

**CONFIRMED MINUTES
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL
HELD REMOTELY USING AUDIO VISUAL LINKS, AUDIO STREAMED
ON THE COUNCIL WEBSITE AND IN THE COUNCIL CHAMBERS
ON MONDAY 24 JUNE 2024 AT 7:00PM**

NATIONAL ANTHEM

The meeting opened with the National Anthem.

WEBCASTING STATEMENT

His Worship the Mayor, Councillor Todd Carney read a statement advising that Council Meetings are recorded and webcast.

ACKNOWLEDGEMENT OF COUNTRY

His Worship the Mayor, Councillor Todd Carney read an Acknowledgement of Country.

PRAYER

The Council Prayer was read by Governance Manager, Adam Beggs.

PRESENT – IN PERSON

His Worship the Mayor, Councillor Todd Carney, Deputy Mayor, Councillor Mark Davies and Councillors Bernard Bratusa, Robin Cook, Kevin Crameri OAM, Sue Day, Ross Fowler OAM, Glenn Gardiner, Tricia Hitchen, Karen McKeown OAM, Jonathan Pullen, Mark Rusev and Marlene Shipley.

PRESENT – ATTENDED REMOTELY

Councillor Tricia Hitchen.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor John Thain for the period 5 June 2024 to 5 July 2024 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 27 May 2024

147 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Mark Davies that the minutes of the Ordinary Meeting of 27 May 2024 be confirmed.

DECLARATIONS OF INTEREST

Councillor McKeown OAM declared a Pecuniary Interest in *Notions of Motion Item 1 - Penrith CBD Shuttle Bus, Item 5 - Grant Acceptance - Transport for NSW Permit/Plug/Play Program, Item 7 - Results of the Public Exhibition of amendments to Chapter E17 Orchard Hills North, and Chapter E7 Part B Glenmore Park Stage 2 and Part C Glenmore Park Stage 3 of Penrith DCP 2014, Item 10 -Submission- IPART draft reports for Orchard Hills North and Glenmore Park Stage 3 Development Contribution Plans, Item 19 - The Parks Governance Review,*

Committee of the Whole Item 2 - Property Investment Strategy, Committee of the Whole Item 3 - Council as Crown Land Manager - Lease Negotiations - 143 Station Street, Penrith and Committee of the Whole Item 7 - Grant Funding Offer - NSW Government Local Small Commitments Allocations as she is a current Member of Parliament for Penrith. Councillor Karen McKeown OAM stated that she would leave the meeting during consideration of these items and would not take part in voting or discussion on this issue.

Councillor Marlene Shipley declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 4 - City Centre Corporations - 2024-2027 Strategic Plans and 2024-2025 Business Plans* and *Item 14 – Penrith City Council 2024-25 Operational Plan and 2024-25 Fees and Charges* as she is on the St Marys Town Centre Board as Council's Representative. Councillor Marlene Shipley stated she will not participate or vote on, both items.

Councillor Mark Rusev declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 4 - City Centre Corporations - 2024-2027 Strategic Plans and 2024-2025 Business Plans* and *Item 14 – Penrith City Council 2024-25 Operational Plan and 2024-25 Fees and Charges* as he is on the Penrith CBD Corporation Board as Council's Representative. Councillor Mark Rusev stated he will not participate or vote on, both items

Councillor Mark Rusev declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Committee of the Whole Item 7 - Grant Funding Offer - NSW Government Local Small Commitments Allocations* as he is employed as an electorate officer for Tanya Davies MP Member for Badgerys Creek. Councillor Mark Rusev stated he will not participate or vote on the item.

Councillor Mark Davies declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Committee of the Whole Item 7 - Grant Funding Offer - NSW Government Local Small Commitments Allocations* as his wife is Tanya Davies MP Member for Badgerys Creek. Councillor Mark Davies stated he will not participate or vote on the item.

Councillor Ross Fowler OAM declared a Pecuniary Interest in *Item 4 - City Centre Corporations - 2024-2027 Strategic Plans and 2024-2025 Business Plans* as he is the Auditor of the Penrith CBD Corporation. Councillor Ross Fowler OAM stated that he would leave the meeting during consideration of this item and would not take part in voting or discussion on the issue.

MAYORAL MINUTES

1 Retirement of John Gordon

Councillors Mark Davies, Bernard Bratusa, Kevin Crameri OAM, Karen McKeown OAM, Robin Cook and Ross Fowler OAM spoke in support of the Mayoral Minute.

148 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on Retirement of John Gordon be received.

2 Acknowledging Valda Silvy OAM

Councillors Ross Fowler OAM, Kevin Crameri OAM and Karen McKeown OAM spoke in support of the Mayoral Minute.

149 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Ross Fowler OAM that the Mayoral Minute on Acknowledging Valda Silvy OAM be received.

3 Announcement of Local Celebration Awards Recipients

Councillors Mark Davies and Tricia Hitchen spoke in support of the Mayoral Minute.

150 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on Announcement of Local Celebration Awards Recipients be received.

4 King's Birthday 2024 Honours List

Councillor Mark Davies spoke in support of the Mayoral Minute.

151 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on King's Birthday 2024 Honours List be received.

5 Mayoral Charity Fundraiser raises \$67,000 for the Penrith Community Kitchen

Councillors Mark Davies and Mark Rusev spoke in support of the Mayoral Minute.

152 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on Mayoral Charity Fundraiser raises \$67,000 for the Penrith Community Kitchen be received.

Having previously declared an interest, Councillor Karen McKeown OAM left the meeting, the time being 7:47pm.

NOTICES OF MOTION

1 Penrith CBD Shuttle Bus

153 RESOLVED on the MOTION of Councillor Sue Day seconded Councillor Marlene Shipley that Council write to The Hon. (Jo) Joanna Elizabeth HAYLEN, BA MP requesting the State Government (Transport for NSW) conduct a feasibility study into the implementation of a free Shuttle Bus to service the Penrith City Centre, specifically requesting a:

- frequent and accessible alternative transportation option for CBD visitors and workers along an efficient and designated route.
- request to review current bus routes into the CBD with a view to implementing express services from outer suburbs.

Councillor Karen McKeown OAM returned to the meeting, the time being 7:51pm.

QUESTIONS ON NOTICE

1 125 Northern Road

Councillor Kevin Crameri OAM ASKED:

“Can i inspect the DA for 125 the northern rd that has miraculously appeared after not being known of for the last few years did it go to council has it had any changes why does it not follow council policy or exempt and complying Development.”

Note from Council:

A memo response was provided to Councillor Kevin Crameri OAM and tabled at the meeting.

2 Sixth Ave

Councillor Kevin Crameri OAM ASKED:

“When will council meet with me to look at sixth ave problem.”

Note from Council:

A memo response was provided to Councillor Kevin Crameri OAM and tabled at the meeting.

3 Junk Yard - Ninth Avenue

Councillor Kevin Crameri OAM ASKED:

“What is happening with the junk yard on ninth ave what has been removed (provide a list) he is supposed to report to council with what has been removed.”

Note from Council:

A memo response was provided to Councillor Kevin Crameri OAM and tabled at the meeting.

4 Eighth Ave

Councillor Kevin Crameri OAM ASKED:

“What is happening with the health problem and junk on 8th Ave. I would like to know how it is possible that 5 cows can be maintained on a 5 acre property with a severe rubbish/maintenance issue.”

Note from Council:

A memo response was provided to Councillor Kevin Crameri OAM and tabled at the meeting.

REPORTS OF COMMITTEES

**1 Report and Recommendations of the Local Traffic Committee
Meeting held on 3 June 2024**

154 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Robin Cook that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 3 June, 2024 be adopted.

2 Report and Recommendations of the Penrith Community Safety Partnership Meeting held on 28 March 2024

155 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor Karen McKeown OAM that the recommendations contained in the Report and Recommendations of the Penrith Community Safety Partnership meeting held on 28 March, 2024 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 2 - WE ARE WELCOMING, HEALTHY, HAPPY AND CONNECTED

1 Request for Major Event Sponsorship - USM Events Pty Ltd

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

That:

1. The information contained in the report on Request for Major Event Sponsorship - USM Events Pty Ltd be received.
2. Council endorse sponsorship funding of \$5,000 (exc GST) to USM Events Pty Ltd (t/a IRONMAN Australia) in support of the 2024 IRONMAN 70.3 Western Sydney event.

2 Requests for Community Event Sponsorship

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

That:

1. The information contained in the report on Requests for Community Event Sponsorship be received.
2. Council endorse sponsorship of \$1,000 (exc. GST) to Team Colyton in support of Colyton Carols 2024 event.
3. Council endorse sponsorship of \$1,000 (exc. GST) to Riff Raff Artists Run Initiative in support of The Library Project Open Day event.

3 Request For Major Event Sponsorship - Band Association of NSW Incorporated

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

That:

1. The information contained in the report on Request For Major Event Sponsorship - Band Association of NSW Incorporated be received

2. Council endorse sponsorship of \$8,000 (exc. GST) to the Band Association of NSW Incorporated in support of the 2024 NSW State Band Championships.

6 Request For Major Event Sponsorship - Blacktown Western Warriors

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

That:

1. The information contained in the report on Request For Major Event Sponsorship - Blacktown Western Warriors be received.
2. Council endorse sponsorship funds of \$5,000 (exc GST) to the Blacktown Western Warriors for the 2024 Blacktown Red Belly Warriors Knockout event.

Having previously declared an interest, Councillor Ross Fowler OAM left the meeting, the time being 7:57pm.

4 City Centre Corporations - 2024-2027 Strategic Plans and 2024-2025 Business Plans

160 RESOLVED on the MOTION of Councillor Sue Day seconded Councillor Kevin Crameri OAM that the information contained in the report on City Centre Corporations - 2024-2027 Strategic Plans and 2024-2025 Business Plans be received.

Councillor Ross Fowler OAM returned to the meeting, the time being 7:58pm.

Having previously declared an interest, Councillor Karen McKeown OAM left the meeting, the time being 7:58pm.

5 Grant Acceptance - Transport for NSW Permit/Plug/Play Program

161 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Mark Rusev

That:

1. The information contained in the report on Grant Acceptance - Transport for NSW Permit/Plug/Play Program be received.
2. Council endorse the acceptance of \$500,000 (exc. GST) from Transport for NSW through the Permit/Plug/Play Program.

OUTCOME 3 - WE PLAN AND SHAPE OUR GROWING CITY

7 Results of the Public Exhibition of amendments to Chapter E17 Orchard Hills North, and Chapter E7 Part B Glenmore Park Stage 2 and Part C Glenmore Park Stage 3 of Penrith DCP 2014

162 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Sue Day

That:

1. The information contained in the report on Results of the Public Exhibition of amendments to Chapter E17 Orchard Hills North, and Chapter E7 Part B Glenmore Park Stage 2 and Part C Glenmore Park Stage 3 of Penrith DCP 2014 be received,
2. Council endorse the draft amendments to the Chapter E17 Orchard Hills North (attachment 1), Chapter E7 Part B Glenmore Park Stage 2 (attachment 2) and Part C Glenmore Park Stage 3 (attachment 3) of Penrith DCP 2014, and
3. The General Manager is granted delegation to make any necessary changes to the draft amendments to the Chapter E17 Orchard Hills North, Chapter E7 Part B Glenmore Park Stage 2 and Part C Glenmore Park Stage 3 of Penrith DCP 2014 of the Penrith Development Control Plan 2014, if necessary ahead of commencement.

10 Submission- IPART draft reports for Orchard Hills North and Glenmore Park Stage 3 Development Contribution Plans

163 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Sue Day

That:

1. The information contained in the report on Submission- IPART draft reports for Orchard Hills North and Glenmore Park Stage 3 Development Contribution Plans be received.
2. Council endorse the submission to IPART draft reports for Orchard Hills North and Glenmore Park Stage 3 Section 7.11 Contribution Plans provided as Attachment 1 and 2 and submit them to IPART for their consideration.
3. Council officers continue to work with IPART to address any outstanding matters prior to the completion of their final report and recommendations to the Minister.

Councillor Karen McKeown OAM returned to the meeting, the time being 7:59pm.

8 Deed of Novation 61-79 Henry Street Penrith VPA

164 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jonathan Pullen

That:

1. The information contained in the report on draft Deed of Novation of Voluntary Planning Agreement for 61-79 Henry Street be received.
2. Council endorse for notification, the draft Deed of Novation of Voluntary Planning Agreement for 61-79 Henry Street, as provided in Attachment 1 to this report.
3. The draft Deed of Novation be publicly notified in accordance with the requirements of *Environmental Planning and Assessment Regulation 2021* and *Penrith Developer Infrastructure Agreements Policy*.
4. A further report be prepared for Council following the notification of the draft Deed of Novation, if submissions are received.

5. Council endorse the draft Deed of Novation of Voluntary Planning Agreement for 61-79 Henry Street, for execution, where no submissions are received during the notification and no amendments are proposed.
6. If the Deed of Novation is to be executed, Council authorise the General Manager to finalise and sign the Deed of Novation and make any minor amendments where necessary to ensure its legality (e.g. typographic errors, dates, etc.).
7. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager be authorised to sign all necessary legal documents in relation to this matter.

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

For**Against**

Councillor Karen McKeown OAM
Councillor Robin Cook
Councillor Todd Carney
Councillor Marlene Shipley
Councillor Glenn Gardiner
Councillor Bernard Bratusa
Councillor Mark Rusev
Councillor Tricia Hitchen
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Kevin Crameri OAM
Councillor Sue Day
Councillor Jonathan Pullen

9 Submission on Draft National Urban Policy for Australia

165 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Mark Rusev

That:

1. The information contained in the report on Submission on Draft National Urban Policy for Australia be received.
2. Council endorses the submission at Attachment 1 and forwards the submission to the Department of Infrastructure, Transport Regional Development, Communications and the Arts by 4 July 2024.

OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT**11 Gipps Street - Sportsground Allocation**

167 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Gipps Street - Sportsground Allocation be received.
2. The northern fields consisting 2 full-size fields and one modified size field;

- a. Be allocated to St Marys Convent Football Club from the 2025 winter season.
 - b. Be allocated to the Nepean Football Association from the summer 2024-2025 summer season for its summer soccer competition (with capacity limited to ensure sustainability of the new surface).
3. The southern fields consisting of 2 full-sized fields;
- a. Be allocated to Penrith Panthers District Junior Rugby League as the primary user group solely for the purpose of its women's programs and competitions from the 2025 winter season.
 - b. Be allocated to the Nepean Ducks Gridiron as the secondary user for game days and major events.
4. The 2 cricket fields and cricket practice area;
- a. Be allocated to Nepean District Cricket Association for allocation and programming from the 2024-2025 summer season.
 - b. Two lanes of the four-lane cricket practice facility will be allocated to Nepean District Cricket Association.
5. The 2 floodlit netball courts;
- a. Be allocated to a club identified by Penrith District Netball Association.
6. The amenities building be provided as a joint use facility for the occupancy of the allocated sports user groups.

12 Gipps Street Recreation Precinct - Draft Plan of Management

168 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Mark Davies

That:

1. The information contained in the report on Gipps Street Recreation Precinct Plan of Management.
2. Council endorse the public exhibition of the draft Plan of Management for the Gipps Street Recreation Precinct.

OUTCOME 5 - WE HAVE OPEN AND COLLABORATIVE LEADERSHIP

13 Proposed Drainage Easement over Council Land "Chapman Gardens" Second Avenue Kingswood

169 RESOLVED on the MOTION of Councillor Sue Day seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Proposed Drainage Easement over Council Land "Chapman Gardens" Second Avenue Kingswood be received.
2. Council proceeds to publicly notify the proposed 2m wide drainage easement over Chapman Gardens, Second Avenue Kingswood.

15 Debt Write Off Report

170 RESOLVED on the MOTION of Councillor Sue Day seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Debt Write Off Report be received.
2. The three accounts totalling \$10,130.99 outlined above be written off as irrecoverable.

16 RFT23/24-40 - Provision of Legal Services Tender

171 RESOLVED on the MOTION of Councillor Sue Day seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on RFT23/24-40 - Provision of Legal Services Tender be received.
2. The three successful tenderers – Dentons Australia Limited, Sparke Helmore Lawyers (RM Hassall & AS White & Others) and HWL Ebsworth Lawyers (the Martinez HWL Practice Trust & the East HWL Practice Trust & the Warat HWL Practice Trust & the Marin HWL Practice Trust & Others) form a Panel of Approved Vendors for legal services.
3. The contract will be for a period of 3 years with the option by Council to extend for a further 2 x 1 year extensions at Council's discretion and based on performance.
4. Variations and amendments that do not materially alter the original scope of the contract be managed under the existing Penrith City Council financial delegations within the approved budgets.
5. The General Manager or his delegate be authorised to sign all necessary legal documents in relation to this matter.

17 Special Purpose Financial Statements Review

172 RESOLVED on the MOTION of Councillor Sue Day seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Special Purpose Financial Statements Review be received.
2. Council accepts to undeclare the list of the two declared business activities (Property Development and Penrith Performing and Visual Arts)

and retain one (Children's services) for the financial year 2023-24 for fulfilling the requirements of the National Competition Policy.

18 Meeting Procedures-Councillor Attendance at Public Meetings

173 RESOLVED on the MOTION of Councillor Sue Day seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Meeting Procedures-Councillor Attendance at Public Meetings be received.
2. The draft amended Code of Meeting Practice be placed on public exhibition for 28 days and provide members of the community at least 42 days to comment, before being brought back to Council for adoption.
3. The General Manager be authorised to make any minor administrative changes prior to exhibition.

20 Summary of Investments & Banking for the period 1 May 2024 to 31 May 2024

174 RESOLVED on the MOTION of Councillor Sue Day seconded Councillor Glenn Gardiner

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 May 2024 to 31 May 2024 be received.
2. The Council's Cash Book and Bank Statements have been reconciled as at 31 May 2024.

14 Penrith City Council 2024-25 Operational Plan and 2024-25 Fees and Charges

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

That:

1. The information contained in the report on Penrith City Council 2024-25 Operational Plan and 2024-25 Fees and Charges be received.
2. In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2021, Council adopt the 2024-25 Operational Plan and 2024-25 Fees & Charges, incorporating proposed changes outlined in this report, and any amendments made at tonight's meeting.
3. Council agree to underwrite the operations of Penrith Performing and Visual Arts Ltd until the presentation of its Annual Reports for 2024-25.
4. Council adopt the following to make the Rates, Charges and Pensioner Rebates for 2024-25:

- a. **Ordinary Rate:** Council make its Residential, Business and Farmland rates for 2024-25 in accordance with Section 535 of the Local Government Act 1993 as follows:

Category	Minimum Amount	Ad Valorem
Residential	\$1,287.25	0.0023432
Residential – Rural Area <i>(A Residential sub-category to apply to any property categorised as Residential, and located within the suburbs of Agnes Banks, Badgerys Creek, Berkshire Park, Castlereagh, Kemps Creek, Llandilo, Londonderry, Luddenham, Mount Vernon, Mulgoa, Orchard Hills, Wallacia</i>	\$1,287.25	0.0016402
Residential – Rural Residential 2 to 40 Hectares <i>(A Residential sub-category to apply to any property categorised as Residential, between 2 and 40 hectares in size, contains a dwelling and is zoned for non-urban purposes)</i>	\$1,287.25	0.0016402
Farmland	\$1,287.25	0.0011716
Business	\$1,569.25	0.003374
Business – Penrith CBD	\$1,569.25	0.00547878
Business – St Marys Town Centre	\$1,569.25	0.005034

- b. **Stormwater Charges:** Council make its Stormwater Management Service charge to be applied on all urban residential and urban business land as outlined in the report.
- c. **Domestic Waste Charges:** Council make its Domestic Waste Service charge in accordance with Section 496 of the Local Government Act 1993 and the 2024-25 Operational Plan and 2024-25 Fees & Charges.
- d. **Effluent Charges:** Council make its annual charge for effluent removal services as outlined in the report and the 2024-25 Operational Plan and 2024-25 Fees & Charges.
- e. **Pensioner Rebates:** Council will provide a mandatory pension rebate to a maximum of \$250 for eligible pensioners in accordance with Section 515 of the Local Government Act 1993. In addition to the mandatory pensioner rebate, Council will continue a voluntary rebate under Section 582 of the Local Government Act 1993. The voluntary rebate will be equivalent to the annual stormwater charge

applicable to the property. Properties that do not receive a Stormwater Management Service Charge will not receive a voluntary rebate. Pro-rata calculations will be applied to rebates that start or cease within the financial year according to Sections 575 and 584 of the Local Government Act 1993.

- f. **Service of Rate Notices:** The General Manager be authorised to prepare and serve Rates and Charges Notices for and on behalf of Council.

Having previously declared an interest, Councillor Karen McKeown OAM left the meeting, the time being 8:09pm.

19 The Parks Governance Review

176 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Mark Rusev

That:

1. The information contained in the report on The Parks Governance Review be received
2. Council notes that this updated governance model retains the autonomy of all member Councils and brings with it no or minimal additional financial costs on members.
3. That Council endorses:
 - I. that the existing governance model for The Parks be updated to a *Section 358* entity under the *Local Government Act 1993* constituted as an Incorporated Association under the *Associations Incorporation Act 2020* with primary responsibility for conducting research and gathering evidence to advocate effectively for the residents, businesses and visitors of the Western Parkland City and implement programs and initiatives that bring regional benefits.
 - II. the attached Constitution as the Constitution for this organisation, to be known as the 'The Parks' Councils Organisation.
4. Subject to Ministerial consent, authorises the Mayor and General Manager to work with the other councils' Mayors and General Managers to establish the entity as per *Section 358* of the *Local Government Act* and the OLG Guidelines for the Formation of Corporations and Entities (s358).
5. Council make representations to the Executive Director, The Parks requesting a review of the entity name to better reflect the grouping and objectives of member councils.

COMMITTEE OF THE WHOLE

178 RESOLVED on the MOTION of Councillor Jonathan Pullen seconded Marlene Shipley that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:10pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Jonathan Pullen seconded Councillor Marlene Shipley that the press and public be excluded from Committee of the Whole to deal with the following matters:

Outcome 5

2 Property Investment Strategy

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.

3 Council as Crown Land Manager - Lease Negotiations - 143 Station 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.

4 Council Property - New Lease - Suite 2, 54 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 - New Sub Lease - Units 1-3 at 40-52 Harris Street, North St Mary's

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 Easement Creation - 27a Collins Street St Marys

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

Outcome 4

7 Grant Funding Offer - NSW Government Local Small Commitments Allocations

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

8 General Manager's Annual Performance Review 2023-24 and Performance Measures 2024-25

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.

The meeting resumed at 8:30pm and the General Manager reported that the Committee of the Whole met at 8:10pm on Monday, 24 June 2024, the following being present

His Worship the Mayor, Councillor Todd Carney, Deputy Mayor, Councillor Mark Davies and Councillors Bernard Bratusa, Robin Cook, Kevin Crameri OAM, Sue Day, Ross Fowler OAM, Glenn Gardiner, Tricia Hitchen, Karen McKeown OAM, Jonathan Pullen, Mark Rusev and Marlene Shipley.

and the Committee of the Whole excluded the press and public from the meeting for the reasons set out in CW1 and that the Committee of the Whole submitted the following recommendations to Council.

CONFIDENTIAL BUSINESS

2 Property Investment Strategy

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

CW2 That:

1. The information contained in the report on Property Investment Strategy be received.
2. The Property Investment Strategy be endorsed.

7 Grant Funding Offer - NSW Government Local Small Commitments Allocations

180 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Bernard Bratusa

CW7 That:

1. The information contained in the report on Grant Funding Offer - NSW Government Local Small Commitments Allocations be received.
2. Grant applications be submitted to the LSCA grant program as detailed in the report.
3. The financial contributions from existing budget programs be allocated to the delivery of the projects as detailed in the report and included in the LSCA grant submissions.
4. Details of the grants be made publicly available when permitted.

Councillor Karen McKeown OAM returned to the meeting, the time being 8:17pm.

3 Council as Crown Land Manager - Lease Negotiations - 143 Station Street, Penrith

181 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor Jonathan Pullen

CW3 That:

1. The information contained in the report on Council as Crown Land Manager - Lease Negotiations - 143 Station Street, Penrith be received.
2. Council endorse the recommendations in the report in relation to 143 Station Street Penrith.
3. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or his delegate) be authorised to further negotiate and sign all necessary legal documents in relation to this matter.

4 Council Property - New Lease - Suite 2, 54 Henry Street Penrith

182 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jonathan Pullen

CW4 That:

1. The information contained in the report on Council Property - New Lease - Suite 2, 54 Henry Street Penrith be received.
2. Council enters the proposed lease over Suite 2, 54 Henry Street, Penrith on the terms and conditions detailed within this report.
3. All funds received from the lease be allocated to the Property Reserve.
4. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or his delegate) be authorised to sign all necessary legal documents in relation to this matter.

5 Council Property - New Sub Lease - Units 1-3 at 40-52 Harris Street, North St Mary's

183 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Mark Rusev

CW5 That:

1. The information contained in the report on Council Property - New Sub Lease - Units 1-3 at 40-52 Harris Street, North St Mary's be received.
2. Council approves the proposed new lease agreement under the terms and conditions listed within the report.
3. All funds received from the lease be allocated to the Property Reserve.
4. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or his delegate) be authorised to sign all necessary legal documents in relation to this matter.

6 Easement Creation - 27a Collins Street St Marys

184 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Mark Rusev

CW6 That:

1. The information contained in the report on Easement Creation - 27a Collins Street St Marys be received.
2. Council proceed with the public notification of the easement application to drain water over Council located at Lot 10 DP38927, 27a Collins Street St Marys, on the terms and conditions detailed within this report.
3. Should no objections to the easement be received during the notification period, the creation of the easement be undertaken in accordance with the terms of this report and that the Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or his delegate) be authorised to sign all necessary legal documents in relation to this matter.
4. The compensation received be allocated to the Property Reserve.

8 General Manager's Annual Performance Review 2023-24 and Performance Measures 2024-25

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

CW8 That the information contained in the report on General Manager's Annual Performance Review 2023-24 and Performance Measures 2024-25 be received.

ADOPTION OF COMMITTEE OF THE WHOLE

186 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jonathan Pullen that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5, CW6, CW7 and CW8 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:34pm.

I certify that these 18 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 24 June 2024.

Chairperson

Date