

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

ON MONDAY 8 FEBRUARY 2016 AT 7:30PM

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 Bernard Bratusa, Prue Car MP, Marcus Cornish, Kevin Crameri OAM, Greg Davies, Mark Davies, Maurice Giroto, Ben Goldfinch, Jackie Greenow OAM, John Thain and Michelle Tormey.

LEAVE OF ABSENCE

1 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow OAM that Leave of Absence be granted to Councillor Jim Aitken OAM for the period 27 January 2016 to 16 February 2016 inclusive; and Councillor Tricia Hitchen for the period 1 February 2016 to 28 February 2016 inclusive.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 14 December 2015

2 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the minutes of the Ordinary Meeting of 14 December 2015 be confirmed.

DECLARATIONS OF INTEREST

Councillor Ben Goldfinch declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 2 - Proposed Easement for Rising Main within Mulgoa Park, Lots 1, 2, 3 and 4 DP 2721 and Lots 3, 4, 5, 6 and 7 DP 2121 Mulgoa Road, Mulgoa* as he is a resident of Mulgoa.

Councillor Prue Car MP declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 1 - Development Application 14/1429 Subdivision of one (1) allotment into five (5) allotments for the future regional park, central precinct and residue lots at (No.1208-1274) The Northern Road, Llandilo Applicant: Maryland Development Company Pty Ltd; Owner: ~St Marys Land Ltd* as she is currently purchasing land in Jordan Springs.

Procedural Motion

3 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jackie Greenow OAM that the Mayoral Minutes be brought forward for consideration before suspension of standing orders to allow for members of the public to address the meeting.

MAYORAL MINUTES

1 Locals recognised in 2016 Australia Day Awards

Deputy Mayor, Councillor Ross Fowler OAM and Councillors Jackie Greenow OAM, Greg Davies, John Thain, Prue Car MP and Marcus Cornish spoke in support of the Mayoral Minute.

4 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the Mayoral Minute on Locals recognised in 2016 Australia Day Awards be received.

2 Community Panel delivers recommendations

Councillor Mark Davies left the meeting, the time being 8:07pm.

Councillor Mark Davies returned to the meeting, the time being 8:09pm.

Deputy Mayor, Councillor Ross Fowler OAM and Councillors Marcus Cornish, John Thain, Kevin Crameri OAM, Ben Goldfinch, Greg Davies, Maurice Giroto and Michelle Tormey spoke in support of the Mayoral Minute.

5 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the Mayoral Minute on Community Panel delivers recommendations be received.

SUSPENSION OF STANDING ORDERS

6 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Kevin Crameri OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 8:12pm.

Ms Georgina Inwood

Item 9 – Penrith City Community Panel

Ms Inwood, Program Manager for the newDemocracy Foundation, spoke in support of the recommendation and detailed the process of operating the Penrith Community Panel and the outcomes it has delivered for Council. Ms Inwood described how the Panel was selected, the question the Panel was asked to respond to, how the meeting operated (including the role of newDemocracy), and how the Panel was supported through provision of community submissions and detailed Council information.

Mr James Irwin and Ms Katherine Hardacre

Item 9 – Penrith City Community Panel

Mr Irwin and Ms Hardacre, members of the Penrith City Community Panel, spoke jointly in support of the recommendation. Mr Irwin and Ms Hardacre outlined their experience of being

part of the Panel. They went on to describe the way the Panel members worked together to consider and assess the question they were asked (and the information they were provided). In addition, they outlined the high level of the criteria and principles the Panel decided should be applied to Council's infrastructure services as well as a high level overview of the key themes/directions covered in the recommendations made by the Panel.

Her Worship the Mayor, Councillor Karen McKeown then presented the panel members with Certificates of Appreciation.

RESUMPTION OF STANDING ORDERS

7 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Greg Davies that Standing Orders be resumed, the time being 8:43pm.

Councillor Kevin Crameri OAM left the meeting, the time being 8:43pm.

Procedural Motion

8 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that *Item 9 – Penrith City Community Panel* be considered before all other items of business on the agenda.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Penrith Community Safety Partnership Meeting held on 2 December 2015

9 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Greg Davies that the recommendations contained in the Report and Recommendations of the Penrith Community Safety Partnership meeting held on 2 December, 2015 be adopted.

2 Report and Recommendations of the Access Committee Meeting held on 9 December 2015

Councillor Kevin Crameri OAM returned to the meeting, the time being 8:46pm.

10 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Marcus Cornish that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 9 December, 2015 be adopted.

3 Report and Recommendations of the Local Traffic Committee Meeting held on 1 February 2016

11 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 1 February, 2016 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

9 Penrith City Community Panel

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

That:

1. The information contained in the report on Penrith City Community Panel be received.
2. The Community Panel report – ‘The City We Want’ is made available on Council’s website.
3. Council thank the panel members for their participation in the Penrith City Community Panel.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

1 Development Application 14/1429 Subdivision of one (1) allotment into five (5) allotments for the future regional park, central precinct and residue lots at (No.1208-1274) The Northern Road, Llandilo Applicant: Maryland Development Company Pty Ltd; Owner: ~St Marys Land Ltd

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

That:

1. The information contained in the report on Development Application 14/1429 Subdivision of one (1) allotment into five (5) allotments for the future regional park, central precinct and residue lots at (No.1208-1274) The Northern Road, Llandilo be received.
2. Development Application No. 14/1429 for Subdivision of One (1) Allotment into Five (5) Allotments for the Future Regional Park, Central Precinct and Residue Lots at Lot 1037 DP 1149525 Residue 1208-1274 The Northern Road Llandilo be approved subject to the following conditions:

Standard Conditions:

- | | | |
|-----|------|--------------------------------------|
| 2.1 | A001 | Approved Plans |
| | M008 | Linen Plan |
| | Q008 | Subdivision Certificate |
| | K101 | Works at no cost to Council |
| | K514 | Subdivision Compliance Documentation |

Special Conditions

- K Special The applicant is to grant drainage easements in favour of Penrith City Council over the existing and proposed drainage infrastructure that services Villages 3C1, 3C2 and 3C3. The granting of the drainage easements is on the basis that no claim for compensation will be made

and that the applicant will meet all associated survey and legal costs.

K special The applicant is to grant an easement over the proposed rising main serving Village 6 in accordance with the requirements of Sydney Water. The granting of the easement is on the basis that no claim for compensation will be made and that the applicant will meet all associated survey and legal costs.

3. Those making submissions be advised of Council's decision.

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

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

2 Proposed Easement for Rising Main within Mulgoa Park, Lots 1, 2, 3 and 4 DP 2721 and Lots 3, 4, 5, 6 and 7 DP 2121 Mulgoa Road, Mulgoa

14 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish

That:

1. The information contained in the report on the Proposed Easement for Rising Main within Mulgoa Park, Lots 1, 2, 3 and 4 DP 2721 and Lots 3, 4, 5, 6 and 7 DP 2121 Mulgoa Road, Mulgoa be received.
2. Council grant an easement for a rising main over Council properties being Lots 1 – 4 DP2721 and Lots 3-7 Section A DP2121 to the benefit of 1/1035490 in accordance with the details outlined in this report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation to effect registration of the easement.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

3 Urban Development Institute of Australia National Congress 2016

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

That:

1. The information contained in the report on Urban Development Institute of Australia National Congress 2016 be received.
2. Councillors Jim Aitken OAM, Bernard Bratusa and Greg Davies be nominated as Council's delegates to attend the Urban Development Institute of Australia National Congress 2016 to be held in Adelaide from 8-10 March 2016 and grant leave of absence as appropriate.

4 Tender Reference RFT 15/16-11 Public Domain Cleaning Services

16 RESOLVED on the MOTION of Councillor Ben Goldfinch seconded Councillor Mark Davies

That:

1. The information contained in the report on Tender Reference RFT 15/16-11 Public Domain Cleaning Services be received.
2. A contract for a period of three (3) years with an option to extend for a further two (2) x one (1) year periods, with the provision for rise and fall, subject to satisfactory performance be awarded to Millennium Hi Tech Group Pty Ltd for the annual cost of \$314,200 for the provision of Public Domain Cleaning Services within the Penrith and St Marys City Centres.

5 20 Million Trees Grant Acceptance

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

That:

1. The information contained in the report on 20 Million Trees Grant Acceptance be received.
2. Council accept the offer of grant funding to the value of \$605,000 (GST inc.) and execute the funding deed of agreement between the Council and the Greater Sydney Local Land Services.
3. Council write to the Federal Government thanking them for the opportunity to access important environmental funding to assist with improving Penrith's environment.

6 Naming of Park on Lord Sheffield Circuit, Penrith

18 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Naming of Park on Lord Sheffield Circuit, Penrith be received.

2. Council endorse the naming of the reserve on Lord Sheffield Circuit, Penrith as 'Ron Mulock Oval' and make application to the Geographical Names Board for the official gazetting.
3. Following gazettal, an official naming ceremony be held at the oval.

7 2014/2015 Annual Report - Hawkesbury River County Council

Councillor Greg Davies left the meeting, the time being 9:19pm.

Councillor Mark Davies left the meeting, the time being 9:24pm.

Councillor Greg Davies returned to the meeting, the time being 9:24pm.

Councillor Mark Davies returned to the meeting, the time being 9:27pm.

19 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that the information contained in the report on 2014/2015 Annual Report - Hawkesbury River County Council be received.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

8 2016 Australian Local Government Women's Association NSW Annual State Conference

Councillor Maurice Giroto left the meeting, the time being 9:28pm.

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

That:

1. The information contained in the report on 2016 Australian Local Government Women's Association NSW Annual State Conference be received.
2. Councillors Tricia Hitchen, Jackie Greenow OAM, Michelle Tormey and Her Worship the Mayor, Councillor Karen McKeown, and any other interested and available Councillors be nominated as Council's delegates to attend ALGWA's NSW Annual State Conference, to be held in Gunnedah from Thursday 10 March to Saturday 12 March 2016.

10 Special Rate Variation Proposal - Planning for the Future

Councillor Maurice Giroto returned to the meeting, the time being 9:31pm.

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

That:

1. The information contained in the report on Special Rate Variation Proposal - Planning for the Future be received.
2. The Council endorse the submission of an application to IPART for a Special Rate Variation as outlined in this report including an increase to the Minimum Rate.
3. Council adopt the updated Resource Strategy tabled at tonight's meeting.

11 Summary of Investments and Banking for the period 1 December 2015 to 31 December 2015

Councillors Jackie Greenow OAM and John Thain left the meeting, the time being 9:58pm.

22 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Summary of Investments and Banking for the period 1 December 2015 to 31 December 2015 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 December 2015 to 31 December 2015 be noted and accepted.
3. The graphical investment analysis as at 31 December 2015 be noted.
4. The Agency Collection Methods as at 31 December 2015 be noted.

REQUESTS FOR REPORTS AND MEMORANDUMS and URGENT BUSINESS

RR 1 Status of Psyllid Infestations on trees in Penrith LGA

Councillor Michelle Tormey requested a memo reply to all Councillors providing an update on the status of psyllid infestations on the impacted trees in Penrith Local Government Area, including any academic information if available.

Councillor Michelle Tormey left the meeting, the time being 9:59pm.

Councillor Jackie Greenow OAM returned to the meeting, the time being 9:59pm.

RR 2 Stony Creek Road, Shanes Park

Councillor Kevin Crameri OAM requested a memo reply to all Councillors providing information on how many days Stony Creek Road was open compared to days it was closed in January 2016, and referred to a report he has previously requested on this matter regarding the costing of an upgrade to the road.

Councillor Mark Davies left the meeting at 10:00pm and did not return.

RR 3 Potholes - Second Road, Berkshire Park

Councillor Kevin Crameri OAM requested a memo reply to all Councillors on patching and pothole repairs that need to be carried out to Second Road, Berkshire Park.

Councillor John Thain returned to the meeting, the time being 10:01pm.

Councillor Michelle Tormey returned to the meeting, the time being 10:02pm.

RR 4 Temporary Fencing installed by Lendlease - Ninth Avenue, Llandilo

Councillor Kevin Crameri OAM requested a memo reply to all Councillors providing an update on the current location of the pocket park in this area as the temporary fencing installed by Lendlease on Ninth Avenue, Llandilo has now been extended.

RR 5 Andromeda Drive and The Northern Road, Cranebrook

Councillor Kevin Crameri OAM has requested a memo reply to all Councillors advising if the slip lane at this location was the cause of a fatal accident today and providing information as to the possibility of a roundabout being provided at this location.

UB 1 Graffiti removal at St Stephens Church, Penrith

Councillor Ben Goldfinch requested that an amount of \$1,000 be allocated from South Ward voted works to assist St Stephens Church, Penrith to have graffiti removed from the Church.

23 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the matter be brought forward and dealt with as a matter of urgency.

Her Worship the Mayor, Councillor Karen McKeown, ruled that the matter was urgent and should be dealt with at the meeting.

24 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Karen McKeown that an amount of \$1,000 be allocated from South Ward voted works to assist St Stephens Church, Penrith to have graffiti removed from the Church.

RR 6 Trees on Great Western Highway between Melrose Hall and Lennox Centre, Emu Plains

Councillor Marcus Cornish requested a report to Council regarding the safety of the trees on the Great Western Highway between Melrose Hall and Lennox Centre, Emu Plains, taking into account the canopy height and that the area is a floodway, and in addition repairs that are urgently needed to be carried out to the path in the park.

RR 7 WSROC Membership

Councillor Marcus Cornish requested that the matter of Penrith City Council's future membership of WSROC be considered at a future Councillor Briefing, with the briefing report to include any extra cost burden that Penrith City Council may sustain if other Councils discontinue their WSROC membership.

RR 8 Overgrown vegetation - Corner Derby Street and The Northern Road, Penrith & Replacement of Street Sign - Pyramid and Russell Streets, Emu Plains

Councillor Marcus Cornish requested a memo reply to all Councillors concerning the clearing of overgrown vegetation from in front of the Derby Street sign on the corner of The Northern Road as well as replacing the street name sign on the corner of Pyramid and Russell Streets, Emu Plains.

RR 9 Dogs off Leash in Parks in Werrington County

Councillor Marcus Cornish requested a memo reply to all Councillors concerning the enforcement of dogs being on a leash in parks in Werrington County.

Councillor Marcus Cornish left the meeting, the time being 10:17pm.

Councillor Maurice Giroto left them meeting, the time being 10:17pm.

RR 10 Potholes - Tanbark Circuit and Greenbank Drive, Werrington Downs

Councillor John Thain requested a memo reply to all Councillors concerning inspection of Tanbark Circuit and Greenbank Drive, Werrington Downs for potholes and breaking road surfaces.

Councillor Bernard Bratusa left the meeting at 10:18pm and did not return.

COMMITTEE OF THE WHOLE

25 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri OAM that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:18pm.

Councillor Marcus Cornish returned to the meeting, the time being 10:19pm.

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:

Councillor Maurice Giroto returned to the meeting, the time being 10:20pm.

Outcome 7

2 Creation of a new Entity

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

3 Property Matter - 154 Henry Street, Penrith (Welsh Place Carpark)

This item has been referred to Committee of the Whole as the report refers to matters affecting the security of the Council, Councillors, Council staff or Council property and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting resumed at 10:33pm and the General Manager reported that the Committee of the Whole met at 10:18pm on 8 February 2016, 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, Maurice Giroto, Ben Goldfinch, Jackie Greenow OAM, 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 Creation of a new Entity

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

CW2 That:

1. The information contained in the report on Creation of a new Entity be received.
2. Council support the creation of a new entity to pursue opportunities associated with the Digital Economy Strategy.

3 Property Matter - 154 Henry Street, Penrith (Welsh Place Carpark)

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Michelle Tormey

CW3 That:

1. The information contained in the report on Property Matter - 154 Henry Street, Penrith (Welsh Place Carpark) be received.
2. Council agree to the revision of the commercial terms as outlined within this report, subject to receiving a formal offer.
3. Council Officers prepare a Planning Proposal for the reclassification of the subject land for Council's consideration.
4. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

ADOPTION OF COMMITTEE OF THE WHOLE

26 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Prue Car MP that the recommendations contained in the Committee of the Whole and shown as CW1, CW2 and CW3 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:35pm.

I certify that these 11 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 8 February 2016.

Chairperson

Date