

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

ON MONDAY 23 NOVEMBER 2015 AT 7:32PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

Her Worship the Mayor, Councillor Karen McKeown 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

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

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Michelle Tormey for the period 30 October 2015 to 3 January 2016 inclusive.

APOLOGIES

342 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM that apologies be received for Councillors Maurice Giroto and Ben Goldfinch.

CONFIRMATION OF MINUTES - Ordinary Meeting - 26 October 2015

343 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Kevin Crameri OAM that the minutes of the Ordinary Meeting of 26 October 2015 be confirmed.

DECLARATIONS OF INTEREST

Councillor Kevin Crameri OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 5 - Heritage Assistance fund 2015 – 2016* as he is listed as the Public Officer for the Llandilo Hall. Councillor Crameri stated that he would leave the Chamber during consideration of this Item.

Her Worship the Mayor, Councillor Karen McKeown declared a Non- Pecuniary Conflict of Interest – Less than Significant in *COW Item 2 - Status on Litigation and Compliance Matters* as her son was employed by a company which is one of the subjects of this report.

Councillor Marcus Cornish declared a Non-Pecuniary Conflict of Interest - Significant in *COW Item 2 - Status on Litigation and Compliance Matters* as his wife is the Secretary of the Protect Penrith Action Group Inc.

MAYORAL MINUTES

2 Congratulations to Majorie and Graham Elphick, NSW Grandparents of the Year

Councillor Jim Aitken OAM left the meeting, the time being 7:39pm.

Councillor Jim Aitken OAM returned to the meeting, the time being 7:41pm.

Councillors Jackie Greenow OAM, John Thain and Prue Car MP spoke in support of the Mayoral Minute.

Her Worship the Mayor, Councillor Karen McKeown then presented Mr and Mrs Elphick with a framed copy of the Mayoral Minute.

344 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Jackie Greenow OAM that the Mayoral Minute on Congratulations to Majorie and Graham Elphick, NSW Grandparents of the Year be received.

3 Penrith Progression recognised in Planning Institute's State Awards

The Deputy Mayor, Councillor Ross Fowler OAM, spoke in support of the Mayoral Minute and congratulated all those involved in the Penrith Progression.

345 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the Mayoral Minute on Penrith Progression recognised in Planning Institute's State Awards be received.

1 The passing of David Mead

Deputy Mayor, Councillor Ross Fowler OAM and Councillor Greg Davies spoke in support of this Mayoral Minute

Her Worship the Mayor, Karen McKeown then asked the Councillors, staff and gallery to stand for one minute's silence to acknowledge the passing of David Mead.

346 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the Mayoral Minute on The passing of David Mead be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 2 November 2015

347 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor John Thain that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 2 November, 2015 be adopted.

2 Report and Recommendations of the Policy Review Committee Meeting held on 9 November 2015

348 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Tricia Hitchen that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 9 November, 2015 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

2 Tender Submission for Out of School Hours Care Services in Schools

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

That:

1. The information contained in the report on Tender Submission for Out of School Hours Care Services in Schools be received
2. Council endorse the Request for Tender for the provision of out of school hours services at Henry Fulton and Werrington Public Schools in 2016.
3. Pending the outcome of the Request for Tender, Council enter into an Agreement with the NSW Department of Education for the provision of out of school hours services at Henry Fulton and Werrington Public Schools for three years with a two year option, both services to be managed by the Penrith City Children's Services Cooperative Ltd.
4. Council receive further information on the outcome of the NSW Department of Education Request for Tender process for the provision of out of school hours services at Henry Fulton and Werrington Public Schools.

1 Event Proposal - Australian Ballet

350 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Event Proposal - Australian Ballet be received.
2. Consideration of this matter be deferred pending submission of a further report to Council outlining any economic benefits to the Penrith area of hosting this event, as well as a business plan and any opportunities for joint partnership and sponsorship.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

3 Glenmore Park Stage 2 - Amendment to the Second Council Planning Agreement

351 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Glenmore Park Stage 2 - Amendment to the Second Council Planning Agreement be received.
2. Council endorse the proposed amendments to the Second Council Planning Agreement (commonly referred to as the Council VPA) as outlined in this report and that a legal amending document to the Council VPA be prepared in accordance with these proposed changes and the requirements of the Environmental Planning and Assessment Act and Regulations.
3. The legal amending document to the Council VPA be placed on public notification for a period of 28 days.
4. Council authorise the General Manager to finalise and sign the legal amending document to the Council VPA with the other VPA parties following the conclusion of the public notification period.
5. The Common Seal of the Council of the City of Penrith be affixed to the legal amending document to the Council VPA developed in accordance with resolutions 2, 3 and 4 above.

4 Fencing of the Wianamatta Regional Park

352 RESOLVED on the MOTION of Councillor Prue Car MP seconded Councillor Kevin Crameri OAM that the information contained in the report on Fencing of the Wianamatta Regional Park be received.

Having previously declared a Non-Pecuniary Conflict of Interest – Less than Significant in Item 5, Councillor Kevin Crameri OAM left the meeting, the time being 8:11pm.

5 Heritage Assistance fund 2015 – 2016

353 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Heritage Assistance fund 2015 – 2016 be received
2. The successful applicants for the 2015/2016 Heritage Assistance Fund be endorsed by Council and advised accordingly.
3. The unsuccessful applicants for the 2015/2016 Heritage Assistance Fund outlined be advised accordingly.
4. A report be submitted to Council on increasing the monetary value of the Heritage Assistance fund allocations.

Councillor Kevin Crameri OAM returned to the meeting, the time being 8:12pm.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

6 St Marys Memorial Hall - Request to Name Meeting Rooms

354 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on St Marys Memorial Hall - Request to Name Meeting Rooms be received.
2. Meeting Room 1 in St Marys Memorial Hall be officially named as the 'Brian King Room' and Meeting Room 2 be officially named as the 'Kevin Dwyer Room'.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

7 Tender Reference RFT 15/16-06 Construction of Wetland 156 Treatment System at Cranebrook

355 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Tender Reference RFT 15/16-06 Construction of Wetland 156 Treatment System at Cranebrook be received.
2. Civil Constructions Pty Ltd be awarded the contract for the Construction of Wetland 156 Treatment System at Cranebrook, for an amount of \$771,654.00 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

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

8 Active Ageing and Community Participation Project - Re-Imagine Ageing

356 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Active Ageing and Community Participation Project - Re-Imagine Ageing be received.
2. Council endorse the submission of an expression of interest to the Liveable Communities Grants Program for funding of \$100,000 for the Re-Imagine Ageing initiative.

9 The Youth Week 2016 Program

A MOTION was moved by Councillor Bernard Bratusa seconded Councillor Marcus Cornish

That:

1. The information contained in the report on The Youth Week 2016 Program be received.
2. Council endorse the four recommended projects and funding amounts to the total value of \$6,150 as outlined in Table 1 of this report.
3. The shortfall in each project be funded equally from each Ward's voted works.

An AMENDMENT was moved by Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on The Youth Week 2016 Program be received.
2. Council endorse the four recommended projects and funding amounts to the total value of \$6,150 as outlined in Table 1 of this report.

The AMENDMENT was PUT.

The AMENDMENT was CARRIED and on becoming the SUBSTANTIVE MOTION was also CARRIED.

Councillor Bernard Bratusa called for a DIVISION.

For

Against

Councillor Prue Car MP
Councillor Greg Davies
Councillor John Thain
Councillor Ross Fowler OAM
Councillor Jackie Greenow OAM
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Marcus Cornish
Councillor Karen McKeown
Councillor Mark Davies

Councillor Bernard Bratusa
Councillor Tricia Hitchen

10 Bestowing the Civic Recognition of Honoured Citizen of the City of Penrith upon Alan Travers

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

That:

1. The information contained in the report on Bestowing the Civic Recognition of Honoured Citizen of the City of Penrith upon Alan Travers be received.
2. Council bestow the civic recognition of Honoured Citizen of the City of Penrith upon Alan Travers, at a civic reception to be held at a mutually convenient time.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

14 Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors

358 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors be received.
2. Council adopt the Policy on the Payment of Expenses and Provision of Facilities to Mayor, Deputy Mayor and Councillors.
3. Council forward a copy of the Council's adopted Policy on the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors to the Office Local Government.

16 Proposed Council Meeting Calendar for 2016

359 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Proposed Council Meeting Calendar for 2016 be received.
2. The draft Meeting Calendar for 2016 be adopted.

17 Sale of Land for Unpaid Rates and Charges

360 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Sale of Land for Unpaid Rates and Charges be received.
2. Council endorses selling this land to recover unpaid rates if payment has not been received by 30 November 2015.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

18 Summary of Investments & Banking for the period 1 October to 31 October 2015

361 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 October to 31 October 2015 be received.

2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 October 2015 to 31 October 2015 be noted and accepted.
3. The graphical investment analysis as at 31 October 2015 be noted.

Councillor Kevin Crameri OAM left the meeting, the time being 8:36pm.

11 Organisational Performance Report - September 2015

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

That:

1. The information contained in the report on Organisational Performance Report - September 2015 be received.
2. The *Organisational Performance Report - September 2015* as at 30 September 2015, including the revised estimates outlined in this report and detailed in **Attachment 1 – Organisational Performance Report – September 2015** be adopted.

12 Annual Report 2014-15

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

That:

1. The information contained in the report on Annual Report 2014-15 be received
2. The Annual Report 2014-15 be endorsed for submission to the NSW Office of Local Government by 30 November 2015.

Councillor Kevin Crameri OAM returned to the meeting, the time being 8:41pm.

13 Code of Conduct - Report on Complaints Statistics

364 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on Code of Conduct - Report on Complaints Statistics be received.
2. A copy of the this report along with the complaints statistics provided in accordance with 12.1 of the Model Code Procedures be forwarded to the Office of Local Government.

Councillor Marcus Cornish called for a DIVISION.

For

Against

Councillor Prue Car MP
Councillor Greg Davies
Councillor John Thain
Councillor Ross Fowler OAM
Councillor Jackie Greenow OAM
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Karen McKeown

Councillor Marcus Cornish

15 2015 Local Government NSW Annual Conference

365 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jackie Greenow OAM

That:

1. The information contained in the report on 2015 Local Government NSW Annual Conference be received.
2. An annual report to Council be prepared detailing the results of advocacy and progress of Conference motions after being considered by LGNSW.

REQUESTS FOR REPORTS AND MEMORANDUMS and URGENT BUSINESS

RR 1 Kendo School - Castlereagh Hall

Councillor John Thain requested a memo reply to all Councillors regarding providing assistance with advertising, including through the Mayoral Column, to the organisers of the Kendo School operating out of Castlereagh Hall.

RR 2 Resignation of Colin Wood

Councillor John Thain noted the recent resignation of Council's Coordinator - Fire Safety and Certification, Colin Wood and, on behalf of his Councillor colleagues, wished Colin all the best for his future at Shoalhaven City Council.

RR 3 Beyond Blue Fundraising

Councillor Kevin Crameri OAM, on behalf of Councillor Maurice Giroto, requested a memo reply to all Councillors outlining any assistance Council could provide to Mary Vella for her fundraising activities for Beyond Blue.

Councillor John Thain left the meeting, the time being 8:55pm.

RR 4 Provision of Handrails around Viewing Platforms on Water Bodies

Councillor Jim Aitken OAM requested a report to Council canvassing all options for preventative measures to eliminate the possibility of falls at viewing platforms on water bodies within the Penrith Local Government Area.

RR 5 Signage on Sporting Grounds

Councillor Bernard Bratusa requested a memo to all Councillors identifying any directions issued by Penrith City Council to sporting organisations, in particular Penrith Golf Club, to have any advertising signage removed from the fence line of their grounds, and in the case of Penrith Golf Club, the fence line along The Northern Road.

Councillor John Thain returned to the meeting, the time being 8:58pm.

UB 1 Legal Matter - Code of Conduct Matter

Councillor Ross Fowler OAM requested that a Code of Conduct matter be referred to Committee of the Whole for discussion as it refers to information that would, if disclosed, prejudice the maintenance of law and discussion of the matter would be, on balance, contrary to the public interest.

COMMITTEE OF THE WHOLE

366 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marcus Cornish that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:00pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Jim Aitken OAM seconded Councillor Marcus Cornish that the press and public be excluded from Committee of the Whole to deal with the following matters:

Outcome 5

Having previously declared a Non-Pecuniary Conflict of Interest – Significant in COW Item 2 - Status on Litigation and Compliance Matters, Councillor Marcus Cornish left the meeting at 9:01pm and did not return.

2 Status on Litigation and Compliance Matters

This item has been referred to Committee of the Whole as the report refers to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Outcome 6

3 Pilot Project Evaluation - Shower Facilities for Homeless People

This item has been referred to Committee of the Whole as the report refers to discussion in relation to the personal hardship of a resident or ratepayer and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

Outcome 4

4 Civic Arts Precinct - Agreement with adjoining Owner

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 7

5 Disposal of Council owned land to adjoining owner

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 Legal Matter - Code of Conduct Matter

This item has been referred to Committee of the Whole as it refers to information that would, if disclosed, prejudice the maintenance of law and discussion of the matter would be, on balance, contrary to the public interest.

The meeting resumed at 9:21pm and the General Manager reported that the Committee of the Whole met at 9:00pm on 23 November 2015, the following being present

Her Worship the Mayor, Councillor Karen McKeown, Deputy Mayor, Councillor Ross Fowler OAM, and Councillors Jim Aitken OAM, Bernard Bratusa, Prue Car MP, Kevin Crameri OAM, Greg Davies, Mark Davies, Jackie Greenow OAM, Tricia Hitchen 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 Status on Litigation and Compliance Matters

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen

CW2 That the information contained in the report on Status on Litigation and Compliance Matters be received.

3 Pilot Project Evaluation - Shower Facilities for Homeless People

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM

CW3 That the information contained in the report on Pilot Project Evaluation - Shower Facilities for Homeless People be received.

4 Civic Arts Precinct - Agreement with adjoining Owner

RECOMMENDED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri OAM

CW4 That:

1. The information contained in the report on Civic Arts Precinct - Agreement with adjoining Owner be received.
2. The General Manager be authorised to execute the letter of agreement between the owners of Westfield Penrith & Council.

5 Disposal of Council owned land to adjoining owner

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

CW5 That:

1. The information contained in the report on Disposal of Council owned land to adjoining owner be received.
2. Council enter into a Put and Call Option to sell the land as detailed within this report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

6 Legal Matter - Code of Conduct Matter

RECOMMENDED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen

CW6 That the information be received.

ADOPTION OF COMMITTEE OF THE WHOLE

367 RESOLVED on the MOTION on Councillor Greg Davies seconded Councillor Jackie Greenow OAM that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5 and CW6 be adopted.

Councillor Jim Aitken OAM left the meeting at 9:22pm and did not return.

There being no further business the Chairperson declared the meeting closed the time being 9:24pm.

I certify that these 13 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 23 November 2015.

Chairperson

Date