

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

ON MONDAY 22 AUGUST 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 Jim Aitken OAM, Bernard Bratusa, Prue Car MP (arrived at 8:21pm), Marcus Cornish, Kevin Crameri OAM, Greg Davies, Mark Davies, Maurice Giroto, Ben Goldfinch, Tricia Hitchen, John Thain and Michelle Tormey.

APOLOGIES

217 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Maurice Giroto that an apology be received from Councillor Jackie Greenow OAM.

CONFIRMATION OF MINUTES - Ordinary Meeting - 25 July 2016

218 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that the minutes of the Ordinary Meeting of 25 July 2016 be confirmed with the removal of Councillor Ben Goldfinch's name from voting in items 1 and 2.

DECLARATIONS OF INTEREST

Her Worship the Mayor, Councillor Karen McKeown declared a Non-Pecuniary Conflict of Interest – Less than Significant *in Item 18 – Outcome of Class 1 Land and Environment Court Appeal - Refused Building Certificate Application BC15/0048 for a Solid Metal Panel Fence at (No. 41-47) Jolly Street, Castlereagh Applicant: Ty & Deanne Gosling; Owner: Ty & Deanne Gosling* as a family member was once employed by the applicant.

Councillor Mark Davies declared a Non-Pecuniary Conflict of Interest – Less than Significant *in Item 14 - Community Assistance Program Planned Component 2016-17* as he is on the Board of Westcare.

SUSPENSION OF STANDING ORDERS

219 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:36pm.

Caiden Griffiths & Aneela Ashraf*Item 11 – Penrith Mayoral Challenge 2016 – Chapman Gardens, Kingswood*

Caiden Griffiths and Aneela Ashraf, Students from Kingswood Public, both spoke in support of the recommendation. Caiden communicated to the Councillors that the design and park includes something for everyone in the community and he enjoyed surveying the community. Aneela expressed that she enjoyed putting her ideas towards the park and hopes that more people can use the playground now.

Mr Peter Moriarty*Report and Recommendations of the Policy Review Committee Meeting held on 8 August 2016 (Item 1 - Council's Position on Western Sydney Airport)*

Mr Moriarty, an affected person, spoke against the recommendation and stated his concerns over the noise, air quality, traffic congestions and infrastructure from the proposed airport. Mr Moriarty then expressed he opposes the Environmental Impact Statement (EIS) that was conducted last December. Mr Moriarty concluded by expressing that a curfew should be a part of the development and requested that Council actively oppose the Badgerys Creek Airport.

Ms Andrea Grieve*Report and Recommendations of the Policy Review Committee Meeting held on 8 August 2016 (Item 1 - Council's Position on Western Sydney Airport)*

Ms Grieve, spokesperson for No Badgerys Creek Airport Inc. and an affected person, spoke to the recommendation and stated her concerns regarding the impact the airport will have on infrastructure, health and surrounding residents. Ms Grieve also cited concerns around the airport noise and increased traffic congestion.

220 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Mark Davies that an extension of time be granted to enable the speaker to complete her address, the time being 7:50pm.

Ms Grieve concluded by expressing her concerns for the lack of community consultation and community forums.

Mr Wayne Olling*Item 3 – Planning Proposal for Housekeeping Amendments to the City-wide Local Environmental Plan – Outcomes of Public Exhibition*

Mr Olling, an affected person, spoke against the proposed recommendation and stated his concerns regarding the regulations and zoning laws. Mr Olling then expressed his concerns about the French Street, Werrington Development and the impact on surrounding bushlands.

Mr Michael Siegle*Item 15 – Men's Sheds in the Penrith LGA*

Mr Siegle, resident of Nepean Men's shed, spoke in support of the recommendation. Mr

Siegle highlighted that there are 960 sheds across Australia that offer a safe and friendly place to meet. Mr Siegle continued to explain the shed is open two days a week and there is a buddy system to show new members around. Mr Siegle outlined the community work that is undertaken and the toys and bird feeds that are built. Mr Siegle concluded by thanking Council and Council staff for their support.

RESUMPTION OF STANDING ORDERS

221 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Michelle Tormey that Standing Orders be resumed, the time being 8:11pm.

MAYORAL MINUTES

1 Passing of Bernard Smith

Councillors Ross Fowler OAM and Kevin Crameri OAM spoke in support of the Mayoral Minute.

222 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the Mayoral Minute on Passing of Bernard Smith be received.

2 Passing of Sir Ian Turbott

Councillors Ross Fowler OAM, Greg Davies and Jim Aitken OAM spoke in support of the Mayoral Minute.

Councillor Prue Car MP arrived at the meeting, the time being 8:21pm.

223 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM that the Mayoral Minute on Passing of Sir Ian Turbott be received.

The Council observed a minute's silence.

NOTICES OF MOTION

1 Development Applications for public and private schools

224 A MOTION was MOVED Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that all development application for schools, public and private including modifications under section 96 of the environmental planning and assessment act 1979, be reported to Council at an Ordinary Meeting and not be determined under delegated authority.

For

Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Marcus Cornish

Against

Councillor John Thain
Councillor Ben Goldfinch
Councillor Bernard Bratusa
Councillor Prue Car MP
Councillor Karen McKeown
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Michelle Tormey

On being PUT to the meeting the MOTION was LOST.

Councillor Marcus Cornish requested that names be recorded.

REPORTS OF COMMITTEES

1 Report and Recommendation of the Local Traffic Committee Meeting held on 1 August 2016

225 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Kevin Crameri OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 1 August, 2016 be adopted.

Procedural Motion

226 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Kevin Crameri OAM that *Item 11 – Penrith Mayoral Challenge 2016 – Chapman Gardens, Kingswood* be brought forward to be considered immediately before the Reports of Committees.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

11 Penrith Mayoral Challenge 2016 - Chapman Gardens, Kingswood

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

That:

1. The information contained in the report on Penrith Mayoral Challenge 2016 - Chapman Gardens, Kingswood be received.
2. An amount of \$17,000 from East Ward voted works to be added to the budget to include climbing frame.

2 Report and Recommendations of the Policy Review Committee Meeting held on 8 August 2016

228 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 8 August, 2016 be adopted.

On being PUT to the meeting the MOTION was CARRIED.

Councillor Kevin Crameri OAM requested that names be recorded.

For

Councillor John Thain
Councillor Ben Goldfinch
Councillor Bernard Bratusa
Councillor Prue Car MP
Councillor Karen McKeown
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Tricia Hitchen

Against

Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Michelle Tormey
Councillor Marcus Cornish

3 Report and Recommendations of the Policy Review Committee Meeting held on 15 August 2016

229 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 15 August, 2016 be adopted.

DELIVERY PROGRAM REPORTS

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

1 Draft Public Benefit Policy

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

That:

1. The information contained in the report on Draft Public Benefit Policy be received.
2. Council endorse the draft *Public Benefit Policy* for public exhibition as provided in Attachment 2.
3. The General Manager be granted delegation to refine the draft *Public Benefit Policy* before commencement of public exhibition.
4. Council publicly exhibit the draft *Public Benefit Policy* for a period of 30 days.
5. A further report be presented to Council following public exhibition of the draft *Public Benefit Policy*.

2 Planning Proposal for Reclassification and Rezoning of land in Erskine Park

231 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Planning Proposal for Reclassification and Rezoning of land in Erskine Park be received.
2. The Planning Proposal to rezone the subject sites from *RE1 Public Recreation* to *R2 Low Density Residential* (in accordance with Attachment 4 to this report); reclassify the land from *Community* to *Operational*; establish minimum lot sizes of 550sq.m; and apply a height control of 8.5 metres, is sponsored for submission to the Greater Sydney Commission Gateway Process.
3. Consultation with NSW government agencies is undertaken in accordance with any Gateway determination.
4. The Planning Proposal is placed on public exhibition in accordance with any Gateway Determination and be accompanied by exhibition of the draft *Open Space Management Plan* and any associated reports or studies which are relevant to the community and inform the reinvestment strategy.
5. An independently chaired public hearing is held regarding the land reclassification aspects of the Planning Proposal, in accordance with the

requirements of the Environmental Planning and Assessment Act 1979.

6. A report is presented to Council following the public exhibition.
7. Spoonhill Park be removed from the Planning proposal subject to the report.

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 Ben Goldfinch
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 Tricia Hitchen
Councillor Marcus Cornish

Against

Councillor Michelle Tormey

3 Planning Proposal for Housekeeping Amendments to the City-wide Local Environmental Plan - Outcomes of Public Exhibition

232 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 Housekeeping Amendments to the City-wide Local Environmental Plan - Outcomes of Public Exhibition be received.
2. Council endorse the Planning Proposal as exhibited and provided under separate cover, with minor mapping and typographical amendments made in respect to Item 16 as identified in the report.
3. Council enacts the delegated plan making authority, and works with Parliamentary Counsel's Office to draft and publish the proposed 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

Councillor John Thain
Councillor Ben Goldfinch
Councillor Bernard Bratusa
Councillor Prue Car MP
Councillor Karen McKeown
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Marcus Cornish

Against

Councillor Maurice Giroto
Councillor Kevin Crameri OAM
Councillor Tricia Hitchen
Councillor Michelle Tormey

4 Planning Proposal for 61-73 Christie Street, St Marys - Outcomes of Public Exhibition

233 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 61-73 Christie Street, St Marys - Outcomes of Public Exhibition be received.
2. Council endorse the Planning Proposal (provided as a separate enclosure) to amend Penrith LEP 2010 to permit a service station at 61-73 Christie Street, St Marys.
3. Council enacts the Minister for Planning's delegated plan making authority and works with Parliamentary Counsel's Office to draft and publish the proposed 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

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

Against

5 Fire and Rescue NSW Fire Safety Report

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

That:

1. The information contained in the report on Fire and Rescue NSW Fire Safety Report be received.
2. Council continue to monitor properties as part of its Fire Safety Audit Program.
3. Fire and Rescue NSW be advised of Council's decision.

6 Outcomes of Public Exhibition - Matters Deferred from Penrith Local Environmental Plan 2010 (Amendment 4)

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

That:

1. The information contained in the report on Outcomes of Public Exhibition - Matters Deferred from Penrith Local Environmental Plan 2010 (Amendment 4) be received.
2. Council endorse the changes made to the Planning Proposal, as shown in *Attachment 4*.
3. Council endorse the revised Planning Proposal for Deferred Matters from Penrith Local Environmental Plan 2010, as shown in *Attachment 5*, and forward it to the Greater Sydney Commission with a request that the Commission make the plan in accordance with the Environmental Planning and Assessment Act 1979.
4. The General Manager be granted delegation to make any necessary minor changes required to the Planning Proposal prior to its submission.
5. Council endorse the preparation of a draft amendment to Penrith Development Control Plan 2014 to review the relevant controls to ensure consistency with the removal of the minimum lot size requirements for the Werrington Signals site.
6. A further report be presented to Council following the preparation of the draft amendments to Penrith Development Control Plan 2014.

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 Ben Goldfinch
Councillor Bernard Bratusa
Councillor Maurice Giroto
Councillor Prue Car MP
Councillor Greg Davies
Councillor Karen McKeown
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Tricia Hitchen
Councillor Marcus Cornish

Against

Councillor Kevin Crameri OAM
Councillor Michelle Tormey

7 Amendment to Penrith Development Control Plan 2014 - Road patterns requiring half road construction and dedication

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

That:

1. The information contained in the report on Amendment to Penrith Development Control Plan 2014 - Road patterns requiring half road construction and dedication be received.

2. Council resolve to prepare and publicly exhibit an amendment to Penrith DCP 2014 in accordance with the changes identified in this report.
3. A 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

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

Against

8 Section 96 Application No. DA15/0544.01 for Modifications to Approved Adaptive Re-Use of "Mimosa" Property as Mirrabooka Study Centre at Lot 40 DP 58974, (No. 13) Pages Road, St Marys Applicant: Education Development Association; Owner: ~Education Development Association

237 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Section 96 Application No. DA15/0544.01 for Modifications to Approved Adaptive Re-Use of "Mimosa" Property as Mirrabooka Study Centre at Lot 40 DP 58974, (No. 13) Pages Road, St Marys be received.
2. Section 96 Application No. DA15/0544.01 for Modifications to Approved Adaptive Re-Use of "Mimosa" Property as Mirrabooka Study Centre at Lot 40 DP 58974, (No. 13) Pages Road, St Marys be approved subject to amended Condition 2.1.

2.1 Amended Condition:

The development must be implemented substantially in accordance with the plans tabled below and stamped approved by Council, the application form, and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions:

PLAN	NUMBERED	DRAWN BY	DATED
Site Plan	1405 DA-02 Revision B	Nimbus Architects	29 April 2016
Ground Floor Plan	1405 DA-03 Revision B	Nimbus Architects	22 June 2016
First Floor Plan	1405 DA-04 Revision F	Nimbus Architects	5 June 2016
Sections Plan	1405 DA-05 Revision F	Nimbus Architects	5 June 2016
Elevations Plan	1405 DA-06 Revision B	Nimbus Architects	22 June 2016

Material Selection	1405 DA-07 Revision F	Nimbus Architects	5 June 2015
Car Parking Plan	1405 DA-09 Revision F	Nimbus Architects	5 June 2015
Landscape Plan	1405	Nimbus Architects	14 May 2016
Stormwater Plans	H1.1 to H4.1 (Revision P2)	Nimbus Architects	5 June 2016
Proposed Study Centre	1405 DA-02.02 Revision B	Nimbus Architects	29 April 2016
Mimosa Parking Plan	1405 DA-02.04 Revision B	Nimbus Architects	29 April 2016

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 Ben Goldfinch
 Councillor Bernard Bratusa
 Councillor Maurice Girotto
 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 Tricia Hitchen
 Councillor Michelle Tormey
 Councillor Marcus Cornish

Against

9 State Significant Development (SSD 6236) Proposed Waste to Energy Facility, Honeycomb Drive, Eastern Creek

238 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Maurice Girotto

That:

1. The information contained in the report on State Significant Development (SSD 6236) Proposed Waste to Energy Facility, Honeycomb Drive, Eastern Creek be received.
2. Council write to the Minister requesting that full and detailed consultation be undertaken prior to any decision being made.
3. Council hold a public meeting at Erskine Park Hall when the outstanding information is received and prior to Council's submission to the Department of Planning.

OUTCOME 3 - WE CAN GET AROUND THE CITY

10 Stony Creek Road - Culverts Proposal

Councillor John Thain left the meeting, the time being 9:36pm.

239 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Maurice Giroto that the information contained in the report on Stony Creek Road - Culverts Proposal be received.

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

12 Grant acceptance for 'Our River - Pathways and Fitness'

240 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Ben Goldfinch

That:

1. The information contained in the report on Grant acceptance for 'Our River - Pathways and Fitness' be received.
2. Council accept the grant funds from the NSW Department of Planning's Metropolitan Greenspace Program and send letters of thanks to the Minister for Planning, the Hon Rob Stokes MP, and the Local Member, the Hon Stuart Ayres MP.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

13 Erskine Park Rural Fire Service facility - 367-369 Mamre Road, Orchard Hills

Councillor John Thain returned to the meeting, the time being 9:39pm.

241 RESOLVED on the MOTION of Councillor Maurice Giroto seconded Councillor Kevin Crameri OAM

That:

1. The information contained in the report on Erskine Park Rural Fire Service facility - 367-369 Mamre Road, Orchard Hills be received.
2. The Penrith SES be thanked for their work during and after the 4 - 5 June 2016 storm/flood event.
3. The Rural Fire Service be thanked for their assistance during the 4 - 5 June 2016 storm/flood event.

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

14 Community Assistance Program Planned Component 2016-17

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

That:

1. The information contained in the report on Community Assistance Program Planned Component 2016-17 be received.
2. Council approve funding the highly ranked applications and amounts totalling \$30,203 as outlined in Table 2 of this report with \$30,000 allocated from the Planned Component and \$203 allocated from the Rolling Component of the 2016/2017 Community Assistance Program.

15 Men's Sheds in the Penrith LGA

243 RESOLVED on the MOTION of Councillor Jim Aitken OAM seconded Councillor Marcus Cornish

That:

1. The information contained in the report on Men's Sheds in the Penrith LGA be received.
2. Council write to the President of the Nepean Men's Shed congratulating them on the acquisition of 18 Simeon Road Orchard Hills which will be the base for their community operations.
3. Council allocate \$21,000 from South Ward Voted works to a build cement slab at the Nepean Men's Shed.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

16 Local Government Remuneration Tribunal Determination for Mayor and Councillors for 2016-17

244 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Local Government Remuneration Tribunal Determination for Mayor and Councillors for 2016-17 be received.
2. The fees payable to the Mayor and Councillors for 2016-17 be set at the maximum level permitted.

17 Local Government NSW Annual Conference 2016

245 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Local Government NSW Annual Conference 2016 be received.
2. The Motions detailed in the report be submitted for inclusion in the 2016 Local Government NSW Annual Conference Business Paper.
3. Council nominate its ten (10) voting delegates to attend the 2016 Local Government NSW Conference to be held at WIN Entertainment Centre, Wollongong, Sydney at the first Council meeting following the 2016 Local Government Election.
4. Council give consideration to the nomination of observers to attend the 2016 Local Government NSW Conference to be held at WIN Entertainment Centre, Wollongong, Sydney at the first Council meeting following the 2016

Local Government Election.

5. Council sponsor up to three (3) Aboriginal observers, nominated by the Deerubbin Local Aboriginal Land Council, to attend the 2016 Local Government NSW Conference.

20 Appointment of a Director on the Board of the Penrith Whitewater Stadium Limited

246 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Appointment of a Director on the Board of the Penrith Whitewater Stadium Limited be received.
2. Council endorse the appointment of Brian Steffen to the Board of the Penrith Whitewater Stadium Limited.

22 Summary of Investments & Banking for the period 1 July to 31 July 2016

247 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Jim Aitken OAM

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 July to 31 July 2016 be received.
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 July 2016 to 31 July 2016 be noted and accepted.
3. The graphical investment analysis as at 31 July 2016 be noted.

18 Outcome of Class 1 Land and Environment Court Appeal - Refused Building Certificate Application BC15/0048 for a Solid Metal Panel Fence at (No. 41-47) Jolly Street, Castlereagh Applicant: Ty & Deanne Gosling; Owner: Ty & Deanne Gosling

248 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Maurice Giroto

That:

1. The information contained in the report on Outcome of Class 1 Land and Environment Court Appeal - Refused Building Certificate Application BC15/0048 for a Solid Metal Panel Fence at (No. 41-47) Jolly Street, Castlereagh Applicant: Ty & Deanne Gosling; Owner: Ty & Deanne Gosling be received.
2. A further report to Council be prepared regarding the chronology of all events surrounding this matter and why it has failed in court proceedings.

19 Thornton Community Facility Transfer

Councillor Prue Car MP left the meeting at 10:03pm and did not return.

249 RESOLVED on the MOTION of Councillor Michelle Tormey seconded Councillor Kevin Crameri OAM that the item be deferred to a future Council meeting.

That:

1. The information contained in the report on Thornton Community Facility Transfer be received.
2. The Council agrees to the transfer of the Thornton Community Facility to Council, subject to Council Officers granting Occupation Certificate for the conversion of the facility.
3. Council resolve to classify the land as Operational.
4. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

21 Organisational Performance Report - June 2016

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

That:

1. The information contained in the report on Organisational Performance Report - June 2016 be received.
2. The *Organisational Performance Report - June 2016* as at 30 June 2016, including the revised estimates outlined in this report, and detailed in *the Organisational Performance Report* (provided under separate cover), be adopted.
3. Council revote the works as detailed in the Recommended Revoted Works Lists, detailed in *the Organisational Performance Report June 2016* (provided under separate cover) for inclusion in the 2016-17 Operational Plan.
4. Council commits \$15,000 of the funds allocated to reserve to fund Council's sponsorship of Penrith's NSW Netball Premier League team in 2016-17.

REQUESTS FOR REPORTS AND MEMORANDUMS

UB 1 Removal of Kiss and Ride at Penrith Station

Councillor Marcus Cornish left the meeting, the time being 10:16pm.

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

Councillor Greg Davies requested that Council write to Local Members, the Minister and the Premier seeking an immediate overturn of the removal of the kiss and ride at Penrith Station, and that Council advise a compromise proposal of 4-5 car spaces could be provided with the rest of the spaces to be returned to train pick up and drop off.

251 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri 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.

252 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kevin Crameri OAM that Council write to Local Members, the Minister and the Premier seeking an immediate overturn of the removal of the kiss and ride at Penrith Station, and that Council advise a compromise proposal of 4-5 car spaces could be provided with the rest of the spaces to be returned to train pick up and drop off.

RR 1 Annual Penrith LGA Spring Clean

Councillor Greg Davies requested a report back to Council assessing the costs and work considerations of conducting an annual Penrith LGA Spring Clean, with crews being moved off normal work for a two week period in September each year, excepting of course those crews that are specifically required for safety matters.

RR 2 Property Flooding

Councillor Greg Davies requested a report be presented to Council on the recent property flooding near the South Creek levee.

Councillor Mark Davies left the meeting and did not return, the time being 10:22pm.

RR 3 Local Government Act and Crown Lands Act

Councillor Greg Davies requested a report be presented to Council on the proposals for the new legislation regarding the Local Government Act and Crown Lands Act.

RR 4 Monument at Penrith Lakes

Councillor Greg Davies requested a report be presented to Council on costs of a monument at Penrith Lakes to recognise Bernard Smith, Sir Ian Turbott and Warren Pinfold, with the report to also investigate any other visionaries that were part of the Penrith Lakes project.

RR 5 Community Forums on the Badgerys Creek Airport

Councillor Kevin Crameri OAM requested a report be presented to Council regarding the proposed airport and why there have not been any community forums in accordance with the

current policy of Council. Councillor Cramereri also requested a copy of the letter that was sent to the Minister and the reply.

COMMITTEE OF THE WHOLE

253 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Ben Goldfinch that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 10:27pm.

Councillor Ben Goldfinch left the meeting at 10:28pm and did not return.

1 Presence of the Public

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

Outcome 2

- 2 **Legal Status of Development Application No. DA14/1160 for Demolition of Existing Dwelling & Construction of 7 x 3 Bedroom Townhouses at Lot 65 DP 110052, (No. 65) Jones Street, Kingswood Applicant: Pretech Properties Pty Ltd; Owner: ~C & G Projects Pty Ltd**

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

- 3 **Legal Status of Development Application No. DA15/0977 (JRPP 2015SYW151) for Demolition of Existing Structures & Construction of Two (2) x Seven (7) Storey Residential Flat Buildings containing 132 Apartments & Basement Car Parking at Lots 63-65 & Lot 67 DP 14333 & Lots 1-2 SP 38304, (Nos 19-27) Rodgers Street, Kingswood Applicant: Regent Pacific Capital; Owner: ~Development Consortium Group Australia Pty Ltd**

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

Outcome 7

- 4 **Modification to RMS Lease Agreements and Acquisition of Land Associated with The Northern Road Upgrade Stage 3**

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 Council Property - Lease of Shop 1 Gaymark Lane, 134 Henry Street Penrith to Waffle Co

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.

Outcome 1

6 Remediation of Contaminated Material- 21-25 Woodriff Street, Penrith (Serviced Apartments Site)

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 5

7 Status on Litigation and Compliance Matters

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

The meeting resumed at 10:50pm and the General Manager reported that the Committee of the Whole met at 10:27pm on 22 August 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, Kevin Crameri OAM, Marcus Cornish, Greg Davies, Maurice Giroto, Ben Goldfinch, Tricia Hitchen, 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 Legal Status of Development Application No. DA14/1160 for Demolition of Existing Dwelling & Construction of 7 x 3 Bedroom Townhouses at Lot 65 DP 1100052, (No. 65) Jones Street, Kingswood Applicant: Pretech Properties Pty Ltd; Owner: ~C & G Projects Pty Ltd

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Ross Fowler OAM

CW2 That:

1. The information contained in the report on Legal Status of Development Application No. DA14/1160 for Demolition of Existing Dwelling & Construction of 7 x 3 Bedroom Townhouses at Lot 65 DP 1100052, (No. 65) Jones Street, Kingswood be received.
2. Council resolve to enter into a Section 34 Agreement for the approval of Development Application No. DA14/1160 for Demolition of Existing Dwelling & Construction of 7 x 3 Bedroom Townhouses at Lot 65 DP 1100052, (No. 65) Jones, Street Kingswood subject to agreed conditions of consent.
3. Council enter into a Voluntary Planning Agreement (VPA) with the applicant and owner in the terms outlined in the letter from Storey & Gough Lawyers dated 22 July 2016 and a VPA document be prepared in accordance with these terms and the requirements of the Environmental Planning and Assessment Act 1979 and Regulations thereunder.
4. The VPA document be placed on public exhibition for a period of 28 days.
5. Council authorise the General Manager to finalise and sign the VPA document, in conjunction with the applicant, following the conclusion of the public notification period.
6. The Common Seal of the Council of the City of Penrith be affixed to the VPA document developed in accordance with resolutions 3, 4 and 5 above.
7. Restorations on vehicular access from the subject land be pursued to the new road.

3 Legal Status of Development Application No. DA15/0977 (JRPP 2015SYW151) for Demolition of Existing Structures & Construction of Two (2) x Seven (7) Storey Residential Flat Buildings containing 132 Apartments & Basement Car Parking at Lots 63-65 & Lot 67 DP 14333 & Lots 1-2 SP 38304, (Nos 19-27) Rodgers Street, Kingswood Applicant: Regent Pacific Capital; Owner: ~Development Consortium Group Australia Pty Ltd

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

CW3 That:

1. The information contained in the report on Legal Status of Development Application No. DA15/0977 (JRPP 2015SYW151) for Demolition of Existing Structures & Construction of Two (2) x Seven (7) Storey Residential Flat Buildings containing 132 Apartments & Basement Car Parking at Lots 63-65 & Lot 67 DP 14333 & Lots 1-2 SP 38304, (Nos 19-27) Rodgers Street, Kingswood be received.

2. Council resolve to enter into a Section 34 agreement for the approval of Development Application No. DA15/0977 (JRPP 2015SYW151) subject to agreed conditions of consent.
3. The individual who made a submission be advised of Council's decision and of the consideration given to their concerns.

4 Modification to RMS Lease Agreements and Acquisition of Land Associated with The Northern Road Upgrade Stage 3

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

CW4 That:

1. The information contained in the report on Modification to RMS Lease Agreements and Acquisition of Land Associated with The Northern Road Upgrade Stage 3 be received.
2. The terms of the modified 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.

5 Council Property - Lease of Shop 1 Gaymark Lane, 134 Henry Street Penrith to Waffle Co

RECOMMENDED on the MOTION of Councillor Bernard Bratusa seconded Councillor Greg Davies

CW5 That:

1. The information contained in the report on Council Property - Lease of Shop 1 Gaymark Lane, 134 Henry Street Penrith to Waffle Co be received.
2. Council approve a new 2 year lease to Nathan John Turner trading as Waffle Co at Shop 1, Gaymark Lane, 134 Henry Street Penrith as set out in the terms and conditions in this report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documents.

6 Remediation of Contaminated Material- 21-25 Woodriff Street, Penrith (Serviced Apartments Site)

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

CW6 That:

1. The information contained in the report on Remediation of Contaminated Material- 21-25 Woodriff Street, Penrith (Serviced Apartments Site) be received; and

2. The Council accept the recommendations and authorise the Property Development Manager to negotiate an outcome as outlined in this report.

7 Status on Litigation and Compliance Matters

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

CW7 That the information contained in the report on Status on Litigation and Compliance Matters be received.

ADOPTION OF COMMITTEE OF THE WHOLE

254 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that the recommendations contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4, CW5, CW6 and CW7 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 10:56pm.

I certify that these 20 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 22 August 2016.

Chairperson

Date