

CONFIRMED MINUTES
OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE
COUNCIL CHAMBERS
ON MONDAY 1 MAY 2017 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 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 - 10 April 2017

85 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Tricia Hitchen that the minutes of the Ordinary Meeting of 10 April 2017 be confirmed with the amendment to the *Declarations of Interest* now reading:

"Councillor Marcus Cornish declared a Non-Pecuniary Conflict of Interest – Significant in Item 8 – Status on the Recovery of Council's Legal Costs from Penrith Actions Group Inc. as his wife is the Secretary of Protect Penrith and stated that he would vacate the meeting during consideration of this item."

DECLARATIONS OF INTEREST

Councillor Aaron Duke declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 1 – Council membership of the Western Sydney Regional organisation of Councils (WSROC)* as he is the director and treasurer.

DELIVERY PROGRAM REPORTS

OUTCOME 1 - WE CAN WORK CLOSE TO HOME

1 Council membership of the Western Sydney Regional Organisation of Councils (WSROC)

A MOTION was MOVED by Councillor Jim Aitken OAM seconded Councillor Marcus Cornish
That:

1. The information contained in the report on Council membership of the Western Sydney Regional Organisation of Councils (WSROC) be received.
2. Council confirm its support for the Western Sydney Regional Organisation of Councils proposal to:
 - a. reorganise into Regional Advocacy and Leadership and Commercial Enterprise entities,
 - b. improve communication procedures with member councils, and
 - c. increase collaboration with the Macarthur Regional Organisation of Councils.
3. Council continue its membership of the Western Sydney Regional Organisation of Councils for the 2017/18 period.
4. A further report be presented to Council in 6 months' time that provides information on the implementation and performance of WSROC's proposed restructure.

86 An AMENDMENT was MOVED by Councillor Mark Davies seconded Councillor Bernard Bratusa

That:

1. The information contained in the report on Council membership of the Western Sydney Regional Organisation of Councils (WSROC) be received.
2. Council advise WSROC that in view of the impending alliance evolving through City Deals, that Council advise it will discontinue its membership beyond 17/18 financial year.
3. WSROC be advised at this stage, given the emerging City Deals alliance, that it is not in a position to endorse WSROC's proposed structure.

The AMENDMENT was PUT.

Councillor Kevin Crameri OAM called for a DIVISION.

For

Councillor Kath Presdee
Councillor Bernard Bratusa
Councillor Karen McKeown
Councillor John Thain
Councillor Greg Davies
Councillor Mark Davies
Councillor Ross Fowler OAM
Councillor Tricia Hitchen
Councillor Joshua Hoole
Councillor Aaron Duke

Against

Councillor Kevin Crameri OAM
Councillor Jim Aitken OAM
Councillor Marcus Cornish

Councillor Todd Carney
Councillor Ben Price

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

OUTCOME 3 - WE CAN GET AROUND THE CITY

2 Proposal for Temporary Parking Agreement with Penrith Paceway

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

That:

1. The information contained in the report on Proposal for Temporary Parking Agreement with Penrith Paceway, be received.
2. Council provide in principal support to the proposal and authorise the General Manager to finalise the terms and conditions of the short term lease with Penrith Harness Racing Club.
3. A further report be brought to Council for consideration on the proposed terms and conditions of the short term lease.

OUTCOME 7 - WE HAVE CONFIDENCE IN OUR COUNCIL

3 Exhibition of the revised Community Plan, draft Delivery Program 2017-21 and draft 2017-18 Operational Plan (including 2017-18 Fees & Charges).

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

That:

1. The information contained in the report on Exhibition of the revised Community Plan, draft Delivery Program 2017-21 and draft 2017-18 Operational Plan (including 2017-18 Fees & Charges). be received
2. In accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, the Revised Community Plan, *Draft Delivery Program 2017-21* (incorporating the *Operational Plan* for 2017-18 and draft *Fees and Charges 2017-18*) be placed on public exhibition for 28 days commencing on Wednesday 10 May 2017 and closing on Wednesday 7 June 2017.
3. The public exhibition arrangements are implemented as detailed in this report, and submissions from the community are invited.

4 Summary of Investments & Banking for the period 1 March 2017 to 31 March 2017

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

That:

1. The information contained in the report on Summary of Investments & Banking for the period 1 March 2017 to 31 March 2017 be received
2. The certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 March 2017 to 31 March 2017 be noted and accepted.
3. The graphical investment analysis as at 31 March 2017 be noted.

REQUESTS FOR REPORTS AND MEMORANDUMS

RR 1 Lincoln Lane Park

Councillor Aaron Duke requested a memo reply to all Councillors on the works that have taken place at Lincoln Lane Park.

RR 2 Sky Peak - St Marys

Councillor Aaron Duke requested that Council write to Sky Peak St Marys in support of more signage.

RR 3 Launch of Western Sydney Colonial Heritage App

Councillor Joshua Hoole congratulated the launch of the Heritage App that launched last Thursday 27 April.

RR 4 Fire Emergency Services Levy

Councillor Karen McKeown requested a memo reply to all Councillors on the dollar value of the FESL the 11.7% that council will be paying to OSR on behalf of Penrith ratepayers.

RR 5 Councillor Portal

Councillor Kevin Crameri OAM requested that there needs to be a modification to the Councillor requests on the portal or further training.

RR 6 Ninth Avenue Centre Line Marking

Councillor Kevin Crameri OAM asked why his request about traffic monitors and counting on Ninth Avenue for data to support centre line marking was not a Notice of Motion.

RR 7 Road base on Northern Road

Councillor Kevin Crameri OAM requested that road base be provided at the entrance or exit of the layby on the Northern Road so that trucks can still pull off the road and safely check loads and have their necessary breaks and council ensure with RMS that in the upgrade of the Northern Road that this is incorporated in the design. Councillor Crameri also requested photos be taken and included in the memo of what has been done.

Councillor Crameri requested the copy of letter that was sent to RMS with respect to future

design works be provided and also to be notified if this matter was discussed at the Local Traffic Committee.

RR 8 Kikuyu grass in rural areas

Councillor Kevin Crameri OAM asked why his request about the policy of not having Kikuyu grass in rural areas was not a Notice of Motion.

RR 9 Waste Services Contract

Councillor Todd Carney requested that the Domestic Waste Working Party not negotiate with any waste to energy facilities in urban or residential areas and that this matter be listed on the next working party agenda.

UB 1 Smell issue in Erskine Park, St Clair and Colyton

Councillor Todd Carney requested that Council write a letter to the Minister of Environment to ask for stronger powers to be given to the EPA to investigate breaches and increase penalties for those who have found to have breached the Act. The letter to also ask that the Minister give powers to the EPA to shut down facilities who continually breach the Act until issues are rectified satisfactorily.

90 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Kath Presdee that the matter be brought forward and dealt as an urgent matter.

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

91 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Kath Presdee, that Council write a letter to the Minister of Environment to ask for stronger powers to be given to the EPA to investigate breaches and increase penalties for those who have found to have breached the Act. The letter to also ask that the Minister give powers to the EPA to shut down facilities who continually breach the Act until issues are rectified satisfactorily.

RR 10 Development Application Coles Liquor Store Star Court

Councillor Greg Davies requested the Development Application for the proposed Coles liquor store be brought to Council to be considered.

RR 11 LED Lights in reserve facility buildings

Councillor Greg Davies requested a report on what reserve facility building's require LED lights.

RR 12 Fernhill Estate

Councillor Bernard Bratusa requested a briefing regarding Fernhill Estate in light of media report of Rockwood General Cemeteries Reserve Trust entering into due diligence process with current owners and the number of cemeteries Penrith currently have.

RR 13 North South Rail Link

Councillor Bernard Bratusa requested a briefing in light of the announcement by the Oppositions Leader (Federal) of \$400 million in funding for a North-South Rail Link.

RR 14 Council Advertising Contract

Councillor Bernard Bratusa requested a memo reply to all Councillors on legislative requirements regarding Council's advertising and the remaining period for the existing advertising contract.

RR 15 River Road Pathway

Councillor Marcus Cornish requested a memo reply to all Councillors regarding vehicles on the lower pathway on River Road and the lack of bollards and dogs off leash, the memo should include if this area is patrolled on weekends.

COMMITTEE OF THE WHOLE

92 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Aaron Duke that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 7:40pm.

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 7

2 Assignment of lease - Glenmore Park Child & Family Precinct - 31 Blue Hills Drive Glenmore Park

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 Creation of Drainage Easement over Council land known as Lot 1 DP 1045500 for the benefit of Fernhill School Glenmore Park

This item has been referred to Committee of the Whole as the report refers to commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

4 Council Land - 1042 The Northern Road Llandilo

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 4

5 Licence of Lot 754 DP1180111 - Caddens Road, Caddens to LegPro 54B Pty Ltd.

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 8:51pm and the General Manager reported that the Committee of the Whole met at 7:40pm on 1 May 2017 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 Assignment of lease - Glenmore Park Child & Family Precinct - 31 Blue Hills Drive Glenmore Park

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

CW2 That:

1. The information contained in the report on Assignment of lease - Glenmore Park Child & Family Precinct - 31 Blue Hills Drive Glenmore Park be received
2. Council approve the proposed lease assignment as per the terms and conditions listed in the report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

3 Creation of Drainage Easement over Council land known as Lot 1 DP 1045500 for the benefit of Fernhill School Glenmore Park

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

CW3 That:

1. The information contained in the report on Creation of Drainage Easement over Council land known as Lot 1 DP 1045500 for the benefit of Fernhill School Glenmore Park be received.
2. Council grant a Drainage Easement over Lot 1 DP1045500 in accordance with the terms and conditions listed in this report.

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

5 Licence of Lot 754 DP1180111 - Caddens Road, Caddens to LegPro 54B Pty Ltd.

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

CW5 That:

1. The information contained in the report on Licence of Lot 754 DP1180111 - Caddens Road, Caddens to LegPro 54B Pty Ltd. be received
2. Council grant a twelve-month Licence Agreement in accordance with the terms and conditions in this report.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

4 Council Land - 1042 The Northern Road Llandilo

RECOMMENDED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish

CW4 That:

1. The information contained in the report on Council Land - 1042 The Northern Road Llandilo be received.
2. A memo to all Councillors on the history of this site in particular report on contamination.

ADOPTION OF COMMITTEE OF THE WHOLE

93 RESOLVED on the MOTION of Councillor Aaron Duke seconded Councillor Kath Presdee that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

There being no further business the Chairperson declared the meeting closed the time being 8:55pm.

I certify that these 8 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 1 May 2017.

Chairperson

Date