

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

ON MONDAY 28 NOVEMBER 2016 AT 7:30PM

NATIONAL ANTHEM

The meeting opened with the National Anthem.

STATEMENT OF RECOGNITION

His Worship the Mayor, Councillor John Thain 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

His Worship the Mayor, Councillor John Thain, Deputy Mayor, Councillor Tricia Hitchen, and Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Marcus Cornish, Kevin Crameri OAM, Greg Davies, Mark Davies, Aaron Duke, Ross Fowler OAM, Joshua Hoole, Karen McKeown, Kath Presdee and Ben Price.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 24 October 2016

299 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown that the minutes of the Ordinary Meeting of 24 October 2016 be confirmed.

DECLARATIONS OF INTEREST

Councillor Karen McKeown declared a Non-Pecuniary Conflict of Interest – Less than Significant *in Item 4 - Chronology of events surrounding outcome of Class 1 Land and Environment Court appeal – Refused Building Certificate Application BC15/0048 for a Solid Metal Panel Fence and Section 96 Modification Application Appeal 15/10683 at (No.41-47) Jolly Street, Castlereagh Applicant: Ty and Deanne Gosling; Owner: ~Ty and Deanne Gosling as a member of her family was once employed by the applicant.*

MAYORAL MINUTES

1 Passing of Charlie Lowles OAM

Councillors Ben Price, Kevin Crameri OAM, Marcus Cornish and Aaron Duke spoke in support of the Mayoral Minute.

300 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ben Price that the Mayoral Minute on Passing of Charlie Lowles OAM be received.

2 Ripples Leisure Centre Local Business Award Winners

Councillor Aaron Duke left the meeting, the time being 7:43pm.

Councillor Tricia Hitchen spoke in support of the Mayoral Minute.

301 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that the Mayoral Minute on Ripples Leisure Centre Local Business Award Winners be received.

3 Real Festival 2016

Councillor Aaron Duke returned to the meeting, the time being 7:47pm

Councillor Aaron Duke left the meeting at 7:48pm and did not return.

Councillors Tricia Hitchen, Jim Aitken OAM and Karen McKeown spoke in support of the Mayoral Minute.

302 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that the Mayoral Minute on Real Festival 2016 be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee Meeting held on 7 November 2016

A MOTION was moved by Councillor Karen McKeown seconded Councillor Greg Davies that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 7 November, 2016 be adopted.

303 An AMENDMENT was moved by Councillor Marcus Cornish seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 7 November, 2016 be adopted, with Item 1 being amended to now read:

That:

1. The information contained in the report on Local Traffic Committee Policy and Framework be received.
2. The provisions of the *A guide to the delegation to Councils for the regulation of traffic*, particularly Section 5 which sets out the constitution, protocols and operation of the Local Traffic Committee, be noted.
3. The Local Traffic Committee apply the provisions of the Model Code of Conduct for Local Councils in NSW to guide the standard of conduct and behaviour at its meetings.
4. Council write to the Roads and Maritime Services requesting them to review

A guide to the delegation to Councils for the regulation of traffic, particularly Section 5 which sets out the constitution, protocols and operation of the Local Traffic Committee, with regard to permitting councillors other than the Council representative to have input to Local Traffic Committee meetings, with a report on this matter to be presented to the first Ordinary Meeting of Council in 2017.

The AMENDMENT was PUT.

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

2 Report and Recommendations of the Policy Review Committee Meeting held on 14 November 2016

304 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Jim Aitken OAM that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 14 November, 2016, with the exception of Items 2 and 3 be adopted.

2 Report and Recommendations of the Policy Review Committee Meeting held on 14 November 2016 - Item 2 - Review of Resolution of Council Regarding Determination of Place of Public Worship and Community

A MOTION was moved by Councillor Marcus Cornish seconded Councillor Jim Aitken OAM that the information contained in this report on Review of Resolution of Council Regarding Determination of Place of Public Worship and Community Centre Development Applications be received.

305 An AMENDMENT was moved by Councillor Ross Fowler OAM seconded Councillor Kevin Cramer OAM

That:

1. The information contained in this report on Review of Resolution of Council Regarding Determination of Place of Public Worship and Community Centre Development Applications be received.
2. Councillors be advised by memorandum rather than a report on the details of all development applications for places of public worship, community centres and schools including applications for modification of consent under section 96 of the Environmental Planning and Assessment Act 1979.

The AMENDMENT was PUT.

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

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

For	Against
Councillor Kath Presdee	Councillor Joshua Hoole
Councillor Ben Price	Councillor Bernard Bratusa
Councillor Greg Davies	Councillor Marcus Cornish
Councillor Todd Carney	
Councillor Karen McKeown	
Councillor Kevin Cramer OAM	
Councillor Ross Fowler OAM	

Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Tricia Hitchen
Councillor John Thain

**2 Report and Recommendations of the Policy Review Committee
Meeting held on 14 November 2016 – Item 3 - Draft Public Benefit
Policy**

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

That:

1. The information contained in the report on Draft Public Benefit Policy be received.
2. Council adopt the Public Benefit Policy as amended and attached, effective on the date the LEP amendment to insert an Incentives Clause within the Penrith LEP 2010 is made.
3. The General Manager be granted delegation to make minor changes to the Policy prior to the commencement of the Policy.

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

For

Against

Councillor Kath Presdee
Councillor Ben Price
Councillor Greg Davies
Councillor Todd Carney
Councillor Karen McKeown
Councillor Kevin Crameri OAM
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Joshua Hoole
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor John Thain

DELIVERY PROGRAM REPORTS

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

1 Economic Development Strategy and Model

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

That:

1. The information contained in the report on Economic Development Strategy and Model be received.
2. Council adopt the draft Economic Development Strategy.

3. Council adopt the in-house economic delivery model as outlined in this report, supported by an expert panel.
4. A report be brought back to Council outlining details of the expert panel in terms of its proposed composition and operations.

2 Real Festival

308 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Kath Presdee

That:

1. The information contained in the report on Real Festival be received.
2. The sponsors be thanked for their contributions to the 2016 Real Festival.

OUTCOME 2 - WE PLAN FOR OUR FUTURE GROWTH

3 Heritage Assistance Fund

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

That:

1. The information contained in the report on Heritage Assistance Fund be received.
2. Council endorse the funding allocation as outlined in the report.
3. Council increase the funding allocation to \$50,000 and index an increase each year of 5% to cover costs of repairs to heritage buildings.

309 An AMENDMENT was moved by Councillor Greg Davies seconded Councillor Bernard Bratusa

1. The information contained in the report on Heritage Assistance Fund be received.
2. Council endorse the funding allocation as outlined in the report.
3. A report be presented to a Councillor Briefing regarding an increase to the Heritage Assistance Fund.

The AMENDMENT was PUT.

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

4 Chronology of events surrounding outcome of Class 1 Land and Environment Court appeal – Refused Building Certificate Application BC15/0048 for a Solid Metal Panel Fence and Section 96 Modification Application Appeal 15/10683 at (No.41-47) Jolly Street, Castlereagh Applicant: Ty and Deanne Gosling; Owner: ~Ty and Deanne Gosling

Councillor Mark Davies left the meeting, the time being 8:38pm.

Councillor Mark Davies returned to the meeting, the time being 8:41pm.

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

That:

1. The information contained in the report on the Chronology of events surrounding outcome of Class 1 Land and Environment Court appeal – Refused Building Certificate Application BC15/0048 for a Solid Metal Panel Fence and Class 1 S96 Modification Application Appeal 15/10683 at (No.41-47) Jolly Street, Castlereagh be received.
2. A further report be presented to Council addressing recommendation 2 at Minute No. 248 of Council's Ordinary meeting minutes of 22 August, 2016, which reads as follows:

“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.”

5 Nomination of Panel Members from the Joint Regional Planning Panel to Sydney West Planning Panel

311 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Todd Carney

That:

1. The information contained in the report on Nomination of Panel Members from the Joint Regional Planning Panel to Sydney West Planning Panel be received.
2. Council endorse the appointment of Councillor Ben Price and Ross Fowler OAM (alternate) as representatives to the Sydney West Planning Panel as previously resolved.
3. The General Manager be granted delegation to reappoint a staff representative as previously resolved.
4. Where further panel changes occur within the appointment period, this resolution be relied upon for continued representation on that panel.
5. The Panel Secretariat of the Sydney West Planning Panel be advised of the outcome.

6 Temporary Commuter Parking - Approval to undertake work on Lot 3003 , 3004, 3005 DP 1184489 Applicant: Penrith City Council; Owner: ~Urban Growth NSW

312 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Ben Price

That:

1. The information contained in the report on Temporary Commuter Parking - Approval to undertake work on Lot 3003 , 3004, 3005 DP 1184489 be received.
2. The Property Development Manager be authorised to enter into the necessary licensing agreements for the use of lots 3003 , 3004 , 3005 DP1184498 for up to twelve months for public parking.

3. Works be undertaken on Lots 3003 , 3004 , 3005 DP 1184498 for the purpose of establishing a temporary public parking area.

7 Development Application No. DA15/0517 for Alterations & Additions to Existing Sikh Worship Centre & Punjabi Cultural School at Lot 13 DP 30274, (No. 15-27) Blaikie Road, Jamisontown Applicant: N.F. Billyard Pty Ltd; Owner: ~Sikh Association of Australia

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

That:

1. The information contained in the report on Development Application No. DA15/0517 for Alterations & Additions to Existing Sikh Worship Centre & Punjabi Cultural School at Lot 13 DP 30274, (No. 15-27) Blaikie Road, Jamisontown be received.
2. Development Application No. DA15/0517 for Alterations & Additions to Existing Sikh Worship Centre & Punjabi Cultural School at Lot 13 DP 30274, (No. 15-27) Blaikie Road, Jamisontown be approved subject to the following conditions:

Special Conditions

2.1 Flood Evacuation Plan

The Flood Evacuation Plan prepared by N F Billyard dated 24 March 2016 shall be kept on the premises at all times and implemented when required.

2.2 Front Fence Details

Prior to the issue of a Construction Certificate, the existing front fence shall be removed and details of the replacement fence are to be submitted to, and approved by, Council.

Such fencing shall be rural in character and allow the free passage of flood water to ensure there is no intensification or diversion of flood waters passing though the site.

2.3 Plan of Management

Prior to the issue of an Occupation Certificate, a plan of management for the activity shall be submitted and approved by Council. The plan of management shall address the following matters:

- Noise management.
- On-site car parking.
- External lighting.
- Waste management.
- Community liaison.
- Security.
- Compliance with development consent.
- Revision.

2.4 Priest Accommodation

The priest accommodation is to be used by a maximum of 2 (two) priests at any one time.

2.5 Details of mechanical plant and equipment acoustic compliance

Prior to the issue of the Construction Certificate, further details on the type and location of all mechanical plant and equipment associated with the development, (including the mechanical plant and equipment that is required to be provided as detailed in the report titled "Noise Assessment Report Proposed Alterations and Additions 15-27 Blaikie Road Jamisontown, NSW" (Report 150059R0) prepared by Rodney Stevens Acoustics and dated 11 May 2015, is to be provided to Council for consideration and approval. Suitable data and information, assessed by a qualified acoustic consultant, is to be supplied to demonstrate that the operation of the mechanical ventilation/air-conditioning equipment will comply with the noise criteria established.

Prior to the issue of the Occupation Certificate, a Compliance Certificate is to be submitted to and approved by Council. The Compliance Certificate is to be prepared by an appropriately qualified acoustic consultant and is to certify that all plant and equipment has been installed to comply with the above information and the established noise criteria. Should the Compliance Certificate identify any non-compliance issues, the Certificate is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified. This Compliance Certificate for the mechanical plant and equipment may be included in the Compliance Certificate that is required for the development as a whole with respect to certifying that the building has been constructed to meet the noise criteria established in the report titled "Noise Assessment Report Proposed Alterations and Additions 15-27 Blaikie Road Jamisontown, NSW" (Report 150059R0) prepared by Rodney Stevens Acoustics and dated 11 May 2015".

2.6 Noise Complaints

In the event of a noise complaint(s) relating to the development being received by Council, the owner and/or occupier of the development may be required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.

The noise impact assessment report is to be prepared and provided to Council within 45 days of being requested. The assessment report is to be approved by Council, with any recommendations being implemented in accordance with the approved assessment report.

2.7 Noise Management Plan

A Noise Management Plan (NMP) is to be prepared and submitted to Penrith City Council for consideration and approval prior to the issue of an Occupation Certificate. The NMP is to address all noise related aspects of the development, and is to include, but not be limited to, management controls proposed to manage noise from the outdoor playground areas to ensure compliance with the noise criteria established in the report titled "Noise Assessment Report Proposed Alterations and Additions 15-27 Blaikie Road Jamisontown NSW" (Report 150059R0) prepared by Rodney Stevens Acoustics and dated 11 May 2015.

Aside from the use of the outdoor playground areas, all other activities associated with the use of the building (including praying, meeting, teaching, and other associated activities) are to be conducted only indoor of the building at all times.

2.8 Noise Signage

Appropriate signage is to be provided to the carpark and entrance of the main building requesting patrons to minimise noise and protect the amenity of the surrounding neighbourhood. Prior to the issuing of the Occupation Certificate, a suitable signage plan is to be submitted to Council for approval. The signage plan is to include the first two recommendations provided in Section 7 of the report titled ""Noise Assessment Report Proposed Alterations and Additions 15-27 Blaikie Road Jamisontown, NSW" (Report 150059R0) prepared by Rodney Stevens Acoustics and dated 11 May 2015 and is to provide details on the location, sizing and wording of the proposed signs. The signs are to be constructed prior to the issuing of the Occupation Certificate.

2.9 Unexpected Finds

Should any "unexpected finds" occur during site excavation and earthworks, including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Council notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55-Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent is to be sought from Penrith City Council before the remediation works commence.

2.10 No sale of foods

The kitchen associated with the development is only to be used for private use and not for the sale of food to the public.

2.11 Standard Conditions

A001 – Approved Plans

A019 – Occupation certificate

A029 - Hours of operation and delivery times

A032 - Goods in buildings

A038 - Lighting locations

A039 – Graffiti

A046 - Obtain Construction Certificate before commencement of works

B002 - As for demolition and disposal to approved landfill site

B003 – asbestos

B004 – Dust

B005 - Mud/Soil

B006 - Hours of work

D001 - Implement approved sediment & erosion control measures

- D005 – No filling without prior approval
- D007 - Cut and fill of land requiring Validation Certificate – limited to footprint
- D009 - Covering of waste storage area
- D010 – Appropriate disposal of excavated or other waste
- D013 - Approved noise level
- D014 – Noise
- E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)
- E01A - BCA compliance for Class 2-9
- G002 - Section 73 Sydney Water Act 1994
- H001 - Stamped plans and erection of site notice
- H002 - All forms of construction
- H041 - Hours of work (other devt)
- K101 - Works at no cost to Council
- K201 - Infrastructure Bond
- K202 - S138 Roads Act – Works and Structures - Minor Works in the public road
- K209 - Stormwater Discharge – Minor Development
- K214 - Flooding – Floor levels
- K217 - Flooding – Flood Compatible Materials
- K218 - Flooding – Structural Adequacy
- K219 - Flooding - Flood Proofing
- K222 - Access, Car Parking and Manoeuvring – General
- K401 - Flooding – Surveyor Verification of floor levels
- K501 - Penrith City Council clearance – Roads Act/ Local Government Act
- K503 - Works as executed – General and Compliance Documentation
- K504 - Stormwater Compliance
- K511 - Directional signage
- K701 - Flood Risk Advice
- L001 – General
- L012 - Existing landscaping (for existing development)
- Q01F - Notice of Commencement & Appointment of PCA2
- Q006 - Occupation Certificate (Class 2 - 9)

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

For

Against

Councillor Kath Presdee
Councillor Ben Price
Councillor Greg Davies
Councillor Todd Carney
Councillor Karen McKeown
Councillor Kevin Crameri OAM
Councillor Ross Fowler OAM
Councillor Jim Aitken OAM
Councillor Mark Davies
Councillor Joshua Hoole
Councillor Tricia Hitchen
Councillor Bernard Bratusa
Councillor Marcus Cornish
Councillor John Thain

OUTCOME 3 - WE CAN GET AROUND THE CITY

8 Tender Reference 16/17-07, WSIP, LRP - Construction of Bringelly Road & Caddens Road Roundabout, Kingswood

314 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Price
That:

1. The information contained in the report on Tender Reference 16/17-07, WSIP, LRP - Construction of Bringelly Road & Caddens Road Roundabout, Kingswood be received.
2. Talis Civil Pty Ltd be awarded the contract for the Construction of Bringelly Road and Caddens Road Roundabout in Kingswood, for an amount of \$977,736 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

9 Tender Reference 16/17-08, WSIP, LRP - Design of Erskine Park Road Upgrade

315 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Price
That:

1. The information contained in the report on Tender Reference 16/17-08, WSIP, LRP - Design of Erskine Park Road Upgrade be received.
2. Kellogg Brown and Root Pty Ltd be awarded the contract for the Detailed Design of Erskine Park Road Upgrade, for an amount of \$494,300 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

10 Tender Reference 16/17-06, Demolition of Allen Place Elevated Carpark

316 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Price

That:

1. The information contained in the report on RFT16/17-06 demolition of Allen Place Elevated Carpark be received.
2. Budget Demolition and Excavation Pty Ltd be awarded the contract for the Tender Reference 16/17-06, Demolition of Allen Place Elevated Carpark, for an amount of \$483,600 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

11 Review of Environmental Factors (REF) for The Northern Road Upgrade (Stage 3) between Glenmore Parkway, Glenmore Park and Jamison Road, South Penrith

Councillor Kevin Crameri OAM left the meeting, the time being 9:09pm.

317 RESOLVED on the MOTION of Councillor Mark Davies seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Review of Environmental Factors (REF) for The Northern Road Upgrade (Stage 3) between Glenmore Parkway, Glenmore Park and Jamison Road, South Penrith be received.
2. Council's Engineering Services Manager be authorised to finalise a submission, based on this report, to the Roads and Maritime Services by 1 December 2016.

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

12 Youth Week 2017 Program - Funding Recommendations

318 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Karen McKeown

That:

1. The information contained in the report on Youth Week 2017 Program - Funding Recommendations be received.
2. Council endorse the three recommended projects and funding amounts to the total value of \$6,150 as outlined in Table 1 of this report.

13 Applications to the Federal Government's Community Development Grants (CDG) Programme

319 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Karen McKeown

That:

1. The information contained in the report on Applications to the Federal Government's Community Development Grants (CDG) Programme be received
2. Council endorse the submission of Project Proposals to the Community Development Grant Program for facility improvements and amounts

identified, at the following facilities:

Tench Reserve	\$5 million
Greygums Oval	\$750,000
Jamison Park	\$600,000
Lewers Gallery	\$380,000
Weir Reserve	\$270,000
Potter Fields	\$130,000
Ched Towns Reserve	\$120,000
Myrtle Road Reserve	\$100,000
Patterson Oval	\$100,000

3. Council Officers execute the Deeds of Agreement for successful Project Proposals applications.
4. Council write to Senator the Hon Fiona Nash and Senator the Hon Marise Payne expressing appreciation for their support.

14 Naming of a park in St Clair

Councillor Kevin Crameri OAM returned to the meeting, the time being 9:12pm.

320 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ben Price

That:

1. The information contained in the report on Naming of a park in St Clair be received.
2. Council endorse the naming of the park on the corner of Feather Street and McIntyre as 'Dr Elizabeth Torrance Park' and make application to the Geographical Names Board for the official gazetting.
3. Following gazettal, an official naming ceremony be held at the reserve.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

Councillor Mark Davies left the meeting at 9:14pm and did not return.

15 Organisational Performance Report - September 2016

321 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Joshua Hoole

That:

1. The information contained in the report on Organisational Performance Report - September 2016 be received.
2. The *Organisational Performance Report - September 2016* as at 30 September 2016, including the revised estimates outlined in this report, and detailed in *the Organisational Performance Report* be adopted.

16 Proposed Council Meeting Calendar for 2017

322 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Joshua

Hoole

That:

1. The information contained in the report on Proposed Council Meeting Calendar for 2017 be received.
2. The draft Meeting Calendar for 2017 be adopted.

17 Code of Conduct - Report on Complaints Statistics

323 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Joshua Hoole

That:

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

19 Annual Report 2015-16

324 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Joshua Hoole

That:

1. The information contained in the report on Annual Report 2015-16 be received.
2. The Annual Report 2015-16 be endorsed for submission to the NSW Office of Local Government by 30 November 2016.

20 Tender Reference RFT 16/17-01 Provision of an E-Recruitment, On Boarding and Learning Management System

325 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Joshua Hoole

That:

1. The information contained in the report on Tender Reference RFT 16/17-01 Provision of an E-Recruitment, On Boarding and Learning Management System be received.
2. PageUp People Pty Ltd be accepted as the preferred tenderer for our E-Recruitment, On Boarding and Succession Planning systems for a contract sum of \$496,090 excluding GST for a period of three years.

21 Summary of Investments & Banking for the period 1 October to 31 October 2016

326 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Joshua Hoole

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 October to 31 October 2016 be received.

2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 October 2016 to 31 October 2016 be noted and accepted.
3. The graphical investment analysis as at 31 October 2016 be noted.

18 Councillor Working Parties

327 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Councillor Working Parties be received.
2. Council appoint the following Councillors to Working Parties for the 2016-2020 Council term:
 - a) Councillors Karen McKeown, Bernard Bratusa, Greg Davies and Marcus Cornish be appointed to the Communication Working Party.
 - b) Councillors Ross Fowler OAM, Mark Davies, Jim Aitken OAM and Greg Davies be appointed Domestic Waste Service Working Party.
 - c) Councillors Ross Fowler OAM, Mark Davies, Jim Aitken OAM, Tricia Hitchen and Greg Davies be appointed to the Finance and Economic Opportunities Working Party.
 - d) Councillors Marcus Cornish, Kevin Crameri OAM, Jim Aitken OAM and Joshua Hoole be appointed to the Floodplain Management Working Party.
 - e) Councillors Tricia Hitchen and Kath Presdee be appointed to Library Services Working Party.
 - f) Councillors Karen McKeown, Aaron Duke and Joshua Hoole be appointed Multicultural Working Party.
 - g) Councillors Ross Fowler OAM, Mark Davies, Jim Aitken OAM, Bernard Bratusa and Todd Carney be appointed Recreation Working Party.
3. Council establish and appoint Councillors Karen McKeown, Kath Presdee and John Thain to the Resilience Committee for the 2016-2020 Council term.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Resurfacing of roads in Orchard Hills

Councillor Todd Carney requested a memo reply to all Councillors on when Kent, Landsdowne, Calverts, Homestead Roads, Wentworth Avenue and surrounding roads in Orchard Hills may be resurfaced.

RR 2 Letter of congratulations to Greater Western Sydney Giants

Councillor Kath Presdee requested that Council write a letter to GWS Giants, congratulating

them on continuing the strong sporting tradition of Penrith in the national sphere and acknowledging the achievements of Renee Tomkins of Penrith Ramettes and Jake Stein, Category B Rookie.

RR 3 Roundabout at Intersection of Batt Street and Racecourse Road, Penrith

Councillor Kath Presdee requested that the Local Traffic Committee investigate the black spot conditions at the roundabout intersection of Batt Street and Racecourse Road, Penrith with a view to improving the safety of both road users and residents in the area.

RR 4 Coolamon Trees - Jamison Park, Penrith

Councillor Tricia Hitchen requested a memo reply to all Councillors outlining steps Council will take to preserve the three remaining Coolamon trees at Jamison Park, Penrith and to prevent them from being damaged.

Councillor Ben Price left the meeting, the time being 9:30pm

RR 5 Clearing of Road Reserves In Londonderry and Llandilo

Councillor Kevin Crameri OAM requested an urgent report to Council on the possibility of clearing road reserves in Londonderry and Llandilo, in particular Northern Road and Llandilo Road, for bush fire protection purposes.

RR 6 Parking Permit System - Thornton

Councillor Kevin Crameri OAM requested a memo reply to all Councillors investigating the possibility of instigating a parking permit system for residents of Thornton enabling them to park in the street in front of their homes.

COMMITTEE OF THE WHOLE

Councillor Ben Price returned to the meeting, the time being 9:35pm.

328 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ben Price that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:35pm.

1 Presence of the Public

CW1 RESOLVED on the motion of Councillor Greg Davies seconded Councillor Karen McKeown that the press and public be excluded from Committee of the Whole to deal with the following matters:

Outcome 4**2 Reserve Street Site Commercial Agreement**

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 Leasing Part of Unused Road on the Corner of Henry Street and Kendall Street Penrith to Red Rooster Foods Pty Limited

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 9:42pm and the General Manager reported that the Committee of the Whole met at 9:35pm on 28 November 2016, the following being present

His Worship the Mayor, Councillor John Thain, Deputy Mayor, Councillor Tricia Hitchen, and Councillors Jim Aitken OAM, Bernard Bratusa, Todd Carney, Marcus Cornish, Kevin Cramer OAM, Greg Davies, Ross Fowler OAM, Joshua Hoole, Karen McKeown, Kath Presdee and Ben Price.

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 Reserve Street Site Commercial Agreement

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

CW2 That:

1. The information contained in the report on Reserve Street Site Commercial Agreement be received.
2. A commercial agreement be finalised and executed in accordance with the terms and conditions detailed in this report.
3. Council enter into a 99-year lease with Greengate upon completion of the conditions precedent in the commercial agreement.
4. The Council seal be placed on all necessary documentation.
5. Surplus funds be referred to the Property Development Fund.

3 Leasing Part of Unused Road on the Corner of Henry Street and Kendall Street Penrith to Red Rooster Foods Pty Limited

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

CW3 That:

1. The information contained in the report on Leasing Part of Unused Road on the Corner of Henry Street and Kendall Street Penrith to Red Rooster Foods Pty Limited be received.

2. Council grant a new 5-year Licence Agreement to Red Rooster Foods Pty Limited in accordance with the terms and conditions as outlined in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

ADOPTION OF COMMITTEE OF THE WHOLE

329 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee 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 9:44pm.

I certify that these 18 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 28 November 2016.

Chairperson

Date