CONFIRMED MINUTES
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE
COUNCIL CHAMBERS
ON MONDAY 23 SEPTEMBER 2019 AT 7:00PM

NATIONAL ANTHEM
The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION
His Worship the Mayor, Councillor Ross Fowler OAM read a statement of recognition of Penrith City’s Aboriginal and Torres Strait Islander Cultural Heritage.

PRAYER
The Council Prayer was read by the Rev Neil Checkley.

PRESENT
His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Greg Davies (arrived 7:05pm), and Councillors Jim Aitken OAM, Bernard Bratusa (arrived 7:05pm), Todd Carney, Brian Cartwright, Robin Cook, Marcus Cornish, Kevin Crameri OAM, Mark Davies, Aaron Duke, Tricia Hitchen, Karen McKeown OAM, Kath Presdee and John Thain.

APOLOGIES
There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 26 August 2019
181 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM that the minutes of the Ordinary Meeting of 26 August 2019 be confirmed.

DECLARATIONS OF INTEREST
Councillor Jim Aitken OAM declared a Pecuniary Interest in Item 11 – Councillor Update – Property Acquisition – 92 River Road, Emu Plains, as his company is the selling agent for the vendor of this property.

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 4 – Planning Proposal LEP Review, as land referred to in this report is in close proximity to his residence. Councillor Crameri stated that he would take part in voting on this matter as this LEP would have no effect on his property.

His Worship the Mayor, Councillor Ross Fowler OAM declared a Pecuniary Interest in COW Item 5 - Council Property - Licence Agreement - Suite 102/114-116 Henry Street Penrith (Community Connections) to AFFORD as he is Chairman of the Board of the Australian Foundation for Disability (Afford). Councillor Fowler stated that he would leave the Council Chambers and would request the Deputy Mayor to take the Chair during consideration of this item.
SUSPENSION OF STANDING ORDERS

182 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Jim Aitken OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:07pm.

Karen Taylor

Item 18 – 2018-19 Draft Financial Statements

Karen Taylor, Director, Financial Audit Services at the Audit Office of New South Wales addressed Council on the Draft 2018-19 Financial Statements, and advised that she would be issuing an unqualified audit report, noting that there were no material misstatements and that the Statements present fairly.

RESUMPTION OF STANDING ORDERS

183 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Jim Aitken OAM that Standing Orders be resumed, the time being 7:16pm.

Procedural Motion

184 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown OAM that Item 18 – 2018-19 Draft Financial Statements be considered before all other items of business.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

18 2018-19 Draft Financial Statements

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

That:

1. The information contained in the report on 2018-19 Draft Financial Statements be received.

2. Pursuant to s413(2)(c) it is the Council's opinion that:
   a. The Financial Statements and schedules have been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting, the Local Government Australian Infrastructure Management Guidelines, and Australian Accounting Standards. The Statements comply with Australian Statements of Accounting Concepts.
   b. The Financial Statements present fairly the Council's financial position as at 30 June 2019 and the operating result for the year then ended.
   c. The statements are in accord with Council's accounting and other records.

3. Pursuant to the Local Government Code of Accounting Practice and Financial Reporting and Section 215 of the Local Government (General) Regulation 2005 it is the Council's opinion that:
a. The accompanying Special Purpose Financial Report has been drawn up in accordance with the Local Government Act 1993 and Regulations, the Local Government Code of Accounting Practice and Financial Reporting and the requirements of National Competition Policy. The Code requires the inclusion of various charges and subsidies which are not actually paid or payable.

b. The Special Purpose Financial Report is a special purpose report and is not required to comply with Australian Accounting Standards. The above legislative requirements differ from Australian Accounting Standards and hence the report does not comply with Australian Accounting Standards.

c. The Special Purpose Financial Statements present a modelled scenario for comparative purposes. They do not report an actual result.

4. The Statements be forwarded to Council's Auditors.

5. The Financial Statements be placed on public exhibition.

6. A further report be presented to Council following the public exhibition period.

NOTICES OF MOTION

1  Review of LEP and DCP

186 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that a further report be presented to Council regarding minimum lot size and minimum road width in the review of future LEPs and DCPs.

REPORTS OF COMMITTEES

1  Report and Recommendations of the Access Committee Meeting held on 14 August 2019

187 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Brian Cartwright that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 14 August, 2019 be adopted.

2  Report and Recommendations of the Local Traffic Committee Meeting held on 2 September 2019

188 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Brian Cartwright that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 September, 2019 be adopted.

3  Report and Recommendations of the Policy Review Committee Meeting held on 9 September 2019

189 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 9 September, 2019 be adopted, with the exception of Item 1 - Annual Update Planning Proposal.
3 Report and Recommendations of the Policy Review Committee  Meeting held on 9 September 2019 - Item 1 - Annual Update Planning Proposal

190 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Annual Update Planning Proposal be received
2. Council endorses the Planning Proposal presented in this report which has been provided to Councillors as a separate enclosure, is publicly-available on Council’s website, and has been tabled tonight.
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 Public Spaces and Parliamentary Counsel.
4. Council officers forward the Planning Proposal to the Minister for Planning and Public Spaces 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 John Thain
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Brian Cartwright
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Ross Fowler OAM

Procedural Motion

191 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Bernard Bratusa that item 9 – Election of Deputy Mayor be considered before the remainder of items of business.
DELIVERY PROGRAM REPORTS

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

9 Election of Deputy Mayor
192 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Election of Deputy Mayor be received
2. Council consider the Election of a Deputy Mayor for the term 2019/2020
3. In the event of more than one Councillor being nominated, the method of election for the Office of Deputy Mayor be by way of a show of hands.
4. In accordance with Section 231 (2) of the Local Government Act 1993, the term of Office of the Deputy Mayor be determined.

His Worship the Mayor, Councillor Ross Fowler OAM handed over to the Returning Officer, (General Manager) Warwick Winn, to conduct the election of the Deputy Mayor.

The Returning Officer indicated that he had received two (2) nominations for the position of Deputy Mayor and asked whether there were any other nominations. No other nominations were forthcoming.

The Returning Officer stated that the following nominations were in order:

Councillor Karen McKeown OAM
Councillor Marcus Cornish

The Returning Officer then asked for voting by way of a show of hands, with the following result:

Councillor Karen McKeown OAM – 12 votes
Councillor Marcus Cornish – 3 votes

The Returning Officer declared Councillor Karen McKeown OAM duly elected as Deputy Mayor for the 2019/2020 Term.

Councillors Tricia Hitchen and Aaron Duke left the meeting at 7:59pm and did not return.

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

1 Works on Private Land - Lot 2 DP 30354 - 66-76 Tench Avenue, Jamisontown

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

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 Planning for the ageing community in Penrith

194 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Brian Cartwright that the information contained in the report on Planning for the ageing community in Penrith be received.

3 Local Strategic Planning Statement

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

That:

1. The information contained in the report on Local Strategic Planning Statement be received

2. Council endorse the draft Local Strategic Planning Statement, provided as a separate enclosure, to be publicly exhibited from 30 September to 11 November 2019.

3. Delegation be granted to the General Manager to make minor changes to the draft LSPS prior to exhibition.

4. Council place the draft Local Housing Study and Strategy and draft Rural Lands and Villages Study and Strategy on public exhibition from 30 September to 11 November 2019.

4 Planning Proposal LEP Review

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

That:

1. The information contained in the report on Planning Proposal LEP Review be received

2. Council endorses the Planning Proposal presented in this report which has been provided to Councillors as a separate enclosure, is publicly-available on Council’s website, and has been tabled tonight.

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 Public Spaces.

4. Council officers forward the Planning Proposal to the Minister for Planning and Public Spaces with a request to issue a Gateway Determination.
submission will include a request to issue Council with Delegation for plan making authority.

5. The General Manager be granted delegation to make any necessary changes to the Planning Proposal in the lead up to the Gateway Determination.

6. The General Manager be granted delegation to make any necessary changes to the Planning Proposal prior to public exhibition in response to the conditions of the Gateway Determination and negotiations with stakeholders.

7. Council publicly exhibits the Planning Proposal for a period to be specified in the Gateway Determination, and in accordance with the community consultation requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

8. 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:

<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor Kath Presdee</td>
<td>Councillor Kevin Crameri OAM</td>
</tr>
<tr>
<td>Councillor Robin Cook</td>
<td>Councillor Marcus Cornish</td>
</tr>
<tr>
<td>Councillor Greg Davies</td>
<td></td>
</tr>
<tr>
<td>Councillor Todd Carney</td>
<td></td>
</tr>
<tr>
<td>Councillor Karen McKeown OAM</td>
<td></td>
</tr>
<tr>
<td>Councillor John Thain</td>
<td></td>
</tr>
<tr>
<td>Councillor Jim Aitken OAM</td>
<td></td>
</tr>
<tr>
<td>Councillor Mark Davies</td>
<td></td>
</tr>
<tr>
<td>Councillor Brian Cartwright</td>
<td></td>
</tr>
<tr>
<td>Councillor Bernard Bratusa</td>
<td></td>
</tr>
<tr>
<td>Councillor Ross Fowler OAM</td>
<td></td>
</tr>
</tbody>
</table>

OUTCOME 3 - WE CAN GET AROUND THE CITY

5    Roads and Maritime Services (RMS) 2019/20 Road Funding Grants

197 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Karen McKeown OAM

That:

1. The information contained in the report on Roads and Maritime Services (RMS) 2019/20 Road Funding Grants be received

2. The RMS 2019/20 Program Funding Block Grant of $1,191,000 be accepted.

3. The Common Seal of the Council of the City of Penrith be affixed to the “Agreement for Block Grant Assistance to Council for Regional Roads 2019/20”. 
4. Council write to the State Government formally thanking them for the Road Funding Grants.

6 Roads and Maritime Services (RMS) 2019/20 REPAIR Program (Rehabilitation) Road Funding Grant

198 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Brian Cartwright

That:

1. The information contained in the report on Roads and Maritime Services (RMS) 2019/20 REPAIR Program (Rehabilitation) Road Funding Grant be received

2. Council accept the grant of $300,000, offered under the 2019/20 Roads and Maritime Services REPAIR Program, for the pavement reconstruction works on Russell Street, Emu Plains (Great Western Highway to Water Street)

3. Council write to the State Government formally thanking them for the REPAIR Program Grant Funding.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

7 St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan

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

That:

1. The information contained in the report on St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan be received.

2. The draft report for public exhibition of the St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan, July 2019 be endorsed for public exhibition for a period of no less than 28 days.

3. A further report to be presented to Council on the results of the public exhibition of the draft report for public exhibition of the St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan, July 2019 addressing any submissions received during the exhibition period.

8 South Creek Floodplain Risk Management Study and Plan

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

That:

1. The information contained in the report on South Creek Floodplain Risk Management Study and Plan be received.

2. The public exhibition draft of the South Creek Floodplain Risk Management Study and Plan, August 2019 be endorsed for public exhibition for a period of no less than 28 days.
3. A further report to be presented to Council on the results of the public exhibition of the public exhibition draft of the St Marys (Byrnes Creek) Catchment Floodplain Risk Management Study and Plan, August 2019 addressing any submissions received during the exhibition period.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

Having previously declared a Pecuniary Interest in Item 11 - Councillor Update - Property Acquisition - 92 River Road, Emu Plains, Councillor Jim Aitken OAM left the meeting, the time being 8:17pm.

11 Councillor Update - Property Acquisition - 92 River Road, Emu Plains

201 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Kath Presdee that the information contained in the report on Councillor Update - Property Acquisition - 92 River Road, Emu Plains be received.

Councillor Jim Aitken OAM returned to the meeting, the time being 8:18pm.

10 Road Dedication - Allen Place Car Park

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

That:

1. The information contained in the report on Road Dedication - Allen Place Car Park be received

2. A notice be placed in the NSW Government Gazette in accordance with Section 10 of the Roads Act 1993 to dedicate land identified in DP217346 no 1-39 registered on 5 November 1963 and land identified in DP219948 no 1-8 registered on 16 December 1963 as public road.

12 Diversification of Council's Property Portfolio - Acquisition - 6 Peachtree Road, Penrith (Lot 2526 DP 710266)

203 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Brian Cartwright

That:

1. The information contained in the report on Diversification of Council's Property Portfolio - Acquisition - 6 Peachtree Road, Penrith (Lot 2526 DP 710266) be received.

2. The property known as 6 Peachtree Road, Penrith (Lot 2526 DP710266) be classified as operational in accordance with section 31 Local Government Act 1993.
13 Diversification of Council's Property Portfolio - Acquisition - 117 Cox Avenue, Kingswood

204 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Brian Cartwright

That:

1. The information contained in the report on Diversification of Council's Property Portfolio - Acquisition - 117 Cox Avenue, Kingswood be received.
2. The property known as 117 Cox Avenue Penrith (Lot 1 DP38664) be classified as operational in accordance with section 31 Local Government Act 1993.

14 Appointment of Directors to the Board of the Penrith Performing and Visual Arts Limited

205 RESOLVED on the MOTION of Councillor Robin Cook seconded Councillor Brian Cartwright

That:

1. The information contained in the report on Appointment of Directors to the Board of the Penrith Performing and Visual Arts Limited (PP&VA) be received.
2. The following members of the Board be appointed for a four-year term:
   Hon. Peter Anderson, AM, Christine Keeble, Cathy Jarman.
3. Mr Leo Bahlmann’s nomination for appointment to the Board of the Penrith Performing and Visual Arts Limited be endorsed by Council should a casual vacancy occur during the four-year term.

15 Outcome of Legal Proceedings - B.J Eldridge & M.E Vincent trading as Crossbones Gallery v Penrith City Council

206 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM that the information contained in the report on Outcome of Legal Proceedings - B.J Eldridge & M.E Vincent trading as Crossbones Gallery v Penrith City Council be received.

16 Tender RFT1819-24 Provision of Certain Legal Services

207 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Tender RFT1819-24 Provision of Certain Legal Services be received.
2. Dentons Lawyers, Sparke Helmore Lawyers and HWL Ebsworth Lawyers be appointed to Council’s external legal panel for 3 years, with an option for Council to extend for a further two (2) x one (1) year periods.
17  **2019-20 Financial Assistance Grant**

208 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Marcus Cornish

    That:

    1. The information contained in the report on 2019-20 Financial Assistance Grant be received.

    2. The Budget be adjusted to reflect the revised Financial Assistance Grant as part of the September 2019 Quarterly Review.

19  **Exhibition of Council's Community Engagement Strategy and Community Participation Plan**

209 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Kath Presdee

    That:

    1. The information contained in the report on Exhibition of Council's Community Engagement Strategy and Community Participation Plan be received

    2. In accordance with the Local Government Act 1993 and Environmental Planning and Assessment Act 1979, the draft Community Engagement Strategy including the Community Participation Plan be placed on exhibition commencing from Tuesday 24 September and closing on Monday 4 November 2019 (inclusive).

    3. The General Manager be granted delegation to update and finalise the Community Engagement Strategy and Community Participation Plan before the document is publicly exhibited.

20  **Council Ordinary Election 2020**

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

    That:

    1. The information contained in the report on Council Ordinary Election 2020 be received.

    2. The elections of the Council be administered by an electoral services provider engaged by Council in September 2020.

    3. A further report be presented to Council detailing the engagement of an electoral services provider once identified.

21  **Summary of Investments and Banking for the period 1 August 2019 to 31 August 2019**

211 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Robin Cook

    That:

    1. The information contained in the report on Summary of Investments and Banking for the period 1 August 2019 to 31 August 2019 be received.
2. The certificate of the Responsible Accounting Officer and Summary of Investments and Performance for the period 1 August 2019 to 31 August 2019 be noted and accepted.

3. The graphical investment analysis as at 31 August 2019 be noted.

REQUESTS FOR REPORTS AND MEMORANDUMS AND URGENT BUSINESS

RR 1 GWS Giants AFL Football Team
Councillor Kath Presdee requested that Council write to the Greater Western Sydney Giants AFL football team, congratulating them on their win in the 2019 AFL Finals last weekend and conveying support for their endeavours in their first AFL Grand Final.

RR 2 Condition of Road at Fifth Avenue, Llandilo
Councillor Kevin Crameri OAM requested that the condition of the road at Fifth Avenue, Llandilo, near Terrybrook Road be inspected and repairs be undertaken to remediate the potholes in this location.

UB 1 Request for Leave of Absence
Councillor Marcus Cornish requested Leave of Absence from 14 October 2019 to 11 November 2019 inclusive.

212 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Todd Carney that the matter be brought forward and dealt with as a matter of urgency.

His Worship the Mayor, Councillor Ross Fowler OAM, ruled that the matter was urgent and should be dealt with at the meeting.

213 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Todd Carney that Leave of Absence be granted to Councillor Marcus Cornish from 14 October 2019 to 11 November 2019 inclusive.

RR 3 Signage at Emu Plains Precinct
Councillor Marcus Cornish requested that the old library signs be removed from the Emu Plains Precinct opposite the Lennox Centre, and that new large, blue parking signs be installed in this area.

RR 4 Audit of Parking Signs
Councillor Marcus Cornish requested that an audit be undertaken of all parking signage in the Penrith Local Government Area.

RR 5 Signs - Lansdowne Road, Orchard Hills
Councillor Marcus Cornish requested that the spelling on various road signs indicating Lansdowne Road in Orchard Hills be amended to show the correct spelling.

Councillor Greg Davies left the meeting, the time being 8:36pm.
RR 6  Castlereagh Rural Fire Brigade

Councillor Marcus Cornish requested a memo reply advising what action can be taken to assist the Castlereagh Rural Fire Brigade in providing necessary accommodation for changerooms, training room and vehicle storage at their Brigade station.

COMMITTEE OF THE WHOLE

214 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Mark Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:39pm.

1  Presence of the Public

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

Outcome 7

2  Divestment of Property Assets - Lot 18 DP 1220719 Penrith

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

3  Council Property - Lease Agreement - Shop 6/140-142 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.

4  Council Property - Lease Agreement - Shops 8 & 10/140-142 Henry Street Penrith (Allen Arcade) and Shop 2/144 Henry 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  Council Property - Licence Agreement - Suite 102/114-116 Henry Street Penrith (Community Connections) to AFFORD

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.
6 Council Property - Lease Agreement - Shop 2, 114-116 Henry Street Penrith (Community Connections Building)

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 8:46pm and the General Manager reported that the Committee of the Whole met at 8:39pm on 23 September 2019, the following being present:

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Karen McKeown OAM and Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Brian Cartwright, Robin Cook, Marcus Cornish, Kevin Crameri OAM, Greg Davies (returned at 8:40pm), Mark Davies, Kath Presdee and John Thain

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 Greg Davies returned to the meeting, the time being 8:40pm

2 Divestment of Property Assets - Lot 18 DP 1220719 Penrith

RECOMMENDED on the MOTION of Councillor Bernard Bratusa seconded Councillor Brian Cartwright

CW2 That:

1. The information contained in the report on Divestment of Property Assets - Lot 18 DP 1220719 Penrith be received
2. Council resolve to dispose of Lot 18 DP 1220719 as per the terms and conditions listed within the report.
3. The proceeds of sale be allocated in the Property Development Reserve.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

3 Council Property - Lease Agreement - Shop 6/140-142 Henry Street, Penrith (Allen Arcade)

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

CW3 That:

1. The information contained in the report on Council Property - Lease Agreement - Shop 6/140-142 Henry Street, Penrith (Allen Arcade) be received.
2. Council approve the proposed new 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.
4 Council Property - Lease Agreement - Shops 8 & 10/140-142 Henry Street Penrith (Allen Arcade) and Shop 2/144 Henry Street, Penrith

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

CW4 That:

1. The information contained in the report on Council Property - Lease Agreement - Shops 8 & 10/140-142 Henry Street Penrith (Allen Arcade) and Shop 2/144 Henry Street, Penrith be received.

2. Council approve the proposed new 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.

6 Council Property - Lease Agreement - Shop 2, 114-116 Henry Street Penrith (Community Connections Building)

RECOMMENDED on the MOTION of Councillor Kath Presdee seconded Councillor Robin Cook

CW6 That:

1. The information contained in the report on Council Property - Lease Agreement - Shop 2, 114-116 Henry Street Penrith (Community Connections Building) be received.

2. Council approve the proposed new 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.

Having previously declared a Pecuniary Interest in COW Item 5 - Council Property - Licence Agreement - Suite 102/114-116 Henry Street Penrith (Community Connections) to AFFORD, His Worship the Mayor, Councillor Ross Fowler OAM left the meeting, the time being 8:44pm.

The Deputy Mayor, Councillor Karen McKeown OAM the took the Chair for consideration of COW Item 5.

5 Council Property - Licence Agreement - Suite 102/114-116 Henry Street Penrith (Community Connections) to AFFORD

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

CW5 That:

1. The information contained in the report on Council Property - Licence Agreement - Suite 102/114-116 Henry Street Penrith (Community Connections) to AFFORD be received.

2. Council grant a new licence to AFFORD on the terms and conditions in this report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documents.

His Worship the Mayor, Councillor Ross Fowler OAM returned to the meeting, the time being 8:45pm and retook the Chair.

ADOPTION OF COMMITTEE OF THE WHOLE

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

There being no further business the Chairperson declared the meeting closed the time being 8:48pm.

I certify that these 16 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 23 September 2019.

____________________                ______________
Chairperson                                     Date