

**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 22 JULY 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 the Head of Governance, 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, Tricia Hitchen, Karen McKeown OAM, Mark Rusev, Marlene Shipley and John Thain.

PRESENT – ATTENDED REMOTELY

Councillor Glenn Gardiner.

APOLOGIES

158 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor Karen McKeown OAM that the apology received from Councillor Jonathan Pullen be accepted.

CONFIRMATION OF MINUTES - Ordinary Meeting - 24 June 2024

159 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Mark Davies that the minutes of the Ordinary Meeting of 24 June 2024 be confirmed.

DECLARATIONS OF INTEREST

Councillor Karen McKeown OAM declared a Pecuniary Interest in *Item 6 - Draft Penrith Aerotropolis Development Contributions Plan, Item 8 - Proposed sale of Crown Land at Wallacia Golf Course, Lot 3 and 4 DP 18701 and Lot 1 DP 1254545 at 13 Park Road, Wallacia and Item 9 - NSW Government 'Get NSW Active' 2024-25 Financial Year: Acceptance of Grant Funds*, 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 the issues.

Councillor John Thain declared a Pecuniary Interest in *Item 4 - Request for Community Event Sponsorship - Trustees of the Christian Brothers (t/a Edmund Rice Centre*

Winbourne), as he has a personal relationship with one of the Trustees of the Edmond Rice Centre. Councillor John Thain stated that he would leave the meeting during consideration of this item and would not take part in voting or discussion on this issue.

Councillor Bernard Bratusa declared a Pecuniary Interest in *Item 8 - Proposed sale of Crown Land at Wallacia Golf Course, Lot 3 and 4 DP 18701 and Lot 1 DP 1254545 at 13 Park Road, Wallacia*, as he is currently employed by Golf NSW and is a member of Wallacia Golf Club. Councillor Bernard Bratusa stated that he would leave the meeting during consideration of this item and would not take part in voting or discussion on this issue.

Councillor Mark Rusev declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 8 - Proposed sale of Crown Land at Wallacia Golf Course, Lot 3 and 4 DP 18701 and Lot 1 DP 1254545 at 13 Park Road, Wallacia*, as he is employed as an electorate officer for Tanya Davies MP Member for Badgerys Creek. Councillor Mark Rusev stated that he would leave the meeting during consideration of this item and would not take part in voting or discussion on this issue.

Councillor Mark Davies declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 8 - Proposed sale of Crown Land at Wallacia Golf Course, Lot 3 and 4 DP 18701 and Lot 1 DP 1254545 at 13 Park Road, Wallacia*, as his wife is Tanya Davies MP Member for Badgerys Creek. Councillor Mark Davies stated that he would leave the meeting during consideration of this item and would not take part in voting or discussion on this issue.

SUSPENSION OF STANDING ORDERS

160 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:06pm.

Mr Vince Monteleone

Notice of Motion – Rural Drainage Audit Report, Notice of Motion – Rural Drainage – Funding and Item 11 - Summary of Investments & Banking for the Period 1 June 2024 to 30 June 2024

Mr Vince Monteleone, interest citizen spoke in support of the recommendation. Mr Monteleone expressed concerns regarding drainage and flooding issues in Llandilo, Londonderry and North Cranebrook. Mr Monteleone advocated that Council review the property investment strategy and implement a rural drainage construction and maintenance program. Mr Monteleone also suggested that Council statutorily invest the net ROCLA surplus asset funds into drainage projects across the Penrith LGA and seek external assistance from the NSW Audit Office to conduct a performance audit to assess the investments.

161 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Sue Day that an extension of time be granted to enable the speaker to complete his address, the time being 7:11pm.

Furthermore, Mr Monteleone emphasised the importance of Council investigating in the rural drainage issues in the North Ward of the Penrith LGA.

RESUMPTION OF STANDING ORDERS

This is Page No 2 of the 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 22 July 2024

162 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown OAM that Standing Orders be resumed, the time being 7:19pm.

Procedural Motion

163 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Sue Day that *Notice of Motion - Rural Drainage Audit Report, Notice of Motion - Rural Drainage – Funding, Notice of Motion - Council Tree Policy and Notice of Motion - Fifth Avenue, Llandilo* now be brought forward for consideration.

NOTICES OF MOTION

1 Rural Drainage Audit Report

A MOTION was moved by Councillor Glenn Gardiner seconded Councillor Kevin Crameri OAM that Council prioritise the renewal of existing rural drainage assets outlined in the Rural Drainage Audit Report, by way of:

1. Allocating \$7.1M from the surplus funds realised from the sale of Emu Plains Industrial (Rocla) Project to fund the outstanding works.
2. Allocate funding to the operational plans of FY25 and FY26.
3. Complete all identified asset renewal items by 30 June 2026.
4. Authorise the expense associated with renewal of existing drainage channels where they are located on private property.

Councillor Ross Fowler OAM FORESHADOWED a further MOTION.

That:

1. A report be presented to a Briefing of the new Council which considers asset management maintenance priorities, including rural drainage maintenance and associated budgets.
2. Council note that an Audit has been completed and funded for the Northern Catchment of the LGA and that funding for the South and East Ward catchment audits will need to be allocated in future operational plans.
3. The report to explore opportunities to receive State and/or Federal funding in relation to the maintenance required, particularly regarding flood evacuation routes.
4. The report investigates options to accelerate the program and the timely and manageable delivery of the required works.
5. Council further notes that additional funding has already been allocated in the 2024/25 Operational Plan.

The MOTION was PUT.

The MOTION was LOST.

A FORESHADOWED MOTION moved by Councillor Ross Fowler OAM seconded Councillor John Thain was PUT.

A FORESHADOWED MOTION was CARRIED and on becoming the SUBSTANTIVE MOTION was also CARRIED.

164 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor John Thain

That:

1. A report be presented to a Briefing of the new Council which considers asset management maintenance priorities, including rural drainage maintenance and associated budgets.
2. Council note that an Audit has been completed and funded for the Northern Catchment of the LGA and that funding for the South and East Ward catchment audits will need to be allocated in future operational plans.
3. The report to explore opportunities to receive State and/or Federal funding in relation to the maintenance required, particularly regarding flood evacuation routes.
4. The report investigates options to accelerate the program and the timely and manageable delivery of the required works.
5. Council further notes that additional funding has already been allocated in the 2024/25 Operational Plan.

2 Rural Drainage - Funding

Councillor Kevin Crameri OAM withdrew this Notice of Motion.

3 Council Tree Policy

165 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kevin Crameri OAM that a report come back to Council regarding the tree policy in rural and residential areas.

4 Fifth Avenue, Llandilo

A Motion was MOVED by Councillor Kevin Crameri OAM seconded Councillor Sue Day that Council remove or modify any restriction on the flow of water on Fifth Avenue, Llandilo that could cause a rise of 1 metre on the water course that may cause some houses to be flooded five times in two years.

The MOTION was PUT.

The MOTION was LOST.

MAYORAL MINUTES

1 Honoured Citizen Mr Alan Stoneham

Councillors Mark Davies, Tricia Hitchen, John Thain and Ross Fowler OAM spoke in support of the Mayoral Minute.

166 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on Honoured Citizen Mr Alan Stoneham be received.

2 Passing of John Boccanfuso

Councillors Mark Davies, Marlene Shipley, Kevin Crameri OAM, Tricia Hitchen and Karen McKeown OAM spoke in support of the Mayoral Minute.

167 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the Mayoral Minute on Passing of John Boccanfuso be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Access Committee Meeting held on 14 February 2024

168 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Robin Cook that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 14 February, 2024 be adopted.

2 Report and Recommendations of the Local Traffic Committee Meeting held on 1 July 2024

169 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 1 July, 2024 be adopted.

3 Report and Recommendations of the Heritage Advisory Committee Meeting held on 26 June 2024

170 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor Mark Rusev that the recommendations contained in the Report and Recommendations of the Heritage Advisory Committee meeting held on 26 June, 2024 be adopted.

DELIVERY PROGRAM REPORTS

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

1 Community Funding Program for Endorsement

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

That:

1. The information contained in the report on Community Funding Program for Endorsement be received.

2. Council endorse the Community Funding Program Policy.
3. Council endorse the Community Funding Program Framework, including five (5) grants.
4. Council rescind the Subsidies to Performance Groups Program Policy, 2011 from 2025-26.
5. Council rescind the Community Assistance Program Policy, 2020.
6. Council write to all previous recipients for past program participation and confirm the changed historical funding allocations.
7. Council endorse delegated authority to the General Manager to apply the eligibility and assessment criteria to grants \$5,000 or less without the requirement for a Council Report.

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

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

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 DP30354, 66-76 Tench Avenue, Jamisontown.
3. Council endorse a licence agreement between the landowners of Lot 2 DP30354, 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 delegated authority to enter into the licence agreement.

3 Request For Major Event Sponsorship - New South Wales Driver Trainers Association Incorporated

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

That:

1. The information contained in the report on Request For Major Event Sponsorship - New South Wales Driver Trainers Association Incorporated be received.
2. Council endorse sponsorship funding of \$1,500 (excl. GST) to New South Wales Driver Trainers Association Incorporated in support of the 2024 NSW Driver Trainers Annual Conference.

Having previously declared an interest, Councillor John Thain left the meeting, the time being 8:39pm.

4 Request for Community Event Sponsorship - Trustees of the Christian Brothers (t/a Edmund Rice Centre Winbourne)

174 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Request for Community Event Sponsorship - Trustees of the Christian Brothers (t/a Edmund Rice Centre Winbourne) be received.
2. Council endorse sponsorship of \$1,000 (excl. GST) to The Trustees of the Christian Brothers (t/a Edmund Rice Centre Winbourne) in support of the 200 Years of Winbourne Open Day at Edmund Rice Retreat and Conference Centre.

Councillor John Thain returned to the meeting, the time being 8:40pm.

OUTCOME 3 - WE PLAN AND SHAPE OUR GROWING CITY

5 VPA for the delivery of road widening and upgrade works for Abbots Road and part of Aldington Road, Kemps Creek

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

That:

1. The information contained in the report on VPA for the delivery of road widening and upgrade works for Abbots Road and part of Aldington Road, Kemps Creek be received.
2. Council endorse for notification the draft Voluntary Planning Agreement for Abbots and Aldington Road, as separately enclosed and tabled.
3. Council resolves that it will not invite tenders in respect of this Agreement in accordance with the provisions of s 55(3)(i) of the Local Government Act by reason of extenuating circumstances namely, the requirement of the developer by virtue of SSD-9138102 to carry out road works on Council land which are provided for in the Mamre Road Precinct Development Contributions Plan.
4. A further report be prepared for Council following public notification of the draft VPA, if submissions are received that relate directly to specific matters negotiated for the VPA are received and amendments to the draft VPA are proposed.
5. Council endorses the draft VPA for Abbots and Aldington Road for execution, where no submissions are received or submissions received do not relate to specific matters negotiated in the draft VPA, during the public notification period or no amendments are proposed.
6. If the draft VPA is to be executed, Council authorise the General Manager to finalise and sign the VPA and make any minor amendments where necessary (e.g. typographic errors, incorrect clause references, dates, and the like).

7. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or their delegate) 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 Todd Carney	
Councillor Tricia Hitchen	
Councillor Robin Cook	
Councillor John Thain	
Councillor Kevin Crameri OAM	
Councillor Sue Day	
Councillor Marlene Shipley	
Councillor Glenn Gardiner	
Councillor Mark Rusev	
Councillor Mark Davies	
Councillor Bernard Bratusa	
Councillor Ross Fowler OAM	
Councillor Karen McKeown OAM	

Having previously declared an interest, Councillor Karen McKeown OAM left the meeting, the time being 8:40pm.

6 Draft Penrith Aerotropolis Development Contributions Plan

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

That:

1. The information contained in the report on Draft Penrith Aerotropolis Development Contributions Plan be received.
2. Council adopt the Draft Penrith Aerotropolis Development Contributions Plan with a levy rate of 5.6% and the associated background report, within Attachment 1 and Attachment 2 of this report.
3. Council provide the General Manager delegation to amend minor typographic or mapping errors in the Plan, should they exist.
4. The Department of Planning, Housing and Infrastructure and all submitters are informed of Council's decision.

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

For	Against
Councillor Todd Carney	
Councillor Tricia Hitchen	
Councillor Robin Cook	
Councillor John Thain	

Councillor Kevin Crameri OAM
Councillor Sue Day
Councillor Marlene Shipley
Councillor Glenn Gardiner
Councillor Mark Rusev
Councillor Mark Davies
Councillor Bernard Bratusa
Councillor Ross Fowler OAM

Having previously declared interests, Councillors Bernard Bratusa, Mark Davies and Mark Rusev left the meeting, the time being 8:41pm.

8 Proposed sale of Crown Land at Wallacia Golf Course, Lot 3 and 4 DP 18701 and Lot 1 DP 1254545 at 13 Park Road, Wallacia

177 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Marlene Shipley

That:

1. The information contained in the report on Proposed sale of Crown Land at Wallacia Golf Course, Lot 3 and 4 DP 18701 and Lot 1 DP 1254545 at 13 Park Road, Wallacia be received.
2. The draft submission appended be endorsed as Council's final submission.

Councillors Bernard Bratusa, Mark Davies and Mark Rusev returned to the meeting, the time being 8:41pm.

OUTCOME 4 - WE MANAGE AND IMPROVE OUR BUILT ENVIRONMENT

9 NSW Government 'Get NSW Active' 2024-25 Financial Year: Acceptance of Grant Funds

178 RESOLVED on the MOTION of Councillor Sue Day seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on NSW Government 'Get NSW Active' 2024-25 Financial Year: Acceptance of Grant Funds be received.
2. Council acknowledge acceptance of grant funding of \$5,010,000 offered for the Get NSW Active shown in Table 1 for the 2024/25 financial year.
3. Council write to the Local State Members thanking them for their ongoing support and continued funding of active transport and road safety initiatives.

Councillor Karen McKeown OAM returned to the meeting, the time being 8:43pm.

OUTCOME 3 - WE PLAN AND SHAPE OUR GROWING CITY

7 Fire Safety Update

This matter was not considered and will be deferred to the next Ordinary Meeting.

OUTCOME 5 - WE HAVE OPEN AND COLLABORATIVE LEADERSHIP

10 Bestowing the Civic Recognition of Honoured Citizen of the City of Penrith upon Valda Silvy OAM

179 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Bestowing the Civic Recognition of Honoured Citizen of the City of Penrith upon Valda Silvy OAM be received.
2. Council bestows the civic recognition of Honoured Citizen of the City of Penrith upon Valda Silvy OAM at a civic reception to be held at a mutually convenient time.
3. A further report be brought back to Council that considers an appropriate event or function to recognise the achievements of Valda Silvy OAM, including funding options.

11 Summary of Investments & Banking for the Period 1 June 2024 to 30 June 2024

180 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Mark Rusev

That:

1. The information contained in the report on Summary of Investments & Banking for the Period 1 June 2024 to 30 June 2024 be received.
2. The Council's Cash Book and Bank Statements have been reconciled as at 30 June 2024.

URGENT BUSINESS

UB 1 Royce Simmons Foundation

Councillor Tricia Hitchen requested that the amount of \$1,000 from each Ward's voted works be donated to the Royce Simmons Foundation to support the dementia walk.

181 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Ross Fowler OAM that the matter be brought forward and dealt with as a matter of urgency. His Worship the Mayor, Councillor Todd Carney ruled that the matter was urgent and should be dealt with at the meeting.

182 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Ross Fowler OAM that the amount of \$1,000 from each Ward's voted works be donated to the Royce Simmons Foundation to support the dementia walk.

UB 2 Thornton Community Centre

Councillor Karen McKeown OAM requested that the amount of \$576.66 from each Ward's voted works be donated to the volunteer group that conducts conversational English

classes for residents across the LGA for room hire at Thornton Community Centre a whiteboard.

183 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Sue Day that the matter be brought forward and dealt with as a matter of urgency.

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

184 RESOLVED on the MOTION of Councillor Karen McKeown OAM seconded Councillor Sue Day that the amount of \$576.66 from each Ward's voted works be donated to the volunteer group that conducts conversational English classes for residents across the LGA for room hire at Thornton Community Centre a whiteboard.

UB 3 Leave of Absence

Councillor Karen McKeown OAM requested a Leave of Absence from 12 August 2024 to 9 September 2024.

185 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain.

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

186 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor John Thain that Councillor Karen McKeown OAM be granted Leave of Absence from 12 August 2024 to 9 September 2024.

UB 4 Memorial Plaque in Honour of John Boccanfuso

Councillor Marlene Shipley requested that funding be allocated from each Ward's voted works to install a memorial plaque in honour of John Boccanfuso in the garden outside Westfield Penrith.

187 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor Sue Day that the matter be brought forward and dealt with as a matter of urgency.

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

188 RESOLVED on the MOTION of Councillor Marlene Shipley seconded Councillor Sue Day that funding be allocated from each Ward's voted works to install a memorial plaque in honour of John Boccanfuso in the garden outside Westfield Penrith.

COMMITTEE OF THE WHOLE

189 RESOLVED on the MOTION of Councillor Mark Rusev seconded Councillor Mark Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 8:52pm.

1 Presence of the Public

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

Outcome 5

2 Easement Creation & Release - Belmore Street Carpark 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 - New Licence - Tench Reserve Wharf

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 Proposed Sale of Council Owned Land Located in Werrington

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 Compulsory Acquisition of Part Lot 2 DP719910 being 2 Reid Street Werrington County for Public Road Purposes for the Dunheved Road Upgrade

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

6 Council Property - New Lease Amendment - 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.

The meeting resumed at 8:53pm and the General Manager reported that the Committee of the Whole met at 8:52pm on Monday, 22 July 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, Mark Rusev, Marlene Shipley 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

2 Easement Creation & Release - Belmore Street Carpark Penrith

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

CW2 That:

1. The information contained in the report on Easement Creation & Release - Belmore Street Carpark Penrith be received.
2. Council supports the infrastructure relocation and endorses the proposed release and creation of the easements over Council owned land as detailed within this report.
3. Council accept the compensation value as set out in the body of the report.
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. The compensation received be allocated to the Property Reserve.

3 Council Property - New Licence - Tench Reserve Wharf

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

CW3 That:

1. The information contained in the report on Council Property - New Licence - Tench Reserve Wharf be received.
2. Council commence the advertising process for a new 5 year Licence Agreement over Tench Reserve Wharf Precinct at Tench Avenue Jamisontown in accordance with Section 47A of the Local Government Act 1993.
3. Upon completion of the advertising process, Council enter into a new 5 year Licence Agreement, over Tench Reserve Wharf Precinct at Tench Avenue Jamisontown.
4. All funds received from the licence be allocated to the Property Reserve.
5. The Common Seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or their delegate) be authorised to negotiate and sign all necessary legal documents in relation to this matter.

4 Proposed Sale of Council Owned Land Located in Werrington

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

CW4 That:

1. The information contained in the report on Proposed Sale of Council Owned Land Located in Werrington be received.
2. Council endorse the sale of the properties as per the terms and conditions listed within this report.
3. The common seal of the Council of the City of Penrith be affixed to all documents as required, and the General Manager (or their delegate) be authorised to sign all necessary legal documents in relation to this matter.

5 Compulsory Acquisition of Part Lot 2 DP719910 being 2 Reid Street Werrington County for Public Road Purposes for the Dunheved Road Upgrade

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

CW5 That:

1. The information contained in the report on Compulsory Acquisition of Part Lot 2 DP719910 being 2 Reid Street Werrington County for Public Road Purposes for the Dunheved Road Upgrade be received.
2. The following land and interest be compulsory acquired by agreement under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) by authority contained in the Roads Act 1993 (NSW) for the purposes of the Dunheved Road Upgrades:
 - a. Proposed acquisition Lot 211 in DP1295266, being part of Lot 2 DP719910 and having an area of 472.1m2
 - b. Dealing: AP63558 Biobanking Agreement # 407
3. Upon acquisition, Council dedicates Lot 211 DP1295266 as public road in accordance with Section 10 of the Roads Act 1993 (NSW).
4. 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.

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

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

CW6 That:

1. The information contained in the report on Council Property - New Lease Amendment - 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 and the previous report as amended.
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 their delegate) be authorised to sign all necessary legal documents in relation to this matter.

ADOPTION OF COMMITTEE OF THE WHOLE

195 RESOLVED on the MOTION of Councillor Sue Day seconded Councillor Robin Cook 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 8:58pm.

I certify that these 15 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 22 July 2024.

Chairperson

Date