

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

**ON MONDAY 24 JULY 2017 AT 7:33PM**

**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 - 26 June 2017**

158 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Aaron Duke that the minutes of the Ordinary Meeting of 26 June 2017 be confirmed.

**CONFIRMATION OF MINUTES - Extraordinary Council Meeting - 10 July 2017**

159 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Aaron Duke that the minutes of the Extraordinary Council Meeting of 10 July 2017 be confirmed.

**DECLARATIONS OF INTEREST**

Councillor Bernard Bratusa declared a Non-Pecuniary Conflict of Interest – Less than Significant in *Item 8 - Tender Reference 16/17-13, Provision of Catering Services*, as his daughter previously worked for a contractor who has submitted a tender for this contract.

**SUSPENSION OF STANDING ORDERS**

160 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Karen McKeown that Standing Orders be suspended to allow members of the public to address the meeting, the time being 7:30pm.

**Ms Andrea Grieve**

*Item 2 – Update on Consultation regarding Western Sydney Airport*

Ms Grieve, President of No Badgerys Creek Airport Inc, representing Penrith area residents, spoke in support of holding a forum, in the Penrith area, on the Western Sydney Airport, in order that local residents may be educated about the likely impacts of the proposed airport. Ms Grieve stated that members of the local community are unable to easily locate information on the proposal and that it is not readily available. Ms Grieve then outlined her experience of forums in other Local Government Areas.

161 RESOLVED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM that an extension of time be granted to the speaker so that she may finish her address, the time being 7:45pm.

Ms Grieve concluded by urging Council to hold an information session where residents can be informed of Council's position on the proposed airport, as well as details of flight paths and other issues of concern.

**Ms Janie Burry**

*Item 2 – Update on Consultation regarding Western Sydney Airport*

Ms Burry, and interested citizen, spoke in support of holding a local forum on the Western Sydney Airport and urged Council to follow through with this. Ms Burry stated that she considered there were much better ways to deliver jobs in Penrith than by the building of the Western Sydney Airport. Ms Burry focused her address on air and noise pollution issues as well as concerns over a 24 hour airport with no flight curfew.

162 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Kevin Cramer OAM that an extension of time be granted to the speaker so that she may finish her address, the time being 7:56pm.

Ms Burry concluded by urging Council to utilise forums to inform local residents of the real impact of the Western Sydney Airport.

**RESUMPTION OF STANDING ORDERS**

163 RESOLVED on the MOTION of Councillor Kath Presdee seconded Councillor Todd Carney that Standing Orders be resumed, the time being 8:07pm.

**MAYORAL MINUTES**

**1 Passing of Trevor Wholohan OAM**

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

164 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the Mayoral Minute on Passing of Trevor Wholohan OAM be received.

**2 Queen's Birthday Honour Recipient - Mr Des Manwaring**

Councillor Todd Carney left the meeting, the time being 8:20pm.

Councillor Todd Carney returned to the meeting, the time being 8:21pm.

Councillor Ben Price left the meeting, the time being 8:21pm.

Councillor Ben Price returned to the meeting, the time being 8:22pm.

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

165 RESOLVED on the MOTION of Councillor John Thain seconded Councillor Ross Fowler OAM that the Mayoral Minute on Queen's Birthday Honour Recipient - Mr Des Manwaring be received.

**REPORTS OF COMMITTEES**

**1 Report and Recommendations of the Penrith Community Safety Partnership Meeting held on 7 June 2017**

166 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Joshua Hoole that the recommendations contained in the Report and Recommendations of the Penrith Community Safety Partnership meeting held on 7 June, 2017 be adopted.

**2 Report and Recommendations of the Access Committee Meeting held on 14 June 2017**

167 RESOLVED on the MOTION of Councillor Todd Carney seconded Councillor Mark Davies that the recommendations contained in the Report and Recommendations of the Access Committee meeting held on 14 June, 2017 be adopted.

**3 Report and Recommendations of the Local Traffic Committee Meeting held on 3 July 2017**

168 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Aaron Duke that the recommendations contained in the Report and Recommendations of the Local Traffic Committee meeting held on 3 July, 2017 be adopted.

**4 Report and Recommendations of the Policy Review Committee Meeting held on 10 July 2017**

169 RESOLVED on the MOTION of Councillor Marcus Cornish seconded Councillor Todd Carney that the recommendations contained in the Report and Recommendations of the Policy Review Committee meeting held on 10 July, 2017 be adopted.

Councillor Marcus Cornish asked that it be noted that he did not support the motion at *Item 1 - High St, Linear Plaza Concept Amendment*.

## DELIVERY PROGRAM REPORTS

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

#### 1 Prohibition on the establishment of cemeteries in the Mulgoa Valley

Councillor Kevin Crameri OAM left the meeting, the time being 8:29pm.

Councillor Kevin Crameri OAM returned to the meeting, the time being 8:30pm.

Councillor Aaron Duke left the meeting, the time being 8:32pm.

Councillor Aaron Duke returned to the meeting, the time being 8:35pm.

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

That:

1. Council prepare a planning proposal to:
  - a. amend LEP 2010 to remove “cemeteries” and “crematoriums” from the list of land uses permitted with consent from the E3 Environmental management zone;
  - b. include an additional local provision that recognises the landscape value of the Wallacia Area and Mulgoa Valley, prohibits cemetery and crematoria development and overrides any other provision of LEP 2010.
2. Council advise the NSW Government and the Greater Sydney Commission of its decision and offer to work with them in relation to the long term planning for the provision of cemeteries in suitable locations.
3. Council write to the Premier for NSW, The Hon Gladys Berejiklian and the Minister for Planning, The Hon Anthony Roberts MP, seeking their support for the planning proposal detailed in Recommendation 1 above.

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 Aaron Duke  
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

**2 Update on Consultation regarding Western Sydney Airport**

Councillor Karen McKeown left the meeting, the time being 9:10pm.

Councillor Karen McKeown returned to the meeting, the time being 9:15pm.

A MOTION was moved by Councillor Kevin Crameri OAM seconded Councillor Marcus Cornish that Council hold a public forum at the St Marys Memorial Hall regarding the Western Sydney Airport.

171 An AMENDMENT was made by Councillor Ross Fowler OAM seconded Councillor Mark Davies:

That:

1. The information contained in the report on Update on Consultation regarding Western Sydney Airport be received.
2. Council write again to the Department of Infrastructure and Regional Development (DIRD) requesting an information session be held which will provide the information that has been previously provided to Council at a Councillor Briefing.

The AMENDMENT was PUT.

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

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

**3 Australian Government Blackspot Program and NSW Safer Roads Program 2018/19 – Nominations**

Councillor Marcus Cornish left the meeting, the time being 9:22pm.

172 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Kath Presdee

That:

1. The information contained in the report on Australian Government Blackspot Program and NSW Safer Roads Program 2018/19 - Nominations be received.
2. Council note the seven projects listed in Table 1 of this report are to be submitted to the Roads and Maritime Services for funding under the Australian Government Blackspot Program and NSW Safer Roads Program 2018/19.
3. The Roads and Maritime Services be requested to investigate traffic safety on roads under its jurisdiction at locations indicated in Table 2 of this report.

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

**4 Tender Reference 16/17-18, Weir Reserve Rowing Dock**

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

That:

1. The information contained in the report on Tender Reference 16/17-18, Weir Reserve Rowing Dock be received.
2. Fleetwood Urban Pty Ltd be awarded the contract for the Design and Construction of Rowing Dock Extension including the variation requiring the adjustment to a stormwater pipe, for an amount of \$194,803 excluding GST.
3. The remaining surplus funds of \$25,197 excluding GST be used to extend an additional 3.6 lineal metres of dock extension in accordance with the tendered rate of \$6,516 per lineal metre, or fund other dock improvements subject to consultation with the funding authority and all relevant stakeholders.
4. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

**5 Tender Reference 16/17-20, Construction of Toilet Amenities and Associated Works at Dukes Oval, Emu Plains and Smith Park, Castlereagh**

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

That:

1. The information contained in the report on Tender Reference 16/17-20, Construction of Toilet Amenities and Associated Works at Dukes Oval, Emu Plains and Smith Park, Castlereagh be received.
2. Westco Building Consultants Pty Ltd be awarded the Contract for the Construction of Toilet Amenities and Associated Works at Dukes Oval, Emu Plains and Smith Park, Castlereagh, for an amount of \$ 450,900.00 excluding GST.
3. The Common Seal of the Council of the City of Penrith be placed on all documentation if necessary.

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

**6 Roadside Reserve Environmental Management Grant**

Councillor Kevin Crameri OAM left the meeting at 9:22pm and did not return.

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

That:

1. The information contained in the report on Roadside Reserve Environmental Management Grant be received.
2. Council endorse the acceptance of the \$50,000 Roadside Reserve Environmental Management grant from the NSW Environmental Trust, which is administered by Local Government NSW.

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

**7 Multicultural Working Party - Community Member Casual Vacancy**

176 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Aaron Duke

That:

1. The information contained in the report on Multicultural Working Party - Community Member Casual Vacancy be received.
2. Kate Tye from Wentworth Healthcare Limited Primary Health Network be appointed as a community member to Council's Multicultural Working Party for the two year term 2017-2019.

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

**9 Borrowing Program 2016-17**

177 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Borrowing Program 2016-17 be received
2. Council be advised that NSW TCorp was the successful lender for the \$2,200,000 new monies and CBA was the successful lender for the renewal loans that comprised the 2016-17 Borrowing Program
3. Council be advised that offers will be requested for the \$4,100,000 renewal of the CBD Drainage Loan in November 2017

**10 Easement for Drainage Purposes burdening Council Drainage Reserve (Lot 10 DP38927)**

178 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

1. The information contained in the report on Easement for Drainage Purposes burdening Council Drainage Reserve (Lot 10 DP38927) be received
2. Council grant a Drainage Easement over Lot 10 DP38927 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.

**11 Outcome of 5 Litigation Matters in the Land and Environment Court**

179 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the information contained in the report on Outcome of 5 Litigation Matters in the Land and Environment Court be received.

**12 Audit Committee**

180 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies that the information contained in the report on Audit Committee be received.

**13 Summary of Investments & Banking for the period 1 June to 30 June 2017**

181 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Mark Davies

That:

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

**8 Tender Reference 16/17-13, Provision of Catering Services**

182 RESOLVED on the MOTION of Councillor Bernard Bratusa seconded Councillor Aaron Duke that consideration of this matter be deferred in order that further information may be made available to Councillors at a Councillor Briefing.

Councillor Marcus Cornish returned to the meeting, the time being 9:23pm.



**REQUESTS FOR REPORTS AND MEMORANDUMS AND URGENT BUSINESS**

**RR 1 Maintenance of Blaxland Crossing Bridge, Wallacia**

Councillor Ross Fowler OAM requested a memo reply to all Councillors investigating the possibility of the speed zone in the area of Blaxland Crossing Bridge, Wallacia, during current maintenance works, being amended from 40 kph for all vehicles to 40 kph for trucks and 60 kph for cars.

**RR 2 Night Time Economy in Queen Street, St Marys**

Councillor Aaron Duke requested a report to Council outlining strategies to improve the night time economy of Queen Street, St Marys once the current works have been completed, with a view to promoting the positive attributes of Queen Street.

**UB 1 Dragon Boat Festival - Florence 2018**

Councillor Greg Davies requested that an amount of \$1,000 be allocated equally from all Wards' voted works to assist with the cost of the Pendragon representatives from the Penrith area attending the Dragon Boat Festival in Florence from 6-8 July 2018.

183 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish 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.

184 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Marcus Cornish that an amount of an amount of \$1,000 be allocated equally from all Wards' voted works to assist with the cost of the Pendragon representatives from the Penrith area attending the Dragon Boat Festival in Florence from 6-8 July 2018.

**RR 3 Queen Street, St Marys Renovations**

Councillor Greg Davies requested a memo reply to all Councillors providing completion dates for the Queen Street, St Marys renovations, specifically whether they will be completed prior to the Spring Festival and, if not, if there is contingency plan in place for the Spring Festival.

**RR 4 Woodriff Gardens parking time limits**

Councillor Todd Carney requested an urgent report to Council investigating the possibility of amending the current 9 hour parking time limit in the Woodriff Gardens Carpark to a 12 hour parking time limit.

**UB 2 Allocation of voted works - Opera run by Lorenzo Rositano at Joan Sutherland Performing Arts Centre**

Councillor Karen McKeown requested that an amount of \$1,500 made up of \$500 from each Ward's voted works be allocated to fund the deposit to the Joan Sutherland Performing Arts Centre for an opera run by Lorenzo Rositano in October.

185 RESOLVED on the MOTION of Councillor Karen McKeown 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.

186 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Aaron Duke:

That:

1. An amount of \$1,500 made up of \$500 from each Ward's voted works be allocated to fund the deposit to the Joan Sutherland Performing Arts Centre for an opera run by Lorenzo Rositano in October.
2. Council write to Mr Lorenzo Rositano advising him that funding for such events may in future be available through application to the Community Assistance Program.

### **UB 3 Request for Leave of Absence**

Councillor Tricia Hitchen requested Leave of Absence from 2 August 2017 to 25 August 2017 inclusive.

187 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Marcus Cornish 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.

188 RESOLVED on the MOTION of Councillor Tricia Hitchen seconded Councillor Marcus Cornish that Leave of Absence be granted to Councillor Tricia Hitchen from 2 August 2017 to 25 August 2017 inclusive.

### **RR 5 Community Recycling Centre**

Councillor Tricia Hitchen addressed the meeting on the new Penrith Community Recycling Centre which opened on 20 July 2017 at St Marys. Councillor Hitchen outlined what items can be disposed of, free of charge, at the Recycling Centre and stated that she viewed it as a great asset for Penrith City.

### **RR 6 Construction of the Nepean River Green Bridge**

Councillor Marcus Cornish requested a memo reply to all Councillors, addressing the following queries regarding the construction of the Nepean River Green Bridge:

1. Will the temporary pylons used in construction of the Nepean River Green Bridge be completely removed after construction is completed?
2. What will be the final colour of the footbridge and who will be responsible for maintaining the painted surfaces?
3. Has the gifting of the construction shed been factored into the final cost and what is this cost expected to be?

There being no further business the Chairperson declared the meeting closed the time being 9:46pm.

I certify that these 11 pages are the Confirmed Minutes of the Ordinary Meeting of Penrith City Council held on 24 July 2017.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date