

**CONFIRMED MINUTES**  
**OF THE ORDINARY MEETING OF PENRITH CITY COUNCIL HELD IN THE**  
**COUNCIL CHAMBERS**  
**ON MONDAY 22 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 Governance Coordinator, Adam Beggs.

**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, Aaron Duke, Ross Fowler OAM, Joshua Hoole, Karen McKeown, Kath Presdee and Ben Price.

**LEAVE OF ABSENCE**

Leave of Absence was previously requested by Councillor Mark Davies for the 22 May 2017.

98 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Ross Fowler OAM that the leave of absence be granted to Councillor Mark Davies for his non-attendance at the meeting.

**APOLOGIES**

There were no apologies.

**CONFIRMATION OF MINUTES - Ordinary Meeting - 1 May 2017**

99 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Aaron Duke that the minutes of the Ordinary Meeting of 1 May 2017 be confirmed.

**DECLARATIONS OF INTEREST**

COUNCILLOR KEVIN CRAMERI OAM DECLARED A NON-PECUNIARY CONFLICT OF INTEREST - LESS THAN SIGNIFICANT IN *ITEM 1 – DEVELOPMENT APPLICATION DA16/1359 CONSTRUCTION OF A CHURCH HALL INCLUDING AN INDOOR RECREATION AREA, PROVISION FOR RELIGIOUS CLASSES, CLERGY ACCOMMODATION AND ASSOCIATED CAR PARKING AND LANDSCAPING WORKS LOT 5 DP 231946 (NO. 363) NINTH AVENUE, LLANDILO APPLICANT: PAUL LEMM PLANNING CONSULTANT; OWNER: ~COPTIC ORTHODOX CHURCH (NSW) PROPERTY TRUST AS HE LIVES NEARBY THE DEVELOPMENT AND STATED HE WOULD NOT VOTE ON THE MATTER.*

**NOTICES OF MOTION**

**1 Policy of not having Kikuyu grass in rural areas**

100 A MOTION was MOVED Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish

That:

1. As an interim measure council officers contact Developers and NSW National Parks with respect to planting kikuyu grass on sensitive rural areas intersecting National Parks and sensitive areas.
2. This Policy be investigated for implementation during the next round of DCP amendments.

**2 Centre line marking on Ninth Avenue**

101 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that this item be deferred to the Local Traffic Committee and Councillor Kevin Crameri OAM be advised when it will be considered and when it will be brought back to Council.

**3 Provision of road base - The Northern Road**

102 RESOLVED on the MOTION of Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that road base be put on the Northern Road south bound to enable trucks to stop and check their loads and have a break safely, provided officers are able to do the work after clarification from RMS.

**REPORTS OF COMMITTEES**

**1 Report and Recommendations of Access Committee Meeting held on 12 April 2017**

103 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Marcus Cornish that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 12 April, 2017 be adopted.

**2 Report and Recommendations of the Local Traffic Committee Meeting held on 1 May 2017**

104 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Tricia Hitchen that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 1 May, 2017 be adopted.

**3 Report and Recommendations of the Policy Review Committee Meeting held on 8 May 2017.**

105 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Todd Carney that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 8 May, 2017 be adopted.

**DELIVERY PROGRAM REPORTS**

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

- 1 Development Application DA16/1359 Construction of a Church Hall Including an Indoor Recreation Area, Provision for Religious Classes, Clergy Accommodation and Associated Car Parking and Landscaping Works Lot 5 DP 231946 (No. 363) Ninth Avenue, Llandilo Applicant: Paul Lemm Planning Consultant; Owner: ~Coptic Orthodox Church (NSW) Property Trust**

106 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Mark Davies

That:

1. The information contained in the report on Development Application DA16/1359 Construction of a Church Hall Including an Indoor Recreation Area, Provision for Religious Classes, Clergy Accommodation and Associated Car Parking and Landscaping Works Lot 5 DP 231946 (No. 363) Ninth Avenue, Llandilo be received.
2. Development Application DA16/1359 Construction of a Church Hall Including an Indoor Recreation Area, Provision for Religious Classes, Clergy Accommodation and Associated Car Parking and Landscaping Works Lot 5 DP 231946 (No. 363) Ninth Avenue, Llandilo be approved subject to the following conditions:
  - 2.1 **Standard Conditions:**
    - A001 – Approved Plans
    - A019 – Occupation Certificate
    - A020 – Use of Building
    - A029 – Hours of operation and delivery times
    - A044 – Compliance with NSW Rural Fire Service conditions of consent
    - A046 – Obtain Construction Certificate before commencement of works
    - B004 – Dust
    - B005 – Mud/Soil
    - B006 – Hours of Work
    - D001 – Implement approved sediment and erosion controls measures
    - D005 – No filling without prior approval
    - D006 – No filling without prior approval
    - D010 – Appropriate disposal of excavated or other waste
    - D013 – Approved noise level 1
    - D014 – Plant and equipment noise
    - E009 – Annual fire safety-essential safety
    - E01A – BCA compliance for Class 2-9
    - G002 – Section 73
    - G004 – Integral Energy

- H001 – Stamped plans and erection of site notice
- H002 – All forms of construction
- H041 – Hours of work
- K101 – Works at no cost to Council
- K201 – Infrastructure Bond
- K202 – S138 Roads Act
- K206 – Construction Certificate for subdivision works
- K210 – Stormwater Management
- K222 – Access, Car and Manoeuvring
- K301 – Sediment & Erosion Control
- K302 – Traffic Control Plan
- K501 – Penrith City Council clearance
- K503 – Works as executed
- K504 – Stormwater Compliance
- K505 – Restriction as to User and Positive Covenant
- K601 – Stormwater Management System operation and maintenance
- L008 – Tree Preservation Order
- Q01F – Notice of commencement & appointment of PCA2
- R101 – Operational Approval prior to use
- R102 – OSSM System Type and Disposal Area
- R103 – Council inspections for installation
- R104 – No alterations without approval
- R105 – Plumbing Code of Australia
- R108 – Trench Disposal Area
- R109 – No effluent runoff
- R110 – EMA Signage
- R111 – AWTS Servicing
- R114 – EMA Turfed
- R115 – No structures on EMA
- R116 – Diversion of stormwater
- R119 – Wastewater and native trees
- R125 – Annual Environmental Performance Report
- R130 – Reserve area without plan

**2.2 Special Conditions:**

- 2.2.1 Prior to the issue of a Construction Certificate the design recommendations of the Access Compliance Assessment Report, prepared by Vista Access Architects shall be incorporated into the

Construction Certificate plans. The works shall be certified accordingly by a suitably qualified access consultant prior to the issue of an Occupation Certificate.

- 2.2.2 **Prior to the issue of the Construction Certificate**, a Construction Noise and Vibration Management Plan is to be prepared and submitted to Council for approval. This assessment is to consider (at minimum) the details of the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.

The recommendations of the approved Management Plan are to be implemented and adhered to during the construction phase of the development.

- 2.2.3 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 shall be prepared by suitably qualified persons, and may need to be amended to include any comments provided by Council. The NMP is to:

- Address all noise related aspects of the development's operational phases, including:
  - How noise generated during special events and outdoor festivals will be managed, and
  - Provide a schedule describing the dates/ timeframes for these events, and expected number of attendees.
- Address the relevant conditions of this consent; and
- Recommend any systems/controls to be implemented to minimise the potential for any adverse noise impact(s); and
- Incorporate a program for ongoing monitoring and review to ensure that the NMP remains contemporary with relevant environmental standards.

- 2.2.4 **Twelve (12) months after the issue of the Occupation Certificate**, an Acoustic Compliance Report is to be submitted to and approved by Council. The report is to be prepared by a suitably qualified acoustic consultant and is to address, but is not limited to, all noise generating activities on the site, including special events, and the level of compliance with the noise criteria set within the revised acoustic assessment prepared by Envirotech dated 10 March 2017(Ref: REP-394216-B). It is also to consider the requirements of the NSW Environment Protection Authority's Industrial Noise Policy, other relevant guideline documents and the conditions of this development consent.

Should the Compliance Report identify any non-compliances, the Report is to provide suitable recommendations for mitigation. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

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

**Against**

Councillor Kevin Crameri OAM\*

Councillor Karen McKeown  
Councillor John Thain  
Councillor Greg 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

\*Councillor Kevin Crameri OAM previously declared a Non-Pecuniary Conflict of Interest – Less than Significant and indicated he would not vote. However, as he remained in the room he was taken to have voted against the motion in accordance with the Regulations.

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

#### **2 Mulgoa Road/Castlereagh Road Corridor Upgrade - Preferred Option**

107 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Greg Davies

That:

1. The information contained in the report on Mulgoa Road/Castlereagh Road Corridor Upgrade - Preferred Option 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 25 May 2017.
3. Council write to the Local and Federal Members seeking support for the Mulgoa Road/Castlereagh Road Corridor Upgrade and highlighting the important elements of Council's submission.

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

#### **3 Vegetation Management to reduce Fire Risk**

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

That:

1. The information contained in the report on Vegetation Management to reduce Fire Risk be received.
2. That Council Officers undertake further discussions with the NSW Rural Fire Service to develop a strategy for the entire local government area, including Londonderry, Llandilo and Mulgoa.

#### **4 Tender Reference 16/17-14, Triangle Park Upgrade**

Councillor Karen McKeown requested this matter be referred to Committee of the Whole as it refers to commercial information of a confidential nature that would, on balance, contrary to the public interest.

## **OUTCOME 5 - WE CARE ABOUT OUR ENVIRONMENT**

### **5 Successful Green Army Projects**

109 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Todd Carney that the information contained in the report on Successful Green Army Projects be received.

### **8 Little Creek Catchment Overland Flow Flood Study**

110 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Todd Carney

That:

1. The information contained in the report on Little Creek Catchment Overland Flow Flood Study be received.
2. The Little Creek Catchment Overland Flow Flood Study November 2016 be adopted.
3. The Little Creek Catchment Overland Flow Flood Study November 2016 be made available to the public through Council's website.
4. Council update s149 (2) flood planning notations by including properties identified by the Little Creek Catchment Overland Flow Flood Study 2016 as affected by the Flood Planning Levels (100 year flood level plus 500mm freeboard).
5. Council write to those who made a submission advising of Council's resolution.

### **6 Appointment of Community and Professional Members to the Resilience Committee**

111 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Appointment of Community and Professional Members to the Resilience Committee be received.
2. The following persons be appointed as community members of Council's Resilience Committee for the two-year term 2017-2019:
  - Mr Nevin Sweeney
  - Ms Carina Fernandes
  - Ms Helen Ryan
  - Ms Michelle Tormey
3. A letter be forwarded to all community applicants to thank them for submitting an Expression of Interest for appointment to the Resilience Committee.
4. The following persons be appointed as professional members of the Council's Resilience Committee for the two-year term 2017-19:
  - Ms Suzanne Dunford

- Associate Professor Bradley Forssman
- Dr Teresa Swist
- Mr Jeremy Spinak

**7 College, Orth and Werrington Creeks Catchment Overland Flow Flood Study**

Councillor Aaron Duke left the meeting, the time being 8:25pm.

Councillor Aaron Duke returned the meeting, the time being 8:27pm.

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

That:

1. The information contained in the report on College, Orth and Werrington Creeks Catchment Overland Flow Flood Study be received.
2. The College, Orth and Werrington Creeks Catchment Overland Flow Flood Study November 2016 be adopted.
3. The College, Orth and Werrington Creeks Catchment Overland Flow Flood Study November 2016 be made available to the public through Council's website.
4. Council update s149 (2) flood planning notations by including properties identified by the College, Orth and Werrington Creeks Catchment Overland Flow Flood Study 2016 as affected by the Flood Planning Levels (100 year flood level plus 500mm freeboard).
5. Council write to those who made a submission advising of Council's resolution.

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

**9 Local Government Remuneration Tribunal Determination for Mayor and Councillors for 2017-18**

113 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Kath Presdee

That:

1. The information contained in the report on Local Government Remuneration Tribunal Determination for Mayor and Councillors for 2017-18 be received.
2. The fees payable to the Mayor and Councillors for 2017-18 be set at the maximum level permitted.

**11 Organisational Performance and Financial Review - March 2017**

114 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Kath Presdee

That:

1. The information contained in the report on Organisational Performance and Financial Review - March 2017 be received.



2. The *Organisational Performance and Financial Review - March 2017* as at 31 March 2017, including the revised estimates outlined in this report and detailed in *the Organisational Performance and Financial Review – March 2017* be adopted.

## **12 Summary of investments & Banking for the period 1 April to 30 April 2017**

115 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Kath Presdee

That:

1. The information contained in the report on Summary of investments & Banking for the period 1 April to 30 April 2017 be received
2. The Certificate of the Responsible Accounting Officer and Summaries of Investments and Performance for the period 1 April 2017 to 30 April 2017 be noted and accepted.
3. The graphical investment analysis as at 30 April 2017 be noted.

## **10 Update on NSW Government Fire and Emergency Services Levy**

116 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kevin Cramer OAM

That:

1. The information contained in the report on Update on NSW Government Fire and Emergency Services Levy be received.
2. In support of local ratepayers, Council write to the State Government and Local members expressing Council's disappointment in the handling of the Fire and Emergency Services Levy and specifically the refusal to reduce the levy paid by Local Government despite the State Government reducing its own contribution by 50%, effectively double dipping on Penrith residents.
3. Council write further to the State Government requesting a review of the decision with respect to the Local Government levy and ask that they levy be brought into line with the same 50% reduction of the State Government.

## **REQUESTS FOR REPORTS AND MEMORANDUMS**

### **UB 1 Request for Leave of Absence**

Councillor Karen McKeown requested a leave of absence from 3 June 2017 to 18 June 2017 inclusive.

117 RESOLVED on the MOTION of Councillor Kevin Cramer OAM seconded Aaron Duke that the matter be brought forward and dealt with 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.

118 RESOLVED on the MOTION of Councillor Kevin Cramer OAM seconded Aaron Duke that Leave of Absence be granted to Councillor Karen McKeown from 3 June 2017 to 18 June 2017 inclusive.

**RR 1 State Heritage Register**

Councillor Karen McKeown requested that Council write to the Minister for Heritage, Gabrielle Upton and Local Member, Prue Car MP to have Hadley Park and Castlereagh Cemetery listed on the State Heritage Register. Councillor McKeown also requested this item be referred to Councils Heritage Committee for discussion and any further action deemed necessary be undertaken.

**UB 2 Penrith Regional Gallery and Lewers Bequest**

Councillor Kath Presdee requested that Council write to the PPVA to congratulate the Penrith Regional Gallery and Lewers Bequest on winning the Museums and Galleries National Award for Temporary or Travelling Exhibitions for the Gravity (and Wonder). Council acknowledges that the exhibition was in partnership with the Museum of Applied Arts and with additional collaboration with Western Sydney University. Council supports and encourages such partnerships, and recognises both the cultural and economic benefits of such partnerships to both the area and its residents.

119 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Aaron Duke that the matter be brought forward and dealt with 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.

120 RESOLVED on the MOTION Councillor Kath Presdee seconded Councillor Aaron Duke that Council write to the PPVA to congratulate the Penrith Regional Gallery and Lewers Bequest on winning the Museums and Galleries National Award for Temporary or Travelling Exhibitions for the Gravity (and Wonder). Council acknowledges that the exhibition was in partnership with the Museum of Applied Arts and with additional collaboration with Western Sydney University. Council supports and encourages such partnerships, and recognises both the cultural and economic benefits of such partnerships to both the area and its residents.

**RR 2 Intersection lights at Borrowdale and Northern Road**

Councillor Kevin Crameri OAM requested that Council contact RMS to check the timing of the lights at Borrowdale and Northern Road intersection.

**RR 3 Parking at Oxley Park**

Councillor Tricia Hitchen requested a briefing in regards to parking at Oxley Park, specifically in relation to implementing a residential parking system.

**UB 3 Great Walk Fundraising**

Councillor Greg Davies requested that an amount of \$500 from each wards voted works be added to the Great Walk Fundraising.

121 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Ross Fowler OAM that the matter be brought forward and dealt with 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.

122 RESOLVED on the MOTION Councillor Greg Davies seconded Councillor Ross Fowler OAM that an amount of \$500 from each wards voted works be added to the Great Walk Fundraising.

**UB 4 Development Application DA17/0141**

Councillor Marcus Cornish requested that the Development Application DA17/0141 for Fit-Out and Use of Existing Buildings for Independent Primary and Secondary School at 57 Henry Street, Penrith be determined under delegated authority after completion of the public exhibition period if the recommendation made is for refusal of the development application. If the recommendation is made for accepting the application, it be reported to the next Ordinary meeting and a public meeting is not required if the development application is refused under delegated authority.

123 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Greg Davies that the matter be brought forward and dealt with 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.

124 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Greg Davies that the Development Application DA17/0141 for Fit-Out and Use of Existing Buildings for Independent Primary and Secondary School at 57 Henry Street, Penrith be determined under delegated authority after completion of the public exhibition period if the recommendation made is for refusal of the development application. If the recommendation is made for accepting the application, it be reported to the next Ordinary meeting and a public meeting is not required if the development application is refused under delegated authority.

**RR 4 LEP & DCP for Penrith and St Marys Town Centres**

Councillor Marcus Cornish requested that Councillors be briefed on the LEP and DCP for Penrith and St Marys Town Centres with a view to exclude all places of worship and all secondary schools from both DCP's and LEP's.

**RR 5 Council Meeting at St Marys**

Councillor Bernard Bratusa requested that Councillors discuss the possibility of a Council meeting being held at St Marys and a report is prepared for a Councillor Briefing.

**RR 6 Letter of thanks to Mr Artie and Mrs Jean Willmington**

His Worship the Mayor, Councillor John Thain requested that Council write to Mr Artie & Mrs Jean Willmington thanking them on their fundraising efforts at Luddenham Markets for Cancer Council NSW and invite them to an afternoon tea as an appreciation.

Councillors Jim Aitken OAM and Marcus Cornish left the meeting, and did not return the time being 9:16pm.

**COMMITTEE OF THE WHOLE**

125 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown that the meeting adjourn to the Committee of the Whole to deal with the following matters, the time being 9:14pm.

**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 Creation of Drainage Easement over Council Land at 146-150 Derby Street Penrith (Lot 2 DP505483)**

*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 Compulsory Acquisition of Land by Roads and Maritime Services for Stage 3 Upgrade Works to the Northern Road**

*This item has been referred to Committee of the Whole as the report refers to 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.*

**4 Penrith Ambulance Superstation - Compulsory Acquisition and Construction Lease by Roads and Maritime Services for the purpose of traffic signals**

*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.*

**5 Tender Reference 16/17-14, Triangle Park Upgrade**

*This matter has been referred to Committee of the Whole as it refers to commercial information of a confidential nature that would, on balance, contrary to the public interest.*

The meeting resumed at 9:18pm and the General Manager reported that the Committee of the Whole met at 9:14pm on 22 May 2017, the following being present

His Worship the Mayor, Councillor John Thain, Deputy Mayor, Councillor Tricia Hitchen, and Councillors Bernard Bratusa, Todd Carney, Kevin Cramer OAM, Greg 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 Creation of Drainage Easement over Council Land at 146-150 Derby Street Penrith (Lot 2 DP505483)**

RECOMMEDED on the MOTION Councillor Greg Davies seconded Councillor Bernard Bratusa

CW2 That:

1. The information contained in the report on Creation of Drainage Easement over Council Land at 146-150 Derby Street Penrith (Lot 2 DP505483) be received.
2. Council grant a Drainage Easement over Lot 2 DP 506881 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.

**3 Compulsory Acquisition of Land by Roads and Maritime Services for Stage 3 Upgrade Works to the Northern Road**

RECOMMEDED on the MOTION Councillor Greg Davies seconded Councillor Bernard Bratusa

CW3 That:

1. The information contained in the report on Compulsory Acquisition of Land by Roads and Maritime Services for Stage 3 Upgrade Works to the Northern Road be received
2. Council provide concurrence for the compulsory acquisition, subject to the rights of appeal under the Land Acquisition (Just Terms Compensation) Act 1991.
3. The Common Seal of the Council of the City of Penrith be placed on all necessary documentation.

**4 Penrith Ambulance Superstation - Compulsory Acquisition and Construction Lease by Roads and Maritime Services for the purpose of traffic signals**

RECOMMEDED on the MOTION Councillor Greg Davies seconded Councillor Bernard Bratusa

CW4 That:

1. The information contained in the report on Penrith Ambulance Superstation - Compulsory Acquisition and Construction Lease by Roads and Maritime Services for the purpose of traffic signals be received
2. Council provide concurrence for the compulsory acquisition as per the terms and conditions listed in the report and subject to the rights of appeal under the Land Acquisition (Just terms Compensation) Act 1991.
3. Council approve the lease to Roads and Maritime Services in accordance with the terms and conditions of the report.
4. Council provide consent to extinguish the existing right of carriageway known as DP1198434.

5. The common seal of the Council of the City of Penrith be placed on all necessary documentation.

**5 Tender Reference 16/17-14, Triangle Park Upgrade**

RECOMMENDED on the MOTION of Councillor Karen McKeown seconded Councillor Tricia Hitchen

CW5 That:

1. The information contained in the verbal report on Tender Reference 16/17-14, Triangle Park Upgrade be received.
2. The item be considered in open council.

**ADOPTION OF COMMITTEE OF THE WHOLE**

126 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Bernard Bratusa that the recommendation contained in the Committee of the Whole and shown as CW1, CW2, CW3, CW4 and CW5 be adopted.

**4 Tender Reference 16/17-14, Triangle Park Upgrade**

127 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Tricia Hitchen

That:

1. The information contained in the report on Tender Reference 16/17-14, Triangle Park Upgrade be received.
2. Community Assets & Infrastructure be awarded the Contract for the Construction of Triangle Park Upgrade, for an amount of \$2,846,612 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

There being no further business the Chairperson declared the meeting closed the time being 9:25pm.

I certify that these 14 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 22 May 2017.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date