

CONFIRMED MINUTES
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE
COUNCIL CHAMBERS
ON MONDAY 23 JULY 2018 AT 7:05PM

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 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, Brian Cartwright, Robin Cook, Marcus Cornish, Kevin Crameri OAM, Greg Davies, Mark Davies, Ross Fowler OAM, Karen McKeown OAM and Kath Presdee.

LEAVE OF ABSENCE

Leave of absence was previously granted to Councillor Aaron Duke.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 25 June 2018

159 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kevin Crameri OAM that the minutes of the Ordinary Meeting of 25 June 2018 be confirmed.

DECLARATIONS OF INTEREST

Councillor Marcus Cornish declared a Non-Pecuniary Conflict of Interest – Less Than Significant in *Item 14 – Code of Conduct Matter*, as he is the subject of this report.

SUSPENSION OF STANDING ORDERS

160 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:07pm.

Greg Allchin

Item 1 – Mayoral Minute – Council wins range of prestigious awards

Mr Allchin, Chairperson of the stakeholders who make up 'The Quarter' spoke in support of the Mayoral Minute. Mr Allchin thanked Penrith City Council for its leadership and support in establishing 'The Quarter'. Mr Allchin noted the increase in job creation in the areas of health and education that this initiative has helped to develop.

RESUMPTION OF STANDING ORDERS

161 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies that Standing Orders be resumed, the time being 7:13pm.

MAYORAL MINUTES

1 Council wins range of prestigious awards

Councillors Tricia Hitchen, Greg Davies and Ross Fowler OAM spoke of support of the Mayoral Minute.

162 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that the Mayoral Minute on Council wins range of prestigious awards be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Penrith Community Safety Partnership Meeting held on 6 June 2018

163 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Marcus Cornish that the recommendations contained in the Report and Recommendations of the Penrith Community Safety Partnership meeting held on 6 June, 2018 be adopted.

2 Report and Recommendations of the Access Committee Meeting held on 13 June 2018

164 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Tricia Hitchen that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 13 June, 2018 be adopted.

3 Report and Recommendations of the Resilience Committee held on 13 June 2018

165 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Karen McKeown OAM that the recommendations contained in the Report and Recommendations of the Resilience Committee meeting held on 13 June, 2018 be adopted.

4 Report and Recommendations of the Local Traffic Committee Meeting held on 2 July 2018

166 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Karen McKeown OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 July, 2018 be adopted.

5 Report and Recommendations of the Policy Review Committee Meeting on 9 July 2018

167 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Greg Davies that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 9 July, 2018 be adopted, with the exception of Items 1 and 2.

5 Report and Recommendations of the Policy Review Committee Meeting on 9 July 2018 - Item 1 - Boarding Houses and development contributions for local infrastructure

168 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Greg Davies

That:

1. The information contained in the report on Boarding Houses and development contributions for local infrastructure be received.
2. Council resolve to levy development contributions on any currently undetermined and future boarding house applications under the Cultural Facilities, District Open Space, Local Open Space, Claremont Meadows and WELL Precinct Contributions Plans, as relevant, at an occupancy rate of 1.34 persons per bedroom/boarding room, or for new lots in the WELL Precinct at \$30K per new lot, as per the Ministerial Direction.
3. As part of the next amendment to the District Open Space and Local Open Space Contributions Plans that occupancy rates associated with all relevant land use types be incorporated.

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 Robin Cook
Councillor Greg Davies
Councillor Todd Carney
Councillor Karen McKeown OAM
Councillor Kevin Crameri OAM
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Brian Cartwright
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor John Thain

**5 Report and Recommendations of the Policy Review Committee
Meeting on 9 July 2018 - Item 2 Amendments to Penrith Development
Control Plan 2014 - Multi Dwelling Housing and Boarding Houses**

169 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Greg Davies

That:

1. The information contained in the report on Amendments to Penrith Development Control Plan 2014 - Multi Dwelling Housing and Boarding Houses be received.
2. The General Manager be authorised to make any minor changes to the draft Penrith Development Control Plan 2014 prior to exhibition.
3. Amendments to draft Penrith Development Control Plan 2014 (provided as Attachment 2, 4 and tabled tonight) be publicly exhibited, in accordance with the relevant provisions of the Environmental Planning and Assessment Act, 1979 and associated Regulations.
4. A further report be presented to Council following the public exhibition.

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 Robin Cook
Councillor Greg Davies
Councillor Todd Carney
Councillor Karen McKeown OAM
Councillor Kevin Crameri OAM
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Brian Cartwright
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor John Thain

DELIVERY PROGRAM REPORTS

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

1 Works on private land - Lot 2 DP 30354 - 66-76 Tench Avenue, Jamisontown

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

That:

1. The information contained in the report on Works on private land - Lot 2 DP 30354 - 66-76 Tench Avenue, Jamisontown be received
2. Council agree to the work to be undertaken on private property in accordance with the terms in the report and that no charge be made to the owners of Lot 2 DP 30354, 66-76 Tench Avenue, Jamisontown.
3. Council endorse a licence agreement between the landowners of Lot 2 DP 30354, 66-76 Tench Avenue, Jamisontown and Council for the use of private land and associated works in accordance with the terms in the report, and the General Manager be given authority to enter into the licence agreement.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

2 LEP Review program

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

That:

1. The information contained in the report on LEP Review program be received
2. Council agree to enter into a funding agreement with the NSW Department of Planning and Environment to support the accelerated LEP Review program.

OUTCOME 3 - WE CAN GET AROUND THE CITY

3 Local Government Road Safety Program - Roads and Maritime Services Grant Funding 2018-2019

172 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on Local Government Road Safety Program - Roads and Maritime Services Grant Funding 2018-2019 be received.
2. Council accept the grants offered by Roads and Maritime Services Local Government Road Safety Program, totalling \$11,000, as outlined in the report.
3. Council write to the Minister for Road, Maritime and Freight, and local State Members thanking them for their continued support for road safety initiatives within the Penrith Local Government Area.

4 NSW Government "Active Transport Program" - Funding Acceptance 2018-19

173 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on NSW Government "Active Transport Program" - Funding Acceptance 2018-19 be received
2. Council accepts the grant funding of \$980,000 offered for two Active Transport projects as shown in Table 1 for the 2018/19 financial year.
3. Council write to relevant State and Federal Members thanking them for their continued support for the provision of infrastructure for pedestrians and bike riders.

5 Tender Reference 17/18-28 - Construction of the Erskine Park Road Upgrades

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

That:

1. The information contained in the report on Tender Reference 17/18-28 - Construction of the Erskine Park Road Upgrades be received.
2. Burton Contractors Pty Ltd be awarded the Contract subject to the execution of a formal agreement for the Construction of the Erskine Park Road Upgrades, for an amount of \$22,405,229 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

7 Tender Reference 17/18-10 - Fire Services Maintenance and Regulatory Work

175 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Karen McKeown OAM

That:

1. The information contained in the report on Tender Reference 17/18-10 - Fire Services Maintenance and Regulatory Work be received
2. A new 3 year contract with the option to extend for a further two (2) x one (1) year periods (subject to satisfactory performance) and subject to the execution of a formal agreement be awarded to the following companies for the specified services in accordance with the terms and conditions of the Tender:
 - (a) Scheduled maintenance work and reactive maintenance work be awarded to Hix Group T/A Hix Electrical & Data Services as the primary contractor
 - (b) Reactive maintenance work be awarded to Newsound Fire Services Pty Ltd as the second contractor

(c) Reactive maintenance work be awarded to Firecorp Australia Pty Ltd as the third contractor.

3. Council seek quotations from the 3 companies listed in Recommendation 2 for works with an estimated value of over \$50,000.

8 Service Partnership with Service NSW - Easy to do Business

176 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Karen McKeown OAM

That:

1. The information contained in the report on Service Partnership with Service NSW - Easy to do Business be received
2. Council delegate the relevant customer service functions related to the administration of the Easy to do Business initiative to the Chief Executive Officer, Service NSW in accordance with the Service Partnership Agreement as required under the Service NSW (One-stop Access to Government Service) Act 2013.
3. The General Manager execute any partnership documents and do all things necessary to give effect to this resolution.

6 Tender Reference 17/18-27 - Construction of Commercial Kitchen at Penrith Regional Gallery

177 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Karen McKeown OAM

That:

1. The information contained in the report on Tender Reference 17/18-27 - Construction of Commercial Kitchen at Penrith Regional Gallery be received
2. Beacon Building Services Pty Ltd be awarded the Contract subject to the execution of a formal agreement for the Construction of Commercial Kitchen at Penrith Regional Gallery for an amount of \$360,242.28 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation as necessary.
4. Councillors be provided with a Memo outlining the breakdown of costs to be included in the construction of the commercial kitchen.

OUTCOME 6 - WE ARE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT

9 Independent Living Villages Ltd Accommodation - Victoria Street, Werrington

178 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Robin Cook

That:

1. the information contained in the report on Independent Living Villages Ltd Accommodation - Victoria Street, Werrington be received.

2. A memo be prepared for councillors outlining options for funding the footpath and bus shelters along and in the region of Victoria Street.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

11 Borrowing Program 2017-18

179 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee

That:

1. The information contained in the report on Borrowing Program 2017-18 be received
2. Council be advised that NSW TCorp was the successful lender for the \$7,100,000 new monies and ANZ was the successful lender for the renewal loans that comprised the 2017-18 Borrowing Program.

12 Audit, Risk and Improvement Committee

180 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee that the information contained in the report on Audit, Risk and Improvement Committee be received.

13 Summary of Investments & Banking for the period 1 June 2018 to 30 June 2018

181 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 June 2018 to 30 June 2018 be received
2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 June 2018 to 30 June 2018 be noted and accepted.
3. The graphical investment analysis as at 30 June 2018 be noted.

10 Local Government NSW Annual Conference 2018

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

That:

1. The information contained in the report on Local Government NSW Annual Conference 2018 be received.
2. Council nominate Councillors Robin Cook, Greg Davies, Kath Presdee, John Thain, Kevin Crameri OAM, Jim Aitken OAM, Ross Fowler OAM, Karen McKeown OAM, Tricia Hitchen and Marcus Cornish as its voting delegates to attend the 2018 LG NSW Conference to be held at the Albury Entertainment Centre, Albury from 21-23 October 2018

3. Council give consideration to the nomination of observers to attend the 2018 LGNSW Conference.
4. Leave of absence be granted as appropriate for those councillors attending the conference.
5. Council sponsor up to three (3) Aboriginal observers, nominated by the Deerubbin Local Aboriginal Land Council, to attend the 2018 Local Government NSW Conference.

14 Code of Conduct Matter

Councillor Jim Aitken OAM left the meeting, the time being 7:46pm.

183 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Ross Fowler OAM that the information contained in the report on Code of Conduct Matter be received.

15 Legal proceedings against the Penrith Business Alliance Limited, Paul Brennan and Bijai Kumar

184 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the information contained in the report on Legal proceedings against the Penrith Business Alliance Limited, Paul Brennan and Bijai Kumar be received.

REQUESTS FOR REPORTS AND MEMORANDUMS AND URGENT BUSINESS

Councillor Jim Aitken OAM returned to the meeting at 7:59pm.

RR 1 Opening of Rathas Place in St Marys

Councillor Tricia Hitchen reported on her attendance at the opening of Rathas Place in St Marys, and commended the Cafe for the training of their clients in customer service skills.

RR 2 Claremont Meadows Public School - Supervised Pedestrian Crossing

Councillor Tricia Hitchen requested that Council write to the Roads and Maritime Services advising of the increase in numbers of students attending Claremont Meadows Public School, and requesting the commencement of a supervised school crossing program by the end of this year.

RR 3 Heritage Grant Funding

Councillor Marcus Cornish requested a report to the next Ordinary meeting providing information on expenditure of Heritage Grant Funding for the current year.

RR 4 Commercial Matter - Health Issue

Councillor Jim Aitken OAM requested that a matter be referred to Committee of the Whole as it 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.

RR 5 Commercial Matter - Policy on Garbage

Councillor Jim Aitken OAM requested that a matter be referred to Committee of the Whole as it 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.

RR 6 Personnel Matter - Staff Complaint

Councillor Brian Cartwright requested that a matter be referred to Committee of the Whole, as the matter 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 1 Request for Leave of Absence

Councillor Brian Cartwright requested a Leave of Absence from 27 August 2018 to 29 August 2018 inclusive to attend professional development.

185 RESOLVED on the MOTION of Councillor Brian Cartwright seconded Councillor Kath Presdee 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.

186 RESOLVED on the MOTION of Councillor Brian Cartwright seconded Councillor Kath Presdee that Leave of Absence be granted to Councillor Brian Cartwright from 27 August 2018 to 29 August 2018 inclusive.

Councillor Mark Davies left the meeting, the time being 8:05pm.

RR 7 Drainage Issues - Fourth Avenue, Llandilo

Councillor Kevin Crameri OAM requested a memo reply to all Councillors investigating the excessive drainage emanating from acreages on Fourth Avenue, Llandilo.

UB 2 NADO Event - Harold Corr Hall

Councillor Karen McKeown OAM requested that an amount of \$70 be allocated in equal amounts from each Ward's voted works to cover the cost of hire of the Harold Corr Hall, for the Neighbourhood Friendship Day event held by NADO on 4 July 2018.

187 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Ross Fowler OAM 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.

188 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Ross Fowler OAM that an amount of \$70 be allocated in equal amounts from each wards voted works to cover the cost of hire of the Harold Corr Hall, for the Neighbourhood Friendship Day event held by NADO on 4 July 2018.

Councillor Mark Davies returned to the meeting, the time being 8:08pm.

RR 8 Completion of River Walk Footpath Paving

Councillor Karen McKeown OAM requested a memo reply to all Councillors regarding the completion of the River Walk Footpath paving between the M4 Bridge and Leonay Parade, with the reply to include any information available on funding options to enable completion of this work.

UB 3 Request for Leave of Absence

Councillor Karen McKeown OAM requested a Leave of Absence from 6 August 2018 to 19 August 2018 inclusive.

189 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Crameri OAM 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.

190 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Crameri OAM that Leave of Absence be granted to Councillor Karen McKeown OAM from 6 August 2018 to 19 August 2018.

RR 9 Proposed Waste to Energy Facility - Eastern Creek

Councillor Todd Carney congratulated the community of Erskine Park in its efforts in petitioning to prevent the establishment of a waste to energy incinerator at Eastern Creek.

RR 10 Upgrade of Mamre Road

Councillor Todd Carney requested that Council write to the Hon Melinda Pavey, Minister for Roads, Maritime and Freight requesting funding for the Mamre Road upgrade.

Councillor Todd Carney left the meeting, the time being 8.12pm.

RR 11 Independence of Planning Commissions

Councillor Greg Davies requested a memo reply to all Councillors regarding possible changes to the independence of the Planning Commissions, now that they are governed by the Premier's Department.

Councillor Todd Carney returned to the meeting, the time being 8.13pm.

RR 12 Accessibility of Food Courts

Councillor Robin Cook requested that a report be presented to the Access Committee on accessibility in Food Courts, detailing mobility issues and if exclusive areas should be set aside to assist.

RR 13 ACCESSIBILITY OF SERVICE NSW PREMISES

COUNCILLOR ROBIN COOK REQUESTED THAT COUNCIL WRITE TO LOCAL MEMBERS AND THE MINISTER FOR FINANCE, SERVICES AND PROPERTY REGARDING ACCESSIBILITY AND PARKING ISSUES AT SERVICES NSW PREMISES IN PENRITH.

RR 14 NATIONAL COMPETITION POLICY

COUNCILLOR KATH PRESDEE REQUESTED A REPORT TO A COUNCILLOR BRIEFING (FINANCE & ECONOMIC MATTERS) REGARDING COUNCIL'S OBLIGATIONS UNDER THE NATIONAL COMPETITION POLICY IN RELATION TO THE AWARDING OF TENDERS AND WAYS WE CAN ENCOURAGE LOCAL BUSINESSES TO BID FOR COUNCIL BUSINESS.

COMMITTEE OF THE WHOLE

191 RESOLVED on the MOTION of Councillors Ross Fowler OAM seconded Councillor Greg Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:16pm.

1 Presence of the Public

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

Outcome 7

2 Proposed Sale of Council Owned Land Located in Werrington

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 Lease Agreement to Donna Hildon and Belinda Jain Erich trading as Supremacy Funerals over Council property at 42-44 Station Street Penrith known as Lot C DP158845

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 Amendment to Lease over Council owned property known as Shop 1/114-116 Henry Street Penrith - Community Connections Building (Lot 1 DP545587)

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 Creation of a Drainage Easement over Council Land at Rodgers Street Kingswood (Lot 143 DP14333)

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.

6 Status of Litigation Proceedings and Major Insurance Claims

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.

7 Legal proceedings against the Penrith Business Alliance Limited, Paul Brennan and Bijai Kumar

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.

8 Commercial Matter – Health Issue

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

9 Commercial Matter – Policy on Garbage

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

10 Personnel Matter – Staff Complaint

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.

The meeting resumed at 8:35pm and the General Manager reported that the Committee of the Whole met at 8:16pm on 23 July 2018, 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, Brian Cartwright, Robin Cook, Marcus Cornish, Kevin Crameri OAM, Greg Davies, Mark Davies, Ross Fowler OAM, Karen

McKeown OAM and Kath Presdee.

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

3 Lease Agreement to Donna Hildon and Belinda Jain Erich trading as Supremacy Funerals over Council property at 42-44 Station Street Penrith known as Lot C DP158845

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Brian Cartwright

CW3 That:

1. The information contained in the report on Lease Agreement to Donna Hildon and Belinda Jain Erich trading as Supremacy Funerals over Council property at 42-44 Station Street Penrith known as Lot C DP158845 be received.
2. Council grant a new lease agreement under the terms and conditions listed within the report.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

4 Amendment to Lease over Council owned property known as Shop 1/114-116 Henry Street Penrith - Community Connections Building (Lot 1 DP545587)

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Brian Cartwright

CW4 That:

1. The information contained in the report on Amendment to Lease over Council owned property known as Shop 1/114-116 Henry Street Penrith - Community Connections Building (Lot 1 DP545587) be received.
2. Council grant the amendment to the current lease agreement under the terms and conditions listed within the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

5 Creation of a Drainage Easement over Council Land at Rodgers Street Kingswood (Lot 143 DP14333)

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Brian Cartwright

CW5 That:

1. The information contained in the report on Creation of a Drainage Easement over Council Land at Rodgers Street Kingswood (Lot 143 DP14333) be

received.

2. Council grant a Drainage Easement over Rodgers Street Kingswood (Lot 143 DP14333) to the benefit of 28-32 Rodgers Street Kingswood (Lot 144-146 DP14333) in accordance with 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.

2 Proposed Sale of Council Owned Land Located in Werrington

RECOMMENDED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Crameri OAM

CW2 That:

1. The information contained in the report on Proposed Sale of Council Owned Land Located in Werrington be received.
2. Council resolve for the sale of the property as per the terms and conditions listed within the report.
3. The sale proceeds be retained in the Property Development Reserve to fund future investments in revenue generating acquisitions or developments.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

6 Status of Litigation Proceedings and Major Insurance Claims

RECOMMENDED on the MOTION of Councillor Kath Presdee seconded Councillor Ross Fowler OAM

CW6 That the information contained in the report on Status of Litigation Proceedings and Major Insurance Claims be received.

7 Legal proceedings against the Penrith Business Alliance Limited, Paul Brennan and Bijai Kumar

RECOMMENDED on the MOTION of Councillor Kath Presdee seconded Councillor Todd Carney

CW7 That the information contained in the report on Legal proceedings against the Penrith Business Alliance Limited, Paul Brennan and Bijai Kumar be received.

8 Commercial Matter - Health Issue

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Kevin Crameri OAM

CW8 That further information be requested from the Environmental Protection Authority on the health effects of silicon dust around the Northern Road construction area in Orchard Hills and the Penrith Lakes area, and that a memo be provided to all Councillors outlining the response and information received.

9 Commercial Matter - Policy on Garbage

RECOMMENDED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Kevin Crameri OAM

CW9 That a Councillor Briefing held to provide information to Councillors on Council's garbage policy for multi-storey developments.

10 Personnel Matter - Staff Complaint

RECOMMENDED on the MOTION of Councillor Brian Cartwright seconded Councillor Greg Davies

CW10 That the verbal information be received.

Councillor Greg Davies left the meeting, the time being 8:33pm.

ADOPTION OF COMMITTEE OF THE WHOLE

192 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kath Presdee that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5, CW6, CW7, CW8, CW9 and CW10 be adopted.

Councillor Greg Davies returned to the meeting, the time being 8:35pm.

Councillor Kevin Crameri OAM left the meeting, the time being 8:35pm.

Councillor Kevin Crameri OAM returned to the meeting, the time being 8:36pm.

There being no further business the Chairperson declared the meeting closed the time being 8:37pm.

I certify that these 16 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 23 July 2018.

Chairperson

Date