

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

**ON MONDAY 25 JULY 2016 AT 7:41PM**

**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, Marcus Cornish, Kevin Cramer OAM, Greg Davies, Mark Davies, Maurice Giroto, Jackie Greenow OAM, John Thain and Michelle Tormey.

**LEAVE OF ABSENCE**

178 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jackie Greenow OAM that the Leave of Absence be granted to Councillor Tricia Hitchen for the period 21 July 2016 to 29 July 2016 inclusive.

**APOLOGIES**

179 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Jackie Greenow OAM that an apology be received from Councillor Ben Goldfinch.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 27 June 2016**

180 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that the minutes of the Ordinary Meeting of 27 June 2016 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Jim Aitken OAM declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 1 – Penrith Business Alliance* as he is an appointed director of the PBA.

**Procedural Motion**

181 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the Mayoral Minutes be brought forward to be considered immediately before the public address the meeting.

## MAYORAL MINUTES

### 1 Youth Mayor Program 2016

Councillors Ross Fowler OAM, John Thain, Kevin Crameri OAM and Aitken OAM spoke in support of the Mayoral Minute.

182 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the Mayoral Minute on Youth Mayor Program 2016 be received.

Billie Kuczynski of Cranebrook High School, elected as the Youth Mayor, Alannah Hader of Caroline Chisholm College and Niamh O'Keefe of Emmaus Catholic College elected the Deputy Mayors spoke in support of the Youth Mayor Program.

### 2 National Quality Standards - Outstanding Ratings for Council's Children's Services

Councillors Ross Fowler OAM, Michelle Tormey and John Thain spoke in support of the Mayoral Minute.

183 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the Mayoral Minute on National Quality Standards - Outstanding Ratings for Council's Children's Services be received.

## SUSPENSION OF STANDING ORDERS

184 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 8:13pm.

### Mr Cameron Lamb

*Item 4 – Glenmore Park Stage 2 Precincts G & H Concept Plan & Development Application No. DA15/1469 for Staged Torrens Title Subdivision x 75 Residential Lots, 2 Residue Lots & Public Roads at Lot 4 DP 226490 & Lot 1 DP 224861, (No. 2183a) The Northern Road, Mulgoa Applicant: CCL Development Pty Ltd; Owner: ~A. Vianello*

Mr Lamb, the applicant, spoke in support of the proposed development application and outlined that the area will be built around the sense of home and community. Mr Lamb then expressed that affordable good value home sites will be developed and explained the project delivery timeframes to the Councillors. Mr Lamb then explained that apartment blocks will not be built on the land as there is not enough space available to accommodate this. Mr Lamb concluded by expressing the positive outcome of the proposed development and that construction will start when the development application is approved.

### Mr Alex Karavas

*Item 14 – Unsolicited Proposal to Purchase Council-Owned Land - St Marys*

Mr Karavas, an interested citizen and business owner, spoke against the proposed recommendation and stated his concern of the process not being followed that was outlined to the community previously. Mr Karavas expressed his concerns about the impact this will have on small business owners within St Marys Town Centre. Mr Karavas concluded by expressing his concerns on the timing of the proposal and the process involved with the reclassification.

## RESUMPTION OF STANDING ORDERS

185 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Prue Car MP that Standing Orders be resumed, the time being 8:25pm.

## REPORTS OF COMMITTEES

### 1 Report and Recommendations of the Access Committee Meeting held on 8 June 2016

186 RESOLVED on the MOTION of Councillor Jackie Greenow OAM seconded Councillor Kevin Cramer OAM that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 8 June, 2016 be adopted.

### 2 Report and Recommendations of the Local Traffic Committee Meeting held on 4 July 2016

187 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 4 July, 2016 be adopted.

### 3 Report and Recommendations of the Policy Review Committee Meeting held on 6 June 2016

188 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 6 June, 2016 be adopted.

### 4 Report and Recommendations of the Policy Review Committee Meeting held on 11 July 2016

189 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 11 July, 2016 be adopted.

## DELIVERY PROGRAM REPORTS

### OUTCOME 1 - WE CAN WORK CLOSE TO HOME

#### 1 Penrith Business Alliance

190 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Mark Davies

That:

1. The information contained in the report on Penrith Business Alliance be received
2. Council endorse legal proceedings commencing to seek to compel the PBA to provide Council access to their financial records and pursue the recovery on any unspent public monies

Councillor Greg Davies requested that names be recorded.

#### For

Councillor John Thain  
Councillor Bernard Bratusa  
Councillor Maurice Giroto

#### Against

Councillor Marcus Cornish

Councillor Kevin Crameri OAM  
Councillor Prue Car MP  
Councillor Jackie Greenow OAM  
Councillor Karen McKeown  
Councillor Greg Davies  
Councillor Mark Davies  
Councillor Ross Fowler OAM  
Councillor Michelle Tormey

**2 Reserve Street, Penrith - Request for Proposal (RFP 1516-01)**

Councillors Michelle Tormey left the meeting, the time being 8:42pm

Councillor Michelle Tormey returned to the meeting, the time being 8:44pm

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

That:

1. The information contained in the report on Reserve Street, Penrith - Request for Proposal (RFP 1516-01) be received.
2. Council accept Greengate as the Preferred Proponent and we enter into discussions that establishes the formal terms of the agreement.
3. It be expressed to Greengate that Council does not intend to be bound until formal legal documentation has been agreed by resolution of the Council and it has been formally signed.

Councillor Greg Davies requested that names be recorded.

**For**

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

**Against**

Councillor Marcus Cornish

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

**3 Sydney Science Park Voluntary Planning Agreement**

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

That:

1. The information contained in the report on Sydney Science Park Voluntary Planning Agreement (VPA) be received;
2. Council adopt the Sydney Science Park VPA shown at Attachment 1 to this report;
3. The draft Sydney Science Park VPA be publicly notified in accordance with

the requirements of the Environmental Planning and Assessment Act, 1979;

4. Upon commencement of the public notification of the VPA, the Planning Proposal for Sydney Science Park be forwarded to the Minister for Planning and Environment with a request that the Minister make the Plan in accordance with the Environmental Planning & Assessment Act, 1979;
5. Council authorise the General Manager to sign the VPA upon conclusion of the public notification of the Agreement and to make any minor amendments necessary to ensure its legality (e.g. typographic errors, dates, etc.); and
6. The Department of Planning be notified of the signing of the VPA and Council's register of VPAs and website be updated to record the Agreement.

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

**For**

Councillor John Thain  
Councillor Bernard Bratusa  
Councillor Maurice Girotto  
Councillor Kevin Cramer OAM  
Councillor Prue Car MP  
Councillor Jackie Greenow OAM  
Councillor Karen McKeown  
Councillor Greg Davies  
Councillor Mark Davies  
Councillor Ross Fowler OAM  
Councillor Jim Aitken OAM  
Councillor Michelle Tormey  
Councillor Marcus Cornish

**Against**

**4 Glenmore Park Stage 2 Precincts G & H Concept Plan & Development Application No. DA15/1469 for Staged Torrens Title Subdivision x 75 Residential Lots, 2 Residue Lots & Public Roads at Lot 4 DP 226490 & Lot 1 DP 224861, (No. 2183a) The Northern Road, Mulgoa Applicant: CCL Development Pty Ltd; Owner: ~A.Vianello**

193 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Glenmore Park Stage 2 Precincts G & H Concept Plan & Development Application No. DA15/1469 for Staged Torrens Title Subdivision x 75 Residential Lots, 2 Residue Lots & Public Roads at Lot 4 DP 226490 & Lot 1 DP 224861, (No. 2183a) The Northern Road, Mulgoa be received.
2. The Glenmore Park Stage 2 Precincts G & H Concept Plan be endorsed and adopted by Council, subject to a requirement that footpaths be provided on both sides of all roads, apart from laneways and the road verges on the outer perimeter of Precincts G and H.
3. Development Application No. DA15/1469 for Staged Torrens Title Subdivision x 75 Residential Lots, 2 Residue Lots & Public Roads at Lot 4 DP 226490 & Lot 1 DP 224861, (No. 2183a) The Northern Road, Mulgoa be determined under delegated authority.

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

called with the following result:

**For**

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

**Against**

**5 Development Application No. 16/0484 for Occupation and Fitout for a Place of Worship at Lot 1 DP 784563 (No. 91) Queen Street, St Marys Applicant: Cityscape Planning & Projects; Owner: ~James Gill & Sons Pty Ltd**

194 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Development Application No. 16/0484 for Occupation and Fitout for a Place of Worship at Lot 1 DP 784563 (No. 91) Queen Street, St Marys be received
2. Development Application No. 16/0484 for Occupation and Fitout for a Place of Worship at Lot 1 DP 784563 (No. 91) Queen Street, St Marys be approved subject to the following conditions of consent:

**2.1 Standard Conditions**

A001 - Approved plans  
A019 – Occupation Certificate  
A026 – Advertising Sign  
A038 – Lighting Locations  
B003 – Asbestos  
D009 – Covering of Waste Storage Area  
D010 – Appropriate disposal of excavated or other waste  
D014 – Plant and equipment noise.  
E002 - BCA Issues to be Addressed  
E009 - Annual fire safety-essential fire safety  
E01A - BCA compliance for Class 2-9

**Special Conditions**

- 2.2 The following measures should be incorporated into the development where appropriate to enhance security:

- External entry/exit and storage areas are to be well secured and well lit.
  - Provide lockable gates on side and rear access.
  - CCTV must be provided at appropriate locations including but not limited to pedestrian access points at both street frontages, the stair entry and basement parking area. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting should be provided to support cameras at night (alternatively infra-red cameras are recommended).
- 2.3 There are to be no more than 80 people on the premise (Place of Worship) at any given time.
- 2.4 During operational hours of the worship services at the Place of Worship, all doors and windows are to remain closed.
- 2.5 The operating hours of the worship services associated with the Place of Worship are restricted to:
- Tuesday - 7:30pm to 9.00pm
  - Wednesday - 7:30pm to 9.00pm
  - Saturday - 2:30pm to 9.00pm
- The operation of the Place of Worship at other times for administration and small prayer groups are restricted to:
- 7 days a week from 7.00am to 9.00pm
- All patrons must be vacated from the adjoining public car park by 9:30pm
- 2.6 No amplified music is to be played within the Place of Worship.

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

**For**

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

**Against**

Councillor Jackie Greenow OAM

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

**6 Australian Government Blackspot and NSW Safer Roads Program - 2017/18 Nominations**

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

That:

1. The information contained in the report on Australian Government Blackspot and NSW Safer Roads Program - 2017/18 Nominations be received.
2. Council note the eight projects listed in Table 1 of this report are to be submitted to the Roads and Maritime Services for funding under the Australian Government Blackspot Program and NSW Safer Roads Program 2017/18.
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.

**8 Local Government Road Safety Program - Roads and Maritime Services Grant Funding 2016 - 2017**

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

That:

1. The information contained in the report on Local Government Road Safety Program - Roads and Maritime Services Grant Funding 2016 - 2017 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 the Minister for Road, Maritime and Freight, and Local State Members thanking them for their continued support for road safety initiatives within the Penrith Local Government Area.

**9 Roads and Maritime Services (RMS) 2016/17 Road Funding Grants**

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

That:

1. The information contained in the report on Roads and Maritime Services (RMS) 2016/17 Road Funding Grants be received.
2. The RMS 2016/17 Program Funding Block Grant of \$1,127,000 be accepted.
3. The Common Seal of the Council of the City of Penrith be affixed to the "Agreement for Block Grant Assistance to Council for Regional Roads 2016/17".

**10 Roads and Maritime Services (RMS) 2016/17 REPAIR Program**



**(Rehabilitation) Road Funding Grant**

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

That:

1. The information contained in the report on Roads and Maritime Services (RMS) 2016/17 REPAIR Program (Rehabilitation) Road Funding Grant be received.
2. Council accept the grant of \$150,000, offered under the 2016/17 Roads and Maritime Services REPAIR Program, for the reconstruction of Dunheved Road between Trinity Drive and Tasman Street, Cambridge Gardens.
3. Council accept the grant of \$150,000, offered under the 2016/17 Roads and Maritime Services REPAIR Program, for the reconstruction of the road pavement at the roundabout at the intersection of Forrester Road and Christie Street, St Marys.

**7 2016-17 Safer Roads Program - Acceptance of Project Funding**

Councillor John Thain left the meeting, the time being 9:23pm

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

That:

1. The information contained in the report on 2016-17 Safer Roads Program - Acceptance of Project Funding be received.
2. Council accept grant funding of \$500,000 for the Safer Roads Program - Cycling Safety Project shown in Table 1, under the 100% State funding program for 2016/17 financial year.
3. Council write to the Minister for Roads, Maritime and Freight, and Local Members thanking them for their continued support of road safety and cycling improvements.

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

**11 RFT 15/16-14 Alterations and Associated Works, Emu Plains**

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

That:

1. The information contained in the report on RFT 15/16-14 Alterations and Associated Works, Emu Plains be received
2. The tender for the construction works for Alterations and Associated works at Emu Plains for the amount of \$285,850.00 (ex GST) from Auscorp Constructions Pty Ltd be accepted.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary

**13 Union Road, Penrith - Request for Proposal**

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

That:

1. The information contained in the report on Union Road, Penrith - Request for Proposal be received.
2. Council proceed with the Request for Proposal stage for Union Road, Penrith.

## **12 RFT 15/16-18 Triangle Park, Public Amenities**

Councillor John Thain returned to the meeting, the time being 9:25pm.

202 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on RFT 15/16-18 Triangle Park, Public Amenities be received.
2. The tender for the construction works for Alterations and Associated works at Triangle Park Amenities for the amount of \$143,760.00 (ex GST) from The Almar Group Pty Ltd trading as API Commercial be accepted.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary

## **14 Unsolicited Proposal to Purchase Council-Owned Land - St Marys**

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

That:

1. The information contained in the report on Unsolicited Proposal to Purchase Council-Owned Land - St Marys be received
2. Council determine to deal in the land that is subject to the Unsolicited Request
3. Council authorise the progression to Stage 5 of the Unsolicited Request as detailed in the report
4. Final negotiated commercial terms be reported back to Council for consideration prior to 28 February 2017
5. Council consult with interested stakeholders as the proposal is developed and undergoes further assessment.

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

**15 Works on private land - Lot 2 DP 30354 - 66-76 Tench Avenue, Jamisontown**

Councillor Jackie Greenow OAM left the meeting, the time being 9:45pm.

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

That:

1. The information contained in the report on Works on Private Land – Lot 2 DP 30354 – 66-76 Tench Avenue, Jamisontown be received.
2. Council agree to the work to be undertaken on private property in accordance with the terms in the report and that no charge be made to the owners of Lot 2 DP 30354, 66-76 Tench Avenue, Jamisontown.
3. Council endorse a licence agreement between the landowners of Lot 2 DP 30354, 66-76 Tench Avenue, Jamisontown and Council for the use of private land and associated works in accordance with the terms in the report, and the General Manager be given authority to enter into the licence agreement.

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

**16 Proposed Permanent Road Closure of Part of Quigg Place, Orchard Hills and a Land Swap with Montgrove College**

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

That:

1. The information contained in the report on Proposed Permanent Road Closure of Part of Quigg Place, Orchard Hills and a Land Swap with Montgrove College be received.
2. Council approve the permanent road closure of Part of Quigg Place, Orchard Hills.
3. Council submit a road closure application over Part of Quigg Place, Orchard Hills to Department of Primary Industry – Crown Lands Division as outlined in the report.
4. Council approve for the land to be classified as 'operational' upon notification of gazettal of the road closure.
5. Subject to Development Consent and registration of a linen plan, Council approve the transfer of land between Montgrove College and Penrith Council.
6. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**17 Insurance Renewals 2016-17**

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

That:

1. The information contained in the report on Insurance Renewals 2016-17 be received
2. Council retain its \$100,000 claims excess for Public Liability cover and agree to pay a contribution of \$738,000 to Westpool for liability cover.
3. Council retain its \$20,000 claims excess for Industrial Special Risk and General Property cover and agree to pay a contribution of \$397,000 to United Independent Pools.
4. Council retain its \$2,000 excess and agree to pay UIP a contribution of \$172,000 to the comprehensive motor vehicle insurance pool.

**19 Audit Committee**

207 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Bernard Bratusa that the information contained in the report on Audit Committee be received.

**20 Torrens Title Subdivision of two existing lots to create four residential lots- Bennett Road, St. Clair**

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

That:

1. The information contained in the report on Torrens Title Subdivision of two existing lots to create four residential lots- Bennett Road, St. Clair be received
2. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**21 Summary of Investments & Banking for the period 1 June to 30 June 2016.**

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 June to 30 June 2016. be received
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 June to 30 June 2016 be noted and accepted.
3. The graphical investment analysis as at 30 June 2016 be noted.
4. The Agency Collection Methods as at 30 June 2016 be noted.

**18 Outcomes of Council Delegation to Asia - April/May 2016**

Councillor Jackie Greenow OAM returned to the meeting, the time being 9:50pm.

210 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that the information contained in the report on Outcomes of Council Delegation to Asia - April/May 2016 be received.

**REQUESTS FOR REPORTS AND MEMORANDUMS**

**RR 1 Increasing Rates**

Councillor Marcus Cornish requested a reply memo to all Councillors investigating how many properties rates have doubled in 2016 compared to 2015. Such as 434-441 Clifton Avenue Kemps Creek, 2178, from \$310.60 to \$841.90 per quarter, an increase of 271%.

Councillor Marcus Cornish left the meeting, the time being 9:56pm and did not return.

**UB 1 Fencing of Cranbrook Dog Off Leash Area - Boundary Road**

Councillor Michelle Tormey requested that an amount of \$39,000 be allocated from North Ward voted works to install a chain wire fence around the perimeter of the park.

211 RESOLVED on the MOTION of Councillor Michelle Tormey 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.

212 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Ross Fowler OAM that an amount of \$39,000 be allocated from North Ward voted works to cover the cost of installing chain wire fencing around the perimeter of Cranebrook Dog Off Leash Area at Boundary Road, Cranebrook.

Councillor Jim Aitken OAM left the meeting, the time being 9:58pm.

Councillor Greg Davies left the meeting, the time being 9:59pm.

Councillor Jim Aitken OAM returned to the meeting, the time being 10:00pm.

**RR 2 WASTE FACILITY - BLACKTOWN COUNCIL**

COUNCILLOR MAURICE GIOTTO REQUESTED A REPORT BACK TO COUNCIL INVESTIGATING A CURRENT SSD APPLICATION WITH THE MINISTER FOR PLANNING FOR A HIGH TEMPERATURE INCINERATOR PROPOSAL WITHIN BLACKTOWN COUNCIL AND THE IMPACT THIS WILL HAVE ON THE PENRITH LGA.

**RR 3 CONDITION OF LONDONDERRY ROAD**

COUNCILLOR KEVIN CRAMERI OAM REQUESTED A REPLY MEMO TO ALL COUNCILLORS PROVIDING INFORMATION ON THE STATE OF LONDONDERRY ROAD NEAR PARKER STREET, LONDONDERRY.

COUNCILLOR MAURICE GIOTTO LEFT THE MEETING, THE TIME BEING 10:05PM.

COUNCILLOR GREG DAVIES RETURNED TO THE MEETING, THE TIME BEING 10:06PM.

COUNCILLOR MAURICE GIROTTO RETURNED TO THE MEETING, THE TIME BEING 10:07PM.

**RR 4 PILE OF FURNITURE AND RUBBISH - LLANDILO**

COUNCILLOR KEVIN CRAMERI OAM REQUESTED A REPLY MEMO TO ALL COUNCILLORS PROVIDING INFORMATION ON THE PILE OF FURNITURE AND RUBBISH LEFT ON SEVENTH AVENUE NEAR TERRYBROOK ROAD, LLANDILO.

**RR 5 LEGALITY OF PARKING SPACES**

COUNCILLOR KEVIN CRAMERI OAM REQUESTED A REPLY MEMO TO ALL COUNCILLORS PROVIDING INFORMATION ON THE LEGALITY OF PARKING SPACES MARKED FOR 'PEOPLE WITH PRAMS'.

**RR 6 QUEEN STREET**

COUNCILLOR BERNARD BRATUSA REQUESTED A REPORT BACK TO A COUNCILLOR BRIEFING PROVIDING THE ASSESSMENT PAPER ON THE AFFORDABILITY OF COUNCIL FUNDING OR CO-FUNDING THE RE-PAINTING OF ALL SHOP FRONT SIGNAGE AS COMPENSATION FOR THE UNFORESEEN DELAY IN THE REFURBISHMENT PROGRAM.

**RR 7 GREYHOUND INDUSTRY**

COUNCILLOR BERNARD BRATUSA REQUESTED A REPORT BACK TO A COUNCILLOR BRIEFING OUTLINING THE IMPACTS OF NSW GOVERNMENTS DECISION TO CLOSE THE INDUSTRY AS OF 1 JULY 2017 ON LOCAL TRAINERS, LAND OWNERS, BREEDERS, THE RICHMOND GREYHOUND CLUB INCLUDING AN ECONOMIC IMPACT STUDY. ALSO IF COUNCIL COULD PROVIDE ANY ASSISTANCE WITH REZONING OR OTHER MATTERS.

**RR 8 DA 13/0311- GLENGARRY DRIVE SITE**

COUNCILLOR BERNARD BRATUSA REQUESTED A REPLY MEMO BACK TO ALL COUNCILLORS PROVIDING INFORMATION ON DA13/0311, GLENGARRY DRIVE SITE THAT IS ON THE MARKET. INCLUDING CONFIRMATION THAT COUNCIL IS THE AUTHORITY OVER THE DEVELOPMENT AND THAT COUNCIL WILL ACTIVELY ENSURE THAT ALL ASPECTS OF THE DA ARE COMPLIED WITH.

**UB 2 GREYHOUND INDUSTRY**

COUNCILLOR PRUE CAR MP REQUESTED THAT COUNCIL WRITE TO THE NSW PREMIER, MIKE BAIRD EXPRESSING CONCERNS OVER THE DECISION TO BAN THE GREYHOUND INDUSTRY, PARTICULARLY GIVEN THE IMPACT THIS WILL HAVE ON TRAINERS, BREEDERS, OWNERS AND BUSINESSES IN THE PENRITH LGA.

213 RESOLVED ON THE MOTION OF COUNCILLOR PRUE CAR MP SECONDED COUNCILLOR GREG DAVIES 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.

214 RESOLVED ON THE MOTION OF COUNCILLOR PRUE CAR MP SECONDED

COUNCILLOR GREG DAVIES THAT A LETTER BE SENT TO THE NSW PREMIER, MIKE BAIRD EXPRESSING CONCERNS OVER THE DECISION TO BAN THE GREYHOUND INDUSTRY, PARTICULARLY GIVEN THE IMPACT THIS WILL HAVE ON TRAINERS, BREEDERS, OWNERS AND BUSINESSES IN THE PENRITH LGA.

## COMMITTEE OF THE WHOLE

215 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Greg Davies that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:24pm.

### 1 Presence of the Public

CW1 RESOLVED on the motion of Councillor John Thain seconded Councillor Maurice Girotto 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 - Assignment of Lease from Anglicare to Anglican Community Services at Suite G02, 114-116 Henry Street Penrith - Community Connections Building

*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 - Assignment of Lease over Shop 9, Allen Arcade, 140-142 Henry Street Penrith to Robert Ollis Trading As Master Coaching

*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.*

### 4 Commercial Matter - Torrens Title Subdivision of two existing lots to create four residential lots- Bennett Road, St. Clair

*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 - Creation of easement over Council Land - 22 Thurston Street Penrith (known as Lot 19 Sec C DP 978488) benefiting 2B Hemmings Street Penrith (known as Lot B DP 158478)

*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 - Lease and Sale of Land to Roads and Maritime Services for Stage 3 Upgrade Works to The Northern Road**

*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.*

The meeting resumed at 10:29pm and the General Manager reported that the Committee of the Whole met at 10:24pm on 25 July 2016, 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, Maurice Giroto, 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 Commercial Matter - Council Property - Assignment of Lease from Anglicare to Anglican Community Services at Suite G02, 114-116 Henry Street Penrith - Community Connections Building**

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

CW2 That:

1. The information contained in the report on Commercial Matter - Council Property - Assignment of Lease from Anglicare to Anglican Community Services at Suite G02, 114-116 Henry Street Penrith - Community Connections Building be received
2. Council approve the proposed assignment of lease from Anglicare Sydney to Anglican Community Services in accordance with the terms and conditions outlined in this report
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation

**3 Commercial Matter - Council Property - Assignment of Lease over Shop 9, Allen Arcade, 140-142 Henry Street Penrith to Robert Ollis Trading As Master Coaching**

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

CW3 That:

1. The information contained in the report on Commercial Matter - Council Property - Assignment of Lease over Shop 9, Allen Arcade, 140-142 Henry Street Penrith to Robert Ollis Trading As Master Coaching be received
2. Council approve the proposed lease assignment request from MC Tuition

Pty Ltd to Master Coaching as outlined in this report

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

**4 Commercial Matter - Torrens Title Subdivision of two existing lots to create four residential lots- Bennett Road, St. Clair**

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM

CW3 That:

1. The information contained in the report on Commercial Matter - Torrens Title Subdivision of two existing lots to create four residential lots- Bennett Road, St. Clair be received

Note. The Council's substantive resolution on this matter was made at Item 20.

**5 Commercial Matter - Creation of easement over Council Land - 22 Thurston Street Penrith (known as Lot 19 Sec C DP 978488) benefiting 2B Hemmings Street Penrith (known as Lot B DP 158478)**

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM

CW4 That:

1. The information contained in the report on Commercial Matter - Creation of easement over Council Land - 22 Thurston Street Penrith (known as Lot 19 Sec C DP 978488) benefiting 2B Hemmings Street Penrith (known as Lot B DP 158478) be received;
2. Council grant an easement for drainage purposes over Council owned land at 22 Thurston Street Penrith known as Lot 19 Sec C DP 978488, benefiting 2B Hemmings Street Penrith known as Lot B DP 158478 and other private beneficiaries to the easement;
3. The Proponent pay compensation to Council as per the amount noted within this report for the granting of the easement over 22 Thurston Street Penrith known as Lot 19 Sec C DP 978488;
4. The Proponent be responsible for all costs associated with the construction of drainage infrastructure and registration 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.

**6 Commercial Matter - Lease and Sale of Land to Roads and Maritime Services for Stage 3 Upgrade Works to The Northern Road**

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Jim Aitken OAM

CW5 That:

1. The information contained in the report on Commercial Matter - Lease and Sale of Land to Roads and Maritime Services for Stage 3 Upgrade Works to The Northern Road be received
2. The terms of the Lease Agreements and acquisitions are agreed, subject to

the community notification period being undertaken and the absence of any public submissions

3. Council provide concurrence for the compulsory acquisition of the identified land and easements, subject to the rights of appeal under the Land Acquisition (Just Terms Compensation) Act 1991.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation

**ADOPTION OF COMMITTEE OF THE WHOLE**

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

There being no further business the Chairperson declared the meeting closed the time being 10:33pm.

I certify that these 18 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 25 July 2016.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date