

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

**ON MONDAY 27 JULY 2015 AT 7:31PM**

**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 and Councillors Jim Aitken OAM, Bernard Bratusa, Prue Car MP (arrived 7:42pm), Kevin Crameri OAM, Marcus Cornish, Mark Davies, Maurice Giroto, Ben Goldfinch, Jackie Greenow OAM, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

**APOLOGIES**

184 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow OAM that an apology be accepted from Councillor Prue Car MP for her late arrival at the meeting.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 29 June 2015**

185 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies that the minutes of the Ordinary Meeting of 29 June 2015 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Jackie Greenow OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 14 – Occupation Agreement – Penrith Performing and Visual Arts Ltd and Penrith City Council* as she is a Board member of the PPVA.

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *COW Item 10 - Sale of Land For Unpaid Rates and Charges - 30 Eton Road, Cambridge Park* as the person the subject of this report is personally known to him.

Councillor Karen McKeown declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 14 – Occupation Agreement – Penrith Performing and Visual Arts Ltd and Penrith City Council* as she is a Board member of the PPVA.

Councillor Jim Aitken OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 6 - Billington Place, Emu Plains - Review of Timed Parking* as he is a property owner in the vicinity subject to the report.

Councillor Mark Davies declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 23 – 2015 NSW Community Building Partnership Grants* as his wife is the Member for Mulgoa.

His Worship the Mayor, Councillor Ross Fowler OAM declared an interest in accordance with Clause 8.46 of the Procedures for the Model Code of Conduct in *COW Item 11 – Code of Conduct Matter concerning Councillor Marcus Cornish*. Councillor Ross Fowler OAM stated that he would leave the Council Chamber during debate and voting on this matter and vacate the Chair.

Councillor Prue Car MP declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 23 - 2015 NSW Community Building Partnership Grants* as she is the State Member for Londonderry and was part of the assessment committee.

### **SUSPENSION OF STANDING ORDERS**

186 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor John Thain that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:38pm.

#### **Trevor Berrange**

*Item 1 – Section 82A Application DA13/0311.01 for Review of Refused Development Application for Residential Apartments & Townhouses at Lot 1311 DP 1161827 (No. 119) Glengarry Drive, Glenmore Park*

Mr Berrange, an affected resident, spoke in support of the recommendation stating that traffic and parking will be an issue and that the development application does not comply with requirements in this regard. Mr Berrange added that there are no surrounding parking opportunities which means that parking will occur in the street, causing a safety hazard. Mr Berrange noted that he has personally witnessed near misses of collisions in this location and that this proposed development would only compound existing traffic safety issues.

Councillor Prue Car MP arrived at the meeting, the time being 7:42pm.

#### **Steven Wall**

*Item 1 – Section 82A Application DA13/0311.01 for Review of Refused Development Application for Residential Apartments & Townhouses at Lot 1311 DP 1161827 (No. 119) Glengarry Drive, Glenmore Park*

Mr Wall, an affected resident and representing local residents, spoke in support of the recommendation. Mr Wall cited issues such as invasion of privacy due to the size and height of the proposed development, creation of shadowing onto nearby residences blocking afternoon sun, as well as the impact of traffic overflow onto surrounding streets due to lack of sufficient parking. Mr Wall stated that he considered the development does not compliment the surrounding houses. Mr Wall also raised concerns regarding the dangerous position of the proposed entry to the proposed development on Glengarry Drive, stating that once built the driveway would be on a blind corner from the roundabout.

Mr Wall concluded by pointing out that the road is barely wide enough for two cars currently, and that parking on that side of the road would make this even more dangerous.

**Richard Mifsud**

*Item 1 – Section 82A Application DA13/0311.01 for Review of Refused Development Application for Residential Apartments & Townhouses at Lot 1311 DP 1161827 (No. 119) Glengarry Drive, Glenmore Park*

Mr Mifsud, an affected resident, spoke in support of the recommendation, and urged Councillors to support refusal of the Section 82A application. Mr Mifsud stated that the number of units proposed exceeds the DCP limit and that the development would be better suited to a CBD area. Mr Mifsud concluded by thanking Council for its support in initially refusing this development application.

**Anthony Hazouri**

*Item 1 – Section 82A Application DA13/0311.01 for Review of Refused Development Application for Residential Apartments & Townhouses at Lot 1311 DP 1161827 (No. 119) Glengarry Drive, Glenmore Park*

Mr Hazouri, the proponent, spoke against the recommendation and stated his disappointment in the outcome of his application having worked diligently with Council to amend the application as required by urban planners, Council and taking into account concerns raised by residents. Mr Hazouri stated that he considered the proposed development to now be compliant as the amendments required have all been made by the applicant.

187 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Bernard Bratusa that an extension of time be granted to enable the speaker to complete his address, the time being 7:58pm.

Mr Hazouri concluded by stating that some development needs to occur at this site and an agreement needs to be reached with consistency being maintained in the area. Mr Hazouri concluded by reiterating his willingness to discuss this matter further and work with Council to achieve a satisfactory outcome.

**Ricky Burns**

*Item 7- The Northern Road (Main Road 154) and Andromeda Drive, Cranebrook – Review of Traffic Conditions (also referred to in Report and Recommendations of Local Traffic Committee, 6 July 2015 – Item 13)*

Mr Burns, an affected resident and concerned citizen, spoke to the report and advised that he lives only 30 metres from the corner location the subject of this report. Mr Burns proposed that Council strenuously petition the RMS to declare the intersection an Accident Blackspot and request that a roundabout be constructed at the location as a matter of urgency. Mr Burns went on to recount his personal experiences with the most serious accidents that have occurred at the intersection as a resident, first responder and witness. Mr Burns stated that the placement of a Give Way sign at the location was dangerously inappropriate and inadequate and that it was causing accidents with drivers confused as to why cars are stopping at the sign. In addition, Mr Burns pointed out the dangerous slope of the Northern Road and how exiting Andromeda Drive in wet conditions was particularly dangerous. He added that a roundabout would be a better, more efficient method of traffic control at the intersection than signals, because of local traffic conditions.

188 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor

Jim Aitken OAM that an extension of time be granted to enable the speaker to complete his address, the time being 8:18pm.

Mr Burns concluded by stating that members of his family have all had to administer first aid at this location due to the number and frequency of traffic accidents, and expressed his concern that it is only a matter of time before there is a fatal motor vehicle accident at this location.

### **RESUMPTION OF STANDING ORDERS**

189 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Jim Aitken OAM that Standing Orders be resumed, the time being 8:18pm.

### **REPORTS OF COMMITTEES**

#### **1 Report and Recommendations of the Penrith Community Safety Partnership Meeting held on 3 June 2015**

190 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Penrith Community Safety Partnership meeting held on 3 June, 2015 be adopted.

#### **2 Report and Recommendations of the Access Committee Meeting held on 10 June 2015**

191 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Michelle Tormey that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 10 June, 2015 be adopted.

#### **3 Report and Recommendations of the Local Traffic Committee Meeting held on 6 July 2015**

192 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Crameri OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 6 July, 2015 be adopted.

#### **4 Report and Recommendations of the Policy Review Committee Meeting held on 13 July 2015**

193 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Greg Davies that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 13 July, 2015 be adopted.

**DELIVERY PROGRAM REPORTS**

**OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH**

**1 Section 82A Application DA13/0311.01 for Review of Refused Development Application for Residential Apartments & Townhouses at Lot 1311 DP 1161827, (No. 119) Glengarry Drive, Glenmore Park Applicant: Hazzouri Property Trust; Owner: ~Hazouri Investments Pty Ltd**

194 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Section 82A Application DA13/0311.01 for Review of Refused Development Application for Residential Apartments & Townhouses at Lot 1311 DP 1161827, (No. 119) Glengarry Drive, Glenmore Park be received.
2. The grounds for refusal under DA13/0311 reviewed pursuant to Section 82A (Review of Determination) of the Environmental Planning and Assessment Act 1979 for Residential Apartments & Townhouses at Lot 1311 DP 1161827, (No. 119) Glengarry Drive, Glenmore Park be upheld as follows:
  - i. The application is not satisfactory for the purpose of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act as the proposal is inconsistent with the following provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65):

Part 2 - Design Quality Principles:-

    - Clause 9 – Principle 1- Context
    - Clause 10 – Principle 2 - Scale
    - Clause 11 – Principle 3 - Built form
    - Clause 12 – Principle 4 - Density
    - Clause 13 – Principle 5 - Resource, energy and water efficiency
    - Clause 14 – Principle 6 - Landscape
    - Clause 15 – Principle 7 - Amenity
    - Clause 16 – Principle 8 - Safety and Security
    - Clause 18 – Principle 10 - Aesthetics

and the Residential Flat Design Code, Part 1 - Local context - Primary Development Controls:-

    - Street setbacks
  - ii. The application is not satisfactory for the purpose of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act as the scale and density is inconsistent with the provisions of the Structure Plan contained in Section E7 (Glenmore Park), Part B - Glenmore Park Stage 2 of Penrith Development Control Plan 2014.
  - iii. The application is not satisfactory for the purpose of Section 79C(1)(b) of the Environmental Planning and Assessment Act in terms of the likely adverse amenity impacts upon the existing

- built environment of existing and future adjoining residents.
- iv. The application is not satisfactory for the purpose of Section 79C(1)(c) of the Environmental Planning and Assessment Act as the site is not suitable for the scale of the proposed development for the following reasons:
- The ridgetop location on the gateway entry of Bradley Street to Glenmore Park Stage 2 is not suitable for the bulk and scale of the proposal given the existing and desired future residential character and context;
  - The excessive height and bulk of the proposed buildings in relation to existing detached dwellings adjoining;
  - The topography of the site necessitates excessive cutting for the scale of the proposal; and
  - The site is removed from the future local centre such that it is not within a comfortable walking distance.
- v. The application is not satisfactory for the purpose of Section 79C(1)(e) of the Environmental Planning and Assessment Act as the proposed development is not in the public interest.
3. Those individuals who made a submission be advised of Council's decision and of the consideration given to their concerns.

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

<b>For</b>	<b>Against</b>
Councillor Prue Car MP	
Councillor Greg Davies	
Councillor John Thain	
Councillor Karen McKeown	
Councillor Michelle Tormey	
Councillor Jackie Greenow OAM	
Councillor Maurice Giroto	
Councillor Kevin Crameri OAM	
Councillor Jim Aitken OAM	
Councillor Mark Davies	
Councillor Ben Goldfinch	
Councillor Tricia Hitchen	
Councillor Bernard Bratusa	
Councillor Marcus Cornish	
Councillor Ross Fowler OAM	

**2 DA15/0437 - Dwelling House (New), Shed, Pool house, Swimming Pool and Septic Tank & Variation of 88B Restriction (building envelope modification) at Lot 501 DP 1193570 34 Persoonia Avenue Agnes Banks Applicant: Michelle N Jakobsson; Owner: ~Michelle N Jakobsson**

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

That:

1. The information contained in the report on DA15/0437 - Dwelling House (New), Shed, Pool house, Swimming Pool and Septic Tank & Variation of 88B Restriction (building envelope modification) at Lot 501 DP 1193570 34 Persoonia Avenue Agnes Banks be received.
2. DA15/0437 for a dwelling, shed, pool house and in-ground swimming pool at 34 Persoonia Avenue, Agnes Banks, be approved subject to the following conditions:
  - A001 – Approved plans
  - A008 – Works to BCA requirements
  - A019 – Occupation Certificate
  - A020 – Use of building
  - A041 – Construction in Bushfire Areas (BAL 29)
  - A046 – Obtain Construction Certificate before commencement of works

A Special - At the commencement of building works and in perpetuity an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' shall be implemented for a distance of not less than 25 metres (or to the property boundary if the boundary is closer than 25 metres) from the dwelling and pool house.

D001 – Implement approved sediment and erosion control measures

D007 - Cut and fill of land requiring Validation Certificate –limited to footprint

D009 – Covering of waste storage area

D010 – Appropriate disposal of excavated or other waste

D Special - 20 trees are to be planted on the subject property to offset the removal of trees from within the approved building footprint. Trees must be planted beyond 25m from the dwelling.

Trees must be maintained for a period of 3 years or until they reach a height of 3 metres, whichever comes last. Following that, the trees fall under Councils Tree Preservation Policy.

Trees are to be selected from the following species only:

- *Angophora bakeri*
- *Eucalyptus sclerophylla*
- *Eucalyptus parramattensis*
- *Melaleuca decora*

E001 – BCA compliance

F006 – Water tank and nuisance

H001 – Stamped plans and erection of site notice

H002 – During construction requirements

H022 – Survey

H030 – Roof finishes (rural property)

H036 – Rainwater tank

H037 – Safe supply of water from catchment areas

H038 – Connection of rainwater tank supply

H039 – Rainwater tank pumps

H041 – Hours of work

J002 – Fencing when water in pool

J004 – Pool fence (residential)

J010 – Pool board/sign

K016 – Stormwater

K026 – Stabilised access

K041 – Infrastructure Restoration Bond

K202 – Section 138 Roads Act Approval

K501 – Penrith City Council clearance (Roads Act Approval)

K Special - No earthworks including cut and fill or building works including a retaining wall, garden shed or other structures of the like are permitted within the easement. The easement is to remain at natural ground level at all times.

K Special – Stormwater drainage from the site shall be discharged to the existing dam on site and comply with the Stormwater Concept Plan report prepared by envirotech Ref-216415-A and dated 12 June 2015.

L007 – Tree protection measures – no TMP with DA

L008 – Tree Preservation Order

P002 – Fees associated with Council land

Q01F – Notice of Commencement and Appointment of PCA

Q05F – Occupation Certificate



- R102 – OSSM system type and disposal area
- R103 – Council inspections for installation
- R104 – No alteration without approval
- R105 – Plumbing code of Australia
- R106 – AWTs Design of Irrigation System
- R107 – AWTs Irrigation pipework (sub-surface)
- R109 – No effluent runoff
- R110 – EMA signage
- R111 – AWTs servicing
- R114 – EMA turfed
- R115 – No structures on EMA
- R116 – Diversion of stormwater from EMA
- R117 – No plants for human consumption within EMA
- R118 – EMA protected from stock damage
- R119 – Wastewater and Native trees

3. The restrictive covenant on the use of land numbered 4 referred to in the Section 88B Instrument of the Conveyancing Act 1919 applying to Lot 501 in DP 1193570 (known as No. 34) Persoonia Avenue Agnes Banks be varied to allow the dwelling to be located partially outside the area labelled (DD) on the abovementioned plan in accordance with the approved site plan.
4. The Common Seal of Penrith City Council be affixed to all necessary documentation to vary/release the covenant.

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

**For**

**Against**

Councillor Prue Car MP  
Councillor Greg Davies  
Councillor John Thain  
Councillor Karen McKeown  
Councillor Michelle Tormey  
Councillor Jackie Greenow OAM  
Councillor Maurice Giroto  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Tricia Hitchen  
Councillor Bernard Bratusa  
Councillor Marcus Cornish  
Councillor Ross Fowler OAM

**3 Penrith City Centre Civic Improvement Plan - Minor Amendment**

196 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Penrith City Centre Civic Improvement Plan - Minor Amendment be received.
2. Council adopt the amendment to the Penrith City Centre Civic Improvement Plan shown as Appendix 1 to this report.
3. The Department of Planning and Environment be advised of Council's adoption of the amendment to the Plan.
4. A notice appear in the local newspaper advising the community of Council's adoption of the amendment to the Penrith City Centre Civic Improvement Plan and the date upon which the amended version of the Plan will take effect.

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

**For**

**Against**

Councillor Prue Car MP  
Councillor Greg Davies  
Councillor John Thain  
Councillor Karen McKeown  
Councillor Michelle Tormey  
Councillor Jackie Greenow OAM  
Councillor Maurice Giroto  
Councillor Kevin Crameri OAM  
Councillor Jim Aitken OAM  
Councillor Mark Davies  
Councillor Ben Goldfinch  
Councillor Tricia Hitchen  
Councillor Bernard Bratusa  
Councillor Marcus Cornish  
Councillor Ross Fowler OAM

**OUTCOME 3 - WE CAN GET AROUND THE CITY**

**5 Local Government Road Safety Program - Roads and Maritime Services Grant Funding 2015 - 2016**

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

That:

1. The information contained in the report on Local Government Road Safety Program - Roads and Maritime Services Grant Funding 2015 - 2016 be received.
2. Council accept the grants offered by Roads and Maritime Services Local Government Road Safety Program, totalling \$13,000, as outlined in the report.

3. Council write to Roads and Maritime Services and Local State Members thanking them for their continued support for road safety initiatives within the Penrith Local Government Area.

#### **6 Billington Place, Emu Plains - Review of Timed Parking**

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

That:

1. The information contained in the report on Billington Place, Emu Plains - Review of Timed Parking be received.
2. Council endorse the conversion of ten existing unrestricted car spaces into ten four hour (4P) time restricted parking spaces, those spaces being in the south-eastern corner of the Billington Place, Emu Plains carpark.
3. Council write to TfNSW and the RMS, requesting approval for the proposed changes to unrestricted parking spaces within the Billington Place car park.

Councillor Marcus Cornish left the meeting, the time being 8:28pm.

Councillor Marcus Cornish returned to the meeting, the time being 8:29pm.

#### **4 Australian Government Blackspot Program and NSW Safer Roads Program - 2016-17 Nominations**

199 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Australian Government Blackspot Program and NSW Safer Roads Program - 2016-17 Nominations be received.
2. Council endorse the seven projects listed in Table 1 of this report for submission to the Roads and Maritime Services for funding under the Australian Government Blackspot Program and NSW Safer Roads Program 2016/17.
3. The Roads and Maritime Services be requested to investigate traffic safety on roads under its jurisdiction at locations indicated in Table 2 of this report.
4. The Roads and Maritime Services be requested to investigate traffic safety at the intersection of The Northern Road and Andromeda Drive, Cranebrook noting the primary accident trend is occurring within the State Road network.

#### **7 The Northern Road (Main Road 154) and Andromeda Drive, Cranebrook - Review of Traffic Conditions**

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

That:

1. The information contained in the report on The Northern Road (Main Road 154) and Andromeda Drive, Cranebrook - Review of Traffic Conditions be

received.

2. Councillor Kevin Crameri OAM be advised of this report and its recommendation.
3. Council request the Roads and Maritime Services (RMS) and the Local Traffic Committee to recommend as a matter of urgency that consideration be given to the installation of a roundabout and the removal of the give way sign to mitigate the current dangerous traffic situation at the intersection of The Northern Road and Andromeda Drive, Cranebrook.
4. Council notify the Local Member of Council's resolution to request the above action by the RMS and Local Traffic Committee.

Councillors John Thain and Michelle Tormey left the meeting, the time being 8:48pm.

#### **OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES**

##### **9 Penrith City Centre Public Domain Technical Manual**

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

That:

1. The information contained in the report on Penrith City Centre Public Domain Technical Manual be received.
2. The Manual be adopted as Council policy, with the minor amendments described in this report, for the future upgrades of footpaths and public spaces in the Penrith City Centre.
3. The Access Committee, Penrith CBD Corporation and the Penrith Valley Chamber of Commerce be advised of Council's decision.

##### **10 Successful Shade Sails Grant - Warburton Crescent Playground, Werrington County**

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

That:

1. The information contained in the report on the Successful Shade Sails Grant - Warburton Crescent Playground, Werrington County be received.
2. Council formally write to thank the Cancer Institute NSW for the grant and to advise that it looks forward to working with them on other Cancer related projects in the future.

##### **8 Draft Street and Park Tree Management Plan**

203 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Karen McKeown

That:

1. The information contained in the report on Draft Street and Park Tree Management Plan be received.

2. The Draft Street and Park Tree Management Plan be placed on public exhibition to receive feedback and that a further report be provided to Council on the outcome of this process.
3. Council continue to develop a comprehensive inventory of trees, focusing on high risk locations with a view to incorporating this data into asset management plans.

Councillor Michelle Tormey returned to the meeting, the time being 8:50pm.

Councillor John Thain returned to the meeting, the time being 8:51pm.

**11 Tender Reference RFT 14/15-28 Public Domain Upgrade, Queen St, St Marys**

204 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Tender Reference RFT 14/15-28 Public Domain Upgrade, Queen St, St Marys be received.
2. Hargraves Urban Pty Ltd be awarded the contract for Public Domain Upgrade Queen Street, St Marys for an amount of \$4,759,999 excluding GST.
3. Council approve the expenditure of funds and the carrying out of the required project works on private land at no cost to property owners as detailed in the report.
4. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

**12 Poppy Park - Future Opportunities**

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

That:

1. The information contained in the report on Poppy Park - Future Opportunities be received.
2. A further report be prepared regarding the likely costs associated with a Poppy display should Council choose to host such an event.
3. Alternate forms of remembrance be considered in recognising those lost in times of war as part of the further report, with consultation to include representatives from both Penrith and St Marys RSL Clubs.

Councillor Greg Davies left the meeting, the time being 9:03pm.

**OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT**

**13 Community Recycling Centre**

206 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Michelle Tormey

That:

1. The information contained in the report on Community Recycling Centre be received.
2. Council not call for tenders under section 55 of the Local Government Act 1993 for the Penrith Community Recycling Centre as a more satisfactory result would not be achieved having regard to the grant funding being provided on the basis of a successful joint application made by Council and Toxfree Solutions Ltd, their accreditation and preferred contractor status with the EPA and the likelihood of not receiving any further competitive tenders.
3. Council accept and endorse the Environmental Trust Grant in partnership with Toxfree Solutions Ltd.
4. Council write a letter of thanks to the NSW Environmental Trust for the grant of \$161,850.
5. Council's Waste and Community Protection Manager be authorised to complete the partnership agreement for the establishment of the Penrith Community Recycling Centre.

**OUTCOME 6 - WE'RE HEALTHY AND SHARE STRONG COMMUNITY SPIRIT**

**14 Occupation Agreement - Penrith Performing and Visual Arts Ltd and Penrith City Council**

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

That:

1. The information contained in the report on Occupation Agreement - Penrith Performing and Visual Arts Ltd and Penrith City Council be received.
2. Council adopt the Occupation Agreement with the PP&VA Ltd for the management, maintenance and use of the Penrith Regional Gallery and The Lewers Bequest and the Joan Sutherland Performing Arts Centre.
3. The Occupation Agreement be signed by the Mayor and General Manager of Penrith City Council and the Chairman and Company Secretary of the Penrith Performing and Visual Arts Ltd.
4. The Common Seal of the Council of the City of Penrith be affixed to all necessary documentation.

**16 Creation of easements for new electrical equipment at Jamison Park, Lot 1 DP1057945 Jamison Road, South Penrith**

208 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Creation of easements for new electrical equipment at Jamison Park, Lot 1 DP1057945 Jamison Road, South Penrith be received.
2. The original Plan Administration Sheet and the original Section 88B Instrument be signed on behalf of Council, as owners of the land and the consent authority, by the Mayor and General Manager.
3. The signed documents be electronically lodged at the Land Titles Office for registration.

**15 Spicy Penrith 2015**

209 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Mark Davies

That:

1. The information contained in the report on Spicy Penrith 2015 be received.
2. An amount of \$1,200 be allocated equally from each ward's voted works to enable the Spicy Penrith 2015 event to be held.

**OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL**

**18 Insurance Renewals 2015-16**

210 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Karen McKeown

That:

1. The information contained in the report on Insurance Renewals 2015-16 be received.
2. Council retain its \$100,000 claims excess for Public Liability cover and agree to pay a contribution of \$742,000 to Westpool for liability cover for 2015-16.
3. Council retain its \$20,000 claims excess for Industrial Special Risk and General Property cover and agree to pay a contribution of \$467,000 to United Independent Pools for 2015-16.
4. Council retain its \$2,000 excess and agree to pay UIP a contribution of \$192,000 to the comprehensive motor vehicle insurance pool for 2015-16.

**19 Amendment to the Council's 2015 Meeting Calendar**

211 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Karen McKeown

That:

1. The information contained in the report on Amendment to the Council's 2015 Meeting Calendar be received.
2. The Council's Meeting Calendar be amended to include a Policy Review Committee Meeting on 31 August 2015.

**21 Tender Reference 14/15-29 Telecommunication and Data Centre Services**

212 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Karen McKeown

That:

1. The information contained in the report on Tender Reference 14/15-29 Telecommunication and Data Centre Services be received.
2. For tender components 1, 2 and 3 (*Site Data Connectivity Services, Enhanced Network Services, Internet Connections*):
  - a. Council decline to accept all tenders as no suitable tenders were received for these components.
  - b. Council decline to invite fresh tenders as postponing or cancelling the proposed services is not a feasible option, given that Council's present hardware and facilities are approaching the end of their effective life.
  - c. Council negotiate with tenderers Telstra Corporation and TPG Network to obtain the services required as the Tender Evaluation Committee is of the view that these tenderers are able to provide suitable alternative solutions for the services requested.
  - d. A report on the outcomes of the negotiations with Telstra Corporation and TPG Network be provided to Council.
3. For tender component 4 (*Managed Compute Services*):
  - a. Data#3 Limited be accepted as the preferred tenderer for Managed Compute Services to Council for a period of 3 years with a 1 + 1 year option in Council's favour.
4. For tender component 5 (*Call Switching Services*):
  - a. Council decline to accept all tenders as no suitable tenders for this part were received.
  - b. Council carry out the requirements of this part of the tender itself.
5. For tender component 6 (*Mobile Services*):
  - a. Telstra Corporation be accepted as the preferred tenderer for Mobile Services to Council for a period of 3 years with a 1 + 1 year option in Council's favour.
6. For tender component 7 (*POTS Services*):
  - a. Telstra Corporation be accepted as the preferred tenderer for POTS



Services to Council for a period of 3 years with a 1 + 1 year option in Council's favour.

7. For tender component 8 (*Other Telecommunications Services*):
  - a. Telstra Corporation be accepted as the preferred tender for Other Telecommunications Services to Council for a period of 3 years with a 1 + 1 year option in Council's favour.

**22 Belmore And Jane Streets Penrith – Licence Agreement With Transport For NSW For Commuter Car Parks On Council Land**

213 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Karen McKeown

That:

1. The information contained in the report on Belmore And Jane Streets Penrith – Licence Agreement With Transport For NSW For Commuter Car Parks On Council Land be received.
2. Council enter into a 1 year licence agreement with TfNSW for the 2 parcels of Council land as shown on the attached diagram for a nominal consideration of \$1.00. All costs associated with construction of the improvements to be borne by TfNSW. Maintenance of the car park(s), paving, cleaning and lighting, to be managed by Council and electricity supply to the Jane Street car park to be the responsibility of Council.
3. The Property Development Manager be given the delegated authority to execute the licence agreement between TfNSW and Council.

**23 2015 NSW Community Building Partnership Grants**

214 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Karen McKeown

That:

1. The information contained in the report on 2015 NSW Community Building Partnership Grants be received.
2. Council endorse the submission of applications as detailed in this report for three projects and three secondary projects to the 2015 Community Building Partnership Program and endorse the source of matching funds, pending the applications being successful.

**24 Summary of Investments and Banking for the period 1 June 2015 to 30 June 2015**

215 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Karen McKeown

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 June 2015 to 30 June 2015 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 June 2015 to 30 June 2015 be noted and accepted.

3. The graphical investment analysis as at 30 June 2015 be noted.

Councillor Greg Davies returned to the meeting, the time being 9:09pm.

### **17 Audit Committee**

216 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Audit Committee be received.
2. The independent members of the Audit Committee be paid a fee as outlined in the report.

### **20 Local Government NSW Annual Conference 2015**

217 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Greg Davies

That:

1. The information contained in the report on Local Government NSW Annual Conference 2015 be received.
2. Council's voting delegates for motions to attend the 2015 Local Government NSW Conference to be held at Rosehill Gardens Racecourse, Rosehill, Sydney be His Worship the Mayor, Councillor Ross Fowler OAM and Councillors Mark Davies, Tricia Hitchen, Ben Goldfinch, Greg Davies, Karen McKeown, John Thain, Prue Car MP, Jackie Greenow OAM and Michelle Tormey.
3. Council's voting delegates for Office Bearers and the Board to attend the 2015 Local Government NSW Conference to be held at Rosehill Gardens Racecourse, Rosehill, Sydney be His Worship the Mayor, Councillor Ross Fowler OAM and Councillors Mark Davies, Tricia Hitchen, Ben Goldfinch, Greg Davies, Karen McKeown, John Thain, Prue Car MP, Jackie Greenow OAM and Michelle Tormey.
4. Any other interested Councillors to attend as observers.
5. Council sponsor up to three (3) Aboriginal observers, nominated by the Deerubbin Local Aboriginal Land Council, to attend the 2015 Local Government NSW Conference.

## **REQUESTS FOR REPORTS AND MEMORANDUMS AND URGENT BUSINESS**

### **UB 1 Leave of Absence**

Councillor Ben Goldfinch requested Leave of Absence from 10 August 2015 to 18 August 2015 inclusive.

218 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Bernard Bratusa 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.

219 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Bernard Bratusa that Leave of Absence be granted to Councillor Ben Goldfinch from 10 August 2015 to 18 August 2015 inclusive.

**UB 2 Leave of Absence**

Councillor Karen McKeown requested Leave of Absence from 14 August 2015 to 28 August 2015 inclusive

220 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Bernard Bratusa 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.

221 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Bernard Bratusa that Leave of Absence be granted to Councillor Ben Goldfinch from 14 August 2015 to 28 August 2015 inclusive.

**UB 3 Leave of Absence**

Councillor Tricia Hitchen requested Leave of Absence from 10 August 2015 to 23 August 2015 inclusive.

222 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Ben Goldfinch that 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.

223 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Bernard Bratusa that Leave of Absence be granted to Councillor Tricia Hitchen from 10 August 2015 to 23 August 2015 inclusive

**UB 4 Leave of Absence**

Councillor Greg Davies requested Leave of Absence from 5 August 2015 to 17 August 2015 inclusive.

224 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Bernard Bratusa 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.

225 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Bernard Bratusa that Leave of Absence be granted to Councillor Greg Davies from 5 August 2015 to 17 August 2015 inclusive.

**UB 5 Leave of Absence**

His Worship the Mayor, Councillor Ross Fowler OAM requested Leave of Absence from 13 August 2015 to 24 August 2015 inclusive.

226 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Bernard Bratusa 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.

227 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Bernard Bratusa that Leave of Absence be granted to His Worship the Mayor, Councillor Ross Fowler OAM from 13 August to 24 August 2015 inclusive.

**UB 6 Berkshire Park Fire Brigade - Hall Hire**

Councillor Ben Goldfinch requested that Council fund Berkshire Park Fire Brigade for the cost of the Berkshire Park Hall hire for their annual fund raiser up to a sum of \$400 allocated from North Ward Voted Works.

228 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Michelle Tormey 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.

229 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Michelle Tormey that Council fund Berkshire Park Fire Brigade for the cost of the Berkshire Park Hall hire for their annual fund raiser up to a sum of \$400 allocated from North Ward Voted Works.

Councillor Maurice Giroto left the meeting, the time being 9:16pm.

**RR 1 Badgerys Creek Airport - Flight Paths**

Councillor Kevin Crameri OAM requested a memo response to whether or not Council has tried to get the flight path maps.

**RR 2 Sale of Poles and Wires - Dividends**

Councillor Kevin Crameri OAM requested a letter be written to the Premier of NSW seeking an answer on what will happen with the dividends from Endeavour Energy with the sale of poles and wires.

**RR 3 Blacktown - Richmond Road, Llandilo**

Councillor Kevin Crameri OAM requested a memo reply concerning what is happening with the intersection at Blacktown and Richmond Road, Llandilo.

**RR 4 Heritage Issues - PLDC**

Councillor John Thain requested a memo reply to all Councillors outlining the buildings on the PLDC site and their preservation, particularly concerning the Puddledock and reports of buildings being dismantled and bulldozed.

**RR 5 Kurrambee School - Request for Bins**

Councillor John Thain requested Council supply Kurrambee School with 9 "Otto" bins to assist with moving instruments between the school grounds.

Councillor Maurice Giroto returned to the meeting, the time being 9:19pm.

**RR 6 Sir Charles Kingsford Smith - Commemoration**

Councillor Prue Car MP requested a report to Council on the options which could be used to commemorate the site of joy rides flown by Sir Charles Kingsford Smith from the Great

Western Highway in Werrington. The report should detail the costings of plaques that could be erected on the site.

**RR 7 Signage - Cnr Melville Road and Banks Drive, St Clair**

Councillor Greg Davies requested a memo reply investigating the possibility of installing signage on this corner which indicates the direction to the shops on the corner of Melville Road and Banks Drive, St Clair, with a possible contribution from the business owners in Melville Shopping Centre.

**COMMITTEE OF THE WHOLE**

RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Bernard Bratusa that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:25pm.

**1 Presence of the Public**

CW1 RESOLVED on the motion of Councillor Karen McKeown seconded Councillor Kevin Crameri OAM that the press and public be excluded from Committee of the Whole to deal with the following matters:

**Outcome 7**

**2 Commercial Matter - Council Property - Leasing of Suite 4/134-138 Henry Street, Penrith to Blue Mountains Education Pty Limited**

*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 Commercial Matter - Council Property - Leasing of Suite GO 2 at Community Connections to Anglicare Sydney**

*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 Commercial Matter - Council Property - Leasing of Suite 113 at Community Connections Building to SydWest Multicultural Services**

*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.*

**5 Commercial Matter - Council Property - Leasing of Suites 104 & 104A to Lifestart Co-operative Ltd at 114-116 Henry Street, 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.*

**6 Commercial Matter - Creation of Easement to Drain Water over Council Land - Lot 25, DP 1069009 Public Reserve - To Benefit Lot 9, Section 4, DP 975378 - at rear of 18 Paskin Street, Kingswood**

*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.*

**7 Commercial Matter - Proposed Easement For Endeavour Energy 33kV Transmission Line Over Public Reserve - Boronia Road, North St Marys**

*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.*

**8 Commercial Matter - Proposed sale of Council property - 1-23 Lenore Drive, Erskine Park**

*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 1**

**9 Property Matter - 46 - 50 Belmore Street, Penrith (Lot 1122 DP 1106979)**

*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 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 7**

**10 Sale of Land For Unpaid Rates and Charges - 30 Eton Road, Cambridge Park**

*This item has been referred to Committee of the Whole as the report refers to personnel matters concerning particular individuals; AND discussion in relation to the personal hardship of a resident or ratepayer; AND 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.*

**11 Code of Conduct Matter concerning Councillor Marcus Cornish**

*This item has been referred to Committee of the Whole as the report refers to alleged contraventions of any code of conduct requirements applicable under section 440 and discussion of the matter in open meeting would be, on balance, contrary to the public interest.*

The meeting resumed at 10:28pm and the General Manager reported that the Committee of the Whole met at 9:25pm on 27 July 2015, the following being present

His Worship the Mayor, Councillor Ross Fowler OAM, Deputy Mayor, Councillor Greg Davies and Councillors Jim Aitken OAM, Bernard Bratusa, Prue Car MP, Kevin Crameri OAM, Marcus Cornish, Mark Davies, Maurice Giroto, Ben Goldfinch, Jackie Greenow OAM, Tricia Hitchen, Karen McKeown, John Thain and Michelle Tormey.

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 Commercial Matter - Council Property - Leasing of Suite 4/134-138 Henry Street, Penrith to Blue Mountains Education Pty Limited**

RECOMMENDED on the MOTION of Councillor Mark Davies seconded Councillor Marcus Cornish

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Suite 4/134-138 Henry Street, Penrith to Blue Mountains Education Pty Limited be received.
2. Council grant a 2 year lease with a 1 year option to David Higinbothan and Michelle Higinbothan in accordance with the terms and conditions set out in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**3 Commercial Matter - Council Property - Leasing of Suite GO 2 at Community Connections to Anglicare Sydney**

RECOMMENDED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Prue Car MP

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Suite GO 2 at Community Connections to Anglicare Sydney be received
2. Council approve leasing of Suite GO 2 at Community Connections Building to Anglicare Sydney for a 3 year period as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**4 Commercial Matter - Council Property - Leasing of Suite 113 at Community Connections Building to SydWest Multicultural Services**

RECOMMENDED on the MOTION of Councillor Karen McKeown seconded Councillor Ben Goldfinch

CW4 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Suite 113 at Community Connections Building to SydWest Multicultural Services be received.
2. Council approve a 3 year Licence Agreement over Suite 113 at Community Connections building to SydWest Multicultural Services in accordance with the terms and conditions set out in the report.
3. The Common Seal of The Council of the City of Penrith be placed on all necessary documentation.

**5 Commercial Matter - Council Property - Leasing of Suites 104 & 104A to Lifestart Co-operative Ltd at 114-116 Henry Street, Penrith**

RECOMMENDED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Maurice Giroto

CW5 That:

1. The information contained in the report on Commercial Matter - Council Property - Leasing of Suites 104 & 104A to Lifestart Co-operative Ltd at 114-116 Henry Street, Penrith be received.
2. Council approve leasing of Suites 104 & 104A at 114-116 Henry Street Penrith to Lifestart Co-operative Ltd under 3 year Licence Agreements in accordance with the terms and conditions set out in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.



**6 Commercial Matter - Creation of Easement to Drain Water over Council Land - Lot 25, DP 1069009 Public Reserve - To Benefit Lot 9, Section 4, DP 975378 - at rear of 18 Paskin Street, Kingswood**

RECOMMENDED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow OAM

CW6 That:

1. The information contained in the report on Commercial Matter - Creation of Easement to Drain Water over Council Land - Lot 25, DP 1069009 Public Reserve - To Benefit Lot 9, Section 4, DP 975378 - at rear of 18 Paskin Street, Kingswood be received.
2. Council grant an easement to drain water over Public Reserve on Lot 25, DP 1069009 in favour of Lot 4 DP 975378 at 18 Paskin Street, Kingswood.
3. The applicant pay compensation to Council as per the amount noted within this report for the granting of the easement over Lot 25, DP 1069009 at the rear of 18 Paskin Street, Kingswood.
4. The applicant be responsible for all drainage costs, survey, legal and registration costs associated with the creation of the easement.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation to effect registration of the easement on Council's title to the land.

**7 Commercial Matter - Proposed Easement For Endeavour Energy 33kV Transmission Line Over Public Reserve - Boronia Road, North St Marys**

RECOMMENDED on the MOTION of Councillor Mark Davies seconded Councillor John Thain

CW7 That:

1. The information contained in the report on Commercial Matter - Proposed Easement For Endeavour Energy 33kV Transmission Line Over Public Reserve - Boronia Road, North St Marys be received.
2. Council accept the amount as noted within the report as compensation for the easement.
3. Council charge an administration fee as noted within the report.
4. The Common Seal of the City of Penrith be affixed to all documentation necessary to effect registration of the easement on title to Council's land.

**8 Commercial Matter - Proposed sale of Council property - 1-23 Lenore Drive, Erskine Park**

RECOMMENDED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies

CW8 That:

1. The information contained in the report on Commercial Matter - Proposed sale of Council property - 1-23 Lenore Drive, Erskine Park be received.
2. The sale of the described property proceed as recommended within this

report.

3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation for the sale of the property.

**9 Property Matter - 46 - 50 Belmore Street, Penrith (Lot 1122 DP 1106979)**

RECOMMENDED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Bernard Bratusa

CW9 That:

1. The information contained in the report on Property Matter - 46 - 50 Belmore Street, Penrith (Lot 1122 DP 1106979) be received.
2. Council enter into an Option Agreement to sell the land to Sandran Pty Ltd as per the Terms and Conditions noted within the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation for the sale of the property.

**10 Sale of Land For Unpaid Rates and Charges - 30 Eton Road, Cambridge Park**

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Jim Aitken OAM

CW10 That:

1. The information contained in the report on Sale of Land For Unpaid Rates and Charges - 30 Eton Road, Cambridge Park be received.
2. Council proceed to offer the land for sale by public auction.
3. The reserve price, as provided, be set for the sale of this land by auction.
4. The Property Development Manager be given the delegated authority to sign the contract of sale for and on behalf of Council.
5. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

Councillor Jim Aitken OAM left the meeting at 9:38pm and did not return.

Having previously declared an Interest in this Item and in accordance with Clause 8.46 of the Procedures for the Model Code of Conduct, His Worship the Mayor, Councillor Ross Fowler OAM left the meeting, the time being 9:38pm and did not return.

Deputy Mayor, Councillor Greg Davies took the Chair, the time being 9:38pm.

**11 Code of Conduct Matter concerning Councillor Marcus Cornish**

In accordance with Clause 8.47 of the Procedures for the Model Code of Conduct, Councillor Cornish was provided an opportunity and made an oral submission to Council on this Item.

At the completion of his oral submission, in accordance with Clause 8.48 of the Procedures for the Model Code of Conduct, Councillor Cornish left the meeting at

9:51pm and did not return.

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Mark Davies

CW11 That:

1. The information contained in the report on Code of Conduct Matter concerning Councillor Marcus Cornish be received.
2. Council adopt all of the recommendations made by the Investigator within the Final Investigation Report, specifically that:
  - a. Councillor Cornish be formally censured for the breach under section 440G of the Local Government Act 1993 ("the Act") at a meeting duly constituted in accordance with section 440G of the Act.
  - b. Findings of inappropriate conduct by Councillor Cornish at the Council meetings held on 24 November and 8 December 2014 be made public at the next available duly constituted Council meeting.
  - c. At the next available duly constituted meeting, Councillor Cornish be required to:
    - i. Publically acknowledge the findings of breach of clauses 3.1 (e), 3.3 and 6.7(a), (e), (g) of the Model Code and is also to give an undertaking to Council that he will avoid similar breaches in future.
    - ii. Offer an unqualified apology to the Mayor, Council and the Penrith community.
    - iii. Give an undertaking that he will not make negative or derogatory comments regarding the complaint, the outcome or the Code of Conduct process publically including to the media.
  - d. Council engage the Office of Local Government or a suitably qualified and experienced training organisation to design and deliver Code of Conduct training specifically for Councillor Cornish and the breaches in question. Alternatively the training could be designed and delivered in house, should Council have the appropriate staff with the expertise to do so.
  - e. Councillor Cornish be required to attend and to give an undertaking that he will participate in the subject training.
  - f. The training to be interactive with practical examples and Councillor Cornish should be required to demonstrate his understanding of appropriate standards of conduct for public officials through a system of questioning and observation by the trainer.
  - g. The above sanctions be completed within 3 months of the date of this report.

#### **ADOPTION OF COMMITTEE OF THE WHOLE**

230 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5, CW6, CW7, CW8, CW9, CW10 and CW11 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:37pm.

I certify that these 28 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 27 July 2015.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date