata calculations will be applied to rebates that start or cease within the financial year according to Sections 575 and 584 of the Local Government Act 1993.

8. Service of Rate Notices

The General Manager be and is hereby authorised, to prepare and serve Rates and Charges Notices for and on behalf of Council.

Councillors Kevin Crameri OAM, Jim Aitken OAM and Marcus Cornish requested that their names be recorded as having voted against the Motion.

15 NSW Electricity Infrastructure

Councillors John Thain and Karen McKeown left the meeting, the time being 9:19pm.

Councillor Karen McKeown returned to the meeting, the time being 9:21pm.

Councillors Maurice Giroto and Tricia Hitchen left the meeting, the time being 9:21pm.

Councillor Bernard Bratusa left the meeting, the time being 9:22pm.

Councillor Bernard Bratusa returned to the meeting, the time being 9:23pm.

Councillor Jackie Greenow OAM left the meeting, the time being 9:23pm.

Councillor Tricia Hitchen returned to the meeting, the time being 9:23pm.

Councillor Maurice Giroto returned to the meeting, the time being 9:24pm.

Councillor Jackie Greenow OAM returned to the meeting, the time being 9:25pm.

175 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Maurice Giroto that an extension of time be granted to enable Councillor Kevin Crameri OAM to complete his address, the time being 9:25pm.

176 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Greg Davies that the information contained in the report on NSW Electricity Infrastructure be received.

16 Membership of the Penrith CBD Corporation Board

177 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Greg Davies

That:

1. The information contained in the report on Membership of the Penrith CBD Corporation Board be received.
2. Council appoint Councillor Tricia Hitchen to represent Penrith City Council on the Penrith CBD Corporation Board.

REQUESTS FOR REPORTS AND MEMORANDUMS and URGENT BUSINESS

UB 1 Personnel Matter

Councillor Bernard Bratusa requested that a matter be referred to Committee of the Whole as it refers to personnel matters concerning particular individuals and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

UB 2 Commercial Matter

Councillor John Thain requested that a matter be referred to Committee of the Whole as it 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.

UB 3 Vanuatu Cricket Team

Councillor Bernard Bratusa requested that an amount of \$2,000 from each Ward's voted works (totalling \$6,000) be allocated to assist with travel and accommodation costs for the Vanuatu Cricket Team while they are touring in the Penrith area.

178 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Karen McKeown 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.

179 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Karen McKeown that an amount of \$2,000 from each Ward's voted works (totalling \$6,000) be allocated to assist with travel and accommodation costs for the Vanuatu Cricket Team while they are touring in the Penrith area.

RR 1 Lease between Penrith City Council and Nepean District Tennis Association

Councillor Bernard Bratusa requested a memo reply to all Councillors providing an update on the status of the lease between Penrith City Council and Nepean District Tennis Association of Woodriff Gardens Tennis Complex.

RR 2 Fernhill Picnic Races

Councillor Bernard Bratusa requested a report to a Councillor Briefing outlining assistance Council has provided to the proponents of the Fernhill Picnic Races and that the report outline Council's role in ensuring the event continues to be staged in future years.

RR 3 Code of Meeting Practice - Consumption of Alcohol

Councillor Marcus Cornish requested a report to Council regarding the consumption of alcohol by Councillors and Council officers prior to public meetings where voting takes place, being all Ordinary Meetings and Policy Review Committee Meetings. Councillor Marcus Cornish also requested that a recommendation be included in the report that the Code of Meeting Practice for Penrith City Council include a clause that no alcohol may be consumed by Councillors and Council officers before these meetings.

RR 4 Frogmore Road and The Northern Road, Orchard Hills

Councillor Tricia Hitchen requested that the Local Traffic Committee investigate the possibility of providing a left hand turning lane from Frogmore Road onto the Northern Road at Orchard Hills, in order to reduce the number of vehicles queueing behind right hand turning vehicles at the intersection.

RR 5 Council trees in High Street, Penrith

Councillor Jim Aitken OAM requested a memo reply to all Councillors advising on measures taken by Council officers to clean up leaves shed by Council trees in High Street, from shop awnings and if possible the trees be replaced with a more suitable type that does not shed such a large quantity of leaves.

UB 4 Personal Matter

Councillor Kevin Crameri OAM requested that a matter be referred to Committee of the Whole as it refers to the personal hardship of a resident or ratepayer and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

UB 5 Personal Matter

Councillor Kevin Crameri OAM requested that a matter be referred to Committee of the Whole as it refers to the personal hardship of a resident or ratepayer and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

UB 6 Llandilo Rural Fire Service - Provision of Concrete Slab to Park Tanker

Councillor Kevin Crameri OAM requested that an amount of \$8,000 be allocated from North Ward voted works to the Llandilo Rural Fire Service to provide a concrete slab to accommodate a fully loaded Category 1 Tanker.

180 RESOLVED on the MOTION of Councillor Kevin Crameri OAM 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.

181 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Greg Davies that an amount of \$8,000 be allocated from North Ward voted works to the Llandilo Rural Fire Service to provide a concrete slab to accommodate a fully loaded Category 1 Tanker.

RR 6 Dumping of Aviation Fuel

Councillor Kevin Crameri OAM requested a report to Council investigating recent reports of aircraft dumping fuel in air space over Port Phillip Bay and the Blue Mountains.

RR 7 Badgerys Creek Airport

Councillor Kevin Crameri OAM requested a report to Council, following on from his request at Council's Ordinary Meeting of 2 February 2015, regarding current issues concerning the effects of the proposed airport on properties in St Clair, St Marys and Claremont Meadows which may be under the flight path, and Council's role in protecting these areas from aircraft noise.

Councillors Marcus Cornish and Greg Davies left the meeting at 9:54pm and did not return.

COMMITTEE OF THE WHOLE

182 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Bernard Bratusa that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:54pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor John Thain seconded Councillor Bernard Bratusa that the press and public be excluded from Committee of the Whole to deal with the following matters:

Outcome 7

2 Commercial Matter - Council Property - Assignment of Lease from Maria Azize to Christopher Psathas over Shop 1 at 225-227 Queen Street, St Marys

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 - Maurice Lane, St Clair - Permanent Road Closure and Sale of Land to Adjoining Owners

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

4 Commercial Matter - Stormwater Relocation - 12 Carson Lane, St Marys

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.

5 Personnel Matter

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

6 Commercial Matter

This matter has been referred to Committee of the Whole as it 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.

7 Personal Matter

This matter has been referred to Committee of the Whole as it refers to the personal hardship of a resident or ratepayer and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

8 Personal Matter

This matter has been referred to Committee of the Whole as it refers to the personal hardship of a resident or ratepayer and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 10:19pm and the General Manager reported that the Committee of the Whole met at 9:54pm on 29 June 2015, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM and Councillors Jim Aitken OAM, Bernard Bratusa, Kevin Crameri OAM, 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 - Council Property - Assignment of Lease from Maria Azize to Christopher Psathas over Shop 1 at 225-227 Queen Street, St Marys

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow OAM

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Assignment of Lease from Maria Azize to Christopher Psathas over Shop 1 at 225-227 Queen Street, St Marys be received.
2. Council approve the proposed lease assignment request from Maria Azize to Christopher Psathas as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

3 Commercial Matter - Maurice Lane, St Clair - Permanent Road Closure and Sale of Land to Adjoining Owners

Councillor Michelle Tormey left the meeting, the time being 9:56pm.

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Maurice Giroto

CW3 That:

1. The information contained in the report on Commercial Matter - Maurice Lane, St Clair - Permanent Road Closure and Sale of Land to Adjoining Owners be received.
2. Upon permanent closure of the laneway Council sell the land to the interested adjoining owners.
3. Upon closure the closed road be classified as Operational land.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation to effect closure of Maurice Lane.
5. The Common Seal of the Council of the City of Penrith be affixed to all necessary transfer documentation to arrange sale of the land.

4 Commercial Matter - Stormwater Relocation - 12 Carson Lane, St Marys

Councillor Michelle Tormey returned to the meeting, the time being 9:57pm.

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

CW4 That:

1. The information contained in the report on Commercial Matter - Stormwater Relocation - 12 Carson Lane, St Marys be received.
2. Council accept the payment as detailed within the report as compensation for the use of Council land to facilitate drainage relocation.

3. The Common Seal of Penrith City Council be affixed to any documentation that may be required to complete the transaction.

5 Personnel Matter

RECOMMENDED on the MOTION of Councillor Bernard Bratusa seconded Councillor Kevin Crameri OAM

CW5 That the Property Development Advisory Panel be requested to provide strategic advice on all Council owned properties in the Penrith CBD.

6 Commercial Matter

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM

CW6 That a memo be provided to all Councillors regarding the surplus Council owned property on Werrington Road, Werrington.

7 Personal Matter

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown

CW7 That information be received in relation to a property on the corner of Llandilo Road and Mayo Road, Llandilo.

8 Personal Matter

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain

CW8 That the information provided on DA14/0766 be received and noted.

ADOPTION OF COMMITTEE OF THE WHOLE

183 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jackie Greenow OAM that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5, CW6, CW7 and CW8 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:20pm.

I certify that these 17 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 29 June 2015.

Chairperson

Date