

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

ON MONDAY 7 DECEMBER 2015 AT 7:35PM

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 Acting Senior Governance Officer, Mr Adam Beggs.

PRESENT

Her Worship the Mayor, Councillor Karen McKeown, Deputy Mayor, Councillor Ross Fowler OAM and Councillors Bernard Bratusa, Prue Car MP, Marcus Cornish, Kevin Crameri OAM, Greg Davies, Mark Davies, Maurice Giroto, Ben Goldfinch, 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

368 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow OAM that an apology be received from Councillor Jim Aitken OAM.

CONFIRMATION OF MINUTES - Ordinary Meeting - 23 November 2015

369 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Prue Car MP that the minutes of the Ordinary Meeting of 23 November 2015 be confirmed.

DECLARATIONS OF INTEREST

Councillor Marcus Cornish declared a Pecuniary Interest in *Item 13 – The outcome of two Land and Environment Court appeals relating to two development approvals for Places of Public Worship* as his wife is the Secretary of the Protect Penrith Action Group Inc. Councillor Cornish indicated that he would leave the meeting during consideration of this item.

SUSPENSION OF STANDING ORDERS

370 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Kevin Crameri OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:40pm.

Mr Alex Karavas

Report and Recommendations of the Policy Review Committee Meeting held on 30 November 2015 (Item 1 – Reclassification of Public Land in St Marys Town Centre)

Mr Karavas, an interested citizen and business owner, spoke against the proposed development, clarifying the role he believed green space will play for St Marys residents in the future. Mr Karavas then expressed concern about the loss of car parking spaces in the Queen Street business district, which would not support the local businesses in Queen Street. Mr Karavas concluded by requesting Council not to reclassify the lands referred to in the report.

Ms Sandra Newham

Item 6 – Western Sydney Airport – Submission Draft Airport Plan and Draft Environmental Impact Statement

Ms Newham, an affected person, spoke in opposition to the recommendation, however stated that she agreed with most of the EIS Peer Review. Ms Newham expressed concerns that residents have not been presented with a true representation of how many flights may occur during each day and that no curfew is currently proposed.

371 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Cramer OAM that an extension of time be granted to enable the speaker to complete her address, the time being 7:58pm.

Ms Newham concluded by expressing her concern that the jobs that would be created by the proposed Western Sydney Airport may not be as many as first estimated.

Mr Ian Zammit

Item 12 – Mayoral Arts and Culture Summit

Mr Zammit, an interested citizen and local theatre arts director and producer, spoke in support of the recommendation and endorsed the proposals arising from the Mayoral Arts and Culture Summit. Mr Zammit outlined the current state of arts in Penrith, what is missing and why greater investment is needed. He then went on to detail what is gained from arts and cultural development, the community and social cohesion and also for business, both local and foreign investment. Mr Zammit concluded by stating that Penrith is changing rapidly and that arts and cultural investment will enhance the vibrancy of the City making it a City of the future by allowing room for creativity.

Ms Karen King

Item 12 – Mayoral Arts and Culture Summit

Ms King, an interested citizen and Leader of Learning for Creative Arts at Caroline Chisholm College, spoke in support of the recommendation and endorsed the proposals arising from the Mayoral Arts and Culture Summit. Ms King outlined the three fundamental reasons for implementing programs that support the arts, being community transformation, community engagement and investment for the community, and went on to give examples of these. Ms King concluded by stating that the arts projects and initiatives such as those recommended in the report on the Summit are an investment in the future for the community of Penrith.

RESUMPTION OF STANDING ORDERS

372 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Prue Car MP that Standing Orders be resumed, the time being 8:31pm.

MAYORAL MINUTES

1 White Ribbon Day Twilight River Walk 2015

Councillors Ross Fowler OAM, Prue Car MP and Marcus Cornish spoke in support of the Mayoral Minute.

373 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the Mayoral Minute on White Ribbon Day Twilight River Walk 2015 be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Policy Review Committee Meeting held on 30 November 2015 (Item 1)

374 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the recommendation at Item 1 – Reclassification of Public Land in St Marys Town Centre be amended to read:

“That:

- 1. The information contained in the report on Reclassification of Public Land in St Marys Town Centre be received.*
- 2. Reclassification be deferred until further engagement is undertaken with Mirvac and the community prior to a further report being presented to Council.”*

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 Ross Fowler OAM
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Karen McKeown

1 Report and Recommendations of the Policy Review Committee Meeting held on 30 November 2015 (Items 2, 3 and 4)

375 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor John Thain That the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 30 November, 2015 be adopted.

Councillor Jackie Greenow OAM left the meeting, the time being 9:02pm.

DELIVERY PROGRAM REPORTS

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

1 Planning Proposal - Request to permit a service station at 61-73 Christie Street, St Marys

376 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Planning Proposal - Request to permit a service station at 61-73 Christie Street, St Marys be received.
2. Council commence a Gateway process for the ultimate consideration of a Planning Proposal to permit a service station at 61-73 Christie Street, St Marys in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
3. The General Manager be granted delegation to update and finalise the Planning Proposal, written instrument and associated maps before submitting it to the Department of Planning and Environment seeking a Gateway Determination.
4. Council publicly exhibit the Planning Proposal to permit a service station at 61-73 Christie Street, St Marys for a period to be specified in the Gateway Determination, in accordance with the community consultation requirements under Section 57 of the Environmental Planning and Assessment Act 1979 and in a form consistent with any revisions of the Planning Proposal directed by the Department of Planning and Environment as part of the Gateway Determination.
5. A further report be presented to Council following the Public Exhibition.

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 Ross Fowler OAM
Councillor Maurice Giroto
Councillor Kevin Cramer OAM
Councillor Mark Davies

Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Karen McKeown

2 Defqon Music Event Duration

Councillor Jackie Greenow OAM returned to the meeting, the time being 9:04pm.

377 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the information contained in the report on Defqon Music Event Duration be received.

3 Proposed Draft Voluntary Planning Agreement from Settlers Estate Pty Ltd for No.s 731 - 767 Great Western Highway, Werrington (French Street)

378 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Proposed Draft Voluntary Planning Agreement from Settlers Estate Pty Ltd for No.s 731 - 767 Great Western Highway, Werrington (French Street) be received.
2. The draft VPA be placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act and Regulations.
3. Council authorise the General Manager to finalise and sign the draft VPA following the conclusion of the public exhibition period.
4. The Common Seal of the Council of the City of Penrith be affixed to the VPA.
5. A copy of the VPA be provided to the Minister.

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 Ross Fowler OAM
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Karen McKeown

4 Planning Proposal for Glenmore Park Stage 2 Precinct C - Outcomes of Public Exhibition

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

That:

1. The information contained in the report on Planning Proposal for Glenmore Park Stage 2 Precinct C - Outcomes of Public Exhibition be received.
2. Council endorse the Planning Proposal for Glenmore Park Stage 2 Precinct C, included at Attachment 1.
3. The Council note that the Planning Proposal and Development Control Plan will continue to be refined and finalised prior to the publication of the necessary amendments to Penrith Local Environmental Plan 2010 under the Minister for Planning and Environment's delegated local environmental plan making powers.
4. Council adopt the amendment to draft Development Control Chapter E7 Part B – Glenmore Park Stage 2, included as an appendix to the Planning Proposal at Attachment 1, so that it takes effect on the publication of the amendments to Penrith Local Environmental Plan 2010.

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 Ross Fowler OAM Councillor Jackie Greenow OAM Councillor Maurice Girotto Councillor Mark Davies Councillor Ben Goldfinch Councillor Tricia Hitchen Councillor Bernard Bratusa Councillor Marcus Cornish Councillor Karen McKeown	Councillor Kevin Crameri OAM

5 Planning Proposal for Penrith City Centre Park

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

That:

1. The information contained in the report on Planning Proposal for Penrith City Centre Park be received.
2. Council endorse the Planning Proposal for Penrith City Park being forwarded to the Department of Planning and Environment to commence the LEP plan making process under s56 of the Environmental Planning and Assessment Act 1979.

3. The General Manager be granted delegation to update and finalise the Planning Proposal, written instrument and associated maps before submitting it to the Department of Planning & Environment seeking a Gateway Determination.
4. Council publicly exhibit the Planning Proposal for the Penrith City Park in accordance with the community consultation requirements under s57 of the EP&A Act, and in a form consistent with any revisions of the Planning Proposal directed by the Department of Planning & Environment as part of the s56 Gateway determination.
5. The Minister be requested to delegate his authority for Council to finalise and make the proposed amendment to Penrith Local Environmental Plan 2010.
6. A further report be presented to Council following the public exhibition of the draft Planning Proposal advising of the outcomes of the consultation program and any recommendations relating to the adoption of the final Planning Proposal.

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 Ross Fowler OAM
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Karen McKeown

Councillor Marcus Cornish

6 Western Sydney Airport - Submission on Draft Airport Plan and Draft Environmental Impact Statement

A MOTION was moved by Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Western Sydney Airport - Submission on Draft Airport Plan and Draft Environmental Impact Statement be received.
2. Council write to the Hon Greg Hunt MP, Minister for the Environment, urging the Federal Government not to approve the Stage 1 development of the Airport, as detailed in the draft Airport Plan, at this time, given the inadequacies of the draft Environmental Impact Statement (EIS).
3. Council write to the Hon Warren Truss MP, Deputy Prime Minister and

Minister for Infrastructure and Regional Development, advising of Council's request to the Minister for the Environment.

4. Council's submission call for the Department of Infrastructure and Regional Development to address the inadequacies in the draft EIS to provide much greater certainty on the impacts and benefits of the Airport, particularly in relation to:
 - a. its purpose or role, including its relationship to Sydney Airport;
 - b. airspace architecture, including consideration of a range of options;
 - c. aircraft noise, including consideration of a curfew and noise sharing arrangements;
 - d. the provision of rail to the Airport from the outset of airport operations;
 - e. road traffic, including detailed modelling;
 - f. greater clarity on expected economic uplift and job creation; and
 - g. clarity on the implications of the Airport on the planning framework for the Western Sydney Priority Growth Area.
5. Council's submission call for another round of community and stakeholder consultation on a revised draft EIS.
6. Council's submission, and any ongoing engagement with the Federal Government in relation to the Airport proposal, call for:
 - a. The Sydney Airport Curfew Act 1995 to be amended to become the Sydney Airports Curfew Act and apply to both Sydney Airport and the future Western Sydney Airport;
 - b. More equitable distribution of the impacts of aircraft movements. This should include, but not be limited to:
 - i. consideration of alternative flight paths and particularly alternative locations for the merge point for arrivals;
 - ii. limits to noise exposure for any single community; i.e. noise sharing beyond the communities of Penrith, Blue Mountains and Blacktown;
 - iii. integration and optimisation of the use of Sydney's airspace as one system by Sydney Airport and the Western Sydney Airport; and
 - iv. a strategy for the timely relocation of the general aviation activities at Camden and Bankstown Airports if they are exerting pressure on Sydney's airspace load and modification of Richmond RAAF Base airspace;
 - c. A passenger rail line from the Airport to the Main Western line to be in place before the opening of the Airport;
 - d. Any restrictive planning and land use controls imposed on the Western Sydney Priority Growth Area by the Airport to not hamper the economic potential of the Growth Area;
 - e. Special arrangements or mechanisms to be established, involving Federal, State and local governments to develop and deliver a decades long, funded program of infrastructure for the Airport; and
 - f. Meaningful, transparent and continuing dialogue between all levels of government on the Airport.
7. Council endorse the proposed recommendations contained in this report, the proposed recommendations contained in Attachment 3 to this report and any

other additional issues identified by Councillors, as the basis for a final submission to the Department of Infrastructure and Regional Development.

8. Council's final submission be forwarded to the DI&RD by 18 December 2015 and a copy be forwarded to all Councillors.

381 An AMENDMENT was moved by Councillor Ross Fowler OAM seconded Councillor Greg Davies

That:

1. The information contained in the report on Western Sydney Airport - Submission on Draft Airport Plan and Draft Environmental Impact Statement be received.
2. Council recommit to continue to work with the Federal Government to deliver a Western Sydney Airport that is fully and effectively integrated with Western Sydney and delivers significant benefits to the region in terms of transport provision, employment and economic development.
3. Council's submission to the Department of Infrastructure and Regional Development in relation to the draft EIS incorporate the issues canvassed in this report, and arising from the independent peer review, with particular emphasis placed on:
 - a. full and effective integration of airspace in the Sydney Basin for shared operations of Sydney Airport and Western Sydney Airport;
 - b. a more equitable distribution of the noise impacts of aircraft movements including, but not limited to:
 - i. consideration of alternative flight paths and particularly alternative locations for the merge point for arrivals;
 - ii. limits to noise exposure for any single community; i.e. noise sharing beyond the communities of Penrith, Blue Mountains and Blacktown;
 - iii. amendment of the Sydney Airport Curfew Act 1995 to become the Sydney Airports Curfew Act and apply to both Sydney Airport and the future Western Sydney Airport;
 - c. provision of a passenger rail line from the Airport to the Main Western line before the opening of the Airport;
 - d. economic offset arrangements by the Federal Government for Western Sydney if there are planning and land use implications of the proposed airport on the economic potential of the Western Sydney Priority Growth Area;
 - e. special arrangements or mechanisms involving Federal, State and local governments to develop and deliver a decades long, funded program of infrastructure for the Airport; and
 - f. all economic, social and environmental benefits and impacts being fully addressed in the EIS and proposed mitigation measures detailed in any approval to ensure the health and wellbeing of the community is maintained.
4. Council write to the Minister for the Environment and Minister for Infrastructure and Regional Development requesting that the community and

stakeholders be effectively consulted and engaged in all subsequent key processes and decisions on the future growth and development of the Western Sydney Airport.

8. Council's final submission be forwarded to the Department of Infrastructure & Regional Development by 18 December 2015 and a copy be forwarded to all Councillors.

The AMENDMENT was PUT.

A DIVISION was called by Councillor Kevin Crameri OAM.

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

The AMENDMENT was CARRIED and BECAME the MOTION.

A DIVISION was called by Councillor Kevin Crameri OAM.

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

The MOTION was CARRIED.

7 Planning Proposal to amend Penrith Local Environmental Plan 2010 - Incentives Clause for Key Sites

Councillor Kevin Crameri OAM left the meeting, the time being 10:19pm.

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

That:

1. The information contained in the report on Planning Proposal to amend Penrith Local Environmental Plan 2010 - Incentives Clause for Key Sites be received.
2. In accordance with Section 56 of the Environmental Planning and Assessment Act 1979, Council submit the attached Planning Proposal to amend the Penrith LEP 2010 to the NSW Minister for Planning for consideration under the Gateway process.
3. The General Manager be granted delegation to update and finalise the Planning Proposal, written instrument and associated maps before submitting it to the Department of Planning and Environment seeking a Gateway Determination.
4. Council request delegation for the General Manager to finalise the LEP amendment.
5. Council carry out the requirements of the Gateway Determination to process the Planning Proposal, including public exhibition.
6. Council amend Chapter E11 of the Penrith Development Control Plan 2014 where required to reflect the outcomes of the Planning Proposal.
7. A further report be presented to Council following the Public Exhibition.

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 Ross Fowler OAM
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor Karen McKeown

8 Reclassification of Council owned land at 53 and 54 Union Road Penrith

Councillor Bernard Bratusa left the meeting, the time being 10:20pm.

Councillor Marcus Cornish left the meeting, the time being 10:22pm.

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

That:

1. The information contained in the report on Reclassification of Council owned land at 53 and 54 Union Road Penrith be received.
2. A Planning Proposal reclassifying the public land at 53 and 55 Union Road, Penrith from Community Land to Operational Land be prepared and submitted to the Department of Planning and Environment seeking a Gateway Determination.
3. The Minister be requested to delegate his authority for Council to finalise and make the proposed amendment to Penrith Local Environmental Plan 2010.
4. Consultation with New South Wales Government Agencies be undertaken in accordance with any Gateway Determination issued by the Department of Planning and Environment.
5. The Planning Proposal be placed on public exhibition in accordance with any Gateway Determination issued by the Department of Planning and Environment.
6. An independently chaired public hearing be held at least 21 days after the close of the public exhibition period.
7. A planning consultant be engaged to independently chair the public hearing.
8. A report be presented to Council on the submissions received during the public exhibition and the results of the public hearing.

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 Ross Fowler OAM
Councillor Jackie Greenow OAM
Councillor Maurice Giroto
Councillor Mark Davies
Councillor Ben Goldfinch
Councillor Tricia Hitchen
Councillor Karen McKeown

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

9 Tender Reference RFT 15/16-07 Proposed Upgrade of the Civic Arts Precinct (The Mondo), Penrith

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

That:

1. The information contained in the report on Tender Reference RFT 15/16-07 Proposed Upgrade of the Civic Arts Precinct (The Mondo), Penrith be received.
2. Glascott Landscape and Civil Pty Ltd be awarded the contract for the Proposed Upgrade of the Civic Arts Precinct (The Mondo) Penrith, for an amount of \$1,174,536.41 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

10 Penrith Night Time Economy Study and Strategy

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

That:

1. The information contained in the report on Penrith Night Time Economy Study and Strategy be received
2. Council endorse the Night Time Economy Strategy as a proactive approach to supporting a safe and vibrant Penrith City Centre.

11 Expressions of Interest Mobile Kiosk Temporary Lease

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

That:

1. The information contained in the report on Expressions of Interest Mobile Kiosk Temporary Lease be received.
2. Approval to commence investigations and Expressions of Interest (EOI) Process for the provision of a temporary license under Section 47A of the Act be actioned in regards to a temporary license for a kiosk.
3. A Request for Proposal be issued to short listed respondent/s following the EOI process.
4. A further report be presented to Council following the EOI and RFP process.

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

12 Mayoral Arts and Culture Summit

Councillor Bernard Bratusa returned to the meeting, the time being 10:22pm.

Councillors Kevin Crameri OAM and Marcus Cornish returned to the meeting, the time being 10:24pm.

Councillor John Thain left the meeting, the time being 10:29pm.

Councillor Greg Davies left the meeting, the time being 10:31pm.

387 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Mayoral Arts and Culture Summit be received.
2. Council endorse the seven priorities from the 2015 Mayoral Arts and Culture Summit and the actions listed under each priority.
3. Council investigate the role of a coordination body such as the proposed Strategic Alliance between Penrith, Blue Mountains and Hawkesbury Councils to further the actions from the Mayoral Arts and Culture Summit.
4. Council officers involved in the organisation and management of the Summit be congratulated.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

Councillor John Thain returned to the meeting, the time being 10:32pm.

Having previously declared a Pecuniary Interest in Item 13, Councillor Marcus Cornish left the meeting, the time being 10:32pm.

Councillor Kevin Crameri OAM left the meeting, the time being 10:32pm.

13 The outcome of two Land and Environment Court appeals relating to two development approvals for Places of Public Worship

388 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Bernard Bratusa that the information contained in the report on The outcome of two Land and Environment Court appeals relating to two development approvals for Places of Public Worship be received.

Councillor Kevin Crameri OAM returned to the meeting, the time being 10:33pm.

Councillor Marcus Cornish returned to the meeting, the time being 10:34pm.

Councillor Ben Goldfinch left the meeting, the time being 10:34pm.

REQUESTS FOR REPORTS AND MEMORANDUMS

Councillor Maurice Giroto left the meeting, the time being 10:34pm.

Councillor Greg Davies left the meeting, the time being 10:35pm.

Councillor Ben Goldfinch returned to the meeting, the time being 10:35pm.

RR 1 Street Sweeping - Jordan Springs

Councillor Kevin Crameri OAM requested a memo reply to all Councillors regarding requesting the street sweeping contractors at Jordan Springs to only use dry street sweepers instead of wet sweepers on Ninth and Third Avenues due to road safety concerns.

Councillor Maurice Giroto returned to the meeting, the time being 10:36pm.

Councillor Greg Davies returned to the meeting, the time being 10:37pm.

RR 2 Car Parking - North and Jane Streets, Penrith

Councillor Kevin Crameri OAM requested a memo reply to all Councillors investigating the possibility of opening up land on North and Jane Streets, Penrith for parking over the Christmas period and possibly formalising the carpark thereafter for long term parking.

RR 3 Glenmore Park Entry Sign on Mulgoa Road

Councillor Mark Davies requested a memo reply on the repainting of the 'Glenmore Park' wording on the sign at the Mulgoa Road entry to Glenmore Park.

RR 4 Rubbish in Lakeside Waterways

Councillor Marcus Cornish requested a report to Council on methods of mitigating the flow of rubbish into lakeside waterways/canals from Council drains and waterways.

RR 5 Parking at Nepean Hospital, Penrith

Councillor Marcus Cornish requested a memo reply to all Councillors regarding requesting the State Government to take responsibility for providing permanent visitor parking at Nepean Hospital.

RR 6 'Happy Holiday' Signs in Penrith CBD

Councillor Greg Davies requested a memo reply concerning changing the seasonal 'Happy Holiday' signs in the CBD to read 'Merry Christmas and Happy New Year'.

RR 7 Lighting for Flags at front of Civic Centre

Councillor Greg Davies requested a memo reply concerning the protocols surrounding the lighting of the flags at the front of the Penrith Civic Centre.

Councillor Bernard Bratusa left the meeting at 10:44pm and did not return.

COMMITTEE OF THE WHOLE

389 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ben Goldfinch that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:44pm.

1 Presence of the Public

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

Outcome 7

2 Commercial Matter - Leasing of Shop 3/564 High Street, Penrith from Marjen Superannuation Pty Ltd as Public Washroom Facilities

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 - Creation of Easements to Drain Water over Council Land Lot 2004 DP840346 to Benefit Lot 100 DP807995, Lot 3 DP512670 and Lot 2001 DP840346 at 90, 96 and 98 Adelaide Street, Oxley Park

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 Update on Proposed Sale – 229 Victoria Street, Werrington

Verbal update only.

The meeting resumed at 10:53pm and the General Manager reported that the Committee of the Whole met at 10:44pm on 7 December 2015, the following being present

Her Worship the Mayor, Councillor Karen McKeown, Deputy Mayor, Councillor Ross Fowler OAM, and Councillors Prue Car MP, Kevin Crameri OAM, Marcus Cornish, Greg Davies, Mark Davies, Maurice Giroto, Ben Goldfinch, 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 Commercial Matter - Leasing of Shop 3/564 High Street, Penrith from Marjen Superannuation Pty Ltd as Public Washroom Facilities

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

CW2 That:

1. The information contained in the report on Commercial Matter - Leasing of Shop 3/564 High Street, Penrith from Marjen Superannuation Pty Ltd as Public Washroom Facilities be received.
2. Council grant approval to enter into a 5 year lease with a 5 year option with Marjen Superannuation Pty Limited over Shop 3/564 High Street, Penrith.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

3 Commercial Matter - Creation of Easements to Drain Water over Council Land Lot 2004 DP840346 to Benefit Lot 100 DP807995, Lot 3 DP512670 and Lot 2001 DP840346 at 90, 96 and 98 Adelaide Street, Oxley Park

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

CW3 That:

1. The information contained in the report on Commercial Matter - Creation of Easements to Drain Water over Council Land Lot 2004 DP840346 to Benefit Lot 100 DP807995, Lot 3 DP512670 and Lot 2001 DP840346 at 90, 96 and 98 Adelaide Street, Oxley Park be received.
2. Council grant easements to drain water over Drainage Reserve on Lot 2004, DP840346 in favour of Lot 100 DP807995, Lot 3 DP512670 and Lot 2001 DP840346 at 90, 96 and 98 Adelaide Street, Oxley Park.
3. The applicant pay compensation to Council as per the amount noted within this report for the granting of the easements over Lot 100 DP807995, Lot 3 DP512670 and Lot 2001 DP840346 at the rear of 90, 96 and 98 Adelaide Street, Oxley Park
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.

4 Update on Proposed Sale - 229 Victoria Street, Werrington

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Marcus Cornish

CW4 That the verbal update from the Executive Manager – Corporate be received.

5 Development Enquiry - Somerset Street, Kingswood

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

CW5 That the information regarding a development enquiry about Somerset Street, Kingswood be received.

ADOPTION OF COMMITTEE OF THE WHOLE

390 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow OAM that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:54pm.

I certify that these 18 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 7 December 2015.

Chairperson

Date