

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

ON MONDAY 27 AUGUST 2018 AT 7:03PM

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, Robin Cook, Marcus Cornish, Kevin Crameri OAM, Greg Davies, Aaron Duke, Ross Fowler OAM, Karen McKeown OAM and Kath Presdee.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Brian Cartwright for the period 27 August 2018 to 29 August 2018 inclusive.

LEAVE OF ABSENCE

193 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kath Presdee that Councillor Mark Davies be granted Leave of Absence for the period 13 August 2018 to 7 September 2018 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 23 July 2018

194 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Karen McKeown OAM that the minutes of the Ordinary Meeting of 23 July 2018 be confirmed.

DECLARATIONS OF INTEREST

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less Than Significant in *Item 1 - Heritage Assistance Fund 2018 – 2019*, as he is a patron of Combewood, which is one of the properties listed for consideration of funding in this report.

Councillor Kath Presdee declared a Non-Pecuniary Conflict of Interest – Less Than Significant in *Item 6 - Greater Sydney Sports Facility Fund*, as she is on the Executive of the Penrith Giants sporting club, which is a potential beneficiary of the Greater Sydney Sports Facility Fund. Councillor Presdee stated that she would leave the meeting during debate and voting on this matter.

SUSPENSION OF STANDING ORDERS

195 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Greg Davies that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:08pm.

Mr Edward Read

Item 8 - Proposed Road Closure Part Chesham Street St Marys

Mr Read, an affected neighbour, spoke in opposition to the recommendation. Mr Read stated his concerns regarding closure of the road and expressed his view that it should be widened rather than closed. Mr Read stated his concerns regarding the proposal for high density development and that the road needs to be wider to accommodate additional parking requirements.

RESUMPTION OF STANDING ORDERS

196 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Todd Carney that Standing Orders be resumed, the time being 7:12pm.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 6 August 2018

197 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Marcus Cornish that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 6 August, 2018 be adopted.

2 Report and Recommendations of the Policy Review Committee Meeting held on 13 August 2018

198 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 13 August, 2018 be adopted, with the exception of Items 1, 2 and 3.

2 REPORT AND RECOMMENDATIONS OF THE POLICY REVIEW COMMITTEE MEETING HELD ON 13 AUGUST 2018 - ITEM 1 - HOUSEKEEPING AMENDMENT TO PENRITH LOCAL ENVIRONMENTAL PLAN 2010

199 RESOLVED ON THE MOTION OF COUNCILLOR KATH PRESDEE SECONDED COUNCILLOR GREG DAVIES

THAT:

1. THE INFORMATION CONTAINED IN THE REPORT ON HOUSEKEEPING AMENDMENT TO PENRITH LOCAL ENVIRONMENTAL PLAN 2010 BE RECEIVED.
2. COUNCIL ENDORSES THE PLANNING PROPOSAL PROVIDED AT ATTACHMENT 2.
3. THE GENERAL MANAGER BE GRANTED DELEGATION TO UPDATE AND FINALISE THE PLANNING PROPOSAL REFERRED TO IN RESOLUTION 2 PRIOR TO COUNCIL'S SUBMISSION OF THE PLANNING PROPOSAL TO THE MINISTER FOR PLANNING AND PARLIAMENTARY COUNSEL.
4. COUNCIL OFFICERS FORWARD THE PLANNING PROPOSAL TO THE MINISTER FOR PLANNING AND PARLIAMENTARY COUNSEL WITH A REQUEST TO MAKE THE LOCAL ENVIRONMENTAL PLAN AMENDMENT.

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 AARON DUKE
COUNCILLOR KAREN MCKEOWN OAM
COUNCILLOR KEVIN CRAMERI OAM

COUNCILLOR ROSS FOWLER OAM
COUNCILLOR JIM AITKEN OAM
COUNCILLOR TRICIA HITCHEN
COUNCILLOR BERNARD BRATUSA
COUNCILLOR MARCUS CORNISH
COUNCILLOR JOHN THAIN

2 REPORT AND RECOMMENDATIONS OF THE POLICY REVIEW COMMITTEE MEETING HELD ON 13 AUGUST 2018 - ITEM 2 - PLANNING PROPOSAL FOR 88-89 NEPEAN GORGE, MULGOA

200 RESOLVED ON THE MOTION OF COUNCILLOR KATH PRESDEE SECONDED COUNCILLOR GREG DAVIES

THAT:

1. THE INFORMATION CONTAINED IN THE REPORT ON PLANNING PROPOSAL FOR 88-89 NEPEAN GORGE, MULGOA BE RECEIVED.
2. COUNCIL, IN ACCORDANCE WITH SECTION 3.35 *PLANNING PROPOSAL AUTHORITY MAY VARY PROPOSALS OR NOT PROCEED* OF THE *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979*, REQUEST THE MINISTER FOR PLANNING TO DETERMINE THAT THE PLANNING PROPOSAL NOT PROCEED.

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 AARON DUKE
COUNCILLOR KAREN MCKEOWN OAM
COUNCILLOR KEVIN CRAMERI OAM

COUNCILLOR ROSS FOWLER OAM
COUNCILLOR JIM AITKEN OAM
COUNCILLOR TRICIA HITCHEN
COUNCILLOR BERNARD BRATUSA
COUNCILLOR MARCUS CORNISH
COUNCILLOR JOHN THAIN

2 REPORT AND RECOMMENDATIONS OF THE POLICY REVIEW COMMITTEE MEETING HELD ON 13 AUGUST 2018 - ITEM 3 - PLANNING PROPOSAL - RECLASSIFICATION AND REZONING OF PUBLIC LAND AT THE CORNER OF RODGERS AND SOMERSET STREETS, KINGSWOOD

201 RESOLVED ON THE MOTION OF COUNCILLOR KATH PRESDEE SECONDED COUNCILLOR GREG DAVIES

THAT:

1. THE INFORMATION CONTAINED IN THE REPORT ON PLANNING PROPOSAL - RECLASSIFICATION AND REZONING OF PUBLIC LAND AT THE CORNER OF RODGERS AND SOMERSET STREETS, KINGSWOOD BE RECEIVED.
2. COUNCIL ENDORSE THE ATTACHED PLANNING PROPOSAL, THAT REZONES, RECLASSIFIES AND AMENDS THE MINIMUM LOT SIZE FOR SEVEN LOTS OF PUBLIC LAND ON THE CORNER OF RODGERS STREET AND SOMERSET STREET KINGSWOOD AND SUBMITS IT TO THE, DEPARTMENT OF PLANNING AND ENVIRONMENT SEEKING A GATEWAY DETERMINATION.
3. CONSULTATION WITH THE COMMUNITY AND PUBLIC AGENCIES BE UNDERTAKEN IN ACCORDANCE WITH ANY GATEWAY DETERMINATION ISSUED BY THE DEPARTMENT OF PLANNING AND ENVIRONMENT.
4. AN INDEPENDENTLY CHAIRED PUBLIC HEARING BE HELD IN ACCORDANCE WITH THE REQUIREMENTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS.
5. A PLANNING CONSULTANT BE ENGAGED TO INDEPENDENTLY CHAIR THE PUBLIC HEARING.
6. COUNCIL RESOLVE THAT:
 - A) LOT 143 RODGERS STREET (LOT 143 DP 14333) IS TO PROVIDE:
 - A PEDESTRIAN THROUGH LINK FROM RODGERS ST TO ORTH ST,
 - CONVEYANCE OF OVERLAND FLOW FLOODING FROM RODGERS ST TO ORTH ST,
 - AND THESE BE INCORPORATED IN ANY FUTURE DEVELOPMENT APPLICATIONS.
 - B) ANY FUTURE DEVELOPMENT CONSIDERS THE RELOCATION OF THE DRAINAGE PIPELINE THAT CURRENTLY BISECTS THE SUBJECT LAND
 - C) ANY FUTURE DEVELOPMENT APPLICATIONS FOR THE SUBJECT LAND INCLUDE THE EMBELLISHMENT OF ADJACENT OPEN SPACES LOCATED AT LOTS 177 – 180 DP 14333 TO ACHIEVE A STANDARD OF EMBELLISHMENT COMPARABLE TO RELEASE AREAS AND SATISFIES COUNCIL'S OBJECTIVES OF HIGH QUALITY, ROBUST AND LOW MAINTENANCE PUBLIC DOMAIN.
7. A REPORT BE PRESENTED TO COUNCIL ON THE SUBMISSIONS RECEIVED DURING THE PUBLIC EXHIBITION AND THE RESULTS OF THE PUBLIC HEARING.

IN ACCORDANCE WITH SECTION 375A OF THE LOCAL GOVERNMENT ACT 1993, A DIVISION WAS THEN CALLED WITH THE FOLLOWING RESULT:

FOR

COUNCILLOR KATH PRESDEE
COUNCILLOR ROBIN COOK
COUNCILLOR GREG DAVIES
COUNCILLOR TODD CARNEY
COUNCILLOR AARON DUKE
COUNCILLOR KAREN MCKEOWN OAM
COUNCILLOR KEVIN CRAMERI OAM

COUNCILLOR ROSS FOWLER OAM
COUNCILLOR JIM AITKEN OAM
COUNCILLOR TRICIA HITCHEN
COUNCILLOR BERNARD BRATUSA
COUNCILLOR JOHN THAIN

AGAINST

COUNCILLOR MARCUS CORNISH

DELIVERY PROGRAM REPORTS

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

10 Union Road Project - Negotiation Update

202 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Ross Fowler OAM that the information contained in the report on Union Road Project - Negotiation Update be received.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

1 Heritage Assistance Fund 2018 - 2019

203 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Heritage Assistance Fund 2018 - 2019 be received.
2. Council endorse the funding allocation as outlined in the report.
3. The Heritage Assistance Fund be increased to a maximum of \$100,000 for the 2019-20 financial year.

2 Western Sydney City Deal - Implementation Plan

204 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Western Sydney City Deal - Implementation Plan be received
2. Council adopt and commit to the Interim Implementation Plan (Attachment 3)
3. Council allocate an initial \$300,000 in the 2018-19 Operational Plan from the Financial Management Reserve to deliver on Council's commitments to the implementation of the Western Sydney City Deal as outlined in this report
4. Council prepare and submit an application to the Liveability Program in accordance with the priorities detailed in this report
5. Council adopt in principle the Relationship Framework for Councils of the Western Parkland Region (Attachment 1)
6. The Chief Coordinator Western Sydney City Deal be advised of Council's resolution
7. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

OUTCOME 3 - WE CAN GET AROUND THE CITY

3 RFT17/18-31 Concrete and Asphalt Pavement Sawing, Coring and Grinding Services

205 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Kath Presdee

That:

1. The information contained in the report on RFT17/18-31 Concrete and Asphalt Pavement Sawing, Coring and Grinding Services 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) be awarded to the following companies for the specified services in accordance with the terms and conditions of the Tender:
 - a. Concrete & Asphalt Sawing services be awarded to Mastercut Concrete Aust Pty Ltd.
 - b. Concrete Footpath Grinding services be awarded to Mastercut Concrete Aust Pty Ltd as the primary contractor and The Australian Grinding Company Pty Ltd as the alternate contractor.
3. Council not accept any tender for the provision of Concrete & Asphalt Coring services.
4. 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

4 RFT 18/19-02 Construction of Andrews Rd Sporting Amenities

206 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on RFT 18/19-02 Construction of Andrews Rd Sporting Amenities be received
2. Sassan Vodjdani Pty Ltd T/A Royal Contractors be awarded the Contract subject to the execution of a formal agreement for the Construction of Grey Gums Oval Amenities for an amount of \$177,054.55 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation as necessary.

5 Penrith Mayoral Challenge 2018 - Cook Park, St Marys

207 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Karen McKeown OAM

That:

1. The information contained in the report on Penrith Mayoral Challenge 2018 - Cook Park, St Marys be received
2. An amount of \$8,000 be allocated in equal amounts from each Ward's voted works towards the cost of fencing Cook Park.

OUTCOME 6 - WE ARE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT

Having previously declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 6, Councillor Kath Presdee left the meeting, the time being 7:32pm.

6 Greater Sydney Sports Facility Fund

208 RESOLVED on the MOTION of Councillor Aaron Duke seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Greater Sydney Sports Facility Fund be received
2. Expressions of Interest be prepared and submitted for projects at the following facilities:

Ched Towns Reserve, Glenmore Park
Boronia Reserve Sports Precinct, St Marys
Jamison Park, South Penrith
Cook Park Sports Precinct, St Marys
Parker Street Reserve, Penrith
Mark Leece Oval, St Clair
St Clair Sports Corridor, St Clair
Greygums Oval, Cranebrook
Leonay Oval, Leonay
Werrington Sports Precinct, Cambridge Park
Dukes Oval, Emu Plains
Mulgoa Rise Sportsground, Glenmore Park
Surveyors Creek Softball, Glenmore Park

Councillor Kath Presdee returned to the meeting, the time being 7:33pm.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

7 Organisational Performance and Financial Review - June 2018

209 RESOLVED on the MOTION of Councillor Aaron Duke seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Organisational Performance and Financial Review - June 2018 be received.
2. The *Organisational Performance and Financial Review - June 2018* as at 30 June 2018, including the revised estimates outlined in this report, and detailed in *the Organisational Performance Report*, be adopted.
3. Council revoke the works as detailed in the Recommended Revoted Works Lists, detailed in *the Organisational Performance Report June 2018* for inclusion in the 2018-19 Operational Plan.

8 Proposed Road Closure Part Chesham Street St Marys

Councillor Todd Carney left the meeting, the time being 7:37pm.

Councillor Todd Carney returned to the meeting, the time being 7:38pm.

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

That:

1. The information contained in the report on Proposed Road Closure Part Chesham Street St Marys be received
2. Part Chesham Street, as identified on Appendix 1 be permanently closed in accordance with The Roads Act 1993
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation
4. The parcel of closed road, once registered and vested in Council, be classified as Operational Land.

9 Summary of Investments & Banking for the Period 1 July 2018 to 31 July 2018

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

That:

1. The information contained in the report on Summary of Investments & Banking for the Period 1 July 2018 to 31 July 2018 be received
2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 July 2018 to 31 July 2018 be noted and accepted.
3. The graphical investment analysis as at 31 July 2018 be noted.

REQUESTS FOR REPORTS AND MEMORANDUMS and URGENT BUSINESS

RR 1 Left Turn Permitted After Stopping Signs at Traffic Lights

Councillor Marcus Cornish requested that the Local Traffic Committee investigate the viability of providing Left Turn Permitted after Stopping Signs at all traffic lights in the Penrith Local Government area, with a report to be presented to Council providing information on the following:

- Benefit to peak hour commuters
- Benefit to non-peak hour commuters
- Cost savings in land and construction by not having to build slip lanes
- Reduction of stress on our community
- Experience of other countries that use this option and its effectiveness.

UB 1 Request for Leave of Absence

Councillor Ross Fowler OAM requested a Leave of Absence from 6 September 2018 to 16 September 2018 inclusive to attend insurance presentations in the United Kingdom on behalf of CivicRisk Mutual.

212 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Jim Aitken 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.

213 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Jim Aitken OAM that Leave of Absence be granted to Councillor Ross Fowler OAM for the period 6 September 2018 to 16 September 2018 inclusive.

RR 2 Removal of Mulch - banks of Peachtree Creek

Councillor Kevin Crameri OAM requested a memo reply to all Councillors regarding the removal of mulch left on the banks of Peachtree Creek.

RR 3 Removal of Asbestos - Ladbury Avenue, Penrith

Councillor Kevin Crameri OAM requested a memo reply to all Councillors regarding removal of asbestos from a property in Ladbury Avenue, Penrith, which was recently reported to Council.

Councillor Ross Fowler OAM left the meeting, the time being 7:50pm.

Councillor Ross Fowler OAM returned to the meeting, the time being 7:51pm.

UB 2 Penrith CBD Corporation Celebration Events

Councillor Greg Davies requested that Council allocate an amount of \$5,000 from each Ward's voted works (totalling \$15,000) to the Penrith CBD Corporation to assist with costs of celebrating Armistice Day, The Freedom March and the 'Paint n Pink' celebration.

214 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish 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.

215 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish that Council allocate an amount of \$5,000 from each Ward's voted works (totalling \$15,000) to the Penrith CBD Corporation to assist with costs of celebrating Armistice Day, The Freedom March and the 'Paint n Pink' celebration.

UB 3 Request for Leave of Absence

Councillor Greg Davies requested a Leave of Absence from 11 September 2018 to 4 October 2018 inclusive.

216 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Aaron Duke 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.

217 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Aaron Duke that Councillor Greg Davies be granted Leave of Absence for the period 11 September 2018 to 4 October 2018 inclusive.

His Worship the Mayor, Councillor John Thain then vacated the Chair and the Deputy Mayor then took the Chair to consider an urgent business item, the time being 7:52pm.

UB 4 Donation to Charities

Councillor John Thain requested that an amount totalling \$7,500 be allocated, in equal amounts from each Ward's voted works, to match the donation by former General Manager, Alan Stoneham, dividing it equally between Nepean Community and Neighbourhood Services and West Connect Domestic Violence Services.

218 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the matter be brought forward and dealt with as a matter of urgency.

The Deputy Mayor, Councillor Tricia Hitchen, ruled that the matter was urgent and should be dealt with at the meeting.

219 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that an amount totalling \$7,500 be allocated, in equal amounts from each Ward's voted works, to match the donation by former General Manager, Alan Stoneham, dividing it equally between Nepean Community and Neighbourhood Services and West Connect Domestic Violence Services.

The Deputy Mayor then vacated the Chair and the Mayor retook the Chair, the time being 7:55 pm.

COMMITTEE OF THE WHOLE

220 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:56pm.

1 Presence of the Public

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

Outcome 1

2 Assignment of lease from Specialty Fashion Group to Rivers Retail Holdings Pty Ltd - 118 Henry Street, Penrith (Lot 1 DP 113118)

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 4

3 Mulgoa Road & Jane Street Project (RMS) - Amendment to Acquisition and Licence Areas

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 1

4 Union Road Request to Execute the Project Delivery Agreement (Contract) between Fraser Property Group and Council

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 5

5 Status of Compliance and Litigation Activities

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

Outcome 7

6 Personnel Matter - Communication Protocol

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

Outcome 6

7 Major Event Proposal

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

The meeting resumed at 8:21pm and the General Manager reported that the Committee of the Whole met at 7:56pm on 27 August 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, Robin Cook, Marcus Cornish, Kevin Cramer OAM, Greg Davies, Aaron Duke, 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

Councillor Marcus Cornish left the meeting, the time being 7:57pm.

2 Assignment of lease from Specialty Fashion Group to Rivers Retail Holdings Pty Ltd - 118 Henry Street, Penrith (Lot 1 DP 113118)

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

CW2 That:

1. The information contained in the report on Assignment of lease from Specialty Fashion Group to Rivers Retail Holdings Pty Ltd - 118 Henry Street, Penrith (Lot 1 DP 113118) be received.
2. Council resolve to assign the lease to Rivers Retail Holdings Pty Ltd under the terms and conditions listed within the report.
3. The Common Seal of the City of Penrith be placed on all necessary documentation.

3 Mulgoa Road & Jane Street Project (RMS) - Amendment to Acquisition and Licence Areas

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Robin Cook

CW3 That:

1. The information contained in the report on Mulgoa Road & Jane Street Project (RMS) - Amendment to Acquisition and Licence Areas be received.
2. Council provide concurrence to the modification to the Compulsory Acquisition of the land and easements as detailed in the report.
3. Council agree to licence the land as detailed in the report for nil consideration.
4. The remaining terms of the agreement remain as per Councils report of the 28 May 2018.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

5 Status of Compliance and Litigation Activities

RECOMMENDED on the MOTION of Councillor Aaron Duke seconded Councillor Robin Cook

CW5 That the information contained in the report on Status of Compliance and Litigation Activities be received.

6 Personnel Matter - Communication Protocol

RECOMMENDED on the MOTION of Councillor Tricia Hitchen seconded Councillor Aaron Duke

CW6 That:

1. The information contained in the report on Personnel Matter - Communication Protocol be received.
2. The protocols outlined in the report be adopted.

Councillor Marcus Cornish returned to the meeting, the time being 8:15pm.

7 Major Event Proposal

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies

CW7 That:

1. The information contained in the report on Major Event Proposal be received
2. Council endorse the sponsorship package as presented in the report.
3. Council allocate \$100,000 from the Financial Management Reserve as a contribution to the event.
4. Council allocate an additional \$12,000, in equal amounts from each Ward's voted works, to fund an allocation of 600 tickets to be distributed by Council to local Penrith residents and also to Council's partner Council Lachlan Shire.

4 Union Road Request to Execute the Project Delivery Agreement (Contract) between Fraser Property Group and Council

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa

CW4 That:

1. The information contained in the report on Union Road Request to Execute the Project Delivery Agreement (Contract) between Fraser Property Group and Council be received
2. The General Manager execute the Project Delivery Agreement (PDA) between Fraser Property Group and Council to undertake the Union Road Carpark redevelopment in accordance with this report.
3. Council commence its PDA responsibilities as Land Owner in accordance with this report.
4. The Common Seal of the City of Penrith be placed on all necessary documentation.

ADOPTION OF COMMITTEE OF THE WHOLE

221 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5, CW6 and CW7 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:23pm.

I certify that these 16 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 27 August 2018.

Chairperson

Date