

CONFIDENTIAL BUSINESS – ORDINARY MEETING – 1 May 2023

2 Council Property - Site Compound Licence Renewal - Edwards Place Carpark

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Bernard Bratusa

CW2 That:

1. The information contained in the report on Council Property - Site Compound Licence Renewal - Edwards Place Carpark be received.
2. Council approve the proposed new licence agreement under the terms and conditions listed within the 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.

3 114-116 Henry Street Penrith - Insurance Claim

RECOMMENDED on the MOTION of Councillor Jonathan Pullen seconded Councillor Todd Carney

CW3 That:

1. The information contained in the report on 114-116 Henry Street Penrith - Insurance Claim be received.
2. That Council authorise the General Manager to finalise negotiations for the preferred Insurance claim option in accordance with terms of 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 be authorised to sign all necessary documents in relation to this matter.
4. That a further report be brought back to a briefing of Council to advise Council of the outcome of the insurance claim, and to further consider the short and long term options for the site.

4 Lease Agreement with Nepean Blue Mountains Local Health District (NBMLHD)

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Karen McKeown OAM

CW4 That:

1. The information contained in the report on Lease Agreement with Nepean Blue Mountains Local Health District (NBMLHD) be received.
2. Penrith City Council grant a 5-year lease agreement to Penrith City Council Children's Services (with the opportunity to further extend the lease for three (3) additional terms of 5 years at the conclusion of the initial period) to operate Somerset Children's Centre on behalf of NBMLHD and NSW Health.

5 Compliance Action

RECOMMENDED on the MOTION of Councillor Todd Carney seconded Councillor Sue Day

CW5 That:

1. The information contained in the report on Compliance Action be received.
2. Council agrees that no further resources be devoted to aspects of this matter that occurred before December 2021.
3. Council agrees that, unless there is further illegal activity, the focus of officers will be solely on enforcing the compliance action that is currently on foot with 12-18 Judd Street, Berkshire Park.

6 Planning Notations

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Bernard Bratusa

CW6 That:

1. The information contained in the report on Planning Notations be received.
2. Notations be applied to planning certificates pursuant to section 10.7(5) of the Environmental Planning and Assessment Act 1979 in the manner identified in this report.
3. The General Manager be authorised to add, amend, vary or revoke notations on planning certificates, including the geographical extent, should advice be received from Council's geotechnical or legal consultant's advising the amendment, variation or revocation of notations on planning certificates.
4. Letters be sent to owners of the relevant properties to advise them that a notation will be applied to planning certificates for their property pursuant to section 10.7(5) of the Environmental Planning and Assessment Act 1979.
5. Where a person applies for a planning certificate pursuant to section

10.7(2) of the EPA Act for a property that has the above notation, then the information pursuant to section 10.7(5) is to be included on the certificate when issued to that person.

7 Recyclables Processing Contract

RECOMMENDED on the MOTION of Councillor Mark Davies seconded Councillor Glenn Gardiner

CW7 That:

1. The information contained in the report on Recyclables Processing Contract be received.
2. In accordance with section 55(3)(i) of the Local Government Act 1993 NSW, Council resolve that a satisfactory result would not be achieved by inviting tenders due to extenuating circumstances where the Alternative Destination Clause in the Waste and Resource Collection Services Contract will not allow the ability for fair competition through an open market process.
3. The General Manager be authorised to sign all necessary legal documents in relation to this matter and enter into a 6 year contract with Visy Paper Pty Ltd ending 30 June 2029 with the details provided in this report.

8 Detailed Business Case - 158-164 Old Bathurst Road, Emu Plains

RECOMMENDED on the MOTION of Councillor Mark Davies seconded Councillor Todd Carney

CW8 That:

1. The information contained in the report on Detailed Business Case - 158- 164 Old Bathurst Road, Emu Plains be received.
2. The Council adopt the recommendations referred to in the body of the report.