

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

ON MONDAY 26 JUNE 2017 AT 7:33PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor John Thain 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 John Thain, Deputy Mayor, Councillor Tricia Hitchen, and Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Marcus Cornish, Kevin Crameri OAM, Greg Davies, Mark Davies, Aaron Duke, Ross Fowler OAM, Karen McKeown, Kath Presdee and Ben Price.

APOLOGIES

128 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Karen McKeown that an apology be accepted for Councillor Joshua Hoole.

CONFIRMATION OF MINUTES - Ordinary Meeting - 22 May 2017

129 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that the minutes of the Ordinary Meeting of 22 May 2017 be confirmed, with an amendment to Recommendation 2 of *Item 2 of the Committee of the Whole – Creation of Drainage Easement over Council Land at 146-150 Derby Street Penrith (Lot 2 DP505483)* to now read:

“2. Council grant a Drainage Easement over Lot 2 DP 505483 in accordance with the terms and conditions listed in this report.”

DECLARATIONS OF INTEREST

There were no declarations of interest.

SUSPENSION OF STANDING ORDERS

130 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Karen McKeown that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:38pm.

Mr Chris Gantt

Item 1 – Sydney Science Park Precinct Plan

Mr Gantt, representing the applicant, Celestino, spoke in support of the recommendation for Council's adoption and endorsement of the Sydney Science Park Precinct Plan – First Community, and commended the Plan to Council.

Ms Debbie Michalek

Item 3 – Erskine Park Planning Proposal

Ms Michalek, an affected neighbour, spoke in opposition to the recommendation, stating that she lives next to the proposed development and that her major concern is the unacceptable density of the current proposal. Ms Michalek stated that there may be a possibility of too many two-storey development houses being built on the reserve, causing overshadowing to the yards of existing nearby properties.

131 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Bernard Bratusa that an extension of time be granted to enable the speaker to complete her address, the time being 7:46pm.

Ms Michalek concluded by stating that Council needs to protect the amenity of the current residents, and ensure that the existing developed environment remains intact.

Mr Alan Ginns

Item 9 - Adoption of Council's Community Plan; Resourcing Strategy; Delivery Program 2017-21 and 2017-18 Operational Plan; and Confirmation of Organisational Structure

Mr Ginns, an interested citizen, spoke in opposition to the recommendation, raising concerns of ratepayers in Rural Residential areas of the Local Government Area. Mr Ginns asked Council to reconsider proposed rating charges in rural areas as they are currently inequitable. Mr Ginns raised the issue of lack of road and footpath maintenance, causing potholes and other road damage, often resulting in a lack of drainage, causing watercourse and flooding issues to properties in rural residential areas.

RESUMPTION OF STANDING ORDERS

132 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Aaron Duke that Standing Orders be resumed, the time being 7:52pm.

MAYORAL MINUTES

1 Roger Nethercote

Councillors Ross Fowler OAM and Greg Davies spoke in support of the Mayoral Minute.

133 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the Mayoral Minute on Roger Nethercote be received.

3 2017 Queens Birthday Honours

Deputy Mayor, Councillor Tricia Hitchen and Councillors Greg Davies, Bernard Bratusa and Jim Aitken OAM spoke in support of the Mayoral Minute.

134 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that the Mayoral Minute on 2017 Queens Birthday Honours be received.

2 Gold Award for 2015-2016 Annual Report

Councillor Ross Fowler OAM spoke in support of the Mayoral Minute.

135 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the Mayoral Minute on Gold Award for 2015-2016 Annual Report be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 5 June 2017

136 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Karen McKeown that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 5 June, 2017 be adopted.

Councillor Kath Presdee left the meeting, the time being 8:09pm.

DELIVERY PROGRAM REPORTS

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

1 Sydney Science Park Precinct Plan Applicant: Celestino Developments SSP Pty Ltd; Owner: ~Sydney Science Park Pty Ltd

Councillor Kath Presdee returned to the meeting, the time being 8:11pm.

137 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Sydney Science Park Precinct Plan be received.
2. The Sydney Science Park Precinct Plan – First Community be endorsed and adopted by Council, subject to Celestino providing the final preliminary art strategy to complement the precinct plan, and subject to further amendment of page 21, the street typologies- boulevard section, to ensure both the east-west and north-south boulevard roads are described.

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

For

Against

Councillor Kath Presdee
Councillor Ben Price
Councillor Greg Davies
Councillor Todd Carney
Councillor Aaron Duke
Councillor Karen McKeown
Councillor Kevin Crameri OAM
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor John Thain

2 Tender Reference 16/17-11, Erskine Business Park Improvement Project

138 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Tender Reference 16/17-11, Erskine Business Park Improvement Project be received
2. Co-ordinated Landscapes Pty. Limited be awarded the contract for on Tender Reference 16/17-11, Erskine Business Park Improvement Project for an amount of \$1,292,600 excluding GST.
3. Council approve the expenditure of funds and the carrying out of the required project works.
4. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

3 Erskine Park Planning Proposal

139 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Todd Carney

That:

1. The information contained in the report on Erskine Park Planning Proposal be received
2. The Independent Public Hearing Report on the Planning Proposal be noted by Council.
3. Council resolve to adopt the exhibited Planning Proposal in the amended form described in this report, by curtailing the extent of land in Capella/Canopus Park affected to a lot of approximately 1,100 sq.m, as shown in the amended Plans detailed in Attachment 4 to this report.

4. Council forward the amended Planning Proposal to the Greater Sydney Commission and/or Department of Planning & Environment, outlining the community consultation and independent public hearing undertaken and request the Department make a Local Environmental Plan to bring the Planning Proposal into effect.

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

For	Against
Councillor Kath Presdee	Councillor Kevin Crameri OAM
Councillor Ben Price	Councillor Bernard Bratusa
Councillor Greg Davies	Councillor Marcus Cornish
Councillor Todd Carney	
Councillor Aaron Duke	
Councillor Karen McKeown	
Councillor Ross Fowler OAM	
Councillor Jim Aitken OAM	
Councillor Mark Davies	
Councillor Tricia Hitchen	
Councillor John Thain	

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

4 Tender Reference 16/17-17, Construction of Shared Path along Tench Avenue, Jamisontown

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

That:

1. The information contained in the report on Tender Reference 16/17-17, Construction of Shared Path along Tench Avenue, Jamisontown, be received
2. Talis Civil Pty Ltd be awarded the contract for the Construction of 160m of Shared Path along Tench Avenue, Jamisontown, for an amount of \$390,000 excluding GST.
3. Talis Civil Pty Ltd be awarded the 3-year contract for the Construction of Shared Path along Tench Avenue based on the schedule of rates they have provided, to be let as more funding becomes available.
4. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

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

5 Arts NSW - Western Sydney Making Space Program Funding

141 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Kath Presdee

That:

1. The information contained in the report on Arts NSW - Western Sydney Making Space Program Funding be received.
2. Council endorse receipt of grant funds of \$60,000 from Arts NSW under the Western Sydney Making Space Program for the purpose outlined in this report.

6 Nepean Jobs For All - National Disability Insurance Agency Funding

Councillor Aaron Duke left the meeting, the time being 8:35pm.

142 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Nepean Jobs For All - National Disability Insurance Agency Funding project be received.
2. Council endorse receipt of \$95,000 in National Readiness grant funds from the National Disability Insurance Agency (NDIA) under the Information, Linkages and Capacity Building program for the Nepean Jobs For All project.
3. Council write to the General Managers at Blue Mountains City and Hawkesbury City Councils and the CEO of the Regional Strategic Alliance to thank them for their support for the project and inform them of the successful NDIA application for funding.

7 Cambridge Gardens Skate Park

Councillor Greg Davies left the meeting, the time being 8:36pm.

Councillor Aaron Duke returned to the meeting, the time being 8:37pm.

143 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Cambridge Gardens Skate Park be received.
2. Council allocate an amount of \$20,000 from North Word voted works to enable the engagement of a skate park design company to further the site investigations for a skate park at Cambridge Gardens.

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

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

8 Policy on the Payment of Expenses and Provision of facilities to Mayor, Deputy Mayor and Councillors

144 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Policy on the Payment of Expenses and Provision of facilities to Mayor, Deputy Mayor and Councillors be received.
2. Council adopt the Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors accompanying this report.

10 Write off of unrecoverable Sundry Debtor accounts

145 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Write off of unrecoverable Sundry Debtor accounts be received.
2. The five sundry debts totalling \$16,612 outlined in this report be written off.

11 Licence Agreement with The Scouts Association of Australia NSW Branch over 1st Erskine Park, 1st South Penrith and 1st St Marys Premises

146 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Licence Agreement with The Scouts Association of Australia NSW Branch over 1st Erskine Park, 1st South Penrith and 1st St Marys Premises be received
2. Council approve the proposed new licence agreements as detailed in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

12 Summary of Investments & Banking for the period 1 May 2017 to 31 May 2017

147 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 May 2017 to 31 May 2017 be received

2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 May 2017 to 31 May 2017 be noted and accepted.
3. The graphical investment analysis as at 31 May 2017 be noted.

9 Adoption of Council's Community Plan; Resourcing Strategy; Delivery Program 2017-21 and 2017-18 Operational Plan; and Confirmation of Organisational Structure

148 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Adoption of Council's Community Plan; Resourcing Strategy; Delivery Program 2017-21 and 2017-18 Operational Plan; and Confirmation of Organisational Structure be received.
2. In accordance with the Local Government Act 1993 under section 405, Council adopt Council's Community Plan; Resourcing Strategy; Delivery Program 2017-21 and 2017-18 Operational Plan, including any amendments made at tonight's meeting; and any additional minor corrections
3. Council adopt the following to make the Rates and Charges for 2017-18:
 - a. **Ordinary Rate:** Council make its Residential, Business and Farmland rates for 2017-18 in accordance with Section 535 of the Local Government Act 1993 such rate to be as follows:

Category	Minimum Amount	Ad Valorem (cents in the dollar)
Residential	\$1,007.00	0.343687
Farmland	\$1,007.00	0.1718435
Business	\$1,214.15	0.61189
Business subcategory – Penrith CBD	\$1,214.15	0.69449
Business subcategory – St Marys Town Centre	\$1,214.15	0.940774

- b. **Stormwater Charges:** Council make its Stormwater Management Service charge to be applied on all urban residential and urban business land as outlined in the report.
- c. **Domestic Waste Charges:** Council make its Domestic Waste Service charge as detailed in the report in accordance with Section 496 of the Local Government Act 1993 and the 2017-18 Operational Plan and 2017-18 Fees & Charges.
- d. **Effluent Charges:** Council make its annual charge for effluent removal services as outlined in the report and the 2017-18 Operational Plan and 2017-18 Fees & Charges.
- e. **Interest:** Council make the interest charge of 7.5% per annum for 2017-18 as allowable under Section 566(3) of the Local Government Act 1993.

- f. **Pension Rebate:** Council provide a voluntary rebate under Section 582 of the Local Government Act 1993 in addition to the mandatory pensioner rebate. The voluntary rebate will be equivalent to the annual stormwater charge applicable to the property, and include pro-rata calculations according to Sections 575 and 584 of the Local Government Act 1993.
4. **Service of Rate Notices:** The General Manager is hereby authorised, to prepare and serve Rates and Charges Notices for and on behalf of Council.
5. A report be presented to a Finance & Economic Opportunities Working Party Meeting exploring a potential policy which would waive casual hire fees for use of new community facilities by community groups, and Council officers investigate future facility management options.

Councillor Kevin Crameri OAM called for a DIVISION.

For

Councillor Kath Presdee
Councillor Ben Price
Councillor Greg Davies
Councillor Todd Carney
Councillor Aaron Duke
Councillor Karen McKeown
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor John Thain

Against

Councillor Kevin Crameri OAM
Councillor Marcus Cornish

REQUESTS FOR REPORTS AND MEMORANDUMS and URGENT BUSINESS

RR 1 Airport Forum

Councillor Kevin Crameri OAM requested a report to the next Ordinary Meeting on why we have not had a forum on the airport and when is it possible to have one.

UB 1 Report on Cemeteries in Penrith Local Government Area

Councillor Ross Fowler OAM requested that an urgent report be presented to the next Ordinary Meeting of Council looking at the case for Council to prohibit the establishment of cemeteries in the Mulgoa Valley.

149 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Tricia Hitchen that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor John Thain, ruled that the matter was urgent and should be dealt with at the meeting.

150 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Tricia Hitchen that an urgent report be presented to the next Ordinary Meeting of Council looking at the case for Council to prohibit the establishment of cemeteries in the Mulgoa Valley.

Councillor Bernard Bratusa left the meeting, the time being 9:13pm.

RR 2 Funding to Penrith Performing and Visual Arts Ltd (PPVA)

Councillor Ross Fowler OAM requested that funding to the PPVA be reinstated for the next current year to enable the PPVA to compensate for lost funding due to non CPI application.

Councillor Kevin Crameri OAM left the meeting, the time being 9:14pm.

Councillor Bernard Bratusa returned to the meeting, the time being 9:15pm.

UB 2 Abirami Natya Shestra 3rd Annual Dance Festival

Councillor Tricia Hitchen requested that an amount of \$500 be allocated from East Ward voted works to the Abirami Natya Shestra to assist with costs of holding their 3rd Annual Dance Festival at St Marys Memorial Hall on 1 July 2017.

151 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Marcus Cornish Hitchen that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor John Thain, ruled that the matter was urgent and should be dealt with at the meeting.

152 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Marcus Cornish that an amount of \$500 be allocated from East Ward voted works to the Abirami Natya Shestra to assist with costs of holding their 3rd Annual Dance Festival at St Marys Memorial Hall on 1 July 2017.

RR 3 Development Applications requiring significant infrastructure investment

Councillor Mark Davies requested a report to Council regarding development applications that require significant infrastructure investment whereby numerous properties could be advantaged, with the report to address the advantage of creating Section 94 plans on a need by need basis.

RR 4 Trail Bikes in St Clair Area

Councillor Todd Carney requested an investigation into whether trail bike access can be limited to sporting fields and similar areas in the St Clair area to prevent further damage occurring in these areas.

RR 5 Mistletoe Road, Claremont Meadows

Councillor Greg Davies requested a review of the condition of the area at the end of Mistletoe Road, Claremont Meadows with a view to cleaning up the current long grass and placing signs in the area advising of fines for rubbish dumping, with the RID Squad to be notified of rubbish dumping in this area.

RR 6 Upgrading of Local Roads

Councillor Greg Davies requested a report to Council detailing any plans Council has to carry out upgrade works to Luddenham Road, including the Mamre Road intersection, and to Caddens Road, due to the upgrade to the Werrington Arterial and the development of the Sydney Science Park.

RR 7 Inflatable Advertising

Councillor Karen McKeown requested a memo reply to all Councillors outlining any rules Council may have regarding advertising via inflatable structures, in particular the current advertising utilising large inflatable clowns in various parts of the Penrith Local Government Area.

COMMITTEE OF THE WHOLE

153 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Aaron Duke that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:20pm.

1 Presence of the Public

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

Outcome 1

2 Union Road Request for Proposal

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.

Outcome 2

- 3 Proposed Offer to Enter into a Voluntary Planning Agreement for 117-127 O'Connell Street, Caddens Lot 11 DP 522660, 129-141 O'Connell Street, Caddens Lot 12 DP 522660, 185 Caddens Road, Caddens Lot 101 DP 564332, 187 Caddens Road, Caddens Lot 1 DP 515678, 189 Caddens Road, Caddens Lot 2 DP 502333, 207 Caddens Road, Caddens Lot 755 DP 1180111, 89A O'Connell Street, Caddens Lot 102 DP 1166542 and 89B O'Connell Street, Caddens Lot 31 DP 520322
Applicant: Legpro Pty Ltd; Owner: ~Legpro Pty Ltd**

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.

Outcome 4**4 Acquisition of Easement for Drainage Purposes - 26 Castlereagh Street, 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.

5 Agreement for Penrith City Council to use part of Penrith Paceway for Temporary Public Car parking Purposes

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 7**6 Lease Agreement to Blue Mountains Education Pty Ltd at Suite 4, 134-138 Henry Street, Penrith (Gaymark Lane)**

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.

7 New lease agreement to Ross Hutchison Foundation over Council owned property at Shop 3/140-142 Henry Street, Penrith (Allen Arcade)

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.

8 Proposed Draft Voluntary Planning Agreement - Council Property Lot 210 DP26908 known as 70-76 Carinya Avenue, 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.

The meeting resumed at 9:30pm and the General Manager reported that the Committee of the Whole met at 9:20pm on 26 June 2017, the following being present

His Worship the Mayor, Councillor John Thain, Deputy Mayor, Councillor Tricia Hitchen, and Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Marcus Cornish, Kevin Crameri OAM, Greg Davies, Mark Davies, Aaron Duke, Ross Fowler OAM, Karen McKeown, Kath Presdee and Ben Price

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 Union Road Request for Proposal

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

CW2 That the information contained in the report on Union Road Request for Proposal be received.

5 Agreement for Penrith City Council to use part of Penrith Paceway for Temporary Public Car parking Purposes

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

CW5 That:

1. The information contained in the report on Agreement for Penrith City Council to use part of Penrith Paceway for Temporary Public Car parking Purposes be received
2. Penrith City Council enter into an agreement for the provision of temporary public car parking with Penrith Harness Racing Club on the terms and conditions listed in this report.
3. The common seal of the Council of the City of Penrith be placed on all necessary documentation.

6 Lease Agreement to Blue Mountains Education Pty Ltd at Suite 4, 134-138 Henry Street, Penrith (Gaymark Lane)

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

CW6 That:

1. The information contained in the report on Lease Agreement to Blue Mountains Education Pty Ltd at Suite 4, 134-138 Henry Street, Penrith (Gaymark Lane) be received
2. Council approve the proposed new lease agreement as detailed in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

7 New lease agreement to Ross Hutchison Foundation over Council owned property at Shop 3/140-142 Henry Street, Penrith (Allen Arcade)

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

CW7 That:

1. The information contained in the report on New lease agreement to Ross Hutchison Foundation over Council owned property at Shop 3/140-142 Henry Street, Penrith (Allen Arcade) be received.
2. Council approve the proposed new lease agreement as detailed in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**3 Proposed Offer to Enter into a Voluntary Planning Agreement for 117-127 O'Connell Street, Caddens Lot 11 DP 522660, 129-141 O'Connell Street, Caddens Lot 12 DP 522660, 185 Caddens Road, Caddens Lot 101 DP 564332, 187 Caddens Road, Caddens Lot 1 DP 515678, 189 Caddens Road, Caddens Lot 2 DP 502333, 207 Caddens Road, Caddens Lot 755 DP 1180111, 89A O'Connell Street, Caddens Lot 102 DP 1166542 and 89B O'Connell Street, Caddens Lot 31 DP 520322
Applicant: Legpro Pty Ltd; Owner: ~Legpro Pty Ltd**

RECOMMENDED on the MOTION of Councillor Bernard Bratusa seconded Councillor Kath Presdee

CW3 That:

1. The information contained in the report on Proposed Offer to Enter into a Voluntary Planning Agreement for 117-127 O'Connell Street, Caddens Lot 11 DP 522660, 129-141 O'Connell Street, Caddens Lot 12 DP 522660, 185 Caddens Road, Caddens Lot 101 DP 564332, 187 Caddens Road, Caddens Lot 1 DP 515678, 189 Caddens Road, Caddens Lot 2 DP 502333, 207 Caddens Road, Caddens Lot 755 DP 1180111, 89A O'Connell Street, Caddens Lot 102 DP 1166542 and 89B O'Connell Street, Caddens Lot 31 DP 520322 be received.
2. The offer be accepted subject to the recommended amendments and revisions outlined within this report.
3. The offer progress to the preparation of a draft Voluntary Planning Agreement to be prepared in consultation with Council's Legal Services Department
4. The draft VPA be placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations.
5. The outcome of the public exhibition period and the draft Voluntary Planning Agreement be reported back to Council for execution and adoption.

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

For	Against
Councillor Kath Presdee	
Councillor Ben Price	
Councillor Greg Davies	
Councillor Todd Carney	
Councillor Aaron Duke	
Councillor Karen McKeown	
Councillor Kevin Crameri OAM	
Councillor Ross Fowler OAM	
Councillor Jim Aitken OAM	
Councillor Mark Davies	
Councillor Tricia Hitchen	
Councillor Bernard Bratusa	
Councillor Marcus Cornish	
Councillor John Thain	

4 Acquisition of Easement for Drainage Purposes - 26 Castlereagh Street, Penrith

RECOMMENDED on the MOTION of Councillor Marcus Cornish seconded Councillor Greg Davies

CW4 That:

1. The information contained in the report on Acquisition of Easement for Drainage Purposes - 26 Castlereagh Street, Penrith be received.
2. Council approve the acquisition of the proposed easement for drainage purposes as per the terms and conditions listed in this report.
3. Council approve the extinguishment of the existing drainage easement as per the terms and conditions listed in this report.
4. Council approve the making of an application to the Minister and the Governor for approval to acquire the easement as described in DP1230495 and situated at 26 Castlereagh Street Penrith by compulsory process under section 186(1) of the *Local Government Act 1993* for the purpose of drainage works in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991* if required.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

8 Proposed Draft Voluntary Planning Agreement - Council Property Lot 210 DP26908 known as 70-76 Carinya Avenue, St Marys

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

CW8 That:

1. The information contained in the report on Proposed Draft Voluntary Planning Agreement - Council Property Lot 210 DP26908 known as 70-76 Carinya Avenue, St Marys be received.
2. Council endorse the principles of the draft Voluntary Planning Agreement as outlined in this report.
3. The draft VPA once prepared be publicly notified in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
4. Council authorise the General Manager to execute the VPA upon conclusion of the public notification of the Agreement and to make any minor amendments necessary to ensure its legality.
5. The Department of Planning be notified of the signing of the VPA, and Council's register of VPAs be updated to record the agreement.
6. The Common Seal of the Council of the City of Penrith be affixed to any necessary documentation.

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

For

Against

Councillor Kath Presdee
Councillor Ben Price
Councillor Greg Davies
Councillor Todd Carney
Councillor Aaron Duke
Councillor Karen McKeown
Councillor Kevin Crameri OAM
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor John Thain

ADOPTION OF COMMITTEE OF THE WHOLE

154 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Ben Price that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5, CW6, CW7 and CW8 be adopted.

Councillor Jim Aitken OAM left the meeting at 9:30pm and did not return.

There being no further business the Chairperson declared the meeting closed the time being 9:35pm.

I certify that these 17 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 26 June 2017.

Chairperson

Date