

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

ON MONDAY 19 DECEMBER 2016 AT 7:04PM

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 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 (arrived 7:08pm), Aaron Duke, Ross Fowler OAM, Joshua Hoole, Karen McKeown, Kath Presdee and Ben Price.

APOLOGIES

There were no apologies.

CONFIRMATION OF MINUTES - Ordinary Meeting - 28 November 2016

330 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Kath Presdee that the minutes of the Ordinary Meeting of 28 November 2016 be confirmed.

Councillor Mark Davies arrived at the meeting, the time being 7:08pm.

DECLARATIONS OF INTEREST

There were no declarations of interest.

MAYORAL MINUTES

1 Silver Accreditation for Gender Equity Program

Councillors Tricia Hitchen and Karen McKeown spoke in support of the Mayoral Minute.

331 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that the Mayoral Minute on Silver Accreditation for Gender Equity Program be received.

2 International Day of People with Disability 2016 - Council Award

Councillors Tricia Hitchen, Jim Aitken OAM, Greg Davies, Todd Carney and Mark Davies spoke in support of the Mayoral Minute.

332 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Tricia Hitchen that the Mayoral Minute on International Day of People with Disability 2016 - Council Award be received.

REPORTS OF COMMITTEES

1 Report and Recommendations of the Local Traffic Committee held on 5 December 2016

333 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Marcus Cornish that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 5 December, 2016 be adopted.

2 Report and Recommendations of the Policy Review Committee Meeting held on 12 December 2016

334 RESOLVED on the MOTION of Councillor Aaron Duke seconded Councillor Todd Carney that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 12 December, 2016, with the exception of Item 1 be adopted.

2 Report and Recommendations of the Policy Review Committee Meeting held on 12 December 2016 - Item 1 - Amendment to Penrith Development Control Plan 2014 - 164 Station Street, Penrith

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

That:

1. The information contained in the report on Amendment to Penrith Development Control Plan 2014 - 164 Station Street, Penrith be received.
2. Council resolve to adopt the amended Development Control Plan for 164 Station Street, Penrith (Attachment 1), as Amendment No. 3 to the Penrith Development Control Plan 2014.
3. In accordance with the *Environmental Planning and Assessment Regulation 2000*, Council give public notice of its decision in a local newspaper within 28 days, with the Development Control Plan coming into effect immediately upon notification in the newspaper.

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

For

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

Against

DELIVERY PROGRAM REPORTS

OUTCOME 4 - WE HAVE SAFE, VIBRANT PLACES

1 Grant Acceptance for "Our River – Regatta Park Large Fishing Platform"

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

That:

1. The information contained in the report on Grant Acceptance for "Our River – Regatta Park Large Fishing Platform" be received
2. Council accept the funding from the NSW Department of Primary Industries, Fisheries 2016/17 Recreational Fishing Trust Program as outlined in the report.
3. Council sends letters of thanks to the NSW Department of Primary Industries Minister and the Local Member, the Hon Stuart Ayres MP.
4. Council endorses placement of the Common Seal of the Council of the City of Penrith on the Funding Deed.

2 RFT 16/17-05 Supply and Planting of Trees in South Penrith

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

That:

1. The information contained in the report on RFT 16/17-05 Supply and Planting of Trees in South Penrith be received
2. The tender from Total Earth Care Pty Ltd for the sum of \$518,640 (excluding GST) be accepted for the Supply and Planting of Park Trees in South Penrith.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation as necessary.

OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT

3 Acceptance of Grant Funding Offer for Peachtree and Lower Surveyors Creeks Flood Study - NSW Floodplain Management Program 2016/17

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

That:

1. The information contained in the report on Acceptance of Grant Funding Offer for Peachtree and Lower Surveyors Creeks Flood Study - NSW Floodplain Management Program 2016/17 be received.
2. Council accept the grant funding offer from the NSW Government for the Peachtree and Lower Surveyors Creeks Flood Study - \$241,000.
3. Council write to the Minister for the Environment, Local Members and the

Office of Environment and Heritage, expressing appreciation of their continued support and funding towards Council's Floodplain Management programs.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

4 Decision Making Arrangements for the Christmas/New Year Council Recess

339 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Decision Making Arrangements for the Christmas/New Year Council Recess be received
2. Development Applications which would normally warrant reporting to Council between 20 December 2016 and 5 February 2017 inclusive be determined under the General Manager's delegation by the General Manager, after consultation with the Mayor, or in his absence the Deputy Mayor.
3. A report be presented to the Ordinary Council Meeting (if required) to be held on 6 February 2017 relating to the operations of the organisation during this period should any determinations be made.

5 2017-18 Operational Plan - Budget preparation and settings

340 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on 2017-18 Operational Plan - Budget preparation and settings be received
2. Council make initial identification of particular matters to be considered in the preparation of the Draft 2017-18 Operational Plan.
3. Preparation of the Draft 2017-18 Operational Plan continue in the terms discussed in this report and outlined in the *Annual Budget Guidelines* (provided under separate cover).

6 Adoption of Council's new Community Engagement Strategy

341 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM

That:

1. The information contained in the report on Adoption of Council's new Community Engagement Strategy be received
2. Council adopt the Community Engagement Strategy, subject to minor design amendments.

7 Summary of Investments & Banking for the period 1 November to 30 November 2016

342 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Ross Fowler OAM

That:

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

REQUESTS FOR REPORTS AND MEMORANDUMS

UB 1 Homes For Heroes shade sails over the deck

Councillor Tricia Hitchen requested that an amount of \$3227 be allocated from each ward's voted works to Homes For Heroes to install shade sails over the deck.

343 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Jim Aitken OAM that the matter be brought forward as a matter of urgency.

His Worship the Mayor, Councillor John Thain, ruled that the matter was urgent and should be dealt with at the meeting.

344 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Jim Aitken OAM that an amount of \$3227 be allocated from each ward's voted works to Homes For Heroes to install shade sails over the deck.

RR 1 PowerPoints at Memory Park and Triangle Park

Councillor Marcus Cornish requested a memo reply regarding the installation of PowerPoints at Memory Park and Triangle Park to enable the public to charge their electronic devices such as mobile phones to encourage more use of the parks.

RR 2 Accident at Andromeda Drive, Cranebrook

Councillor Kevin Crameri OAM requested a report to the Local Traffic Committee regarding the recent accident at Andromeda Drive, Cranebrook to discuss the possibility of Traffic Lights.

UB 2 Penrith Women's Health Centre Flooring

Councillor Karen McKeown requested that an amount of \$5500 be split between each ward's voted works to replace the flooring in the Penrith Women's Health Centre located in the old Council Chambers.

345 RESOLVED on the MOTION of Karen McKeown seconded Mark Davies that the matter be brought forward as a matter of urgency.

His Worship the Mayor, Councillor John Thain, ruled that the matter was urgent and should be dealt with at the meeting.

346 RESOLVED on the MOTION of Karen McKeown seconded Mark Davies that an amount of \$5500 be split between each ward's voted works to replace the flooring in the Penrith Women's Health Centre located in the old Council Chambers.

UB 3 Penrith Valley Regional Sports Centre air conditioner

Councillor Aaron Duke requested that an amount of \$30,000 be split between each wards voted works to install air conditioners for the Penrith Valley Regional Sports Centre.

Councillor John Thain declared a Non- Pecuniary Conflict of Interest - Less than significant as he is the current Director of the Penrith Valley Regional Sports Centre.

Councillor Ross Fowler OAM declared a Non- Pecuniary Conflict of Interest - Less than significant as he is the Auditor of the Penrith Valley Regional Sports Centre.

347 RESOLVED on the MOTION of Councillor Aaron Duke seconded Kevin Crameri OAM that the matter be brought forward as a matter of urgency.

His Worship the Mayor, Councillor John Thain, ruled that the matter was urgent and should be dealt with at the meeting.

348 RESOLVED on the MOTION of Councillor Aaron Duke seconded Kevin Crameri OAM that:

1. An amount of \$30,000 be split between each wards voted works to install air conditioners for the centre.
2. A memo reply to all Councillors providing information on the value for money of the air conditioner and the appropriateness of the chosen system.

UB 4 Installation of BBQ in Victoria Park, St Marys

Councillor Greg Davies requested that an amount of \$7,000 be allocated from East Ward voted works to install a BBQ at Victoria Park, St Marys.

349 RESOLVED on the MOTION of Councillor Greg Davies seconded Marcus Cornish that the matter be brought forward as a matter of urgency.

His Worship the Mayor, Councillor John Thain, ruled that the matter was urgent and should be dealt with at the meeting.

350 RESOLVED on the MOTION of Councillor Greg Davies seconded Marcus Cornish that an amount of \$7,000 be allocated from East Ward voted works to install a BBQ at Victoria Park, St Marys.

RR 3 North South Rail Link

Councillor Greg Davies requested that Council write to all State and Federal Members requesting immediate action in lobbying their parliamentary colleagues to commence planning for a North South rail connection between the North West and South West Growth Centres with a connection to the proposed airport.

COMMITTEE OF THE WHOLE

351 RESOLVED on the MOTION of Councillor Aaron Duke seconded Councillor Kath Presdee that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:44pm.

1 Presence of the Public

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

Outcome 4

2 Lease Agreement over Council Owned Property at Glenmore Park Child & Family Centre, 31 Blue Hills Drive Glenmore Park, to Lifestart Co-Operative 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.

3 Acquisition of drainage easement over privately owned land at 26 Castlereagh Street, Penrith

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 7

4 Land and Environment Court Class 4 proceedings Penrith City Council v Graham Konnemann and others - 8 Farm Road, Mulgoa

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 7:48pm and the General Manager reported that the Committee of the Whole met at 7:44pm on 19 December 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, Mark Davies, Aaron Duke, 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 Lease Agreement over Council Owned Property at Glenmore Park Child & Family Centre, 31 Blue Hills Drive Glenmore Park, to Lifestart Co-Operative Limited

RECOMMENDED on the MOTION of Councillor Bernard Bratusa seconded Councillor Karen McKeown

CW2 That:

1. The information contained in the report on Lease Agreement over Council Owned Property at Glenmore Park Child & Family Centre, 31 Blue Hills Drive Glenmore Park, to Lifestart Co-Operative Limited be received.
2. Council approve a new lease to Lifestart Co-Operative Limited over Council owned Property at Glenmore Park Child & Family Centre, 31 Blue Hills Drive Glenmore Park as detailed in and in line with the conditions of this report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

3 Acquisition of drainage easement over privately owned land at 26 Castlereagh Street, Penrith

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

CW3 That:

1. The information contained in the report on Acquisition of drainage easement over privately owned land at 26 Castlereagh Street, Penrith be received.
2. Council approve the process of acquisition of the easement as outlined in this report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

4 Land and Environment Court Class 4 proceedings Penrith City Council v Graham Konnemann and others - 8 Farm Road, Mulgoa

RECOMMENDED on the MOTION of Councillor Bernard Bratusa seconded Councillor Kath Presdee

CW4 That:

1. The information contained in the report on Land and Environment Court Class 4 proceedings Penrith City Council v Graham Konnemann and others - 8 Farm Road, Mulgoa be received.
2. The Council enter into Consent Orders on the terms in this report.
3. The Council pursue an order for Graham Konneman to pay Council's legal costs at a hearing on legal costs only.

ADOPTION OF COMMITTEE OF THE WHOLE

352 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, CW3 and CW4 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 7:50pm.

I certify that these 9 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 19 December 2016.

Chairperson

Date